Tuesday, 13 November 1990

The SPEAKER (Hon. Ken Coghill) took the chair at 2.5 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

SALE AND LEASE-BACK OF ROLLING STOCK

Mr BROWN (Leader of the Opposition)—I ask the Premier whether it is a fact that the government agreed to sell and lease-back $250 million worth of railway rolling stock from a $12 "shelf company" on the day before the end of the last financial year?

Ms KIRNER (Premier)—I have no knowledge of the "shelf company". I shall be happy to investigate it for the Leader of the Opposition.

Mr McNAMARA (Leader of the National Party)—I direct to the attention of the Premier the $250 million sale and lease-back deal undertaken by the government on 29 June this year, and I ask whether it is a fact that when the lease expires in seven years the government will be required to pay at least $207 million over and above the lease payments, which represents 83 per cent of the original lease amount, in a lump sum?

Ms KIRNER (Premier)—I have already given an answer on this question to the Leader of the Opposition.

Mr McNamara interjected.

Ms KIRNER—The half-Premier? Do you want to talk about the half-Leader of the Opposition?

I have already answered that question. I shall be happy to provide the details to the Leader of the Opposition.

EXTENDED TRADING HOURS

Mr COLE (Melbourne)—Will the Premier inform the House of the steps the government has taken to provide extended shop trading hours during the pre-Christmas period?

Ms KIRNER (Premier)—I am pleased to inform the House that for the first time Melbourne and Geelong will have Sunday trading on the four Sundays before Christmas.

Mr Leigh interjected.

Ms KIRNER—I should have thought that the honourable member for Malvern would be pleased about that. I believe this is a victory for both consumers and the trading areas of Melbourne and Geelong in particular. Not only that, meat will be available for sale during those times: when the shops are open red meat will be available to be sold.

Honourable members interjecting.

Ms KIRNER—I am pleased to hear the cheers of the members of the Opposition because this is something they could never accomplish. We have accomplished it by

extensive consultation with employers and employees; and I am sure the people of Victoria will be delighted.

Under the 1987 Shop Trading Act provincial centres and provincial cities will be able to apply to the Minister for Consumer Affairs for approval for Saturday and, if they wish, Sunday trading. I am sure the Minister for Consumer Affairs will treat favourably such applications, which should come in speedily.

As well as the decision to give Victoria four Sunday trading days before Christmas, the government has also been able to reach agreement on the availability of red meat during trading hours. Also I wish to announce that the government will act immediately—and I am sure the Opposition will have no difficulty in accepting the introduction of the legislation—to bring red meat trading hours into line with general shop trading hours.

Honourable Members—Hear, hear!

Ms KIRNER—Thank you. I am pleased to have the support of the Opposition on that matter. It means that butchers and red meat sections of supermarkets will be able to stay open until 5 p.m. on Saturdays, and when they wish from Monday to Friday. That puts red meat retailers on an equal basis with sellers of other foods and products. I am sure this will meet with approval from consumers, as it has already met with approval from the Opposition.

That decision is an example of what can be done when one carefully works through policy issues and does not grab at a few things in the sky, like the Opposition does, and when one carefully works with employers and employees to obtain a result that is in the best interests of the community; in particular, it will give the retail trade in Melbourne a spectacular lift.

SALE AND LEASE-BACK OF ROLLING STOCK

Mr BROWN (Leader of the Opposition)—Due to the inability of the Premier to be aware of what her government is doing, I ask the Treasurer: is it a fact that the government did agree to sell and lease back $250 million worth of railway rolling stock from a $12 "shelf company" on the day before the end of the last financial year?

Mr ROPER (Treasurer)—I am interested that the Leader of the Opposition periodically is at least able to address a question appropriately. The proposal for sale and lease-back under operating lease agreements was proposed as part of the 1989–90 Budget for the sum of $180 million of transport equipment. That was increased at the time when it became obvious that a significant sale of Government Employee Housing Authority properties would not proceed.

Although the final execution was in June 1990, the initial letters relating to the transaction were exchanged in February. Full proposals were requested in March, tenders were received in April and Babcock and Brown were mandated for the proposal in May. There were very significant analyses and negotiations prior to the transaction finally being concluded in June.

All this information has been provided to the Honourable R. M. Hallam in another place, and I suggest it would be useful, if the Leader of the Opposition wants this information, for him to discuss it with his colleague in another place.

ARTS FUNDING

Mrs BARKER (Bentleigh)—I ask the Minister for the Arts to advise the House what recent steps he has taken to provide funding support for community-based arts groups?

Mr KENNAN (Minister for the Arts)—I thank the honourable member for her question and for her continuing interest in the arts. Although honourable members opposite may be confused over the rate of initiatives in this area, this is a different and an additional announcement. I know there is a lot of activity in the area and it must be taking members opposite by surprise particularly given their lack of interest and lack of policy in this area.

Today I am announcing almost $12 million of grants to about 370 cultural organisations across Victoria. The grants are to non-government community organisations especially and provide the backbone for funding for the arts throughout Victoria.

The special support has been provided not only to the established organisations, but also to youth projects, people with disabilities, cultural activities by and for women, and in the Aboriginal cultural initiative area. Most companies in all art forms have been able to receive grants comparable in cash terms to those of last year but there have been some significant increases for both large and small companies, including the Melbourne Theatre Company, Victoria State Opera and Playbox Theatre Company, and for a number of smaller and medium-sized companies such as the Victorian Centre for Photography, the Writers Centre, Australian Print Workshop and the Museum of the West, which is also an extremely important initiative.

To promote greater access throughout regional Victoria—and my colleagues in the corner understand the government's commitment to regional Victoria—more than 25 community festivals have been funded, and more than $2·8 million in grants has been allocated to cultural facilities, including performing arts centres, art galleries and historical museums. The purpose of all this funding is to encourage the diversity, creativity and quality of art produced throughout Victoria. It is certainly of a very high quality and diverse. It requires the continuing and ongoing support of government as well as the support of the community and the private sector.

These grants have been formulated through a unique peer group panel process enlisting the support of people active within the industry, and that input has been very important. The grants range across various art forms including literature, where some nine literary magazines have been funded, including some innovative positions such as a youth literary field officer position, the inaugural national Montsalvat Poetry Festival and a new publication initiative, the Women's Book Review, has also been funded.

In addition, of the established and very important area of literary magazines, more than half the literary magazines in Australia are operating out of Melbourne which has historically been a great strength. *Scripsi, Meanjin* and *Overland* have also been supported, in a couple of cases with increased grants. They are great magazines and unique to Victoria. Museums across Victoria, including the Bendigo Chinese Museum and the Buda historic home at Castlemaine have also received grants. In addition, as I indicated, in the theatre area the Melbourne Theatre Company and the Playbox Theatre Company have received significantly increased funding—some $802 000 and $367 000 respectively—while the Australian Nouveau Theatre Company (Anthill) has also had a substantial increase this year.

In dance there has been a range of important grants made including a grant to Danceworks, the Ballarat-based dance company, which has also received a significant increase.

Mr E. R. Smith—Why don't you just lodge your annual report?

Mr KENNAN—Mr Speaker, I understand the total lack of interest in this area by the Opposition and there is nothing more it dislikes than to hear good news. There is nothing more it dislikes than a bit of creativity and the fact that we are working out there with the community in a range of important areas. If one looks at the community

arts and resource centres it is possible to see the government is now funding a range of regional programs including a grant of $321 000 to the Victorian Arts Council and, importantly, grants for the first time to fund activities in East Gippsland. These grants go right across the State and involve all art forms. They represent a very major vote of confidence in the arts community by the government.

SALE AND LEASE-BACK OF ROLLING STOCK

Mr COOPER (Mornington)—I ask the Treasurer: is it a fact that Waltham Cross Pty Ltd, a $12 "shelf company", is now legally responsible for the maintenance of 108 units of railway rolling stock? Will the Treasurer inform the House what arrangements have been made for the company to meet its obligation for maintenance and repair work and when this obligation will commence?

Mr ROPER (Treasurer)—I am not sure what the honourable member for Mornington understands about sale and lease-back arrangements, but one suspects very little indeed given that sale and lease-back has been used—particularly in relation to transport activities—since 1978 when the first sale and lease-back arrangements were made for public transport rolling stock.

Honourable members interjecting.

The SPEAKER—Order! I ask honourable members on both sides of the House to remain silent while the Treasurer completes his reply. The honourable member for Mornington commenced interjecting almost as soon as the Minister commenced his reply. I suggest if he is interested in the reply he listen to it. I ask honourable members on my right to remain silent until the Treasurer completes his reply.

Mr ROPER—If the honourable member was interested in the history of the sale and lease-back arrangements of rolling stock he could not have done better than talk to the honourable member sitting next to him, the honourable member for Berwick who, after all, entered into a number of these arrangements, including a large arrangement prior to the 1982 State elections.

The government, as I mentioned before, sought expressions of interest from the finance community for operating leases at the start of this calendar year and, after analysing the leases, agreements were entered into with Babcock and Brown, the organisation regarded as providing the best arrangements in this area. The details of the leases have, in most instances, been provided to the Honourable Roger Hallam in another place, who has asked a number of questions on the subject.

If the shadow Minister for Transport wishes to discuss this matter further with me rather than speak to his colleague the Honourable Roger Hallam, I will be happy to provide him with information.

Mr W. D. McGRATH (Lowan)—I also direct my question to the Treasurer and I ask: given that the Public Transport Corporation is undertaking maintenance and repair work for which Waltham Cross Pty Ltd is legally responsible, will the Treasurer deny——

Honourable members interjecting.

The SPEAKER—Order! The Chair cannot hear the question because of the level of interjections coming predominantly from my right. I ask all honourable members to remain silent and I ask the Deputy Leader of the National Party to repeat his question.

Mr W. D. McGRATH—Given that the Public Transport Corporation is undertaking maintenance and repair work for which Waltham Cross Pty Ltd is legally responsible, will the Treasurer deny that the purported contractual arrangement is nothing more than a device to have the train arrangements classified as operating leases to evade Australian Loan Council guidelines and understate government borrowings?

Mr ROPER (Treasurer)—It is clear that it would be useful for the Deputy Leader of the National Party to read the accounting standards relating to operating leases, because that was done by officers of the Treasury and independent advisers, Arthur Andersen and Co, prior to those operating leases being entered into and their being classified as operating leases. That advice was clearly provided to Treasury and the operating leases were therefore entered into.

The operating leases are not something that are used only by the Victorian government, but are used by other governments and the private sector. That is why there are accounting standards and I direct those accounting standards to the attention of members opposite.

FAMILY VIOLENCE

Mrs HIRSH (Wantirna)—In the light of last night's screening of a very important film, *A Cry for Help*, a film about family violence, will the Minister for Community Services advise the House what decisions she has taken for the following year to provide financial support to community organisations supporting victims of family violence?

Mrs SETCHES (Minister for Community Services)—I did watch *A Cry for Help* last night and I was very moved by the portrayal of the woman in that milestone case in the United States of America which brought to the American people the view that women ought to be protected from their husbands and from family violence. It was a graphic film. It did remind me of the time when I worked in women's refuges and the condition in which some women were brought into those refuges, many requiring both medical attention and legal advice.

It is important to understand that the film on television last night depicts what happens in Victoria. Proof of this situation lies in the fact that to July this year more than 2800 intervention orders had been issued in Victoria for the protection of women and children from family violence.

From a community services aspect it is important that the department focuses on programs that will actually reduce family violence in the community and assist women to avoid it, and will also make men confront the fact that in almost 95 per cent of cases they are the perpetrators of family violence.

Later today I will be announcing the family violence initiative program which has allowed for $105 000 to be divided among twenty groups. This is a 40 per cent increase in the funding provided last year and it will provide self-help groups and community education. Also, for the first time it will provide funding to ethno-specific groups in recognition of the fact that some cultural groups require additional help to combat family violence within their communities.

The prevention of family violence is not just a matter of women avoiding it. It is important that men confront and deal with family violence and their anger and the violence that they perpetrate. This funding package includes five specific programs that will help men to accept their problem and curb their violence.

The money is additional to the $7 million spent by the Victorian government on the women's refuge program, the women's refuge referrals, and the supported

accommodation programs. Anybody who watched *A Cry For Help* last night would have to be aware of the need for further action to assist with preventing family violence, and this is part of it.

SALE AND LEASE-BACK OF ROLLING STOCK

Mr STOCKDALE (Brighton)—I address a further question to the Treasurer. Is it a fact that, as a result of the sale and lease-back deal executed by the Treasurer in respect of Comeng trains and locomotives, State Bank Victoria holds the registered charge over the assets and therefore has ultimate claim over those assets?

Mr ROPER (Treasurer)—As I mentioned before in response to the honourable member for Mornington, sale and lease-back arrangements in terms of public transport rolling stock have been entered into on a regular basis since 1978; there is no question about that. All of the agreements have been provided according to the accounting standards for those agreements, and that will continue to be the case.

The matter in dispute was whether these particular leases are operating leases or finance leases. The Auditor-General has not been supported by the standards adopted by the Public Sector Accounting Standards Board, which has adopted a different view on the way such leases——

Mr BROWN (Leader of the Opposition)—On a point of order, Mr Speaker, as with the Treasurer's last two answers, in this answer he has not even attempted to answer the substance of the question outlined by the Deputy Leader of the Opposition, which is whether State Bank Victoria holds a registered charge over the assets and therefore has an ultimate claim over those assets. That is the question, and on the point of relevance he should at least try to address it.

The SPEAKER—Order! On the point of order, the Minister may answer a question in the manner in which he sees fit. The reply he gives must be relevant to the question that has been asked. So far I do not see the relevance, and I ask the Treasurer to relate his remarks to the question that was asked.

Mr ROPER (Treasurer)—Thank you, Mr Speaker. The point I was making is that there has been a variety of commercial arrangements in relation to the sale and lease-back of stock. These arrangements, which were set out for the majority of cases in the 1989–90 Budget, are different only in so far as they are operating leases.

That material is clearly a matter of ongoing discussion with the Auditor-General. I point out, as I did before, that operating leases apply to a wide range of government and private arrangements and those who provide the finance for operating leases naturally seek to protect their position.

FAMILY VIOLENCE

Mrs RAY (Box Hill)—Will the Minister for Police and Emergency Services inform the House of the steps being taken to ensure that police are fully trained to deal appropriately with incidents of domestic violence?

Mr SANDON (Minister for Police and Emergency Services)—I am concerned about the dramatic increase in the reported incidence of domestic violence. The Victorian community now has 12 000 reported incidents a year, which is about 1000 a month or 250 a week. Domestic violence is pervasive, indiscriminate and a problem that we all have to face and find solutions for, and we must all try to provide prevention.

Police training in handling violence is being enhanced. Mr Speaker, you would be aware—if you are not it is important that I pass on the information to you—of the fact that many acts of domestic violence take place after the police have been present. That is an important point and we wish to do all we can to enhance the role that police can perform in this area. Accordingly, we have developed in the broad sense a policy within Victoria Police, the Ministry and the sector of crime prevention programs, which relates to safety and security for women. One of the most significant things we can do is to start to enhance the police role, police understanding and police training. To that extent, additional resources in the order of $10 000 are being made available to the Ministry for Police and Emergency Services for the development of a video to enhance police skills of new trainees and operational police so that particular training methods can be utilised throughout the community in assault clinics for women, community health centres and neighbourhood houses.

It is interesting that the government is continuing to develop policies while the Opposition lacks policies. The government is prepared to engage in new policy directions. The Crime Prevention Division that has been set up in the Ministry has clearly indicated that we are not prepared to rest on our laurels.

Building a Law-abiding Society Together (BLAST) was a significant, major achievement and one has only to look at its effect on major crime which is down in this State and to realise the major achievement with respect to the road toll. The government has an outstanding record in policy development, and will continue along those lines. It is a pity that sort of approach is not adopted by the Opposition, particularly the National Party which, in the current climate, one would think would be well placed to inform us on policy development, having seen the performance of the policy on both sides of the House.

SALE AND LEASE-BACK OF ROLLING STOCK

Mr COOPER (Mornington)—I refer the Premier to comments made recently by the Auditor-General on recent rolling stock sale and lease-back arrangements and ask: why has the Auditor-General not been given access to all contracts and other documentation relating to those deals?

Ms KIRNER (Premier)—My understanding of the Auditor-General's office is that the Auditor-General gets access to any document that he wishes to have. Of course, I am not as privy, it seems, to complaints from that office as the honourable member for Mornington. However I am more than happy to discuss——

Mr Cooper interjected.

Ms KIRNER—Really, you are the most amazingly——

The SPEAKER—Order! The honourable member for Mornington is out of order.

Ms KIRNER—On the matter of the issue of operating leases, the Auditor-General's definitions of operating leases and finance leases and his concerns, I said to this Parliament weeks ago now that we would set up an officers group with the Auditor-General to work through those definitional issues. That group has been set up and is working well. It will provide the opportunity of finding agreed definitions or to further discuss the matter if they are not agreed.

It is an essential part of the integrity of the Auditor-General's office, firstly, to have access to any documents he wishes, and, secondly, to make sure that in reporting to Parliament the government, the Auditor-General, the Opposition and the community have similar definitions so that the responsibilities of the Auditor-General can be

carried out properly. The meetings are going on; they are effective and they will eventually be of considerable use to the House in the discussion of finance matters.

Mr JASPER (Murray Valley)—I refer to the recent sale of rolling stock and the lease-back arrangements and ask the Minister for Transport whether he will confirm whether the ownership of light rail vehicles, buses and trains has passed to an independent third party, and if so, why?

Mr SPYKER (Minister for Transport)—In answering earlier questions the Treasurer indicated that that type of arrangement has been entered into by this government and the former government over the past twelve years. It is also a practice used by the Commonwealth government and other governments around the country. The Treasurer has adequately answered the question.

PROPOSED RENTAL BOND BOARD

Mr GAVIN (Coburg)—Will the Minister for Housing and Construction inform the House what steps are now being taken to establish a rental bond board in Victoria?

Mr A. J. SHEEHAN (Minister for Housing and Construction)—I thank the honourable member for Coburg for his question and his interest in the proposed rental bond board. I also thank some of the more progressive members of the Opposition who have written to me about the matter.

The Minister for Consumer Affairs in the Upper House will shortly introduce legislation dealing with a rental bond board. Such a board will directly benefit 250 000 Victorians who currently have bonds placed with real estate agents. Under the new legislation all people who have placed bonds will receive their bonds plus interest at the end of their leases. Landlords will be better off because they will have a more substantial pool of funds against which to claim.

In addition the $25 million surplus currently in the Residential Tenancies Fund will be available for common equity rental cooperatives and the expansion of bonds and relocation schemes. It is another step in assisting people in the private rental market and is the fulfilment of a policy commitment of the government.

SALE AND LEASE-BACK OF ROLLING STOCK

Mr BROWN (Leader of the Opposition)—I refer to the recent sale and lease-back arrangements and I ask the Minister for Transport: have contractual financial arrangements——

Honourable members interjecting.

The SPEAKER—Order! The honourable member for Keilor may have his hand across his mouth, but it is extremely clear from where the interjection is coming. I ask him to remain silent.

Mr BROWN—I refer to the recent sale and lease-back arrangements which have been made and I ask the Minister for Transport: what contractual financial arrangements have been made by the Ministry of Transport on behalf of Victorians? If such arrangements have been made, what action has been undertaken to resume ultimate ownership of all the equipment at the end of the lease period?

Mr SPYKER (Minister for Transport)—As I said in answer to an earlier question, the lease-back arrangements are the responsibility of the Treasurer. I suggest that the next time the honourable member asks a question he directs it to the proper Minister.

NATIONAL COMPANIES SCHEME

Mr THOMSON (Pascoe Vale)—Will the Attorney-General advise the House what steps the government is taking to enable Victoria to participate in the new national arrangements for the regulation of companies, securities and futures?

Mr KENNAN (Attorney-General)—The House will be aware that following negotiations between the Commonwealth Attorney-General, the New South Wales Attorney-General and me in April this year and further negotiations at the Standing Committee of Attorneys-General in Alice Springs in late June, the national companies scheme and revisions for the scheme were agreed to in principle. We set a target date of 1 January 1991.

Honourable members will also be aware that the lack of regulation of companies in this country had become a matter of not only national concern but international concern. The failure of Australia to operate as one country in relation to the regulation of companies and securities has done enormous damage to overseas investor confidence, and it is not putting it too highly to say Australia has been regarded as a country of cowboys and a country that tolerates cowboys and where bondholders in New York and Europe have been burnt by the massive corporate crashes that have occurred. No action has been taken.

The Opposition is nothing more than a front for the four failed company directors and failed corporations and is unable to bring itself to criticise the conduct of business affairs in this country. Whenever the government talks about the need for an effective and properly funded national scheme all we hear from the Opposition are threats to block Supply. It is a matter of concern that when the government announced the fact that it has achieved an historic breakthrough in establishing a national companies scheme of regulation the Opposition got upset. The last thing it wants is effective national regulation of the corporate and securities market. It wants to remain in the Dark Ages.

The government is giving the Opposition the opportunity to show the colour of its money and put it on the table. This week it will introduce a Bill—as will every other Australian Parliament in the next week or so—to give effect to the national companies scheme. The government will be asking that the Bill be passed in this sessional period so the national companies scheme can come into effect.

The Federal Attorney-General, Mr Duffy, has played an outstanding role in this matter and given notice to the corporate sector that he will lead the national companies regulation very strongly and look for greater regulation in that area. He has the assurance of other Attorneys-General around the country, including myself, who will introduce the necessary legislation to apply those Commonwealth laws in the States. This government will introduce a Bill this week which will be in a uniform state; it will be the same Bill as that which is to be introduced in every other State in Australia. I understand that the New South Wales government is committed to passing, and passing quickly, the same Bill, but the Leader of the Opposition in Victoria is not in favour with some of the Liberal Leaders north of the River Murray, particularly following his performance after the Liberal Party conference. We are concerned to ensure that this Parliament joins with other Parliaments in a national push for much needed national regulation of companies and securities that will bring benefits to the country. It will help restore the confidence of overseas investors in this country, after the continuing damage that has occurred because of the failure of governments as a whole to properly regulate the market and to launch prosecutions where they should be launched; it has been of enormous concern. This package of Bills that is to be

introduced into Parliaments around the country will address that problem. The legislation has been overdue.

SALE AND LEASE-BACK OF ROLLING STOCK

Mr STOCKDALE (Brighton)—I refer the Treasurer to the inability of the Premier to answer a question about the $250 million sale and lease-back deal undertaken by the government on 29 June 1990 and I ask whether it is a fact that when the leases expire in seven years the government will be required to pay at least $207 million over and above the lease payments, which will represent 83 per cent of the original lease amount, in a lump sum?

The SPEAKER—Order! The question does appear to the Chair to be similar if not identically worded to a question that was asked earlier. I invite the honourable member for Brighton to clarify whether the question is different and, if it is not, I invite him to rephrase his question.

Mr STOCKDALE—The question concerns the payments due at the end of the lease period and it relates to a matter that is different from earlier questions although complementary to them. The subject of the question relates to leases to which previous questions have been addressed, but it asks whether at the end of the leasing period in addition to the leasing payment Victorian taxpayers will be committed to paying $207 million extra which will represent 83 per cent of the original lease period deferred until the end of the lease.

The SPEAKER—Order! Without the benefit of the *Hansard* report I am not able to be sure about whether the question is identical to one asked earlier and in those circumstances I will give the honourable member for Brighton the benefit of the doubt. I advise the House that past rulings have indicated that a question cannot again be asked when it has been answered during the same question time.

Mr ROPER (Treasurer)—As I mentioned earlier, there have been a whole variety of sale and lease-back arrangements over an extended period of time and those arrangements in some instances provide for all the costs to be met during the course of a particular leasing proposal while others provide that there will be a major payment at the end of the lease. The key aspect is that the sale and lease-back program has been part of the capital-raising program of the State for the past twelve years. It has been successful in ensuring that the capital program, not only of public transport but also of the government as a whole, can proceed.

As I mentioned earlier, and I say again, the first sale and lease-back proposals were undertaken in 1978. Each of those particular sale and lease-back programs has been on different terms and conditions. Whether they have been carried out by the previous government or by this government, if one examines the total cost of those funds over the period of the sale and lease-back arrangements, one will find they are comparable to the costs of borrowing at that time—sometimes a little higher, sometimes a little lower—but comparable to the costs of borrowing. That is why the previous government commenced the practice of sale and lease-back arrangements and that is why this government has continued them.

As I have said, over that time there have been a whole variety of mechanisms for payment of those lease payments, both during the lease and sometimes at its end. The arrangements entered into, to which the honourable member for Brighton referred, are no different in substance from the commercial arrangements that have been ongoing during the past twelve years. It was interesting that the Leader of the

Opposition commented before that they are operating leases, not finance leases, and therefore are significantly different in their accounting treatment.

Mr W. D. McGRATH (Lowan)—Will the Treasurer detail what fees were paid to the Babcock and Brown company that set up the sale and lease-back of rolling stock and what ongoing fees are being paid to the $12 "shelf company" Waltham Cross Pty Ltd?

Mr ROPER (Treasurer)—The arrangements between the Treasury and its financial advisers—it does not matter whether it is Babcock and Brown or various other agencies or banks or not—are matters of a commercial nature and, as is the case with others, there was a competitive process to compete. A variety of propositions was considered and the Babcock and Brown proposition was regarded as the most cost effective.

Unlike what is claimed by honourable members opposite, that process took six months from the beginning to the finalisation of the transaction to ensure that the operating leases entered into were as cost effective as possible for Victoria. That situation will continue in relation to all financial transactions which occur to ensure that there is cost-effective raising of funds for Victoria.

ATTENDANCE OF MEMBER

Mr KENNETT (Burwood)—On a point of order, Mr Speaker, I draw your attention to Standing Order No. 35 and to the fact that this is the seventh week of this sessional period and the honourable member for Bundoora has not once appeared in the House during questions without notice to discharge his duties and responsibilities to those who elected him. I ask you to ascertain whether leave has been granted under Standing Order No. 35 to the honourable member for Bundoora and, if not, if he is going to continue to fail to meet his obligations to his constituents, whether in their interests he would not do better to resign from Parliament?

The SPEAKER—Order! It is the responsibility of individual members to attend in the House; it is not a matter in which the Chair should intervene. The first obligation of any honourable member is to attend during the sessional period. The honourable member for Bundoora has attended during the current sessional period. There is no point of order.

PETITIONS

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

Stamps (Accommodation Business) Bill

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

The humble petition of the undersigned citizens of the State of Victoria showeth the detrimental effect that the introduction of an accommodation business duty will have on the economy of the State of Victoria.

Your petitioners therefore pray that the Stamps (Accommodation Business) Bill be withdrawn.

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

By Mr McNamara (111 signatures)

Rights of the child

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

The humble petition of we, the undersigned citizens of Australia, draw to the attention of the House that: there is widespread concern and strong objection to the possible implications of the United Nations Convention on the Rights of the Child. Guidance and responsibility for our children belongs to parents not government.

Your petitioners therefore pray that the House call upon the government to refrain from ratifying this convention.

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

By Mr McNamara (40 signatures)

Subsidy for Blackburn Preschool

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

The humble petition of the committee, parents and friends of Blackburn Pre-School Incorporated sheweth:

That we the undersigned object to the proposed withdrawal of subsidy for a second group at Blackburn Preschool.

Your petitioners therefore pray that our application for subsidy be reviewed and that the full subsidy be restored to Blackburn Pre-school Incorporated for 1991.

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

By Mrs Ray (590 signatures)

Kindergarten provisions for Werribee

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

The humble petition of the undersigned citizens of the State of Victoria respectifully sheweth that special consideration for 204 four-year-old children in the City of Werribee is required if the goal of "one full year of kindergarten for every child" is to be achieved for 1991. And further shows that special consideration of community services including kindergartens will be necessary if the high growth projections of the proposed Werribee corridor development are to be met.

Your petitioners therefore pray that the proper provision of (10 hours contract time per week) four sessions per week be made to safeguard the present and future best interests of the children of Werribee ensuring a full and adequate kindergarten experience for all your petitioners.

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

By Mr Cunningham (2505 signatures)

Penalties for serious sexual offences

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

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

We are concerned that Victoria's justice system does not reflect community concerns and attitudes in that persons committing serious sexual offences are not obligated to serve a sufficient time in gaol. We call upon the Victorian government to change the laws so that the penalty fits the crime and citizens are again able to walk the streets of their State in safety.

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

By Dr Wells (78 signatures)

Laid on table.

ADMINISTRATIVE ARRANGEMENTS

Ms KIRNER (Premier) presented Administrative Arrangements Orders Nos 80 and 81.

Laid on table.

ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY

Preliminary investigation into death of Paul Pryor

Mr KENNAN (Attorney-General) presented report of Royal Commission into Aboriginal deaths in custody—preliminary investigation into death of Paul Pryor.

Laid on table.

Ordered to be printed.

LEGAL AND CONSTITUTIONAL COMMITTEE

Local Government Regulations 1990

Mr JASPER (Murray Valley) presented eighteenth report of Legal and Constitutional Committee on subordinate legislation concerning the Local Government Regulations 1990 (Statutory Rule No. 64 of 1990), together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Agriculture and Rural Affairs Department—Report for the year 1989-90.

Apollo Bay and District Memorial Hospital and Hostel and Nursing Home Society—Report and Statement of Accounts for the year 1989-90.

Beeac and District Hospital—Report and Statement of Accounts for the year 1989-90.

Box Hill Hospital—Report and Statement of Accounts for the year 1989-90.

Burwood and District Community Hospital—Report and Statement of Accounts for the year 1989-90.

Clunes District Hospital—Report and Statement of Accounts for the year 1989-90.

Construction Industry Long Service Leave Board—Report for the year 1989-90.

Creswick District Hospital—Report and Statement of Accounts for the year 1989-90.

Dimboola District Hospital—Report and Statement of Accounts for the year 1989-90.

Equal Opportunity Commissioner—Report for the year 1989-90—Ordered to be printed.

Fairfield Hospital—Report and Statement of Accounts for the year 1989-90.

Geelong Performing Arts Centre Trust—Report for the year 1989-90 together with a letter from the Chairman with an explanation for the delay of the Report.

Greenvale Centre—Report and Statement of Accounts for the year 1989-90.

Kilmore and District Hospital and Kilmore and District Nursing Home—Report and Statement of Accounts for the year 1989-90.

Lorne Community Hospital and Nursing Home—Report and Statement of Accounts for the year 1989-90.

Maffra District Hospital and Extended Care Association—Report and Statement of Accounts for the year 1989-90.

Maroondah Hospital—Report and Statement of Accounts for the year 1989-90.

National Parks Act 1975—Report of the Director of National Parks for the year 1989-90.

Patriotic Funds Council—Report for the year 1989.

Planning and Environment Act 1987—Notices of approval of amendments to the following Planning Schemes:

Bairnsdale (Shire) Planning Scheme—No. L26.

Bass Planning Scheme—No. L11.

Berwick Planning Scheme—Nos L19, RL35 Part 4.

Box Hill Planning Scheme—No. L8.

Broadmeadows Planning Scheme—No. L8.

Bulla Planning Scheme—No. L30.

Croydon Planning Scheme—No. L14.

Eltham Planning Scheme—Nos L6 Part 2, L9.

Essendon Planning Scheme—No. L17.

Flinders Planning Scheme—No. L16.

Footscray Planning Scheme—No. L8.

Gisborne Planning Scheme—No. L11.

Hastings Planning Scheme—No. L13 Part 2.

Healesville Planning Scheme—No. L27.

Keilor Planning Scheme—No. L17.

Korumburra Planning Scheme—No. L16.

Lillydale Planning Scheme—No. L53.

Mildura (City) Planning Scheme—No. L19.

Newham and Woodend Planning Scheme—No. L12.

Northcote Planning Scheme—No. L11.

Numurkah Planning Scheme—No. L1 Part 1.

Otway Planning Scheme—No. L13.

Portland (City) Planning Scheme—No. L13.

Preston Planning Scheme—No. L22.

Shepparton (City) Planning Scheme—No. L27.

Sherbrooke Planning Scheme—Nos L31, L33, L34.

Sunshine Planning Scheme—Nos L10 Part 1, L13 Parts 1 and 2.

Swan Hill (City) Planning Scheme—No. L5.

Waverley Planning Scheme—Nos L6, L9, L13.

Public Transport Corporation—Report for the year 1989-90.

Roads Corporation—Report for the year 1989-90.

Royal Dental Hospital of Melbourne—Report and Statement of Accounts for the year 1989-90.

Royal Melbourne Hospital—Report and Statement of Accounts for the year 1989-90.

Royal Victorian Eye and Ear Hospital—Report and Statement of Accounts for the year 1989-90.

Rural Water Commission—Report for the year 1988-89. (*In substitution for Report tabled 1 November 1989*).

St George's Hospital—Report and Statement of Accounts for the year 1989-90.

Statutory Rules under the following Acts:

Audit Act 1958—SR No. 298.

Dietitions Act 1981—SR Nos 305, 306.

Food Act 1984—SR No. 304 together with copies of the following documents as required by section 32 of the *Interpretation of Legislation Act* 1984 to accompany the Statutory Rule:

Amendment No. 6 to the Food Standard Codex, Commonwealth Australia Gazette P29, 27 August 1990.

Second Supplement to the 3rd edition of the Food Chemicals Code, National Academy Press, Washington D.C. 1981, page 57.

Instruments Act 1958—SR No. 286.

Magistrates' Court Act 1989—SR No. 301.

Melbourne and Metropolitan Board of Works Act 1958—SR No. 299.

Petroleum (Submerged Lands) Act 1982—SR No. 284.

Property Law Act 1958—SR No. 287.

Rooming Houses Act 1990—SR No. 303.

Transfer of Land Act 1958—SR No. 285.

Transport Act 1983—SR Nos 291, 293-297.

Water Act 1958—SR No. 283.

Stawell District Hospital—Report and Statement of Accounts for the year 1989-90.

Tricontinental Group—Order in Council authorising maximum expenditure of the Royal Commission appointed to inquire into the affairs of, and transactions engaged, in by the Tricontinental Group.

Victorian Prison Industries Commission—Report and Statement of Accounts for the year 1989-90.

Victorian Solar Energy Council—Report for the year 1989-90.

Winchelsea and District Hospital and Hostel and Nursing Home Society—Report and Statement of Accounts for the year 1989-90.

Zoological Board of Victoria—Report for the year 1989-90.

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Proclamations fixing operative dates in respect of following Acts:

Agricultural Industry Development Act 1990—17 October 1990 (*Gazette No. G41*, 17 October 1990).

Building Control (Amendment) Act 1989—Sections 1, 4 and 5; 10 December 1990 (*Gazette No. G38*, 26 September 1990).

Conservation, Forests and Lands Acts (Amendment) Act 1989—Sections 11-15 and 18 (1); 3 October 1990 (*Gazette No. S47*, 3 October 1990).

Road Safety (Amendment) Act 1990—Sections 4, 7, 8 and 9; 1 October 1990 (*Gazette No. G38*, 26 September 1990).

Rooming Houses Act 1990—1 November 1990 (*Gazette No. G43*, 31 October 1990).

Warrnambool Land Act 1989—10 October 1990 (*Gazette No. G40*, 10 October 1990).

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Building Societies (Prudential Standards) Bill (No. 2)

Transport (Anti-Graffiti) Bill

Superannuation Acts (Voluntary Redundancy) Bill

Victorian Debt Retirement Fund Bill

Debits Tax Bill

STATE BANK (SUCCESSION OF COMMONWEALTH BANK) BILL

Introduction and first reading

Mr ROPER (Treasurer) introduced a Bill to give effect to an agreement between the State and the Commonwealth Bank for the succession of the Commonwealth Bank to the State Bank, to repeal the State Bank Act 1988, to make consequential amendments to certain other Acts and for other purposes.

Read first time.

CONSTITUTION (PROPORTIONAL REPRESENTATION) BILL

Second reading

Order of the Day read for resumption of debate.

The SPEAKER—Order! I advise the House that I am of the opinion that the second reading of this Bill requires to be passed by an absolute majority.

Debate resumed from 1 November; motion of Mr BAKER (Minister for Property and Services).

Mrs WADE (Kew)—This Bill should be treated seriously. It is unfortunate to see so few government members present in the House to listen to the debate on a Bill introduced by the government that will change the State Constitution. The Bill has two major aspects: firstly, to provide for proportional representation in the Legislative Council; and secondly, to reduce the number of members of Parliament. The number of members of Parliament is to be reduced by twelve—a reduction of nine in the number of members of the Legislative Council, from 44 to 35, and a reduction of three in the number of members of the Legislative Assembly, from 88 to 85. As part of the package the Bill provides for four-year terms for both Houses and for simultaneous elections for the Legislative Assembly and the Legislative Council.

The proposal for election by proportional representation would change the nature of representation in the Upper House. Under the Bill the present system, where each of the 22 provinces is represented by two members elected by a preferential voting system and where half the number of members of the Council is elected at one time providing for eight-year terms in that House as a general rule, would be changed so that each of the five proposed provinces would be represented by seven members. Each province would consist of seventeen Legislative Assembly districts. It is proposed that members of the Legislative Council would be elected under a proportional representation quota system similar to that used in Senate elections.

On its face the proposal appears artificial. Three of the five provinces are to be designated as metropolitan and two as non-metropolitan, and this is covered by clause 24. I note from the explanatory memorandum that the commencement of operation of provisions in the legislation would be staggered to permit the smooth implementation of the amending provisions. The only amendment, apart from the purposes and commencement provisions of the Bill, to come into operation on the day it receives the Royal assent is clause 24 which, as I said, provides for the establishment of the five Legislative Council provinces.

Although the Bill will not be passed, it was proposed that as soon as the legislation came into operation the Electoral Boundaries Commission of Victoria would have been required to immediately stop its current examination of the present boundaries of electoral districts and provinces and begin trying to define the five Upper House provinces, three with a metropolitan focus and two with a non-metropolitan focus.

It appears that under this proposal representation in the Legislative Council would be very much weighted against the interests of the population in rural and other non-metropolitan areas of Victoria.

The Minister says in his second-reading speech that these proposals do not affect the powers of the Legislative Council. This is a very interesting proposition to be put forward by the Minister: that one of the merits of the Bill is that it does not affect the powers of the Upper House. It was proposed when this government first came into office that the Upper House should be abolished. One now sees in a period of eight years that the government has moved around to a situation where it is promoting a Bill on the basis that it will not affect the powers of the Upper House.

The government seems to have been ambivalent so far as proportional representation is concerned. From time to time it has put up Bills proposing proportional representation for the Upper House, but its commitment to proportional representation does not extend to suggesting it would be an appropriate form of election for members of this House. I was browsing through *Hansard* recently and looking at the record for 27 April 1982 where a question was put to the then Premier, the honourable member for Bundoora, that the results of the recent 1982 election had not been entirely fair because the Australian Labor Party was able to achieve a number of seats disproportionate to the number of votes it achieved. The then Premier is reported as having said it would be possible to achieve a perfect mathematical response with a system of proprotional representation. At page 58 of *Hansard* of 27 April 1982 he is further reported as having said:

> The view of the government is that the Westminster system is best served by single-member constituencies and it will ensure that, so long as Victoria has that system, the capacity of voters to influence the government and to record their will will be equal, so far as that is possible.

Even on the question of proportional representation the government appears to veer from one extreme to another.

The Minister for Property and Services has said he believes the people of Victoria would be in favour of the reforms for the Legislative Council. I suggest to the Minister that he could put this belief to the people. There is a mechanism in the Constitution, as we are all very well aware, of declaring a Bill to be a Bill of special importance. If a Bill of special importance is defeated in a particular time frame it can result in an election. This would appear, if the Minister is right in his views that the electorate——

Mr Dollis—You're in a hurry, aren't you?

Mrs WADE—If it is true that the voters would favour these reforms there is nothing to stop the Minister declaring that the Bill is a Bill of special importance and

going to an election on the Bill. However I suggest the people of Victoria have other things on their minds quite apart from the question of their representation in the Upper House or the number of members of Parliament.

If there were to be an election there is no question the sort of things the people of Victoria would be thinking about would be State Bank Victoria. I do not know how the Minister for Property and Services can sit there and smile at me——

Mr Baker—I'm not smiling at you.

Mrs WADE—He is part of a government that has seen the demise of State Bank Victoria. The voters would not consider this Bill an issue of major importance when not only is there the question of the State Bank, but there is the issue canvassed at question time today about the sale and lease-back of just about all the rolling stock of the Victorian transport system that has placed this State in the most incredibly——

Mr BAKER (Minister for Property and Services)—On a point of order, Mr Acting Speaker, anything to do with changing the Constitution Act is an extremely grave matter, and although I am prepared to allow the honourable member for Kew some latitude I would have thought that in this case she is straying far away from the true matter and substance of the Bill. I ask you to bring her back to the Bill.

The ACTING SPEAKER (Mr Richardson)—Order! On the point of order, I note that the Minister is prepared to allow the honourable member for Kew some latitude, but I point out to the honourable gentleman that it is not for the Minister to allow latitude; it is for the Chair to do so. I have been listening to the honourable member for Kew and it seems to me that she did not proceed for long enough with the remarks to which the Minister took exception for her to have been accused successfully of departing from the substance of the Bill. Therefore there is no point of order.

Mrs WADE (Kew)—I was suggesting that the voters of Victoria, in addition to being extremely concerned about the loss of our State Bank, would also be concerned about the liabilities piling up in respect of the sale and lease-back of virtually the whole of our transport system and the situation where, in a few years, the taxpayers of Victoria will have to find $207 million to buy back their trains and trams.

In the light of those facts, if the Minister were to do what I suggested and declare the Bill a Bill of special importance so that we could have an election and consider this issue among the other issues of extreme concern to Victorians, he would see that the issue of proportional representation certainly would not be the highest priority for the voters of the State.

On the subject of proportional representation I do not think the situation in Tasmania will have gone unnoticed by the people of Victoria. In that State the government can be described only as unstable, and the same situation applies in the Australian Capital Territory (ACT), which has a variation of its own of proportional representation, which can be described only as an absolute circus. There is no stability at all, and there are parties such as the No-Party Party, the Tomato Party and the No-Government Party. They are all coalescing and de-coalescing, which is leading to the ACT not being properly governed.

The proposal for proportional representation is no more than an attempt to take people's minds off the disasters they are facing in Victoria, as well as perhaps being an opportunity for trying to garner a few votes from the minor parties, and it is doomed to failure. It will not be passed by Parliament, and people will not be deflected from the major problems confronting Victorians. The Bill can be described only as a cheap political gimmick.

The other half of the gimmick is the reduction in the number of members of Parliament by twelve—three fewer in the Legislative Assembly and nine fewer in the Legislative Council. The Minister has said that we will save $2 million a year by doing this, but the figures speak for themselves. It is pathetic to suggest that there is some concern on the part of the government for the taxpayer after the government has lost thousands of millions of dollars in other ways. Again I suggest the voters will not put much emphasis on this issue.

The other aspect is that for some months now commissioners of the Electoral Boundaries Commission have been looking at the boundaries of both the Legislative Assembly seats and the Legislative Council provinces, and I would imagine that the cost to the community has been quite considerable. Many submissions into which people have put much effort have been received by the commissioners. The commissioners themselves must have made considerable headway and I understand their first proposal is due to be released within the next few weeks. However now we are told that all of these efforts are to go to waste, but presumably this will be balanced by the saving of $2 million!

The commissioners have been considering dividing the State into 88 electorates rather than the 85 mentioned in the Bill. They have also been considering 22 provinces for the Legislative Council and not the three metropolitan and two country provinces as proposed in the Bill. One wonders whether the Bill has been spurred on by the fact that there have been suggestions that the ALP submissions to the commissioners of the Electoral Boundaries Commission were not of high quality. Newspapers have reported that the standard of the submissions was not good.

Mr Dollis interjected.

Mrs WADE—If the honourable member for Richmond has not noticed the report, I shall read an article from the front page of the *Sunday Age* which states:

> The Labor Party did not make a detailed submission to the Electoral Boundaries Commission. In a brief 15-page proposal, it made only broad recommendations on the size of electorates.
>
> In contrast, the Liberal Party submission ran to more than 100 pages and included 70 pages of detailed maps outlining suggested seats to be abolished and new seats to be created.

Mr DOLLIS (Richmond)—On a point of order, Mr Deputy Speaker, I suggest that if the honourable member for Kew had bothered to contact the head office in Exhibition Street she would not have to read from newspapers.

The DEPUTY SPEAKER (Mr Norris)—Order! I ask the honourable member for Richmond to state his point of order.

Mr DOLLIS—My point of order is that the honourable member for Kew is inaccurate in her reports.

The DEPUTY SPEAKER—Order! There is no point of order.

Mrs WADE (Kew)—I am sorry the honourable member for Richmond misunderstood me. From his interjection I thought he was debating whether there had been reports in the newspapers about the ALP submission. I had not intended to read the article until he raised that point. Because he raised the point, I thought I would make him aware of the comments made in the newspapers. I now see there are no rewards in Parliament for trying to keep honourable members informed.

The Bill is obviously a last ditch attempt to retain some ALP members in Parliament. I do not believe too many will be retained in this House, but it may be thought in some ALP circles that, with three metropolitan provinces, a number of ALP members may be retained in the other place.

It is plain the Bill has no history; it is plain it has been introduced at a time when the commissioners of the Electoral Boundaries Commission have been deliberating on the matter for some months. It is plain the Bill was thought up the week before it was introduced and it is plain there is no question of saving money. It is plain to any honourable member who has sat in this House since the last State election that the government has no respect for the election process and the requirements set out in the Constitution Act Amendment Act, which regulates elections.

That fact was made clear when it was found that many members of the ALP had not bothered to lodge their electoral expense returns after the last election. Those members include: the Premier; the former Premier, the honourable member for Bundoora; the former Attorney-General, the current Minister for Planning and Urban Growth; the Minister for Health; the former Treasurer, the honourable member for Doveton; the present Treasurer; the former Deputy Premier, the honourable member for Footscray; the Minister for Sport and Recreation; the former Minister for Property and Services—the Minister responsible for the State Electoral Office—the honourable member for Albert Park; the Minister for Labour; and the Minister for Police and Emergency Services. None of those honourable members lodged electoral expense returns. In behaving in that way they showed they do not feel bound by the laws that bind other citizens of Victoria.

There are a number of other clauses that add little frills to what is proposed. A provision for filling casual vacancies in the Legislative Council provides that it be filled by another person who is a member of the same registered political party as the person vacating the seat. That provision has been included in the hope of keeping ALP representatives in the Legislative Council. A number of provisions provide for the grouping of candidates on the voting paper along with the names of their political parties.

The Bill will not pass and so I suppose there is not much point in making helpful suggestions to the Minister. I should have thought that placing ALP beside a candidate's name would lose that candidate the election. That provision goes against the rest of the Bill. The only way to save the ALP will be to ensure that voters do not know a person they might consider voting for is a member of that party. The Bill is a joke. It is in poor taste; it should be, and will be, thrown out!

Mr DOLLIS (Richmond)—No amount of sophistry by the honourable member for Kew and her party will wash away the fact that they do not support proportional representation. The Bill, as was stated in ALP policy in 1985, attempts once more to provide an opportunity for Victorians to elect their representatives to the Upper House. It is totally incorrect to say that the Bill will affect the powers of the Upper House. I suggest that the honourable member for Kew takes the time to reflect on what the Bill provides. She will find that it provides other political parties with the opportunity for representation in the Upper House. It is absolute drivel to suggest that instability will come about as a result of proportional representation.

Mr W. D. McGrath interjected.

Mr DOLLIS—The honourable member for Lowan should not get so excited. Basically he does not want any other political party to be represented in the Upper House. It is absolute drivel to suggest that that representation will create instability. The Opposition intends to oppose proportional representation. It has done so during the past five years. Its record is clear and it should state that so that the electorate understands that it basically does not want other political parties to be represented in the Upper House. Currently it is impossible for anyone who does not belong to one of

the three major political parties to be elected to the Upper House. There has been a certain amount of hypocrisy——

Mr W. D. McGrath interjected.

Mr DOLLIS—The honourable member for Lowan should listen to himself and he will find that every time he opens his mouth he is full of hypocrisy. On the one hand the Opposition says that it wants smaller government but on the other hand when the Bill attempts to reduce the numbers of members of Parliament the Opposition says that it is not appropriate that the Bill be supported.

I should like to see what the honourable member for Lowan will do when he goes to his electorate to argue for small government in metropolitan Melbourne but that the National Party should represent rural Victoria. The honourable member is proposing a protectionist policy for rural Victoria when the coalition is proposing to reduce government in the rest of the State.

Some of the arguments put by the Opposition are: the Bill will allow for the balance of power to rest with minority groups—this is absolutely and totally incorrect. It is untrue. Even if other political parties obtain representation in the Upper House that does not mean that they will exercise their power in that House in a way that could be obstructive to the business of the House.

I invite honourable members to consider other objections to the proposed legislation. The next is that rural voters will be under-represented. If rural voters are not under-represented by the National Party at the moment, I do not know what the level of representation is!

The next objection is that there will no longer be one vote, one value. I do not know what legislation members of the Opposition are reading, but certainly on my reading of the Constitution (Proportional Representation) Bill one vote, one value will be retained.

The next argument is that the legislation will lead to donkey voting. I ask: what is so different in the present system? A number of donkeys have been elected to this House and I do not hear anybody objecting to that!

The next objection is that there will be fewer checks and balances. It is totally untrue and incorrect to say that. The Bill deals only with the reduction in the number of members in Parliament and does not propose to take away any of the powers of the Upper House.

Another argument is that the Legislative Council will become a rubber stamp. I ask: in what way? The people of Victoria will be given the opportunity of voting for their representatives and their wishes will be expressed in Parliament. If the wishes of the electors are considered to constitute rubber-stamping, I suggest members of the Opposition should re-examine their intent to represent the people of Victoria in this place.

Another objection is that members of the Legislative Council will no longer be separately and independently elected. Members of the Legislative Council will be independently and separately elected because anyone who wishes to nominate as a candidate for election to the Upper House will be given that opportunity and the people of Victoria will have the opportunity of voting for their representatives. It is incorrect and untrue to say that members of the Legislative Council will no longer be separately and independently elected.

It is argued also that the proposed legislation will halt the present continuity in the Legislative Council. I ask: what is continuity? The answer is: continuity is represented

by having people elected in a State election by the people of Victoria who decide on their appropriate representatives in Parliament. Continuity is about elections and elections are about the people of Victoria being given an opportunity of expressing their wishes.

Another objection is, basically, that Parliament works better with a strong party system. An argument has been put forward in other places that Parliament works fairly well with a single party system! Perhaps members of the Opposition wish to suggest that is appropriate! A strong party system enables one political party to dominate the governing of the State. I suggest proportional representation is an attempt to give the people of Victoria an opportunity of having their representatives elected to the Upper House.

There is nothing stopping the Opposition from testing the will of the people. I ask: why are members of the Opposition afraid to reduce the number of members of the Upper House? Why are members of the Opposition afraid to test this with the people of Victoria?

I suggest the Constitution (Proportional Representation) Bill provides for elections to the Legislative Council to be on the basis of proportional representation and a reduction in the current number of members of Parliament by twelve, with nine fewer in the Upper House and three fewer in the Legislative Assembly.

For some time the government has had a clear policy on this issue. In 1985 the government stated its position; in 1988 it attempted to pass a measure to enable proportional representation to be introduced. The government is providing the Opposition with one more opportunity to commit itself to a fair way of electing representatives to Parliament by supporting the Bill.

Mr SERCOMBE (Niddrie)—My colleague the honourable member for Richmond has been most eloquent on this subject so I shall not take up much time except to make a few points. One of the problems of constitutional development in Victoria has been the stodginess of the tories and the conservative side of politics in this State and their inability to face up to significant issues on constitutional change.

Victoria is unusual in relation to western Parliamentary democracies because of the absence of proportional representation within our Chambers. The proportional representation system was introduced in Belgium in the last century. In the twentieth century it has been introduced into the Netherlands, Denmark, Norway, Sweden, Finland, Austria, Switzerland, Italy, West Germany, France, Ireland—the list goes on. Those countries have introduced the system because of its intrinsic merits.

Within the Australian Federation Victoria is the exception among the Parliaments that have two Houses. Every other State has at least partial proportional representation. The Commonwealth Parliament, in its Senate, has had proportional representation since 1949; the Legislative Council in New South Wales since 1978; Western Australia since 1989, South Australia since 1975, and Tasmania since 1909 with its variation under the Hare-Clark system. Victoria is the odd body out in both international democratic experience and in the Australian Federation.

The arguments in favour of proportional representation go to absolutely fundamental questions on the quality of representation within Parliament. Large chunks of Victoria, simply by political geography, have no competition to the stranglehold that one or other of the major parties operates within that area. That lowers the quality of representation that people in this State should enjoy. Large chunks of this State have the misfortune to have only National Party members representing them and, as a result, the quality of representation suffers dramatically.

Mr Coleman—Are you talking about the western suburbs?

Mr SERCOMBE—Large chunks of this State are fed on a diet of tripe which in political terms comes directly from the Australian League of Rights, if one reads the local newspapers in National Party areas. Large sections of communities in rural Victoria are ignored by their National Party representatives. An example is Aboriginal communities in places such as Gippsland. I do not know the last time that a National Party member representing that area bothered to call on his or her Aboriginal constituents at Lake Tyers. I choose that as only one example of the areas in rural Victoria that are significantly ignored.

Looking at the situation from the other side of the ledger, the capacity of the governing party of the day to represent and adequately ensure equitable treatment across all parts of the State would be significantly enhanced by proportional representation. An ALP representative from Mildura would significantly enhance the quality of understanding of the way matters affecting those communities were dealt with.

An honourable member interjected about the western suburbs. Fortunately in the western suburbs the hairdressers are not often called upon to do blue rinses—there are not many Libs in the district. In fact I am not averse to change and I would welcome opposition in the area, especially if it came from the Australian Democrats. What has happened over decades of successive conservative governments has been that the western suburbs of Melbourne have been ignored. They were ignored for decades by Liberal governments. Since the 1980s the Labor government has been working to turn around the long-term structural disadvantages that were in place.

I, for one, would welcome the people of the western suburbs having the opportunity of being represented by people other than simply ALP members under a proportional representation voting system. It seems to me that in the longer term that would enhance their position and contribute to greater equity.

In terms of the quality of Parliament itself, I point out that the way the Upper House is currently constituted one gets one of the two extremes. Either one has an Upper House that is controlled by the same political party fundamentally as the government, which means it is simply a rubber stamp, and that calls into question the need for it in that context, or one has an Upper House that is simply obstructionist and oppositionist. The humbug of the Liberal Party on this Bill is amply demonstrated by the member for Kew when she announces, rather arrogantly, I believe, that the Upper House will reject this Bill. Who is the member for Kew to prejudge the position of the Upper House? We all know the answer to that, but it demonstrates the humbug position that the Upper House is in at the moment. Its position is typical; it will adopt the Opposition's blocking position, and that does not in any sense contribute to the quality of the operation of Parliament.

This Bill significantly improves the quality of Parliament, or has the potential to do so. It provides protections, inasmuch as all significant political forces in the State can be represented. For example, small fringe groups will not be able to attract a 12.5 per cent vote, but the reality is that all significant groups around the State will attract more than that. It is probable that even the honourable member for Syndal, who is interjecting, could attract more than that if he tried. Therefore it is my submission that the Bill will contribute to the quality of Parliament.

The final point I wish to make relates to the fairly contemptuous way that the Opposition has been dealing with the very significant cost savings that are built into the legislation. At present we are calling on the public sector as a whole to make significant savings, yet Parliament itself is very reluctant to make similar savings. I am sure people were somewhat bewildered when, on the day the Budget was presented,

the first thing that the honourable member for Burwood expressed his concern about was the cutbacks to the Parliamentary refreshment rooms, at a time when hundreds of people in the public sector were looking at losing their jobs. It says something about the priorities of the conservatives in this State that they talk about that sort of thing when more important matters are at stake.

Here we have an opportunity in Parliament to save a significant amount of money. The Minister is talking about $2 million. We have the opportunity to improve the quality of the operation of Parliament and to make a significant improvement in the quality of representation for the people of this State by, for example, not having to rely simply on the lazy National Party members in areas where they are the only people who can get elected.

The Bill has a great deal to commend it, and I commend it to the House.

Mr GAVIN (Coburg)—I am delighted to participate in this debate and support the proposition that there be a proportional representation system for Upper House elections. When I was elected to Parliament back in 1979 this matter was raised with all members who stood for election at that time. The Australian Democrats put out a questionnaire at that time to be answered by all candidates standing for election. That is one of the reasons why the Australian Democrats decided to support me as the candidate for Coburg at that election: to change the political complexion or representation of the City of Coburg. I said that I did support proportional representation for the Upper House and that I also supported it for municipal councils. I still hold those beliefs.

Proportional representation should be used, especially for Upper House elections. It could be used in many other instances also because it is simply the fairest system of ensuring representation of all people.

An honourable member interjected.

Mr GAVIN—I think the honourable member for Malvern would struggle in many areas. There are many people wanting preselection in Malvern, and he has no hope of getting in anywhere.

The honourable member for Niddrie agreed with an interjection by the honourable member for Syndal about the need for the western suburbs to have a Liberal representative in the Upper House; and I concur. It would do the Liberal Party the world of good to have someone representing their voters in those suburbs in the Upper House.

Mr Sercombe—A blue-ribbon seat!

Mr GAVIN—The Liberal Party probably could get 12.5 per cent—if it struggled—and misrepresented the Labor position.

Mr Coleman interjected.

Mr GAVIN—I understand the honourable member for Syndal supports proportional representation for the Upper House, and wants to have the Liberal Party represented there proportionally. It would do his party the world of good. After the last election one of the candidates made the point that there were many Liberal voters in the western suburbs who were not represented in Parliament. The only chance they have is the Upper House. Therefore the Liberal Party should reconsider its position because it could have representation for those voters in the Upper House.

I would applaud that because in my electorate the anti-Labor councillors in Coburg use the offices of the Food Preservers Union of Australia to facsimile their press releases to the newspapers. It would be preferable for them to use offices of the Liberal

Party members of Parliament to publish their press releases. It is outrageous that the hard right anti-Labor councillors should use the offices of that union—which is supposedly a far left union—to publish press releases that attack the Labor Party in the area.

The Liberal Party should have proportional representation in the Upper House because it could assist the far-right in the western suburbs. In all fairness, it would be good for the National Party to have some competition from another small party in Parliament. As members are aware the National Party would still have representation in the Upper House under the provisions of proportional representation. It would not be "just the third party". The Australian Democrats presumably would get 12.5 per cent in some electorates.

It would be good for the Legislative Council to have an extra view presented in debates. It would be obvious that the Legislative Council would not be a rubber stamp of this House.

Mr Leigh—It is not.

Mr GAVIN—That was one of the arguments put the last time this matter was debated. The matter has been debated several times and the Liberal Party said that if we had proportional representation the Upper House would be a rubber stamp of the Legislative Assembly. Perhaps now you have woken up that that argument is spurious. I am glad the honourable member for Malvern—a noted slow learner—has picked that up.

Mr Leigh—But I don't open other people's mail.

Mr GAVIN—Quite obviously there would be some Australian Democrats in the Council, and possibly some independent members. At least there would be four and perhaps five different views in the Council—that was the argument put last time by the Liberal Party.

Mr Coleman—There are five now if you consider your factions.

Mr GAVIN—The last time the matter was debated the Liberal Party said that if the Australian Democrats were elected there would be at least four parties in the Legislative Council, and the possibility of some independents. The last time the tories opposite said that if you had proportional representation in the Upper House——

Mr Leigh interjected.

Mr GAVIN—I will get to that but I will finish this first. The ordinary constituent would lack knowledge about who his members were if there were broad provinces and members were elected by proportional representation, according to members opposite.

Most constituents do not know their Legislative Council representatives. The representatives of the Legislative Assembly are far better known than the representatives in the Legislative Council. The only exception would be the Ministers in the Upper House.

The exception to that rule occurs Federally, because senators are often better known than members of the House of Representatives. Most voters could name a number of senators, especially those who represent them, but not necessarily the person who represents them in the House of Representatives. If proportional representation were introduced for election to the Upper House in Victoria members of the Legislative Council would become better known. Laurie Levy, a member of the Australian Democrats, would do everything possible to make himself well known if he were elected to the Legislative Council.

If Victoria were divided into five provinces and election to the Legislative Council were on the basis of proportional representation, I am sure those members of the Upper House would be far better known. That argument for the introduction of proportional representation is far better than the arguments used by the Opposition.

The honourable member for Malvern interjected that the legislation was an insult to the independent commissioners of the Electoral Boundaries Commission. The honourable member will have difficulty in gaining preselection for the Liberal Party at the next State election because I understand prominent people such as Tom Hafey and Leigh Matthews, as well as other people, are seeking preselection for the honourable member's seat, so he is under considerable pressure. The honourable member has obviously not read the legislation relating to the independent commissioners because one provision relates to them, within two years of an election being held, examining the boundaries and determining whether they are fair and starting processes for changing the boundaries if necessary. The independent commissioners have started that process before time, but it is their decision and they have to carry out that process within the next two-year period.

Mr Maclellan—Don't you like their plans?

Mr GAVIN—I have not seen the independent commissioners plans because they are not yet publicly available, but I am assured that they will be finalised shortly.

I assure the honourable member for Malvern that the legislation is not an insult to the independent commissioners of the Electoral Boundaries Commission because they have gone about their duty earlier than required by the legislation, and notice of this measure was given some time ago. The proposed legislation incorporates new proposals that are fairer than the proposals put forward by the independent commissioners because the legislation is based on proportional representation for elections for the Legislative Council, which is a fairer system, but the independent commissioners based their proposals on existing legislation. We believe that proportional representation in the Upper House is fairer than having single-member electorates.

The honourable member for Niddrie has stolen my thunder by explaining what happens in other parts of the world and in other States of Australia. I commend his argument to the House. I do not wish to repeat it. I appeal to the barbarians opposite at least to reconsider this matter while the Bill is between here and another place because it is the fairest piece of legislation ever to come before Parliament.

Mr BAKER (Minister for Property and Services)—I am rather dismayed at the calibre of the contributions offered to this extremely serious matter by members of the coalition opposition. They have hardly put a speaker up and those who have spoken have obviously not done any preparation. Save for the contributions of my three esteemed colleagues on this side of the House who have just spoken, it has been a rather tacky and limited debate.

As I was coming here this morning I had some rum flight of fancy that in today's State Parliamentary debate on this rather time-worn issue as to whether, finally, the Victorian Upper House in the last of the bicameral Parliaments in this country that does not have proportional representation in one or other of its Parliaments, we might muse upon the history of how proportional representation has come to be so popular and commonly used not only in our own country but in many other countries around the Western World and for a long time.

The honourable member for Kew seemed to make a fine point of saying there was no history to this and, for a start, suggested that we had not taken it to the people. The record shows that in 1985 and again in 1988 it was very much part of the government's election platform, and as for history there have been some 300 years of question and

debate as to what represents the fairest form of providing electorate representation for the people in electorate systems everywhere.

I thought that today, with fine minds and noble interests from all corners of the House, especially the coalition benches, honourable members would take up notions such as those put by the radical Duke of Richmond and his contemporaries some 200 years ago, the Marquise de Mirabeau, when they sought to propose that the composition of Parliament should reflect in accurate detail the will of the electorate, or alternatively the proposition put by de Tocqueville in 1835 in *Democracy in America* in which he bothered to muse upon the tyranny of majorities, or even if there are any true wigs and true Liberals left on the other side of the House, the Opposition's own John Stuart Mill, who sounded the warning that in the absence of their natural defenders the interests of the excluded are always in danger of being overlooked. And so it is with our Upper House: the natural defenders of minority groups have no place there. They have no real opportunity as they do in so many other bicameral systems and particularly in second Houses around this country and around the world.

I hoped a barrister or lawyer of the calibre of the Englishman Thomas Hare—from whom the Hare-Clarke system takes its name—would emerge from the Opposition benches to put a strong case for the single transferable vote. It did not happen. Instead honourable members have heard an Opposition that has been prepared to resort once again to sophistry and the blancmange of the politics of the hour as it has done in previous debates.

What a grand debate it would have been if some of the Opposition members had dusted off their J. S. Mill, put on one last hurrah and taken the matter seriously.

Mr Maclellan—I take it extremely seriously.

Mr BAKER—If the Opposition had had the wit, the wisdom, the substance and the spine, it would have used the debate today to talk about the whole question of the Parliament. This is a very dispirited Parliament.

Mr Maclellan—Mr Speaker, in view of the fact that the Minister is totally unsupported by any other member of the government and is the only representative here of the government party, I direct your attention to the state of the House so others may enjoy his remarks.

Quorum formed.

Mr BAKER—As I was saying, this was an opportunity for the Opposition, if it cared, to take the question seriously and to make suggestions as to how an Upper House that gave the opportunity for minorities to be represented might change its role and become a true House of review and how honourable members might have been able to consider other issues that relate to the way the Parliament operates, given that the final aura of privilege might have been removed.

The Opposition could even have put on the table the question of the right of the Upper House to block Supply as part of a package with some commonweal sense of doing something about the Parliament which is so very dispirited.

Mr Kennett—Why is it dispirited?

Mr BAKER—For some 50 years members from both sides of the House have not treated this Parliament well. There was an opportunity for someone on the other side who had the class of Thomas Hare to stand up and discuss issues seriously—issues such as the merit or otherwise of the question of the single transferable vote. It was Hare's work which led to the wide roll-out program of proportional representation. If I remember correctly, in 1864 he attended a major conference on his own work in

Amsterdam. Two days were devoted to it. His ideas found favour against recent experience that majority systems, particularly in mainland Europe, had produced significant under-representation of minority groups.

Eighteen years later the remarkable Belgian Victor d'Hondt came onto the scene with an alternative version of or a variation on Hare's work. Thomas Hare was taken with the idea of a single constituency and the electorate as a whole representing one constituency which was divided on proportional representation systems. The d'Hondt variation has unfortunately found public ridicule in a bastardised form that has been applied to the Australian Capital Territory. I am sure it is not his failing.

Mr Lieberman interjected.

Mr BAKER—I am dismayed that the Opposition has not taken the trouble to do a little work on this critical issue.

Mrs Wade interjected.

Mr BAKER—The honourable member for Kew knows nothing about these things. D'Hondt's and Hare's ideas were set against each other at a further conference in Antwerp in 1885. Hare did not attend this conference; he sent a paper. D'Hondt did attend and his ideas won the day, mainly because he proposed multiple electorates and divisors rather than Hare's earlier single constituency. Given the difficulties due to the division of language within the countries of mainland Europe, this idea won the day. The meeting resolved that proportional representation was the only means of assuring power to the real majority of the country, an effective voice to the minorities and exact representation to all significant groups of the electorate.

The ideas took time to travel, as they do from the government side of the House to the Opposition side, but it was an even longer journey in those days. In a relatively short time, given that period of history, a roll-out occurred. The honourable member for Niddrie referred to this earlier. It included Belgium in 1899; Finland in 1906; Tasmania in 1907 in its Legislative Assembly under a conservative government; the Netherlands in 1917; Denmark, Austria and Germany in 1918; Norway, Switzerland, Italy, France and Luxembourg in 1919; and Ireland in 1920. In Australia it occurred in New South Wales in the Legislative Assembly from 1918 to 1928 and in the Legislative Council since 1978; in the Australian Senate from 1948; the South Australian Legislative Council from 1975; the Western Australian Legislative Council from 1988 and the Australian Capital Territory from 1988. Dare I say that leaves lone bicameral Victoria as the tortoise, and it is the Opposition's fault. It is the fault of the conservatives in the House, who have been unprepared to do the decent thing and use the Bill as an opportunity to reform the manner in which this rather sad and dispirited Parliament works.

I commend the Bill to the House.

The SPEAKER—Order! I am of the opinion that the second reading of this Bill is required to be passed by an absolute majority. As there is not an absolute majority of members of the House present I ask the Clerk to ring the bells.

Required number of members having assembled in Chamber:

House divided on motion:

Ayes, 45

Mr Andrianopoulos	Mr Jolly	Mrs Setches
Mr Baker	Mr Kennan	Mr A. J. Sheehan
Mrs Barker	Mr Kennedy	Mr F. P. Sheehan
Mr Batchelor	Ms Kirner	Mr Shell
Mr Cain	Mr Leighton	Mr Simmonds
Mr Cole	Mr McCutcheon	Mr Spyker
Mr Crabb	Mr McDonald	Mr Thomson
Mr Cunningham	Mr Mathews	Mr Trezise
Mr Dollis	Mr Micallef	Dr Vaughan
Mr Ernst	Mr Norris	Mr Walsh
Mr Fordham	Mr Pope	Mrs Wilson
Mr Gavin	Mrs Ray	
Mr Hamilton	Mr Roper	
Mr Harrowfield	Mr Rowe	*Tellers*
Mrs Hill	Mr Sandon	Mrs Garbutt
Mrs Hirsh	Mr Seitz	Mr Sercombe

Noes, 36

Mr Austin	Mr Kennett	Mr Richardson
Mr Bildstien	Mr Leigh	Mr Ross-Edwards
Mr Brown	Mr Lieberman	Mr E. R. Smith
Mr Clark	Mr J. F. McGrath	Mr Stockdale
Mr Coleman	Mr W. D. McGrath	Mr Tanner
Mr Cooper	Mr McNamara	Mrs Wade
Mr Delzoppo	Mr Maclellan	Mr Wallace
Mr Dickinson	Mr Maughan	Mr Weideman
Mr Evans	Mr Perrin	
Mr Gude	Mr Perton	
Mr Hayward	Mr Pescott	*Tellers*
Mr Jasper	Mr Plowman	Mr Elder
Mr John	Mr Reynolds	Dr Napthine

Motion agreed to by absolute majority.

Read second time; by leave, proceeded to third reading.

Third Reading

The SPEAKER—Order! I am of the opinion that the third reading of this Bill is required to be passed by an absolute majority.

House divided on motion:

Ayes, 45

Mr Andrianopoulos	Mr Kennan	Mrs Setches
Mr Baker	Mr Kennedy	Mr A. J. Sheehan
Mrs Barker	Ms Kirner	Mr F. P. Sheehan
Mr Batchelor	Mr Leighton	Mr Shell
Mr Cain	Mr McCutcheon	Mr Simmonds
Mr Crabb	Mr McDonald	Mr Spyker
Mr Cunningham	Mr Mathews	Mr Thomson
Mr Ernst	Mr Micallef	Mr Trezise
Mr Fordham	Mr Norris	Dr Vaughan
Mrs Garbutt	Mr Pope	Mr Walsh
Mr Gavin	Mrs Ray	Mrs Wilson
Mr Hamilton	Mr Roper	
Mr Harrowfield	Mr Rowe	
Mrs Hill	Mr Sandon	*Tellers*
Mrs Hirsh	Mr Seitz	Mr Cole
Mr Jolly	Mr Sercombe	Mr Dollis

Noes, 36

Mr Austin	Mr John	Mr Richardson
Mr Bildstien	Mr Kennett	Mr Ross-Edwards
Mr Brown	Mr Leigh	Mr E. R. Smith
Mr Clark	Mr Lieberman	Mr Stockdale
Mr Coleman	Mr J. F. McGrath	Mr Tanner
Mr Cooper	Mr W. D. McGrath	Mrs Wade
Mr Delzoppo	Mr McNamara	Mr Wallace
Mr Dickinson	Mr Maclellan	Mr Weideman
Mr Elder	Dr Napthine	
Mr Evans	Mr Perrin	
Mr Gude	Mr Pescott	*Tellers*
Mr Hayward	Mr Plowman	Mr Maughan
Mr Jasper	Mr Reynolds	Mr Perton

Motion agreed to by absolute majority

Read third time.

ADMINISTRATION AND PROBATE (AMENDMENT) BILL

Debate resumed from 12 October 1989; motion of Mr McCUTCHEON (then Attorney-General).

Mrs WADE (Kew)—It used to be a tradition in Parliament that when Bills were introduced into the House they would be treated seriously, and that they were prepared on the basis that they would be debated and would proceed through both Houses of Parliament. However, during this session three of the Bills introduced by the Attorney-General have not appeared to follow that tradition. The Bills seem to have been introduced into the House with the thought that they would not go through, and at a later stage they would either be withdrawn or replaced by another Bill or be substantially amended.

The Bill was first introduced in October 1989 when it also had its second reading. At that time the opposition parties pointed out they had some problems with the original Bill, but nothing happened about that until this afternoon. The Attorney-General has now circulated some thirteen pages of amendments so the Bill we are dealing with is substantially different from the Bill introduced in October 1989.

Mr Maclellan—Just as well.

Mrs WADE—By interjection the honourable member for Berwick says, "Just as well", but I am afraid I do not share his optimism: I do not think the Bill as amended will be very much better than the Bill as originally introduced.

The initial form of the Bill, which deals with the situation faced by de facto spouses whose partners die intestate, was supported by various groups who, after having had the opportunity of reading the Bill and reading the amendments—although I understand the amendments have been difficult to get hold of—now agree with the Opposition that the Bill is unworkable and the proposed amendments will not make it much better. Because there are so many amendments it would have been better had a new Bill been introduced, which would have been easier for those interested in it to understand. As I said I am not sure whether those groups who had expressed an interest in the Bill have had the amendments made available to them, although the comments I have received from such groups show they appear to be aware of the changes to be made to the Bill by the Attorney-General.

I shall speak both to the Bill and to the amendments I anticipate the Attorney-General will introduce because it will be difficult to handle the proposed legislation any other way. The major interest in the Bill is the provisions relating to de facto partnerships; but there are a number of other important provisions that should not be overlooked, including provisions for the depositing of wills with the Registrar of Probates and the limiting of those relatives who can gain part or all of an estate on an intestacy. The Bill also amends the Wills Act to provide that a bequest in favour of a testator's spouse is revoked by the dissolution of a marriage and will make considerable changes to the inheritance laws where family members die at or about the same time.

Some of the provisions are sensible; some have been long awaited, particularly by people involved in the administration of probate law. I suggest to the Attorney-General that those provisions in the Administration and Probate (Amendment) Bill which are not contentious and which can be supported by the Opposition should be contained in a separate Bill which the Opposition would be able to support. I cannot see any reason why that could not be done. The opposition parties cannot support the majority of the provisions in the Bill and it is not possible to include amendments that deal with all of the problems we see in the Bill. In short the Bill is a shambles and would be completely unworkable.

The best thing the Attorney-General could do would be to send the Bill back to the drawing board and remove the provisions with which there is not difficulty. As I said, a Bill that contains provisions that are non-contentious could be introduced and passed in a short time. Not only should the contentious amendments be circulated to interested groups and members of the public for their comments, but also we suggest that those provisions of the Bill be referred to the Legal and Constitutional Committee to enable interested organisations and individuals to make submissions.

There are two major provisions concerning de facto partners and relationships, and both suffer from the same defect. The Bill attempts to put de facto partners in exactly the same position as spouses. Most de facto partners do not want their relationship to be considered the same as a marriage. Nevertheless the Attorney-General or one of his advisers obviously believes that de facto partners should be treated the same as spouses, which, because it is difficult to achieve, has led to many of the problems with the Bill. It is particularly difficult to achieve when a deceased person had both a spouse and a de facto partner. From a legislative point of view spouses are much easier to deal with because it is clear whether there has been a marriage; and under our laws one can have only one spouse at any time. The relationship commences immediately after a marriage ceremony. As the Attorney-General has found, not only in Mark 1 of this Bill but also Mark 2, it is difficult to apply to de facto partners the same rules that apply to spouses.

The Opposition has received some government-generated criticism for not supporting the provisions of the original Bill. I have received letters from two women's organisations, the Women's Electoral Lobby (WEL) and the Premier's women's advisory committee, the Victorian Women's Consultative Council, both saying they were disappointed at the Opposition's failure to support the Bill. After more closely examining the Bill the Women's Electoral Lobby has withdrawn its support for the Bill and the Victorian Women's Consultative Council has been shy in responding to my suggestion that they closely examine the provisions of the Bill—and I have been reminding them each week of their failure to respond.

Married relationships and de facto relationships are different. People choose one or the other to suit themselves; certainly they do not want them to be considered to be the same, despite the wishes of the Attorney-General or the government. To meet its objectives the government will impose a series of tests on de facto relationships; and

unless the relationship passes the tests, de facto partners will be as badly off under the Bill as they are under the current law, an unsatisfactory situation.

Even in longstanding de facto relationships where one of the partners dies without making a will his or her de facto partner is unable under the present law to gain a share of the estate. In circumstances I am aware of where, after a de facto relationship of 25 or 30 years, there are children and both partners have endeavoured to establish and maintain a family home and a business, all in the common law husband's name, it is plainly unfair that his de facto wife should have no claim on the estate—and under the Bill the same situation could well occur. Some de facto partners will have rights if their partners die intestate, and some will have rights to claim maintenance from the estate; but some de facto partners will have no rights at all under the Bill.

With some flexibility and a recognition there is a difference between marriage and de facto relationships it would be possible to have a Bill that is acceptable to all parties and to most people in the community. I make it clear that the opposition parties recognise changes are necessary to the present law to give de facto partners rights to make claims on the estates of deceased partners.

I am disappointed that the Bill is so unworkable and there appears to be no hope of fixing it up by way of amendment. It has been demonstrated that the Attorney-General is not going to get it right and the only thing that can be done is to refer it to the Legal and Constitutional Committee so there can be a proper examination of all the options and public consultation. It is the lack of consultation with members of the public and interested groups that has led to the inadequacies and impracticalities of this Bill. After it goes to the Legal and Constitutional Committee it can be brought back to Parliament in the next sessional period.

Earlier I referred to the concerns of the Women's Electoral Lobby which wrote to me saying it was disappointed that the opposition parties had not supported provisions that would give rights to de facto partners. When I received that letter I wrote to WEL enclosing a copy of the Bill and asking whether it supported the specific provisions in the Bill. I referred WEL to the Attorney-General's Department which has supplied it with copies of the amendments. WEL wrote to me on 26 September 1990 stating:

> Thank you for your letter inviting our views on this Bill. WEL supports the spirit of the legislation in that it provides overdue recognition of the needs of the de facto wife who has provided household (and often business) support for a partner and perhaps borne him children. However, now that we have looked at the Bill in some detail, we are concerned that there are several anomalies.
>
> It appears ambiguous as to who is to benefit in the event that the man dies leaving both a wife and de facto wife. It appears from section 51 (3) (*c*) that it would probably be the de facto wife. The present problems would only be compounded in that the injustice now prevailing is simply moved from one woman to another. An apportionment would appear to be the best solution.
>
> Perhaps the main problem presented by the proposed legislation is that it puts at risk the woman in a de facto relationship who dies leaving property such as a hard-won matrimonial home from a former marriage. Does her de facto partner, who may have contributed nothing, then become her beneficiary by virtue of section 51 (3)? In all our attempts to provide equity for women, whether in the workplace or in relationships, to use equality between the sexes is to overlook the power imbalance and the different roles played by men and women. It is a crude approach to simply refer to "spouse" or "de facto partner" as though equal treatment will provide the best of all outcomes.

In its letter the Women's Electoral Lobby gave a number of examples it saw as not being properly covered by the Bill. It went on to say:

> . . . Another problem which would quickly appear is that of the wife who, after years of support to her husband, often building his business or career, is then left for another woman. If there has been a property settlement ratified by the Family Court and the wife is not in receipt of maintenance, she will have no claim on the husband's estate yet she may be living with several children of the former marriage, often in greatly reduced circumstances.

Finally, it states in the last paragraph of the letter—and I am prepared to make the whole letter available to the Attorney-General:

> . . . The spirit of the legislation is to remove the present injustice to a de facto wife upon the death and intestacy of the husband. In its present form, it would also in some circumstances shift the injustice from one woman to another. It would also unjustly benefit those males who have made a meagre contribution to the household.

The points made in the letter are important to women who are concerned about the Bill. I have also endeavoured to obtain the views of the Victorian Women's Consultative Council. I am not sure why it wrote to me; I understood it to be a body advising the Premier about women's issues. However, I am happy to consider its advice and I am sorry it has not contacted me on whether it agrees with the detail of the Bill. I suggest to the Attorney-General it would be desirable for him to get in contact with that council. I have also had telephone conversations with the Young Women's Christian Association which also has expressed concern in that telephone conversation about the terms of the Bill, as has the Women's Action Alliance. The Bill does not have the support of substantial women's organisations in this State.

The situation put forward in this Bill on intestacy—and I am referring to the Bill and the amendments I understand the Minister is proposing to put forward—is that a spouse on intestacy where there has been no will made by the deceased partner will inherit that portion of the estate that amounts to $125 000. That has been fixed as the amount because it is the median price of a house. In addition a spouse is entitled to one-third of the balance of the estate. If there are no children the spouse will also receive the remainder of the estate, but if there are children the remaining two-thirds of the amount above the $125 000 will be divided among the children.

The Bill puts a de facto spouse in the position of a spouse so the de facto partner will take the spouse's share. That is only so if the de facto relationship has existed for two years and there is no spouse, or if there is a spouse if the deceased did not live with the spouse as a spouse for five years prior to his or her death.

In the Bill two years separation from the spouse was the test, but following representations from various people the amendments to be moved propose it now be five years. If there is both a spouse and a de facto the spouse will take, if the spouse has been living with the deceased at all during the five years preceding his or her death, or if the de facto relationship is less than two years. The de facto will take the spouse's share if there has been a relationship of two years or more and if the deceased has been separated from the spouse for five years.

It is going to be a matter largely of luck. There is no question of fairness in these provisions. It is all a question of timing. If one has happened to have lived with someone in a de facto relationship for one year, eleven months and 29 days one is not going to take any share of the estate no matter whether there might be a very strong moral obligation, whereas on the other hand if it is two years and one day the chances are that one will be able to inherit.

If one's partner dies on Monday one might miss out; if he or she dies on Wednesday one might inherit virtually the whole of the estate. There is also provision for a situation where a de facto partner will take the spouse's share if the de facto partner is living with the deceased at the date of death and the relationship is less than two years, but that is also dependent on there being no spouse and the deceased having left a child who is also the child of the de facto and the deceased having left no other children. There are quite a number of hurdles one has to go over there. There does not seem to be any notion of fairness involved.

There could be a situation where there is a one-year-old child of the deceased and his de facto partner. The relationship might have been seen by both the deceased and the

de facto partner as a long-term relationship. They might both have put a lot of effort into the home they are sharing and the death could not be anticipated, but the house is in the name of the male partner, which is very often the case.

If there are no other children of the deceased the de facto partner will inherit the spouse's share of the estate, but if the deceased had had another child, who may be an adult child of a long since ended relationship and perhaps the deceased had not seen that child for many years—they may have had nothing to do with each other as result of a previous marriage breakup—that adult child will take in preference to the de facto partner.

So there seems to be no rhyme nor reason in these particular provisions. They are all bound up with the fact that the government has decided to equate a de facto relationship with marriage, and to do that it has had to define some particular de facto relationships as being within the spirit of the Act and other de facto relationships as being outside the Act.

The terms "de facto partner" and "de facto relationship" are defined in clause 4 of the Bill. "De facto partner" basically means the relationship of a man with a woman or a woman with a man, at the date of death being the only person in a de facto relationship with the deceased. So it does not cover a situation where a person has more than one de facto partner, no matter how longstanding one or more of those de facto partnerships may have been.

The definition of a "de facto relationship" is a relationship as husband and wife between a man and a woman who are not married to each other. It should be noted that to meet the de facto partner test the partner must be in the de facto relationship at the date of death and that person must be the only person in the de facto relationship at that time.

In addition to looking at the definition in clause 4 there is a lot of case law about de facto relationships which would also need to be taken into account in determining the outcome of provisions in this Act. In summary it is a matter of chance, of timing and of the lifestyle of the deceased whether a spouse inherits or whether a de facto partner inherits, and whether a de facto partner inherits when there is also a spouse.

I should like to give some examples so that people can relate principles set out in the Bill to the everyday circumstances of those who will not inherit under these provisions. One example is where a wife is in a psychiatric institution for more than five years and during that time the husband has not tried to obtain a divorce; he has continued to be married but in the final two years before his death he lives with a de facto partner. He may have chosen not to get a divorce; he may have felt an obligation towards his wife and may have intended her to inherit, but if the de facto partnership has existed for two years, the de facto partner will take the wife's share on intestacy.

The second situation is that of a de facto partnership of less than two years where there is no spouse but where there is one child of the de facto partner and the deceased and where the de facto partner may be pregnant. In this case there will be no entitlement of the de facto partner if there is a child, possibly an adult child, from a previous relationship.

A third example is a de facto partnership of some longstanding, maybe twenty years, where there are five children of the relationship and where the male partner has recently entered into another de facto relationship. If the second relationship is of at least two years standing the second de facto partner will have rights to inherit over the previous de facto partner.

It has been recognised in the amendments prepared by the Attorney-General that claims to an estate will not be straightforward and that it is very likely there will be considerable dispute about whether a de facto relationship was in existence previously as well as a dispute about exactly how long the relationship has existed, whether the de facto partners were actually living in the de facto relationship on the date of death, and other information including whether there are other children of the deceased.

The amendments include an amendment to enable parties to go to court where there is a dispute about who will inherit in the case of intestacy and to enable a spouse or de facto partner to establish a claim. That is all very well, but there is an added complication because, as it was originally introduced, the Bill also contained a provision allowing certain people to make a claim to a court in cases where they felt they were not properly maintained out of the estate, whether because a will had not properly provided for them or because there was an intestacy, and as a result of intestacy provisions they had no claim.

I shall discuss those circumstances in more detail later, but the combination of these provisions means that where a person went to court initially to prove the de facto relationship and was unsuccessful in doing so, that person may have a second right to go to court and claim maintenance out of the estate. Equally, if the de facto partner was able to claim successfully under the intestacy provisions, some other relative of the deceased or indeed a spouse would have the right to go to court and make a claim for maintenance. So under the provisions proposed to be amended we have a bonanza for the legal profession, where in most cases there would be at lease two separate court proceedings.

The Opposition believes these matters should be resolved in court but it does not see the necessity for two hearings, nor does it see the necessity to set out these various tests and rules. It would be better for the courts to decide cases not on artificial and unfair criteria but on a case by case basis taking into consideration the reasonable expectation of a person to be maintained from the estate and the obligation of the deceased to maintain people in certain relationships.

This is an issue of considerable concern to women. I am sorry to see none of the women government members present. If any of them are listening to what I am saying from outside the Chamber or if they read this in *Hansard,* I suggest they examine the provisions in detail because they will be very detrimental to women.

I suggest they do not look at it simply as a question of the rights of de facto partners; they should consider the detail of the Bill. They will then see the unfairness of it and should then support the proposition that the Bill be withdrawn and referred to the Legal and Constitutional Committee. In that way a Bill will be introduced that does not set up a lottery system so that some deserving spouses and de facto partners will not inherit anything on intestacy.

The second set of provisions that affects de facto relationships is what I referred to earlier as maintenance provisions. For many years they have been referred to as testator's family maintenance provisions. They enable a person to apply to the Supreme Court for a share of an estate where that person has not been adequately provided for either in a will or on intestacy. Because of the apparent desire to equate some de facto relationships but not others with marriage, the provisions are just not fair.

The provisions considerably increase the number of people who can apply for maintenance from an estate. Currently the only people who can apply for maintenance from an estate are widows, widowers and children. The Attorney-General has informed the House that Victoria is the only State that does not permit de facto partners, former husbands and stepchildren to apply for maintenance. The provisions in the Bill are

far wider than that and contain a long list of people who can apply. However I make it clear that not all people involved in de facto relationships will be able to apply for maintenance.

One would generally have to be in favour of the expansion of the eligibility to make a claim, but it is unfortunate that some type of ideology has crept in so that former spouses have no claims unless they were divorced from their deceased partners less than twelve months before the date of death. De facto partners are eligible to make claims if they were living with their deceased partners at the date of death, even if it is for only a matter of days. However a former de facto partner, who may have ten children with the deceased and who may have been maintained by the deceased for many years, may not have any claim if the relationship ceased more than two years before the date of death. The provisions are not fair.

The Attorney-General circulated examples to illustrate the inadequacies of the maintenance and intestacy provisions. One of those examples was the case of A, a twenty-year-old man living with B, his nineteen-year-old fiancee. They owned a house in joint names but the equity was less than 10 per cent of its price. They had been living together for eighteen months and the wedding date had been set when A was killed in a motorbike accident. B subsequently discovered she was pregnant. A's occupational superannuation was sufficient to pay off the mortgage, but the terms of the statutory scheme provided that it form part of his estate. Although B could be appointed administrator of the estate, she would hold the money in trust for her child who would be absolutely entitled to it at the age of eighteen years. If B should miscarry, the parents of A would inherit the estate.

That is a sad story and one feels B should have the right to make a claim for maintenance. However if an additional fact is added to the situation, the provisions in the Bill do not cover it. I shall add the fact that a week before A's death he quarrelled with B and moved in with C, a wealthy, 30-year-old woman. In that case B would then have no claim under either the intestacy or maintenance provisions because she was not living with A at the date of his death and they had not lived together for more than two years. C would have a claim for maintenance. Clearly the provisions would not even meet the Attorney-General's examples if further complications arose.

I shall refer to another example, which again is a sad case. E lived in a Victorian country town and married in the 1940s. When he returned from armed service overseas his wife had disappeared. Some years later he began living with F. The cost and complexity of legal proceedings deterred E from divorcing his wife and he moved with F to another country town where the neighbours believed they were married. All assets subequently acquired were in E's name and on his death his estate passed to his wife with whom he had not had contact for 40 years.

It was fairly common at a time when divorces were hard to get for people to enter into de facto relationships having lost touch with their spouses for one reason or another. Very often the reasons were associated with the second world war. It was not uncommon for two people to live together and have a number of children but not marry or divorce previous partners because of the fear of people finding out about their de facto relationships. I am aware of a number of cases of people who have lived together for 20 or 30 years and who have not married for one reason or another. In those cases the partners would be left without any claim on the estate.

I shall refer again to E, who had a de facto relationship for 28 years and moved into a house in his name which was maintained by both him and his de facto partner. I shall again add an additional fact. E found someone else he was attracted to and decided to live in Queensland with G. He told F that she could remain in the house while he went to Queensland with G, not expecting to come back. E died two years later without

making a will. In that case, F would get nothing, nor would she be entitled to make a maintenance application. The second de facto partner, G, would inherit the entire estate, including the house.

It is not possible to judge the legislation simply by giving a couple of examples and saying the Bill caters for them. One must go beyond that and think of situations the provisions should cover but do not. The Women's Electoral Lobby and I have thought of many examples not covered by the Bill.

Even if people are eligible to claim under the maintenance provisions, it does not necessarily mean that their claims will be successful. If the provisions are to be widened they should be widened in a fair and sensible way. It should not be a lottery so that if a person dies on a Monday one partner is eligible to make a maintenance application but if he or she dies on a Wednesday another partner is eligible.

The Bill provides that those who make frivolous and vexations applications must bear the cost of the applications. The Opposition supports that provision. It should be sufficient deterrent to those applicants who have no real claim under the measure.

The Opposition is concerned about the provisions proposed in new section 95, which specifies the matters to be taken into account by a court when considering an application. The present section, as well as a vast amount of case law, will be superseded by the new section and that may result in more weight being given to those matters listed in proposed new section 95 (2).

It is not clear to me whether the matters listed in proposed subsection (2) are appropriate. I believe those matters should be examined closely by the Legal and Constitutional Committee and if we are to expand the list of people who can make applications for maintenance, there should be some concept of moral obligation on the part of the deceased to support the person who is making the application. This does not necessarily mean that the person was a dependant of the deceased person. It is a difficult issue and it needs to be examined.

There are a number of other important issues covered by the Bill. A limitation has been imposed on family members who can share in an estate on intestacy. Currently there is virtually no limit on family members who can share in an intestacy and as a result searches are undertaken to find remote relatives who may inherit. The limitation will reduce delays in the distribution of estates because it will no longer be necessary to search for remote relatives. If there are no relatives who come within the definition of the list of people who can inherit on an intestacy, the Crown—that is, the State of Victoria—will take the estate. That is something the Attorney-General forgot to inform the House about during his second-reading speech. That clause should be referred to the Legal and Constitutional Committee. There are aspects in its favour—I am not aware of any major problems—but it is a clause that needs consideration.

The Opposition would be happy to support the spirit of the clause that provides that a will is revoked by a divorce or by the marriage being annulled; however, along with many of the provisions in the Bill, the clause appears to be deficient because it should include a provision that a person is able to make a will in contemplation of divorce, as a will can be made in contemplation of marriage, which will survive the divorce.

Provision is made for de facto partners being able to elect to take the principal place of residence where there is an entitlement to part of the estate. Even if one were to accept that principle there might be a reason why it is not appropriate for a de facto partner to be able to choose to take as his or her part of the estate the principal place of residence of the deceased. I do not know whether the Attorney-General has considered a situation where a deceased person's children from a previous marriage are living with the deceased and their grandparents in what is described as the principal

place of residence. The deceased may have entered into a de facto partnership and may live on a part-time basis elsewhere with that de facto partner. It might be a genuine de facto relationship and that provision would allow the children and the grandparents to be thrown out of the deceased's principal place of residence so that the de facto partner can take it as his or her share of the estate.

There is a series of amendments changing the position on intestacy, where there is a joint ownership of property and even where there is a will to provide that a person will not inherit property unless the person survives for thirty days after the death of the deceased. Those provisions were put forward in good faith but they appear to be "the government knows best" type of provisions. Whatever one might have put in one's will, the government knows best what one should have put in one's will. Whatever one believes should be the outcome of an intestacy or of joint ownership the government has provided this overrider.

I suggest a large number of people will have to include a provision in their wills that they do not want this particular overrider to apply. I have included a 30-day survivorship provision in my will but it is not always the best thing to do. Where people have young children and a spouse who often travel in the same vehicle it is appropriate. Where people are not in the habit of travelling together it might not be appropriate to have a 30-day survivorship provision in a will.

This has a plain English implication. I know how interested the Attorney-General is in plain English. Wills will be cluttered up by claims stating that the Administration and Probate Act does not apply. Testators will be making wills that are difficult for them to understand because of such technical statements. Certainly it would be undesirable for people to draft their own wills.

There are a number of provisions in the Bill which have the support of the opposition parties. I believe the Bill should be divided into two parts. The major portion of the Bill should be referred to the Legal and Constitutional Committee and that should include all the provisions on de factos and some other provisions that the opposition parties are concerned about. However we have no objection to identifying those provisions we do not oppose. The Attorney-General could withdraw the Bill and introduce a smaller Bill that would have the support of all parties. I also stress that the opposition parties do not oppose the spirit of the Bill, which gives rights to de factos. We are not suggesting that there should be no rights at all for de factos but we do suggest that the Bill in its present form is unworkable and unfair.

Mr THOMSON (Pascoe Vale)—The Administration and Probate (Amendment) Bill endeavours to deal with the complex problems arising when a person dies without making a will. Honourable members should note it is estimated something in the order of six out of ten Victorians die intestate—that is, without leaving a valid will—which represents a high proportion of Victorians in that category. Victorians can only be urged to make wills and make their intentions clear. However if somebody dies without making a will, the question arises as to what should happen with the estate. Parliament legislates to try to clarify the situation. Honourable members try to put themselves into the shoes of the person who has died and attempt to answer the question as to what the person would have wanted had he or she had the foresight to make a will before death.

As I said, complex problems arise. All sorts of different issues are thrown up and anomalies present themselves. What the Opposition is saying this afternoon, after throwing up its hands, so to speak, is, "It is all too hard and we are not going to do something to address the injustices that arise when a person dies without leaving a will". That has been essentially the thrust of the contribution of the honourable member for Kew this afternoon.

I refer firstly to the nature and size of the problem the proposed legislation endeavours to address. According to the 1986 census statistics some 86 000 Victorians indicated they were living in de facto relationships. No direct information exists concerning the number of Victorians who die leaving de facto partners. From the available statistics one could estimate each year some 200 Victorians die while living in de facto relationships and of those 200 between 30 and 100—I suspect perhaps more—will leave significant assets but will not leave wills taking into account their de facto relationships. I suggest also that the 1986 census underestimates the true number of de facto relationships. Many people would not indicate on census forms that they are living in such relationships. One reason might be that they are concerned about the confidentiality of the information.

De facto relationships are more common among young people than among middle aged or elderly people. According to the census figures 31 per cent of de facto relationships involve men under the age of 25 years, while fewer than 1 per cent of couples in de facto relationships include men of 65 years or over. Using those figures one could conclude that each year 200 Victorians die while living in de facto relationships. In cases where the administration of probate is granted, approximately half the Victorians who die each year have no significant assets or leave assets in joint names only.

The honourable member for Kew referred to two good examples of cases that describe the sorts of problems that arise with de facto relationships and the law of succession. I recap briefly on those cases. In the first example an engaged couple—a twenty-year-old man and a nineteen-year-old woman—were living together. The man was killed in a motorbike accident and his fiance found she was pregnant. The man's occupational superannuation was enough to pay the mortgage on the property they had purchased. However the woman was not able to gain access to the occupational superannuation because the terms of the statutory scheme provided that it would form part of his estate, which was to be kept in trust for the child, who would be entitled to it at age eighteen years. The occupational superannuation would be of no value to the woman who desperately needed it to improve her equity in the house. In such a case, where a woman will have the care of a young child, she is a prime candidate for social security and would be entitled to receive a pension as a single mother. The situation is an unhappy one to have to face and is an important example.

I suggest to honourable members that the twisted facts introduced by the honourable member for Kew in an attempt to discredit the proposed legislation can be disregarded. If the engaged couple had broken up and the man or woman moved on to different relationships, one might well assume he or she wanted to do something entirely different with the assets left upon his or her death. The job of honourable members is to try to determine the interests or wishes of a person who has died as they would be expressed if he or she had had the foresight to make the decision. A false set of circumstances is presented in suggesting if the couple separated and one formed a new relationship the same distribution of assets would be required as is envisaged in the situation honourable members are considering.

The same applies to the other example given by the honourable member for Kew, who said quite correctly that it is a common example. The honourable member for Kew referred to couples who separated during the second world war, with one partner going off to war and not returning, or various other circumstances arising. She described a situation in which a new, that is, a de facto, relationship was formed—before 1975 the divorce laws were restrictive; it was difficult to get divorces, so during that period many de facto relationships were formed. Those relationships have continued beyond 1975 to the present time.

The honourable member for Kew pointed out also that many people in those circumstances would be reluctant to go through the process of obtaining divorces and marrying anew—notwithstanding that now the divorce laws are more liberal—perhaps because they have been holding themselves out to families, friends and neighbours as married couples and do not want their past lives uncovered, as it were.

In those situations, once again the prospect of grave injustice arises if one of the partners dies without leaving a will. The proposed legislation attempts to address the situations referred to. Once again it is a distortion of the facts to say a partner might move on and form a new relationship and that relationship must be dealt with as well. The relationships addressed by the proposed legislation are de facto relationships of some standing. The Bill provides that the de facto relationship must be of at least two years duration. The Bill seeks to address the injustices arising in cases similar to those to which the honourable member for Kew referred.

I shall outline briefly a number of provisions of the Bill. At present the only family members who may apply to the Supreme Court for family provision from a deceased estate are the deceased's widow or widower and children, and a former wife who is entitled to receive maintenance. The Bill extends that right to de facto partners, former spouses—where the divorces were obtained less than twelve months before the death—stepchildren who lived in the deceased's household as family members at the time of death, any person wholly or partly dependent over the twelve months before the death and, finally, former de facto spouses in narrowly defined circumstances. Arguments were presented that the provision was too wide and could encourage unmeritorious claims; as a result amendments were made to the Bill. The category of applicants is restricted to dependent parents and grandchildren of the deceased and dependent members of the deceased's household—which would include former spouses—de facto partners, children and stepchildren, who can still apply under other provisions of the Bill without showing dependency.

The current situation is that de facto partners can inherit if there is a child of the relationship between the de facto partner and the deceased, or if the deceased has no legal spouse or children and the couple had lived together for at least a year, or if the de facto and deceased had lived together for at least two years and during that period the deceased did not live with his or her legal spouse. The Bill provides that either a de facto relationship must last for at least two years, or if the deceased had left the spouse, that that person had not lived with the spouse for at least five years; otherwise the entire estate would pass to the children of the de facto partner.

The other situation dealt with by the Bill is that the spouse's share of the estate is increased from $50 000 plus one-third of the remainder of the estate to $125 000 plus one-third of the remainder and the $125 000 is drawn from the median price of a house in Melbourne. That figure had not been increased since 1977.

At present there is no limitation on beneficiaries, that is to say, no limitation on the remoteness of relatives who may be entitled to benefit on intestacy. That has led to delays of anything up to ten years in the distribution of estates and the dissipation of estates in search of the next-of-kin. The Bill limits the relatives who can inherit on intestacy to first cousins and to closer relatives.

The Bill also deals with simultaneous deaths by providing that one is not able to inherit under a will or intestacy provisions unless one survives the deceased by 30 days. That provision is designed to eliminate the iniquitous situation which occurs if spouses die together. The normal situation is that relatives of the younger spouse inherit the bulk of both estates.

Finally the Bill provides for the revocation of wills on divorce. It is not widely known in the community that divorce does not necessarily lead to the revocation of a will.

We certainly regard it as likely that in the event of a divorce the testator would wish the estate to be distributed differently and the Bill will make that possible.

A number of arguments have been advanced against de facto partners being entitled to inherit. It is suggested that the lack of formal legal commitment reflects a lack of financial or emotional commitment to the partner, that this can undermine the sanctity of marriage, that it is sufficient to give a de facto's partner the right to apply for family provisions from the Supreme Court and, finally, that there is the difficulty of proving that a person is a de facto partner.

The criteria in the Bill are designed to identify situations where there is sufficient commitment between the partners to justify inheritance and that, in many cases, de facto relationships can be of many years standing and there is no-one else with any comparable moral claim on the estate. The alternative beneficiary can be a legal spouse whom the deceased person had not seen for many years. The alternative beneficiary could be a cousin or even the Crown, so it seems to me to be quite unnecessary in those circumstances to say that de facto partners need to make a Supreme Court application for family provision because that application might completely consume a small estate.

Finally it is not widely known that de facto partners do not inherit on intestacy. The provisions of the Family Law Act which permit de facto partners to claim an interest in property during the lifetime of their partner may have contributed to this misunderstanding. The Bill is intended to give effect to the intention of people living in de facto relationships who die intestate.

The honourable member for Kew mentioned the arbitrary nature of the time limits and suggested that a time limit of two years to establish the seriousness of a de facto relationship can lead to injustices where a de facto relationship lasts for one year and 364 days. That seems to be a poor argument. The point is that the line must be drawn somewhere and some injustice may flow from that. The alternative is to simply throw our hands in the air and say we will not address the problem. The Bill provides for a greater degree of justice than currently applies and should be supported for that reason, irrespective of the fact that the time limit must be drawn somewhere.

The other argument was the possible unfairness to spouses. It should be pointed out that the only circumstances in which a spouse will not inherit is if he or she had not lived with the person who has died, and there was a de facto relationship of at least two years duration. In those circumstances it is reasonable to assume that the deceased had different intentions and that the estranged spouse should not have the same automatic right to inherit.

Where a spouse does have a legitimate claim to support from the estate, for example, to replace maintenance payments, it remains possible to meet this through a testator's family maintenance application. That avenue remains open to spouses. Under the present situation a de facto partner can make a testator's family maintenance application but it should be noted that there are some unsatisfactory arrangements about these. In the first place, the testator's family maintenance application is based on the concept of need and an order can be made only if the distribution of the estate makes adequate provision for the proper maintenance and support of the applicant. As a result of this some partners in longstanding de facto relationships will receive nothing.

The second weakness is that testator's family maintenance applications are costly and can seriously deplete a small or medium-sized estate. An uncontested application can cost $4000 and a contested application can cost between $20 000 and $50 000. Alternative beneficiaries have an incentive to pile up legal costs and deprive the

applicant of the fruits of victory. The Opposition's approach carries with it the risk of enriching the legal profession at the expense of the bereaved.

If the estate passes to a minor child of a de facto partner, the State Trustees must be appointed as administrator to defend applications. That can result in a further drain on the estate. In addition delays on these applications can last between twelve months and two years and that causes financial insecurity and personal animosity which can be destructive to the bereaved.

Another point made by the Opposition was that the Bill equates the rights of de facto partners with those of spouses. The Bill does not do that. A reading of the Bill reveals that although a spouse is entitled to inherit from the day of the marriage, a de facto partner must wait for two years to establish the seriousness of the relationship. Where there is both a de facto partner and a spouse, the spouse takes precedence until it is clear beyond all doubt that the marriage had broken down.

The final objection to the Bill is that it is part of some ideological framework. It should be noted that the Bill enjoys the support of the Law Institute of Victoria and the Victorian Bar Council so it covers a wide ideological spectrum.

The Bill endeavours to address an area of serious injustice. As I said at the outset, many Victorians find themselves in the situation dealt with by the Bill and the government is to be commended for having the courage to address this area of injustice rather than saying, as the Opposition appears to be doing, that this area is too hard, too complex and has too many anomalies, therefore we will not deal with it. I commend the Bill to the House.

Mr JOHN (Bendigo East)—I support the remarks of the honourable member for Kew, who went into considerable detail in outlining some of the problems that the coalition sees with this Bill. I have no doubt that injustices and anomalies will occur where no will has been made by a person who had been in a de facto relationship in the past. There is no doubt that numerous examples could be put to the House—and some have been put to the House by the honourable member for Kew and the honourable member for Pascoe Vale—of unjust circumstances that can and do occur, but which ought not to occur, for people who have lived in either a marriage relationship or a de facto relationship. No-one doubts the need for reform of the law in this area.

I place on record that the opposition parties are most cognisant of the need for compassion and sympathy in cases where people have lived together for a very long period, where there has been considerable dependency, where there may be children from the de facto relationship and where, as a result of the legal system that currently exists, an injustice occurs to the surviving de facto partner. Having said that, in my view and in the view of my party this Bill would not cure all those problems. In fact, it could cause more problems than it would solve.

The objects of the Bill as presented to the House are: to widen the scope of testator's family maintenance provisions—that is, the Part IV provisions; to alter the statutory scheme of distribution on intestacy; to change the way wills are made; and, in doing all that, to make other changes to improve the administration of the principal Act, which is the Administration and Probate Act 1958, as well as the State Trust Corporation of Victoria Act 1987.

This Bill amends the Administration and Probate Act, the Wills Act, the Property Law Act and the State Trust Corporation of Victoria Act. We cannot support the Bill in its present form. As has been outlined to the House in very detailed fashion by the honourable member for Kew, a huge number of amendments have been circulated, so that when you examine your file, the original legislation and the first and subsequent

drafts of the amendments that have been circulated, in the end you are uncertain of what provisions the government wishes to introduce.

In substance the government's proposed new laws would increase the rights of de facto partners, and that could open the whole area to abuse. It is not that I do not wish to see people in de facto relationships protected by the law in cases where anomalies might occur, but I do not want to see the whole legal system being open to abuse; that would be like throwing the baby out with the bath water.

As the government has said, the purpose of the Bill is to bring the law more into line with modern lifestyles. No-one has any argument with the spirit of the Bill or the intention of the government in this regard. However, as I said, I believe this Bill would cause more trouble than it would solve. In some circumstances it would give de facto partners greater rights than spouses; it would also create more loopholes that would enable people to claim they were de factos and, in certain circumstances, rip off genuine beneficiaries.

If it were enacted in its present form, the Bill could give rise to circumstances where what we would term the legal children, that is, children from marriage relationships, could miss out on their rightful inheritance compared with other persons who do not have as legitimate a claim. The Bill would allow people who have been involved in extremely short-term relationships to get their hands on rich estates where large amounts of money and property are involved.

Although I say the existing law needs to be revised, I point out this Bill will not achieve that purpose. We consulted widely with members of the legal profession and members of the community in coming to a position on this Bill. I spoke to at least half a dozen people whom I know either personally or by reputation as being the most senior and expert people in this area of law, who are practising as solicitors or in other capacities and dealing with cases where injustices have occurred and acting in court actions in these sorts of matters. They were horrified by the drafting of some of the provisions of this legislation. In fairness I should point out that I do not believe the Attorney-General has been involved with this Bill from its inception; in many respects he has inherited the poisoned chalice.

The approach that the opposition parties have suggested to the government is that this Bill be referred to the Legal and Constitutional Committee, the joint Parliamentary committee which is probably the most expert in this place, to consider all the ramifications and to make recommendations to the government so that the government can introduce legislation that can receive the support of all parties. This ought not to be a party political matter. It ought to be a matter of getting the legal system right, getting a proper procedure in place, and getting the principles right so that we can protect the rights of all people in our community.

So often in this Parliament—and particularly on the Opposition side of politics, because of the nature of being an Opposition member—one is critical and at times one can be said to be negative. However it is important for Opposition members, where appropriate, to put forward positive suggestions to the government that it can take on board and positive suggestions that can be referred to the Legal and Constitutional Committee for consideration when making recommendations on how to improve this area of the law.

The main problem in this kind of legislation is how one defines the status of a surviving partner from a de facto relationship. Another problem in this Bill is that in a sense it sets out two streams of court procedure, which means duplicating resources. The honourable member for Pascoe Vale has said that all the opposition parties wish to do is to line the pockets of lawyers. That is just not so.

So often one can take—and we do see it from time to time with lawyers on the government side—what I call a chip-on-the-shoulder approach to the legal profession. If one takes that approach one can end up with poorer and more complicated laws that are not as just as they otherwise would or should be. I suggest the best approach in handling this legislation is to amend Part IV of the Administration and Probate Act.

Mr Cole interjected.

Mr JOHN—As the honourable member for Melbourne says by interjection, it would be a very good idea if everbody made wills, because that would solve many problems; that would be appropriate if that was what they wished to do. However the fact is that people neglect to make wills and we have a responsibility to put in place a legal structure that can provide for people in those situations.

I suggest the government should consider amending Part IV of the Act and forget about the new provisions that are contained in the Bill. If it amended the Part IV provisions and in a sense relied on a dependency or substantial dependency test, it could achieve a great deal in solving some of these injustices. As the honourable member for Kew said when she gave some examples, and as the honourable member for Pascoe Vale has said, each case is different. Each substantial dependency case also has its individual variations in human, property and financial matters, and different circumstances may be involved.

If the House adopted an approach of dependency or substantial dependency under Part IV of the Act, the different issues could be taken into account and a court could give weight to the competing claims; the merits of the case could be carefully balanced. Finality can be reached with reasonable promptitude after a death occurs with no problems stored for the future if this approach is adopted; by doing that, you have one set of rules applicable for intestate and non-intestate estates.

Part IV deals with the issues of concern and there is no need for complicated sets of rules for de facto relationships. While no doubt there are cases in which the merits of a de facto partner outweigh the claim of the children or the next of kin, it is not possible in the myriad of relationships to set out legislation to cover all cases. It cannot be done. The government could go a long way towards solving today's problems by taking those remarks on board and by referring the concerns expressed about the Bill, particularly relating to dependency or substantial dependency tests, to the Legal and Constitutional Committee. There are not a vast number of cases where huge injustices can occur. However, the ones that have occurred and the ones that will occur are serious enough because of the injustice that can be involved, for the subject to be examined.

I support the remarks of the honourable member for Kew. The Bill is unsatisfactory in its present form; it is very badly drafted. It will not do the task that is sets out to do, and I support the view that the substance of the Bill should be referred to the Legal and Constitutional Committee.

Mr ROSS-EDWARDS (Shepparton)—I support the view put by the honourable members for Kew and Bendigo East to reject the legislation, and their suggestion that it be referred to the Legal and Constitutional Committee. When I say "reject" I certainly do not reject the Bill outright. A genuine attempt has been made to tackle some very difficult legal situations which occur today.

One particular objective that has been included is to provide that a person does not share an intestate unless he or she survives by 30 days the interest intested. I could not agree more with that provision because those who have made wills over the years almost invariably have inserted a 30 day clause; otherwise the result may be other

than what is desired. A person may wish to provide for someone but not for people who may be unknown and who would be the beneficiaries under the estate of the person to whom the money has been left. I certainly support that concept.

I agree with the honourable member for Bendigo East that dependency is the main criterion; it is not so much the de facto relationship. I may be accused of being old-fashioned but I am still at a loss to know what de facto means. I have acted for some families who have had some very unusual de facto situations. I remember one testator who had two families—one being a de facto relationship, the other an official marriage. His children were as a result of both relationships but it was very difficult for anyone to decide justly in that case.

I have known of children of exactly the same age by different mothers; to decide who was morally the wife—the de facto or the legal person—would be very hard.

Mrs Wade interjected.

Mr ROSS-EDWARDS—The honourable member for Kew says that South Australia thinks they should share but one would need the wisdom of Solomon to know the true answer. Those in the old school realise that the de facto situation is here to stay, unfortunately, and must be tackled. It cannot be swept under the carpet, thinking that such situations do not exist.

Some de facto relationships are very good and very lasting, and may be better than many legal marital relationships. I am the first to accept that. Many years ago I learnt not to cast judgment on the relationship of anyone else; if you are able to look after yourself in the world today you are doing very well, without casting judgment on anyone else.

When I first came into this place this problem would automatically have gone to what is now known as the Legal and Constitutional Committee for consideration. Agreement would have been reached because of that course. I wish to see amendments containing many of the principles in this legislation finally passed. I know there have been many divisions in the Law Institute of Victoria about this.

Mr Kennan—They voted for it.

Mr ROSS-EDWARDS—Yes, but it was not easy.

Mr Kennan—Like Parliament.

Mr ROSS-EDWARDS—Yes, like Parliament. Upon reflection, this would be the first time I can remember the National Party not agreeing with the Law Institute; it is a long time since it has not taken notice of the Law Institute's view. We tend to take note of what bodies representing the profession want. Sometimes it may have altered after discussions but consistently we have operated along similar lines. The only comfort now is that perhaps there are different views behind the scenes in the same way as the opposition parties have differences.

One suggestion I have for the Attorney-General is for a paper concerning the making of a will to be prepared for children in their final years at school. Local lawyers could give 40-minute sessions to the school to explain the implications of making wills. A will can now be made at age eighteen years. If this information were distributed to children in, say, years 11 and 12, and was explained by a schoolmaster or schoolmistress, or preferably by a local lawyer as a community service, it would assist in future.

I never cease to be amazed at how often I have to tell my friends who are getting married that the moment they get married they do not have a will. They may be getting married for the second time, after being divorced, and after having made a will

for their children, but as soon as they are married—whether for the first or the second time—any will is invalid. They seem to feel comfortable that having made a will, they are covered. A will can be made in anticipation of a marriage or immediately after a marriage.

Years ago, a friend of mine was married. The lawyer was in a side room at the family home where the reception was to be held. After leaving the church, and before anything else, the couple went to that side room and signed their wills. They made their intentions perfectly clear.

A considerable amount of money was involved and the couple put first things first and fixed up the money side before they had the party and celebrations that followed. If anything had happened and the will was questioned I could imagine a judge, on looking at the date of the will, wondering whether it was made before the marriage ceremony or after the ceremony.

The measure has been on the Notice Paper for fourteen months, but I cannot blame the Attorney-General because he has not been the Minister for all that period. I urge him to refer the legislation to the Legal and Constitutional Committee and to put a time frame on its deliberations. In principle there is not much between the prospective views of the major parties.

The Opposition believes it would be better to put the emphasis on dependency rather than on the de facto relationship. Many people talk about marriage as being only a piece of paper. Without going into the details of that, if a couple is married they have a legal bond, which is not the case if they are in a de facto relationship. If a couple is married it is simple; they do not have to argue the toss.

The matter must be pursued and pursued quickly. I do not know if the Attorney-General heard my remarks about a paper on wills being issued to all year 11 and 12 students, followed up by information from the legal profession about the necessity to make wills and the problems people have if they do not do so. If people enter into genuine de facto relationships they owe it to each other to make new wills because, if they do not, they are behaving in an ill-considered and unfair way to their partners.

The legislation is interesting, and I hope it returns to the House in an amended form so that it can be passed and add a new chapter to the laws of the State.

Mr CLARK (Balwyn)—The Bill is another example of the government attempting to make some change where change is needed but, instead of making the correct changes, making a complete hash of the situation and creating more trouble than existed in the first instance.

The honourable members for Kew and Shepparton pointed out how long the Bill has been on the Notice Paper and under constant review. As the honourable member for Kew indicated, there are some 61 amendments proposed to the Bill—an intolerable situation.

I was interested to hear the honourable member for Shepparton say that in the past such a measure would have been referred to the Legal and Constitutional Committee or similar body where it could have been given an expert bipartisan review and consideration and then could come back to Parliament, hopefully on an agreed and non-controversial basis, instead of Parliament being put into the position of wrestling with a complicated piece of legislation without the benefit of expert advice. For that reason as much as any other, I support the proposal that the Bill, with the possible exception of a few minor provisions that are not controversial, be referred to the Legal and Constitutional Committee for examination.

I am concerned about a number of aspects of the Bill which are a gross infringement of civil liberties. In particular they undermine the right of people to enter de facto relationships without having the consequences of marriage imposed upon them. Whether one personally agrees with de facto relationships is beside the point. People have the right in our society to enter into such relationships and, when they do so, they do so probably in the vast majority of cases deliberately intending not to attract the consequences of marriage to their relationships. In many instances the Bill imposes the consequences of marriage upon people who choose deliberately to enter into a different relationship.

The example given by the honourable member for Kew which was referred to her by the Women's Electoral Lobby is a case in point, because it involved a de facto husband of relatively short standing who, by operation of the legislation, could obtain a substantial part of the estate previously acquired by the de facto wife if she should die. Speaking more generally, the problems with the intestacy provisions of the Bill, as initially put forward, mean that a person who spends even a short period with the de facto partner acquires the right to obtain part of the estate. I refer in particular to proposed section 51 (3) (*b*) of the Bill, which provides that:

> . . . a de facto partner of an intestate is entitled to the share of the residuary estate a spouse is (or would be, if there were a spouse) entitled to under this section and section 52 . . .
>
> (*b*) if—
>
> (i) the intestate does not leave a spouse; and
>
> (ii) at the date of the intestate's death, the de facto relationship had been in existence for at least 1 year immediately before the death;

I gather the amendments will change that provision, but it shows how ridiculous the legislation was in the first place. How do people know in that situation, where the couple had a de facto relationship of one year's standing and where the partners did not have a matrimonial commitment, whether the intention was that the surviving partner take the estate of the deceased?

It is quite likely that would be contrary to the wishes of one or both partners to the relationship, yet the Bill imposes that consequence on those parties. As the honourable member for Kew pointed out, the Bill would often override express arrangements that the parties to de facto relationships had made in other instances, if there were prior marriage arrangements yet one partner to the de facto relationship had made separate provision for the legal spouse. This would be overridden by the Bill.

When one turns to the testator's family maintenance provision one sees that the category of people applying for maintenance has been expanded dramatically, under both the provisions of the Bill and the amendments being circulated. The concern about this is that it will encourage many people who fit under one of the expanded headings, but have no particular meritorious claim to a share of the estate, nonetheless having a go to see what they can get. As proposed in the amendments, vexatious and/or frivolous applications for orders by the party concerned are subject to an order for costs, and that is sensible, but it is an extreme instance where a judge will hold that the application is frivolous or vexatious and there will be many losing applications which, on any reasonable view before the case is heard, deserve to lose yet would not be classified as frivolous or vexatious. People who fall into that category of cases could either have a go against the estate or threaten to do so just to see what they come up with because there is nothing to lose and the cost will be paid out of the estate. These are serious deficiencies in the present Bill.

I do not say provision should not be made for de facto partners in certain circumstances, but exactly how one makes provision is a subject on which different people have different views, and this is exactly the subject on which a considered view from a body

such as the Legal and Constitutional Committee would be desirable. However, it seems that there are two separate principles that should apply when dealing with estates. We must be careful to separate the principles that should apply in the event of an intestacy from those that should apply when there is a will.

In the event of intestacy what we are trying to do is second guess the wishes of the deceased person. A point made by the honourable member for Pascoe Vale was that this is often a difficult thing to do and Parliament will never get it 100 per cent right. As the honourable member for Bendigo East and others have indicated, it is far preferable for people to make wills but nonetheless, as we know, people do not and Parliament is left to resolve the situation.

In that situation we as a Parliament should try to anticipate what the deceased would have wanted as best we can in criteria or mechanisms that we lay down in the legislation. I would make a further proposition here: that the criteria we lay down in the legislation should err on the side of conservatism rather than on the side of radical or innovative provisions. The reason is that if the provisions in the legislation are conservative it is more likely that people generally will know what the law is. If the law in this area is trying to be a pacesetter and anticipating modern community trends or values, it will be far more likely that a significant proportion of people will not know what the legislation provides and, therefore, they will not know what the default provision is if they fail to make wills. We should err on the side of conservatism but nonetheless recognise changing circumstances in society. In particular we should recognise de facto relationships and try to spell out a set of criteria and mechanisms under which de facto relationships are recognised where we can be fairly sure that the deceased would have wanted the de facto partner to derive benefit under the estate and we should cater for such situations of intestacy.

The situation of testator's family maintenance, where there is a will, is completely different. It seems to me that where there is a will the class of persons who should be able to apply to the court to override the will should be the class of persons to whom the deceased owed what was basically a duty to support, be that a legal duty or, perhaps, a moral duty. That class should be fairly narrowly defined because you have to recognise that if there is a will you are not second guessing what the deceased would have wanted; you are choosing to override the wishes of the deceased and impose on the deceased, a result which the deceased probably would not have wanted.

There may be instances where the will gets out of date and does not adequately reflect the wishes of the deceased but that is not something that we can deal with as a Parliament. We have to leave people with the basic responsibility to look after their own affairs in that regard. If people make wills we have to leave with them the basic responsibility to update those wills.

Leaving aside the situation where there is a will, the testator's family maintenance provisions will override other expressed wishes of the deceased and for that reason the classes of people who should be able to benefit in that situation should, in my opinion, be fairly limited. The Bill confuses those two categories of cases: testator's family maintenance and intestacy. For example, there is an unfettered right for a de facto partner to make an application for family maintenance, or what was previously referred to as testator's family maintenance. That is an extremely broad category of persons. It seems to me that the category of de facto partners who are entitled to apply for an allocation out of an estate to override the wishes of the deceased who has made a will should be extremely limited. There should be stringent time periods for the relationships or other requirements imposed on such persons.

Another example appears in the catch all paragraph in clause 16 (*h*) which seeks to insert in the definition of "eligible person" in section 90 of the principal Act the following:

> Any person who had been wholly or partly dependent on the deceased during the entire twelve month period immediately before the deceased's death.

I gather that provision will be deleted in the amendments proposed by the Attorney-General and be replaced by reference to the parents or grandchildren of the deceased. In the former case and also in the latter case, those categories are unduly wide. Do we want to decide as a categorical proposition that persons in those categories are entitled to have a will overriden for their benefit? I should add that, lest one argues that the court is to apply the test that:

> the share of the estate to which the person is entitled under the deceased's will or Division 6 of Part 1, or both, is not adequate to provide for the proper maintenance and support of the eligible person.

If one examines that provision in the context of the categories of people who can apply, one realises it is difficult for the court to apply that test properly. How does one determine what is adequate to provide for proper maintenance of a person in a de facto relationship or someone partly dependent on the deceased or parents or a grandchild? In former times, when family relationships were more stable, it might have been quite easy to ascertain a general consensus as to what was proper. Once you extend the categories of people who can apply and once you move into less certain times such as the present, that test becomes extremely difficult to resolve.

The question has been raised as to what we should do to overcome those problems. It is extremely difficult to answer that question. It is for that reason that the coalition believes the Bill should be referred to the Legal and Constitutional Committee. There are a variety of possible solutions and I put forward one possible change to the scheme of the legislation, not out of any definite conviction that it is the correct one but simply as a proposition that ought to be considered.

Why should the Bill not provide in relation to intestacy, firstly, that there are fixed and definite categories of people who are entitled to take a share under the estate of an intestate person—as the legislation does at present—but expanded to include a limited number of categories of de facto relationships and others where it is pretty certain that the deceased person would have wanted the de facto in that situation to take the benefit? Why not supplement that provision with a provision that persons in a further range of cases where there may or may not be a cause to derive benefit under the estate may apply to the court for an allocation, in discretion?

It seems that is where the general provisions relating to de facto partners and parents and grandchildren should be—not in the testator's family maintenance sections of the legislation but in the intestacy provisions. In the testator's family maintenance provisions of the legislation one would have a narrow category of people who can make application to the court and one would presumably also provide that the two types of application to the court are alternatives in the situation where there is no will.

It seems that such changes would go some way towards achieving our objective of ensuring, so far as possible, that we provide for what an intestate person would have wanted. We would have a fixed category where it is reasonably clear that a deceased would have wanted persons in that category to derive benefit and we would have a wider discretionary category that would have to be determined on a case-by-case basis. However, where a will is left by the deceased the circumstances in which that will can be overriden would be much narrower.

In addition to the problems relating to de factos there are a number of other miscellaneous difficulties with the Bill which the honourable member for Kew has

covered, and I must compliment her on her most detailed coverage of this complex piece of legislation. I do not intend to go over the ground that she has covered but I want to make a few brief comments on the provisions that alter the rules of inheritance when family members or beneficiaries die within a relatively short time of each other and which alter provisions for joint tenancies.

As the honourable member for Shepparton indicated, many wills do make provision for survivorship. The beneficiary must survive for 30 days before he or she can inherit. That is usually a very desirable provision. I have no particular concern about putting in a corresponding provision in the case of intestacy. It is probably the best possible guess the Parliament could make as to what is an appropriate provision.

However, I am concerned that the provision is also imposed on wills. Even if it is expressed to be subject to a contrary intention in the will there is the problem that the person making the will has to realise the existence of the provision and override it. More importantly, the provision, as I read it, will affect wills that have been made in previous times and which come into operation after the passage of the Act. How could a person who has previously made a will have anticipated this change to the law if that person did not want the survivorship rule to apply? It is all very well to say the persons concerned should go out and make new wills. Why should they be forced to? Any competent lawyer advising on the making of wills at the present time will turn his or her mind to the question of survivorship and advise the client appropriately. I see no reason for Parliament to override the situation where a will exists.

There is a similar concern relating to joint tenancies where the legislation will impose a severance of a joint tenancy and deems the deceased to hold as a tenant in common. Again the question arises as to why that provision should be imposed where there is a pre-existing will and where the person concerned must be presumed to have turned his or her mind to the situation. Again, it is open to people to override the provision in their wills under the terms of the amendments that have been circulated, but why should they be put to that trouble? When a person dies intestate the situation is less clear, but it has been put to me by lawyers of many years standing, for whose knowledge of the law in this area I have great regard, that if the provision proceeds it will create a situation of chaos.

One particular instance that has been raised with me is the situation where the deceased person is a trustee. It appears that the provision applies not only to property owned beneficially by the deceased but also to property owned by the deceased as a trustee. The question then arises as to what effects a provision such as this has on the administration of the trust. I do not know whether this is a problem or not, but it has been raised with me by a person who has very great experience in the area, and because of that it is a problem that needs to be addressed.

For all of these reasons, in my opinion it is highly undesirable for most of the Bill to proceed. It desperately needs a fresh, independent review by people who can be presumed to do the job competently rather than inflicting the constant series of bungled legislation we experience with the present government. Therefore I wholeheartedly support the proposition that the matter be referred to the Legal and Constitutional Committee.

Mr LIEBERMAN (Benambra)—I wish to make a short contribution to the debate. The contributions made by the honourable members for Kew, Balwyn and Bendigo East and also the government members have helped considerably to provide a framework for the Attorney-General to agree to the matter being referred to the Legal and Constitutional Committee.

I am a former member of that committee, and I believe it is eminently qualified to analyse the contributions made by honourable members, the community and the Law

Institute of Victoria. As a lawyer, obviously I have an interest in these matters, although I do not practise at the moment. I have had some years of experience in equity practice and I must say this Bill is unsuitable to be adopted by the Parliament. Despite the amendments I understand will be made to the Bill, I still think it is sadly deficient. I also understand that the present Attorney-General inherited the Bill from his predecessor's work, and I do not criticise him for it, but I invite the Attorney-General to seize the opportunity to have the matter addressed by a proper inquiry through the Legal and Constitutional Committee.

In the course of doing so I hope the Attorney-General and the committee, if it gets a chance to examine the Bill, will look closely at clauses 14 and 24. Clause 14 provides that the Governor in Council may, by Order published in the *Government Gazette*, vary the monetary limits set out in section 32 and the monetary entitlement set out in section 51. Clause 24 makes provision for the Governor in Council, by Order published in the *Government Gazette* to vary the monetary limits set out in sections 22 and 23.

I believe the proposal to vary monetary limits and entitlements by an Order in Council bypassing the Parliament is both extraordinary and unacceptable. I shall continue to ask the Parliament to take heed of the number of occasions when executive government, albeit in good faith, is proposed as a method of bypassing the Parliament and of varying the fundamental rights and interests of the people, particularly children who might be entitled to inherit under intestacy or any other way. The Parliament has to be more conscious of what has been happening and ensure it does not happen again. I hope the Legal and Constitutional Committee will give consideration to the merits of this system continuing and recommend that Parliament should always be the body that determines changes to such fundamental and important principles.

I also hope that if the committee is to be given the opportunity to examine the proposal, people giving evidence to it will come along with not only their own ideas about the future of modern law, but with experience rather than emotion. I have heard the Bill being discussed in ways that attempt to put it as a feminist issue. It is an issue that affects everyone, male or female. The debate has been somewhat put off the rails by people who have been arguing in that narrow context, which is quite silly. They should not do that. People who propose to make contributions should try to find out for themselves about cases they are aware of either as practising lawyers or people who have known others with these problems.

While I recognise it is a problem, I saw from my experience as a practising lawyer for many years that the number of instances where people did not make wills and deal properly with financial arrangements is not very high. I want the matter addressed, and I hope it will be, but I want it to be kept in context. If we are going to be asked to fiddle with the law and deem people to have been in states of mind to be able to request that property should be distributed one way or another when they were not in such states of mind, we are getting into a dangerous domain. It is difficult, if not impossible, for Parliament to put itself into the minds of all people in the future and say, "From here on in, all people who do not do certain things in respect of de facto arrangements will be deemed to have done certain things". That is the principle that needs to be examined very carefully and taken into account.

I oppose the Bill in its present form and hope the Attorney-General will agree to the proposal of the honourable member for Kew about the Legal and Constitutional Committee inquiry. I look forward to honourable members debating a new piece of legislation based on a report which I am sure will help overcome the difficult problems we have.

Sitting suspended 6.30 p.m. until 8.3 p.m.

Mrs HIRSH (Wantirna)—I have been looking forward to this proposed legislation for a long time, particularly because of the background and my involvement as the

chairperson of the Ministerial Advisory Committee on Women and Housing. Time and again women have been disadvantaged by the position the existing legislation has put them in. Women who have lived in de facto relationships for many, many years—often in stable relationships—have been severely disadvantaged by their partners deaths intestate—I discovered that means without leaving a will—and people have been waiting for this legislation for a long time.

I was looking forward to speaking on the Bill and during the afternoon, while listening to the debate through the loud speaker in my office, I found myself quite put off saying a word because the debate has been a debate by the lawyers; it has been a legal debate, a nitpicking debate about legal terms. Why do opposition members not have a think about what the Bill means to people? It is not about X, Y, A and B; it is about real people! I was listening to a debate in which speaker after speaker went into nitpicking legal arguments. I took in good faith the honourable member for Kew when she came to me last week with some material for me to look at, suggesting that the legislation was not correct. I had a good look at it. I must admit I found all the examples difficult to comprehend in terms of A, B, C, D, X, Y and so on. We are not talking about legal nitpicking terminology or about letters of the alphabet—and I am speaking here to everyone—we are talking about real people!

Mr Kennan interjected.

Mrs HIRSH—The Minister suggests I may be speaking as a psychologist. I am actually speaking as a woman and as a parent who has been on her own for seventeen years. I have reared my children on my own. I am speaking as a very ordinary person who has been elected to represent an electorate of fairly ordinary people who, had they listened to the debate this afternoon, probably would have gone home bored, because it was almost incomprehensible unless one was a lawyer.

In nearly six years I have come to understand fairly well the legislative process and the majority of legislation, but I could not understand most of the debate. One of the problems about what has been going on this afternoon concerns the issues themselves: what the legislation is to do. It is clear that it gives to people in de facto relationships rights that already exist in all other States of Australia except Tasmania, and it gives de facto partners rights that exist in all areas other than this one.

Mr Perton interjected.

Mrs HIRSH—That is the nitpicking nonsense that has been going on. It is necessary to have some sort of time limits. I believe it has been done in order to satisfy problems that people have had about defining a de facto partnership. The two-year relationship provision deals with the situation of a short-term partnership where the partners perhaps do not have the same intentions in relation to one another as a married couple. It safeguards the position of a wife who is separated from a husband or a husband who is separated from a wife by providing for a five-year cut-off.

It would be better if the legislation could be arranged so that everyone could be satisfied; one could look at the people involved, their needs and intentions, and there would be no need for time limits and arbitrary cut-offs. One of the problems about our legal and legislative systems is that social issues that are very important to people are dealt with in a legal manner. I am very suspicious of the legal debate that has been taking place.

Mr Perton interjected.

The DEPUTY SPEAKER (Mr Norris)—Order! The honourable member for Doncaster will cease interjecting.

Mrs HIRSH—I will take up the interjection of the honourable member for Doncaster.

The DEPUTY SPEAKER—It was disorderly and I would prefer the honourable member for Wantirna did not take it up.

Mrs HIRSH—He issued a challenge to me and I believe if psychologists and people who work in social areas were more involved in the formulation of legislation—I could perhaps even acknowledge the role of social workers occasionally—we may have legislation that catered for people's real needs, as this Bill is beginning to do. In a legalistic situation you cannot cater in a real-world way—you have to have cut-offs! The cut-offs have been put in place because of the problems people suggested might exist where people are in short-term relationships.

I am suspicious about the Opposition's legalistic argument in debating the Bill. Why is the Opposition insisting on debating nitpicking, legal arguments when the proposed legislation concerns people? In my contribution I will talk about people, not about a person called X or Y or A or B. I have permission to use the first name of a person, Annette, whom I know as a result of my constituency work. For many years Annette lived with a partner and they had children. He died suddenly—they were still reasonably young—without making a will and a woman to whom he had been married some years previously inherited the property, leaving Annette and her family with nowhere to live. The Bill is about people, not about legal technicalities.

Mrs Wade—We referred to people!

Mrs HIRSH—It is about real people. If the Bill referred to a woman who last week moved in with her partner and the partner died, perhaps there would be problems. It is important to define a de facto relationship and the position of a spouse in some way. I am not prepared to become involved in that legal debate. I decided to contribute to the debate on the Bill because I was so put off by the carping of members of the Opposition today. All the lawyers got up and had a go. They referred to nitpicking, legal arguments rather than the real problems faced by the people involved. I did not hear members of the Opposition refer to people but they certainly referred to technicalities. This is a simple Bill and I am a fairly simple person in representing my constituents.

Mr Perton—I second that!

Mrs HIRSH—I am proud of being a simple person if it means I am able to look after the interests and concerns of the people I represent rather than playing around with a group of words or sentences as has been done today in this debate. I am disappointed in members of the Opposition who are lawyers; they have attempted to use a lot of legal jargon to justify their opposition to the Bill. Why does the Opposition seek to oppose the Bill when people have been waiting for it for such a long time? Why does the Opposition seek to oppose equating the right of a de facto partner with that of a former spouse?

It is time for such legislation to be passed to enable Annette and people in similar categories to have access to accommodation if their partners die and inadvertently fail to leave wills. It is usually inadvertent when no will is left. When that happens it is tragic. The de facto partner of the person who dies does not know what to do. If a partner is considered to be the wife legally but has not gone through the marriage process, in every other way she is treated as a spouse. However, in this case if there is no will, the woman is left without rights.

The proposed legislation addresses those issues. I will not enter into the legal debate because it is a red herring. The legalese referred to by the Opposition is a red herring.

The cases referred to by the honourable member for Kew and the Attorney-General could take one in all sorts of directions. The definitions of "de facto partner" and "de facto relationship" are clear and fair. Given that this is legislation they refer to the positions of a de facto partner and the former partner in the fairest possible way.

I suspect the Opposition may be opposing the Bill for reasons of its own and is using the subterfuge of legal debate to argue against the amendments. I am suspicious of the Opposition's arguments because I cannot understand why it will not support the proposed legislation. I believe the former honourable member for Kew, Ms Prue Sibree, would have supported the Bill. In fact, from recollection I am sure she did support it. I suspect the Opposition has a quiet little agenda. Behind all the talk of the lawyers, who have put forward nitpicking, legalistic terms, they have attempted to hide the fact that they do not want de facto relationships to exist in law, despite their existence in law in every other State and area.

I am troubled about the Opposition's view and should like to hear from members of the Opposition who are not lawyers so that they can refer to the real people and not to legalistic arguments. The real issues involve partners in having access to and rights to a house. I want to hear about that instead of this continual nitpicking, legalistic argument which is a subtle attempt by the Opposition to hide its real purpose of not allowing de facto partners to have such rights.

Mr E. R. SMITH (Glen Waverley)—I think the honourable member for Wantirna has encapsulated the reasons why the Opposition opposes the Bill. She said every speaker so far has been a lawyer and she is correct. The only other member of the government to speak was the honourable member for Pascoe Vale, who is also a lawyer. I believe the honourable member for Wantirna is the first member of the government not a lawyer to speak and I am the first member of the Opposition not a lawyer to contribute to the debate. I do not make any apologies for that.

The proposed legislation is flawed. The government has been pressured into introducing new legislation in a new area—de facto relationships—which has not been legislated for in the past. One does not have to be a lawyer to point out that such relationships have not been recognised in a court of law. The government has taken more than a year to bring the Bill on for debate because it also has some concerns about the proposed legislation. If the government were sincere, the Bill would have been before the House twelve months ago. The Opposition is saying that the Bill has not been framed correctly. It should be referred to the Legal and Constitutional Committee so that a full and open public inquiry can be held. That is the proper public forum for such a Bill.

The Opposition opposes the Bill tonight and will oppose it in the Upper House—so it will not become law—because the Bill should be subject to an inquiry before a Parliamentary committee comprising six members of the government and six members of the coalition. I declare my interest in this matter because I am a member of that committee and believe this to be an appropriate issue for the committee to consider.

Mrs Hirsh interjected.

Mr E. R. SMITH—I cannot understand why the honourable member for Wantirna is so excited. If that is an indication of the reaction of a member of the government who feels so strongly about the Bill, the Opposition is absolutely correct and on the right track in not supporting the Bill tonight. Vexed questions are raised when attempts are made to codify laws and to legislate on matters that are of grave concern to the community.

Before speaking on the Bill I spoke tonight with the Chairman of the Australian Family Association, Mr Jim Bowen, who, on behalf of his association, expressed his

concern that the Bill could deny to a spouse the lawful right to share in the property of a marriage in favour of a de facto partner who may well have been taken into the former family home after the spouse had been forced to leave either by herself or with her children.

Mrs Hirsh interjected.

Mr E. R. SMITH—Just listen! We had to listen to you; why don't you listen to us? Mr Bowen said that a spouse could—I said "could"—not "would" miss out on an inheritance from her former husband because his de facto partner may be a much younger woman and that the spouse and her children, if any, could lose all of their rights. Mr Bowen believes that the Bill is such a mishmash that it does not have the confidence of the community.

The Opposition has reached its view on the Bill after carefully considering the views of many interested groups. For example, the Consumers Law Reform Association has many concerns about the Bill, which are contained in a submission given to me tonight, which says in part:

> In a stunning piece of overkill the Victorian government is proposing to give de factos greater rights than spouses to claim against the estates of partners who die without leaving wills.

The government might claim that the Bill will not have that effect, but its provisions are causing such concern to the community that the government should seek the assistance of the Legal and Constitutional Committee and ask it to examine the Bill, enabling all sides to be heard. It is only fair that the views of people such as Mr Bowen of the Australian Family Association and Mr Sedgman, the Secretary of the Consumers Law Reform Association, should be considered.

In his submission to me Mr Sedgman says:

> The Bill fails to allow the immediate family of an ageing executor to go to the probate office to lodge an application for probate on behalf of a parent. This forces families into the monopolistic arms of solicitors.

Honourable members should listen to the concerns expressed by the members of such associations. As the honourable member for Wantirna said, the Bill is about people. The lawyers have had their say about the Bill; I am concentrating on what the little people are saying about the provisions of the Administration and Probate (Amendment) Bill. The submission continues:

> The Bill fails to clarify the rules under which banks, insurance companies, etc, can release assets to a spouse or executor who does not have a probate certificate. This leaves families with the present unsatisfactory mishmash, in which every financial institution seems to have its own rules.

Organisations such as the Consumers Law Reform Association care as much about the Bill as the honourable member for Wantirna, as is shown by the second important point referred to by Mr Sedgman. The Opposition believes the Bill should have the benefit of a thorough examination by the Legal and Constitutional Committee. Although such an examination may take three or four months, it will be nothing like the delay caused by the government, which has allowed the Bill to remain on the Notice Paper for fourteen months.

Mr Sedgman and others have acknowledged the good points in the Bill, particularly the amendments to the Wills Act, the Property Law Act and the State Trust Corporation of Victoria Act. The Bill's concern with the social issue of recognising the rights of de facto partners represents a turnabout in the law. As the Australian Family Association says, only in a State which has been characterised by ALP Senator Robert Ray as the Albania of the Southern Hemisphere could one find such an extraordinary attack on the institution of marriage as that proposed by this ideologically driven government represented by the social engineering legislation currently before the House. Such

views of outsiders have been taken cognisance of by the opposition parties. It is not good enough for the honourable member for Wantirna to ask the opposition parties to trust the government. Good Lord, the people of Victoria have trusted this Labor government since 1982, and look at what has happened!

I am pleased that the Premier is in the House listening to the debate. It is a pity that the former Premier does not grace us with his presence more often. The Premier should listen to what members of the Opposition have to say about the performance not only of her administration but of the administration of the former Premier. If she did so she would understand why members of the Opposition believe it is not good enough for the government to ask them to trust it with this piece of social engineering.

Members of the Opposition are not against the codifying of the interests of de facto partners in legislation—far from it—but if it is to be done it should be done properly. The provisions of the Bill should be carefully examined by the Legal and Constitutional Committee, an examination that could take up to three months depending on the number of witnesses who give evidence. One of the areas I have no doubt the committee would examine is that of dependency. What I propose might be considered an oversimplified solution to the problems caused by intestacy, but if we look at those problems through the eyes of those who are dependent on the estates of men or women who have died, who have spouses and families and possibly de facto partners and families, a solution could be found by focusing on the area of dependency.

I have asked the Consumers Law Reform Association to examine the matter, and it has made a number of suggestions. Of course for years the courts have been determining the most equitable and fairest solutions to the problems posed by intestacy. For the government to claim that by introducing this magic Bill such contingencies could be catered for is typical of a government that rushes in where angels fear to hanky-panky! The government seems hell bent on introducing social engineering legislation for the sake of it. If the honourable member for Wantirna had listened carefully she would have heard the lawyers speaking about the Bill, highlighting technical objections to it by saying, for example, that some provisions of the Bill will still be unfair to some de facto spouses.

Let us take the argument of the honourable member for Pascoe Vale who is a lawyer. He mentioned the case of a married man who had been born overseas and who had lived with a de facto for 28 years. He rightly said, surely this woman should share in the proceeds when the man died. Just assume that that man had lived another two years and a day and had chosen after leaving that woman he had lived with for 28 years either to live on his own for two years and a day or had taken up with a younger woman and had chosen to live with her as a de facto for two years and a day. That means that poor woman whom the honourable member for Pascoe Vale mentioned before would miss out. This is one of the many flaws in the legislation that does not take on board all the contingencies.

The Opposition's point is if it is going to have the statute law encompassing all the provisions surely it has to be one that listens to all sides. The dependency argument I put up before is very compelling and one that even though I have a number of objections to—and I will put those to the House as well—is one that should be taken on board. The bottom line with the dependency argument is that it would be left to the courts to decide the final, fair and equitable outcome. There are four areas of dependants. The first is a spouse; the second is a de facto; the third is children of a marriage of less than eighteen years; and the fourth is children of a marriage of more than eighteen years.

If one looks at the spouse one can see the spouse could be working and the question could be asked: is she dependent? The spouse seems independent but the children are dependent children. Do they take preference to their mother? If the children include an unmarried mother, her dependency is greater than the spouse so she takes in preference to her own mother; that is, the spouse.

Then if one looks at the spouse who is not working, obviously she is dependent on the estate. What about the dependent children? Are their needs equal to hers? If one child is an unmarried mother her needs might be greater than the spouse's needs. This is just looking at two areas; it is a minefield of worries. The fact that the lawyers have become involved is quite right because they are trying to get the thing right. The Opposition is saying that they have not got it right. Another dependant is the de facto. What is the relationship of the children? They seem to be dependent. What about the children of another relationship? They are dependent. They could also be dependent on the father for maintenance. What are they dependent on, the estate or social welfare?

Mrs Hirsh interjected.

Mr E. R. SMITH—Why don't you belt up? The third point could well be the children of a marriage who are less than eighteen years, and there are three areas here. The children could be studying and have short-duration dependencies. They could be much better off than the spouse the following year. They could be working, and probably have no claim for dependency, or they could be unemployed and be dependent forever. There is no incentive to obtain work. Could the mother be forced to share the estate with malingerers?

The fourth area is the children of a marriage who are more than eighteen years. There are those who are studying; they are still dependent but perhaps only for a short term. There are those who are working, and are probably not dependent but, if they lose their jobs and become dependent, do they apply to the estate? Then there are those who are unemployed and could be dependent forever. They may have no incentive to obtain work. Could the mother, again, be forced to share the estate with malingerers?

These are the sorts of considerations that have to be taken on board if one is going to look at the argument of the dependants. Who is going to decide if they are going to be dependents? Is it going to be the bureaucracy—that is, the executive arm of government such as in a Bill like this? Is it going to be community welfare, or is it going to be the courts?

My solution to this would be that one should be looking at the courts which have been very familiar with this over the years. What sort of evidence would they be looking at? The divestiture of assets to support future claims? What if dependency is disputed? There would be court cases—and they could be frequent—on the dependency criterion. What if the dependency is short term; for example, a few more years of school? These are the sorts of areas that have to be taken into consideration.

Another area the House could well be considering in any future legislation—because this legislation is not going to pass—comes from the Consumers Law Reform Association which talks about the de facto issue, a litigation bonanza. Its submission is short and states:

> Under the proposed legislation, if anyone dies without leaving a will, a de facto partner can claim the same share as a spouse provided the de facto relationship has been in existence for twelve months. However, since there is no formal proof that a de facto relationship even exists, claims against some deceased estates will become a lawyers' litigation bonanza. Genuine beneficiaries could find themselves blackmailed by "de factos" who threaten "contingency-fee" funded court cases unless their demands are met. If this law is passed, will we have de factos arranging for snoops to photograph them through

bedroom windows on "one-night stands" to substantiate future claims that they were living in a "domestic" relationship?

These are not the points of view of the Opposition, but they are the issues that are being brought to us by those concerned people in the community it represents and who, as the honourable member for Wantirna said, she represents. They are not talking in legal jargon, they are talking in the language the common person can understand. It is something honourable members have to take on board.

The Attorney-General has 64 amendments to move in the Committee stage. No doubt because the government has the numbers in this House we will be debating this for most of the night. When the Bill goes to the Upper House it will be thrown out because the government has not taken on board the concerns and worries vexing the minds of the community. The government has not answered their questions otherwise why would it be coming up with 64 amendments to the Bill in the next few minutes? This is the sort of legislation social engineers revel in. It is the sort of legislation this government has got Victoria into trouble with in the areas of finance, the economy, the police, education, transport and every other area. The government is now going to get Victoria into trouble because the legislation before the House is not good enough, and it acknowledges that by the enormous number of amendments. The Opposition is saying the government is still not good enough, it should have the community making contributions, through the Legal and Constitutional Committee examining the issues and then, if necessary, come back with proper legislation that will have the support of both sides of the House. That is the sort of legislation the Opposition is looking for.

The Opposition is opposing the Bill, not because it is opposed to de facto relationships—far from it—but it does not believe the Bill can be supported because it does not do a job well enough.

Mr Cole interjected.

Mr E. R. SMITH—The honourable member for Melbourne is interjecting; he will probably make his contribution in a moment. This legislation is not good enough and the Opposition is opposing it. The government should get it right in the Legal and Constitutional Committee and then bring it back to the House to decide the future course of this very vexed issue.

Debate adjourned on motion of Mr ROPER (Treasurer).

Debate adjourned until next day.

MINERAL RESOURCES DEVELOPMENT BILL (No. 2)

Committee

Resumed from 1 November; further discussion of clause 1.

Clause agreed to.

Clause 2

Mr PLOWMAN (Evelyn)—I move:

1. Clause 2, page 2, line 20, after "may" insert—"(*a*)".

The amendment is a precursor of the Opposition's next amendment, which is really the major amendment in relation to the objectives of the Act.

Amendment agreed to.

Mr PLOWMAN (Evelyn)—I move:

2. Clause 2, page 2, line 21, after "bodies" insert "; or

(*b*) after consultation with each relevant Minister and subject to the provisions of any other Act, do anything else that is necessary or convenient to be done for or in connection with the achievement of that objective".

The purpose of the amendment is to strengthen the capacity of the Minister to coordinate the decision-making process by a number of bodies and thus to remove delays and frustrations where an applicant for a licence faces a myriad of different bodies from whom consents and acceptances have to be received.

In the second-reading speech the Minister indicated that it was his intention to have a coordinating role, and we believe that the addition of the words "after consultation with each relevant Minister and subject to the provisions of any other Act, do anything else that is necessary or convenient to be done for or in connection with the achievement of that objective" will support the Minister in his coordinating role. It is endeavouring to give him more legislative support for that coordinating role, which is appropriate.

Amendment agreed to; amended clause agreed to.

Clause 3

Mr PLOWMAN (Evelyn)—I move:

Clause 3, lines 23 and 24, omit all words and expressions on these lines and insert—

"3. (1) Sections 1 to 125 and section 127 come into operation on a day to be proclaimed.

(2) The remaining provisions of this Act, other than section 126 (2) and item 18 of Schedule 1, come into operation on a day or days to be proclaimed."

This is a fairly simple amendment which has the agreement of the Minister in another place whereby we wish to ensure that the majority of clauses in the Bill are proclaimed on the same date so there is not a situation, as the Opposition has found with some Bills in the past, where amendments have been moved and the government simply has not proclaimed the section which has been amended, and the amended section does not become part of the Act.

The Minister has pointed out that some sections need to come into operation progressively, and the Opposition does not argue with that; clearly that is the case and those sections are indicated in the amendment.

Amendment agreed to; amended clause agreed to.

Clause 4

Mr PLOWMAN (Evelyn)—I move:

3. Clause 4, lines 33 and 34, omit all words and expressions on these lines and insert—

" "Aboriginal place" means an area in relation to which a declaration of preservation is in force under section 21C, 21D or 21E of the *Aboriginal and Torres Strait Islander Heritage Protection Act* 1984 of the Commonwealth (as amended and in force from time to time).".

The rationale behind the amendment is that there is in existence a Federal Act known as the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 which had its genesis here in Victoria. Three Bills were moved in this place and sent to the Legislative Council, and the then responsible Minister, who is now the Attorney-General in this place, determined that those three Bills should go to the Federal Parliament for consideration and enactment.

Among them was the Aboriginal Cultural Heritage Bill, which encapsulated this amendment referring to an "Aboriginal place". The objective of the Federal Act is to

give the Federal Minister or his delegate, who is the State Minister for Aboriginal Affairs, the opportunity of declaring preservation orders in relation to "Aboriginal places".

The definition in the Federal Act of an Aboriginal place is identical to the definition in this Bill. The declarations can be threefold. Firstly, under section 21C of the Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act it can be an emergency declaration of preservation; secondly, under 21D, a temporary declaration of preservation; and thirdly, under section 21E, a declaration of preservation which is permanent and can be overturned only by arbitration.

In the Bill as it stands clause 6—and I shall deal with the amendment to that clause when we come to it—would totally prohibit any exploration or mining on an Aboriginal place.

The Opposition contends there is already protection for Aboriginal places through the Federal Act and the definition should be changed to link with the Federal Act so Victoria does not have conflicting legislation. I shall deal in more detail with the differences when the Committee debates clause 6.

Mr ROPER (Treasurer)—The amendment deals with the definition of "Aboriginal place", and it has already been discussed by the various parties. It is the view of the government that further discussion needs to take place if a satisfactory solution is to be found. I suggest the matter may be resolved during discussion when the Bill is between here and another place.

Amendment carried.

Mr PLOWMAN (Evelyn)—I move:

4. Clause 4, after line 37 insert—

"**Agricultural land**" means private land that is used primarily for—

(*a*) cultivation for the purpose of selling the produce of the cultivation; or

(*b*) keeping animals or poultry for the purpose of selling them or produce derived from them; or

(*c*) keeping bees for the purpose of selling their honey; or

(*d*) commercial fishing; or

(*e*) the cultivation or propagation for sale of plants.".

The amendment is related to a later amendment dealing with agricultural land and private land used for primary production. A later amendment refers to agricultural land and, if agricultural land is to be introduced as a specific item in the Bill, a definition must be included. Amendment No. 4 spells out that agricultural land means private land that is used primarily for cultivation for the purpose of selling the produce of the cultivation, keeping animals or poultry for the purpose of selling them or produce derived from them, keeping bees for the purpose of selling their honey, commercial fishing, or the cultivation or propagation for sale of plants.

In discussion with Parliamentary Counsel, it appears this is a reasonable and adequate definition of agricultural land, and I commend the amendment to the Committee.

Mr ROPER (Treasurer)—During the review this matter has been considered at length. It is fair to say the review team has consistently argued that the planning process is the appropriate form in which to resolve this type of land use conflict, particularly as the Planning and Environment Act provides for a responsible authority to consider the significance of the social and economic effects of the proposed use. If there is a conflict, that is the appropriate area for that conflict to be resolved.

Amendment negatived.

Mr PLOWMAN (Evelyn)—I move:

5. Clause 4, page 3, line 31, omit "or tribunal" and insert ", a tribunal or an expert".

The amendment is the precursor of a further amendment relating to the provision of a statement of economic significance by a miner when lodging an application for a mining licence. Considerable concern has been expressed, particularly by the Victorian Farmers Federation, about whether proper consideration will be given to whether mining provides the best economic return to the State from any given proposal or whether ongoing agricultural production will provide a better financial return.

To ensure there is a test on what will be the best economic return to Victoria, a later amendment provides that a miner must submit with an application a statement of the economic significance of the work proposed. That will allow a farmer to dispute the claim of the miner before a licence is issued on the ground that farming will provide a better economic result. Such dispute will be considered by a person appointed by the President of the Australian Institute of Valuers and Land Administrators.

Such a person will have suitable expertise and will consider the conflict between the two parties and make a determination. The determination will be reported to the Governor in Council, and the Governor in Council—in other words the Cabinet of the day—will make the final decision on the most appropriate and best economic return to the State. If the Governor in Council determines ongoing farming on any given piece of land will provide a better return for the State than mining, the decision will be final and the Minister will not be permitted to issue a licence.

Amendment No. 5 is the precursor of other amendments and inserts in the clause the reference to the expert to be appointed by the President of the Australian Institute of Valuers and Land Administrators.

Mr ROPER (Treasurer)—When commenting on amendment No. 4 proposed by the hounourable member for Evelyn I referred to the general issue of agricultural land and to amendments the honourable member will propose later. As I said then, during the review it has been argued, and supported, that the planning process is the most appropriate forum in which to resolve the issues and that there is capacity within existing legislation for social and economic effects to be taken into account. Many other issues may need to be considered before any change in land use is allowed. For that reason the government will not support amendments Nos 5, 9 and 12 circulated by the honourable member for Evelyn.

Mr W. D. McGRATH (Lowan)—I support the amendment moved by the honourable member for Evelyn. It is a vital part of the development of mineral resources. Much discussion has occurred between the Victorian Chamber of Mines and the Victorian Farmers Federation to come to terms with the mining opportunities in Victoria. Everyone agrees that there should be opportunity for mining but its effect on agriculture, not only in the short term but also in the long term, must also be taken into account. The amendment will allow an additional channel by which differences about economic valuation balanced against farming or vice versa can be resolved.

The honourable member for Evelyn has outlined that the Australian Institute of Valuers and Land Administrators can work as an adjunct to the tribunal. It is short-sighted of the Treasurer, who said that we need to examine the economic and social effect of mining, to say that these matters can be dealt with under planning regulations. We believe the matter should be provided for under the Mineral Resources Development Bill (No. 2), which will provide not only an appropriate but also an important adjunct so there is a balance of consideration about mining operations between the two important parties. I urge the Minister to consider the purpose of the amendment because it is vital to those on this side of the Chamber.

Mr PLOWMAN (Evelyn)—I support the remarks made by the honourable member for Lowan. It has been one of the substantial points of concern of the farming community that when there is a proposal for the mining of an area the opportunity is available to consider the value of mining or ongoing farming.

As the honourable member for Lowan has pointed out, this is particularly important to the farming community. Mining interests are in agreement with farmers about this matter. I acknowledge the fact that consultation between those with farming interests and those with mining interests have been far from easy. The amendment has been agreed to generally by both parties.

The financial impact of the issue of licences on the State of Victoria is significant. Certainly as the Treasurer has said there is an opportunity in the planning process to consider this and many other matters but we say that the Bill should provide that before a mining licence is issued the matter should be considered, instead of the licence being issued and objections then being received under the provisions of clause 24. It will provide an opportunity for any person who is concerned about a matter of economic, social, environmental, aesthetic, or any other ground, to have that specific point decided before a miner is put in the position of having to go through an appeal procedure. If the matter were to be determined in a farmer's favour it would save delays and uncertainty under clause 24 and objections under the planning scheme. Certainly the planning scheme allows objection to be made on a broad spectrum of matters. The opposition parties feel strongly about the amendment and we wish that it will be passed in another place. If the Treasurer is not prepared to accept the amendment I am pleased to say that the Minister in another place has said that he is prepared to look at it while the Bill is between Chambers—that is the least we can expect as it is an important aspect of the legislation.

Mr COLEMAN (Syndal)—The amendment proposed by the honourable member for Evelyn should be read in the context of the clause itself because it is clear that there is provision provided in the Bill for the Minister to provide exemptions. Clause (2) (*b*) refers to the Land Conservation Council and the Land Conservation Act. In the last sessional period there was a provision inserted in the Land Conservation Act at the behest of the government because of issues of social and economic considerations to be considered by the Land Conservation Council in its determination of a position. Given that the clause contains a reliance on the recommendations of the Land Conservation Council and given there is already, at the behest of the government, consideration of the social and economic implications in land conservation——

Mr Plowman interjected.

Mr COLEMAN—I am delighted that the honourable member for Evelyn has directed my attention to the fact that the Committee is not yet debating the clause to which I am referring.

The CHAIRMAN (Mr Norris)—It was an extremely interesting speech and I am sure the Committee has benefited from those remarks.

Amendment negatived.

Mr PLOWMAN (Evelyn)—I move:

6. Clause 4, page 4, after line 13 insert—

"Low impact exploration" means—

(*a*) geochemical surveying; or

(*b*) geophysical surveying; or

(*c*) geological surveying; or

(*d*) low intensity exploration drilling; or

(*e*) ditch witch trenching—

on land where access and the carrying out of those activities requires only minimal disturbance to or removal of vegetation and minimal disturbance to the land, and does not include—

(*f*) intensive exploration drilling; or

(*g*) costeaning; or

(*h*) bulk sampling.

The amendment refers to the current necessity in Victoria for a person conducting exploration to obtain a planning permit. As was pointed out during the second-reading debate, Victoria is the only State in Australia that requires a planning permit for exploration. The purpose of the Bill is to encourage an economically viable mining industry which makes the best use of mineral resources in a way that is compatible with the economic, social and environmental objectives of this State.

The Opposition argues that the carrying out of low impact exploration should fall in line with other States and not require a planning permit. Exploration is the generator of mineral wealth in this State and if it is frustrated, particularly by the planning process, the whole process will slow down and it will not provide miners with the opportunity to find the vast wealth we have in this State. The matter is further considered once it has been established what is present. Victoria is the only State that requires such a planning permit to be obtained. When the planning laws were drawn up, so little mining was being undertaken in the State that it was probably overlooked and consequently the requirements of the mining industry were not considered. If the mining industry had been active at that stage, low impact exploration would have been allowed without the requirement for a planning permit.

I accept the government may find the amendment difficult but the Opposition will pursue the matter when the Bill is in another place with the objective of finding a means by which low impact—and I stress it is low impact and not high impact—exploration can be pursued in Victoria without the need to obtain a planning permit.

I stress also that all the other requirements of the Act will be brought to bear on somebody who wishes to explore. Significant requirements are included: firstly, in respect of the application; secondly, objections to the application; thirdly, to rehabilitation; and, fourthly, to compensation—those matters are well and truly dealt with in the Bill. The obtaining of a planning permit for low impact exploration is an unnecessary impediment.

Mr ROPER (Treasurer)—This matter has been discussed by the honourable member for Evelyn and the Minister for Industry and Economic Planning in another place. It has been pointed out that while in one view minimal disturbance might result from exploration in another view it may not be considered minimal. To some extent, the honourable member's amendment is a matter as much about what is in the eye of the beholder as anything else. A similar outcome is intended to be achieved through the planning authority delegation which, in the Minister's view, is a better way of dealing with the scope for community input.

Often in these matters although a company might regard its exploration activities as causing minor disturbance the same view may not be held by members of the surrounding community or—to go back to the discussion of agricultural land—farmers and others in the area. This is one of the difficult issues in having to provide a balance on community input. While the government has seriously considered the amendment, I am advised it is not acceptable to the Minister.

Amendment negatived; amended clause agreed to; clause 5 agreed to.

Clause 6

Mr PLOWMAN (Evelyn)—I move:

7. Clause 6, line 24, after "place" insert "to the extent of any terms of the declaration in force under the *Aboriginal and Torres Strait Islander Heritage Protection Act* 1984 of the Commonwealth".

The definition of "Aboriginal place" was discussed during the debate on a previous amendment, when the Treasurer indicated the matter would be considered while the Bill was between here and another place. I pointed out the need to tie the definition to the Federal Aboriginal and Torres Strait Islander Heritage Protection Act which has the same definition and gives a substantial measure of protection to Aboriginal places in Victoria.

Clause 6 relates to land not available for exploration, mining and searching and provides:

The following land is exempted from being subject to a licence or other authority under this Act:

. . .

(*c*) Land that is an Aboriginal place . . .

The Opposition contends the Federal Act substantially protects Aboriginal places, giving the Federal Minister or his delegate—the State Minister—the opportunity to enact preservation orders on Aboriginal places. The orders would be subject to specific terms under the three clauses I mentioned earlier of the Commonwealth Aboriginal and Torres Strait Islander Heritage Protection (Amendment) Act 1987. The Opposition argues that rather than completely exempting land that is an Aboriginal place from exploration or mining it should be up to the Minister to determine the conditions of exemption. If under the three protection clauses of the Federal Act the Minister indicates a total exemption should be put in place, that can happen now. If, however, the Minister indicates certain conditions should apply, some flexibility can be brought to bear on the situation; that is, rather than having a total exemption it allows the Minister responsible for Aboriginal affairs—having considered the propositions and arguments put to him by all parties—to indicate that instead of a complete exemption a partial exemption will apply with terms and conditions laid down in respect of an Aboriginal place, giving the protection provided by the Federal Act and considered by the Federal Minister to be appropriate. As I said, the amendment will allow for flexibility. Rather than requiring a complete exemption it will allow protection to be given under the Federal Act.

It might be asked how Aboriginal people will know about the matter as an application might just slip through. I remind the Committee that clause 18 requires notice be given to Aboriginal people of all licence applications for exploration or mining. The notice must be given to:

. . . any person or body nominated by the Minister administering the *Archaeological and Aboriginal Relics Act* 1972 as representing the interests of the Aboriginal people of Victoria of the application.

As I said, notice must be given of applications for exploration or mining licences. Aboriginal people will be given that notice and, under the Federal Act, they have the right to make an application to the Minister who can, if necessary and if there is any urgency involved, make an emergency preservation declaration or a temporary declaration or a final declaration of preservation, having heard all the parties concerned.

The amendment will provide flexibility so that a total exemption is not enforced unless the Minister decrees it under the Federal Act. The amendment will provide greater flexibility.

Mr ROPER (Treasurer)—In dealing with the definitional clause and amendment No. 3 moved by the honourable member for Evelyn, I undertook that the issue of Aboriginal land would be considered while the Bill was between here and another

place. To help the Committee, that undertaking applies to amendments Nos 21 to 25 also distributed in the name of the honourable member for Evelyn. I shall now not have to say exactly the same thing five times more.

Amendment negatived; clause agreed to.

Clause 7

Mr PLOWMAN (Evelyn)—I move:

8. Clause 7, after line 43 insert—

"(3) In deciding whether to grant an exemption the Minister must take into account the social and economic implications of the decision.".

Clause 7 allows the Minister responsible for mining the opportunity of exempting land from exploration or mining. That responsibility is included in several provisions in the Bill so I shall not outline them. However, the Opposition proposes that whenever a Minister makes a determination of this kind, the Minister should take into consideration the social and economic implications of the decision. In other words, the Minister should take into consideration the effect of what the Minister is denying the State of Victoria by making that decision.

As the honourable member for Syndal will argue shortly, under the Land Conservation Council Act this is now a requirement and we look forward to the Minister's support of this amendment for that reason. However, if we are to deny the State of Victoria the benefits from a mining or exploration venture, the Minister should consider the economic and social effects of that denial.

To digress slightly it has always bewildered me why we completely deny any exploration in parks. We do not require the Minister to consider the social and economic consequences of denying exploration of parks. We do not know what wealth we are denying the State of Victoria unless we explore and prove the resources we have. If we then take a decision we are taking it with the full knowledge of what is being denied.

To instance an example, I believe the Federal government acted properly in relation to the Ranger uranium mine at Kakadu. Whether one wishes to support mining uranium is another matter. However, the Ranger mine occupies a small section of the Kakadu National Park and the government properly and wisely excised that section from the park to allow the exploration of uranium to the enormous financial benefit of this nation.

The point I make is that before we deny ourselves the opportunity of exploiting a resource, we should know what that resource is and take that into consideration when exempting any land from exploitation. As the Minister moved a similar amendment to another Bill in this place, he may feel inclined to support this amendment.

Mr ROPER (Treasurer)—The persuasive earlier comments of the honourable member for Syndal on a different clause in the Bill certainly influenced the government's attitude to this provision and his comments have been added to by the honourable member for Evelyn. The government accepts the amendment.

Mr W. D. McGRATH (Lowan)—It is pleasing that the Minister accepts the amendment because of its importance. Clause 7 relates to the exemption of land that is of significant environmental importance but goes no further than that. However, clause 1 relates to the best use of mineral resources in a way that is compatible with the economic, social and environmental objectives of the State.

The farming community has had some difficulty in coming to terms with clause 7 because exploration and mining licences may be granted on farming land but not for land in State or national parks. I am sure the farming community would be more

relaxed about the issue if national and State park land were treated in a similar way to that of private land. I am sure the mining companies would also value the opportunity of exploring and making an assessment of the minerals that may be embodied in lands designated as national park areas.

It is important to take into consideration the social aspect of exploration on farming properties. That may arise only in 1 in 20, 50 or 100 cases but its consideration is important because to an individual the social aspect may be more important than the economic or environmental circumstances that may surround the issuing of an exploration or a mining licence. I am pleased the Minister is prepared to accept the amendment.

Amendment agreed to; amended clause agreed to; clauses 8 to 18 agreed to.

Clause 19

Mr PLOWMAN (Evelyn)—I move:

10. Clause 19, line 34, after "and" insert "(unless the land is 5 hectares or less)".

This amendment arose from the situation where, in the second-reading speech, the Treasurer made it clear that in an effort to assist small miners, although a small miner would certainly have to peg an area covered by his licence application, he would not have to go to the expense of conducting a survey. That was stated in the second-reading speech, but when one examines clause 19, one notes that it states:

(1) An applicant for a mining licence must mark out and survey the boundaries of the land covered by the application, in the prescribed manner and within the prescribed time after lodging the application.

We are concerned in relation to this clause that it is made clear exactly what the small miner must do in relation to marking out and surveying. If the Minister really wants to exempt the small miner from having to conduct a survey and the expense of surveying, it should be included in an amendment to clause 19 so that it is spelt out in legislation, not simply in an assurance given in the second-reading speech.

After discussions on this question with the Minister for Industry and Economic Planning and his advisers, I am advised that this matter will be picked up in regulations; that the regulations will determine precisely what the small miner has to do, under what circumstances he has to conduct a survey and what sort of survey it will be. However, in another place the opposition parties will seek from the Minister for Industry and Economic Planning the assurances that his advisers have given us: that the small miner will be assisted in this manner. In the absence of those assurances, we can only presume that we must follow precisely what is in clause 19. Therefore, in the event that those assurances are not given, to ensure that the situation of small miners is clarified I have moved the amendment to clause 19. With the amendment inserted, clause 19 (1) will read:

An applicant for a mining licence must mark out and (unless the land is 5 hectares or less) survey the boundaries of the land covered by the application . . .

The amendment provides specifically that if the land covered by the mining application is 5 hectares or less, a survey does not have to be undertaken.

I accept that the Treasurer, who is handling the Bill in this place, will not be able to accept this amendment, but I make it known to the Treasurer and his colleague in another place, the Minister for Industry and Economic Planning, that we will seek the assurances on the specific process by which a small miner may be guaranteed that he will not have to go to the expense of conducting a survey. If we do not get those assurances we will push this amendment in another place.

We chose the specific area of 5 hectares or less as the measure of a small mining area because this appears to be the figure used throughout the Bill as the measure of whether a mining area is small or large. It may be that in a 5-hectare mine a miner might have a substantial and valuable lode which is very rewarding financially, but, to follow the general trend of the legislation, we have chosen that figure of 5 hectares or less. We will be seeking the explanation and undertaking from the Minister during the debate in another place.

Mr ROPER (Treasurer)—The difficulty that we are having with the amendment is that it would make it impossible, no matter what the circumstances, to require any level at all of survey information on small licences. Certainly it was indicated in the second-reading speech that it was not the intention to require the level of detail that the honourable member for Evelyn is concerned about, but there may be circumstances where survey information is required and the member's amendment would prevent that being required of any small miner.

For instance, it may well be that, in certain circumstances, survey information is required in order to locate boundaries where there is a possibility of conflict. This is an issue that I know is of concern to my colleague in another place, the Minister responsible for this Bill, and he wishes to remove unnecessary inhibitions on small miners. But the problem we have with the proposal is that it appears to go too far. I shall seek further discussions with the Minister for Industry and Economic Planning in the Legislative Council before this matter is finalised.

Amendment negatived; clause agreed to.

Clause 20

Mr PLOWMAN (Evelyn)—I move:

11. Clause 20, after line 6 insert—

"(2) The chief administrator may grant to an applicant for a mining licence an authority to enter land if he or she is satisfied that the applicant has made reasonable attempts to obtain consent of the owner or occupier of the land and—

(*a*) has been unable to obtain that consent; or

(*b*) the owner or occupier of the land refused or failed to consent.".

Upon examining the content of this amendment more closely, I believe it really does not go a great deal further than what is already in the clause.

The concern of the opposition parties in this instance is to ensure that there is a link between the authority to enter land and the attempts made by the licensee to contact the owner or occupier of the land under clause 20 and clause 122, which deals with the service of documents. The provision dealing with the service of documents is similar to the provisions in other Acts that deal with this issue. It refers to delivering a document personally to the person to be served; leaving it at that person's usual or last known place of residence with a person apparently over the age of sixteen years and apparently residing there; or sending it by post addressed to the person to be served at that person's usual or last known place of residence.

Paragraph (*d*) provides for the situation that the Opposition does not wish to happen; it refers to posting the document up to a conspicuous part of the land or premises of the landowner or occupier. We would not want that to happen because that goes against the thrust of this Bill, which seeks to avoid an occupier or owner of land coming back to his premises and finding there has been an application for mining on the land or pegs in the ground. Such circumstances have been the cause of great concern and contention in the past. I have moved this amendment, which I understand has the general agreement of the government and its advisers, but while the Bill is

between Chambers, I suggest that the link between clause 20 and clause 122 be considered. I seek assurances from the Treasurer or the Minister in another place that the applicant responsible for making an attempt to contact the owner or occupier of the land should be required to go through the processes that are noted in the amendment and in the clause, but the provisions should also apply to the service of documents.

Mr Roper interjected.

Mr PLOWMAN—Perhaps, while the Bill is between here and another place, we will proceed with discussions on this matter to ensure that a link between the amendment—which apparently is not exactly as we wished it to be—to clause 20, which deals with the authority to enter lands, and the service of documents in clause 122 is established.

Mr ROPER (Treasurer)—Originally the government intended to accept the amendment but I think that the amendment, as moved, should have been "has been unable to contact the landowner" rather than "has been unable to obtain that consent". There appear to be two lots of consent in the amendment. It may be better if this amendment is considered while the Bill is between here and another place so the Opposition can get its amendment, which the government was to accept, right.

Amendment negatived; clause agreed to; clauses 21 to 32 agreed to.

Clause 33

Mr PLOWMAN (Evelyn)—I move:

13. Clause 33, after line 25 insert—

"(5) The transferee of a mining licence must give written notice of the transfer to the owner of any land covered by the licence.".

Clause 33 deals with the transfer of a licence between one licensee and another. The Opposition puts forward the desirability of the landholder knowing who he is dealing with; in other words, who is the current licensee who has a licence over his land. In the first instance the landholder knows who the licence application is made by and knows who he is dealing with.

The various subsections in clause 33 provide the opportunity for transferral of the licence to another person or persons. It is fair and reasonable that the landowner or occupier knows who he is dealing with so that if there is a transfer of a mining licence, the licensee should give written notice of the transfer to the owner of any land covered by the licence.

Mr ROPER (Treasurer)—The proposal is a reasonable one. It places the onus of notification on the transferee, and the government supports the amendment.

Amendment agreed to; amended clause agreed to; clauses 34 to 42 agreed to.

Clause 43

Mr PLOWMAN (Evelyn)—In debate on a previous clause, the Committee dealt with the definition of "low impact exploration". My amendment No. 14 to clause 43 is consequential. The Treasurer was not prepared to accept the earlier amendment and, therefore, I will not proceed with amendment No. 14.

Clause agreed to.

Clause 44

Mr PLOWMAN (Evelyn)—Under clause 44 the licensee who proposes to work under land nominated under section 7 of the Crown Land (Reserves) Act must obtain

the consent of myriad different individuals with the right of refusal, and of a great variety of managers of public or Crown land who have the opportunity of refusing a proposal to do work on that land.

The Opposition certainly supports the right of the Crown land manager or public land manager concerned to make a determination on whether exploration or mining should proceed on that land. However there have been instances where there has been simple bloodymindedness by individuals who have the right to refuse applications of this kind. The amendment seeks to ensure that under this clause, consents are not unreasonably withheld.

If the individual has the responsibility to make a decision it should be made on a genuine basis with properly considered and logical reasons for acceptance or rejection of an application. If the particular consent is refused unreasonably or is unreasonably withheld, that is simply frustrating the whole objective of this Bill, namely, to promote mining in Victoria under proper environmental guidelines which all the land managers concerned under clause 44 would be considering.

Amendment No. 16 to clause 44 is the precursor of the next two amendments which indicate that if a body or persons responsible for a consent refuses consent, the person or body concerned must within seven days notify the decision and give reasons in writing for that decision so that the decision will simply not be "No, we decline the application".

If the application is declined, within seven days of that decision being made the reasons for such decision must be given in writing. The requirement of a land manager of public land to state the reasons why a consent is refused is not unreasonable. As I said, this amendment is a precursor of the next amendment which offers the would-be licensee or the applicant the opportunity of contesting those conditions or the reasons at the Administrative Appeals Tribunal (AAT).

The Opposition believes that unless we follow a course of this kind, land managers who are responsible for consents under clause 44 may not in a quite unreasonable way withhold consent without giving any reasons, with no consequential appeal against the withholding of consent.

It is important that if the consent is not granted, reasons should be given in writing promptly within seven days; if those reasons are considered by the applicant to be unreasonable he may appeal to the AAT against those denials of consent and the final decision of the AAT determines the matter.

Therefore I move:

16. Clause 44, page 23, line 27, after "(3)" insert "—

(*a*) must not be unreasonably withheld; and

(*b*) ".

Mr ROPER (Treasurer)—The government has considered this amendment and does not agree with it. I understand the honourable member's concern about a department, Minister or statutory authority that in his view could take a decision that was unreasonable, but it is the role of the Department of Industry and Economic Planning to coordinate and facilitate the development of mining in this State and, in the Minister's view, it would be far preferable and more appropriate for any non-consent or additional consent to be negotiated between the department and the body concerned.

This matter is being considered, and I am sure there will be further discussions between the honourable member for Evelyn and the Minister for Industry and Economic Planning.

Amendment negatived.

The CHAIRMAN (Mr Norris)—Order! Amendments Nos 17, 18 and 19 are all consequential to amendment No. 16.

Clause agreed to.

Clause 45

Mr PLOWMAN (Evelyn)—I move:

20. Clause 45, line 6, omit "woolshed or milking shed" and insert "substantial farm building".

The background to this amendment emanates from the concern of the rural community that the definition of a milking shed may give some protection to a farm building that is only a cow bail under a tree with a corrugated iron covering over the top and is not a substantial farm building, whereas a hayshed which contains lucerne may be part of a palletising plant for an individual who is using that hayshed to store lucerne that is palletised and onsold.

The Opposition is concerned that the definition "woolshed or milking shed" is too narrow and that the definition "substantial farm building" more appropriately protects the rights of an individual who is using a substantial farm building for farming purposes.

Mr ROPER (Treasurer)—When this provision was being developed the words "woolshed or milking shed" were incorporated because of the possible effect on livestock. The honourable member has suggested there may be other substantial buildings on a farm that similarly should be protected, and for that reason the government will accept the amendment.

Mr W. D. McGRATH (Lowan)—I am pleased the Minister will accept the amendment. The provision covering woolshed or milking shed covers dairy farmers and graziers but does not apply to the grain farmer, who is more likely to have a concrete-floored shed, machinery and electrical equipment in his shed and, as the Minister says by interjection, a silo that is certainly a substantial farm building.

I am pleased that the government will incorporate into the clause the wider definition of "substantial farm building" rather than the words "woolshed or milking shed". From time to time farmers make large investments in farm buildings and it is possible that those buildings would not meet the criteria of woolshed or milking shed. It may be that a horse or pony stud may have a large stable associated with the venture, and the wider definition of "substantial farm building" is more appropriate in that instance.

Amendment agreed to.

Mr PLOWMAN (Evelyn)—I move:

21. Clause 45, line 25, omit all words and expressions on this line.

This amendment is similar to two previous amendments which the Minister has indicated will be considered while the Bill is between here and another place, and the same principle applies to this amendment as applies in the two earlier amendments in relation to an Aboriginal place.

The Opposition believes that, rather than incorporating "an Aboriginal place" in this provision, protection can be give to an Aboriginal place under clause 46 and that the same flexibility should apply to an Aboriginal place as was argued in the debate on the two earlier amendments.

In this instance, the Opposition's amendment would give the Minister for Aboriginal Affairs the flexibility to determine—a responsibility that he has already under Federal

legislation—what is appropriate in relation to either mining or searching for minerals near an Aboriginal place.

The Minister has the capacity to hear applications from Aboriginal people in relation to an Aboriginal place about whether there should be the same sort of prohibition or limitation as applies under the provisions of clause 45 or whether those provisions should be varied. This Act originated in Victoria and some of its provisions were incorporated in Federal legislation because the then Minister believed it was more appropriate; but the Opposition argues that the Minister, having given that responsibility to the Federal Minister, should not incorporate this provision in this legislation. The Federal Minister has the appropriate powers to protect an Aboriginal place under the provisions of the Aboriginal and Torres Strait Islander Heritage Protection Amendment Act. I shall read part of the provision relating to a declaration of preservation.

Section 21E (3) states:

> After notice is given under subsection (2) and any objections are heard and the Minister has consulted with any State Minister whose responsibility may be affected by the making of a declaration, the Minister shall:
>
> (*a*) if the Minister considers that, in all the circumstances of the case, it is reasonable and appropriate that a declaration be made for the preservation of the place or object—

That provides a very wide scope.

> . . . make the declaration and, in the declaration, specify the terms of the declaration and the manner of preservation to be adopted in relation to the place or object, including prohibition of access to, or interference with, the place or object; or
>
> (*b*) refuse to make the declaration.

The Minister says that he has already agreed to consider that while the Bill is between here and another place but it is important that the Opposition spells out the reasons for its amendment in the specific case of the 100-metre rule and the 120-metre rule as opposed to the definition and the exemption of land in the other two cases.

We believe the protection is already in the Act and that to introduce it again in this clause would simply duplicate a substantial measure of protection that already exists. We have therefore put forward the proposal in amendments Nos 21 to 24, of which amendment No. 21 will be the test. Therefore, I seek the support of the Committee for the amendment.

Amendment negatived; amended clause agreed to; clauses 46 to 49 agreed to.

Progress reported.

ADJOURNMENT

Mr ROPER (Treasurer)—I move:

> That the House, at its rising, adjourn until tomorrow at 10.30 a.m.

Motion agreed to.

CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL

Introduction and first reading

Received from Council.

Read first time on motion of Mr POPE (Minister for Labour).

HEALTH (RADIOGRAPHERS) BILL

Introduction and first reading

Received from Council.

Read first time on motion of Mr POPE (Minister for Labour).

MURRAY-DARLING BASIN (AMENDMENT) BILL

Introduction and first reading

Received from Council.

Read first time on motion of Mr CRABB (Minister for Conservation and Environment).

ENVIRONMENT PROTECTION (FEES AND PENALTIES) BILL

Second reading

Debate resumed from 11 October; motion of Mr McCUTCHEON (Minister for Planning and Urban Growth).

Mr COLEMAN (Syndal)—The Environment Protection (Fees and Penalties) Bill comes to this House at a time when the government is strapped for funds. Rather than being an environment Bill it is essentially a Bill aimed at increasing fees, and increasing fees significantly in some instances.

We need to separate the role of the Environment Protection Authority (EPA) from the expectation that has been placed on it that it should pay its own way. Paragraph 3.15.16 of the Auditor-General's report of May 1990 comments on the EPA and the way in which it has performed:

> An audit review of the licensing system disclosed the following:
>
> Renewal notices for over 500 licences with fees exceeding $375 000 were not issued for 1988-89 and 1989-90, mainly due to a failure to monitor reports detailing licence holders.
>
> Due to numerous computer breakdowns the EPA found it necessary to regularly issue invoices on a manual basis;
>
> An increase in fees in 1988-89 was not reflected in all invoices issued, resulting in a loss of revenue of approximately $3400;
>
> Interest on overdue accounts was not charged in accordance with the legislation;
>
> The EPA in 1985 advised certain licensees that they were exempt from paying fees. This advice was subsequently found to be incorrect, thereby resulting in a loss of revenue. Due to poor documentation it was not possible to accurately quantify the total amount of revenue forgone;
>
> Licences for waste discharges and stack emissions provide for self monitoring. The licence holders are required to arrange for tests to be undertaken by suitably qualified persons in accordance with the licence conditions, with results being submitted to the EPA which assesses compliance with relevant conditions; and
>
> Licence fees are not set to recoup all of the administration costs of the EPA.

That last comment by the Auditor-General is the basis of this legislation, that is, that the government has become sensitive to the criticisms of the Auditor-General and has now tried to put into place a system that will recoup the costs of operating the EPA in this State.

Mr Maclellan—Plus a few sneaky provisions!

Mr COLEMAN—Yes. The Bill sets out the amount the government is attempting to raise from the legislation, which is approximately $4.5 million to $5 million.

It is not an inconsequential amount of money I am talking about and it is targeted in the way it is to be applied. Suffice it to say the Auditor-General has drawn to the attention of Victorians the fact that the way the fees have been set will not recoup all the administrative costs of the Environment Protection Authority. The EPA is suggesting that in one fell swoop it will recoup all of the costs. That might suit the EPA and those who have no understanding of the way the people who are the recipients of the fees are going to pay them, but the fact is that a number of organisations now within the ambit of the EPA licensing arrangements are not in a position to pay the whole of the increase suggested in one appraisal.

I am talking about fairly substantial amounts. Clause 6 increases the maximum licence fee which may be prescribed from 7500 fee units to 42 000 fee units. That is a significant amount of money. There is no doubt that that type of increase sets the tone on the way the Bill is brought to the House. The Opposition is anxious to ensure that methods of handling the environment and the way the EPA, which is the body responsible for ensuring there is an effective environmental system in place, can operate and deliver the service we all expect are appropriately dealt with. I might say that if the proposal is as set out in the purpose clause of the Bill, it will be a polluter-pays or user-pays arrangement.

Mr Maclellan—Heaven help the SEC!

Mr COLEMAN—The State Electricity Commission and the Board of Works are two of those major instrumentalities which by their very nature are significant environment——

Mr Maclellan—Polluters!

Mr COLEMAN—No, they are not polluters. With the best intentions I think the honourable member for Berwick should recognise that they are not polluters. They are organisations carrying out their responsibilities. They have been given the charge of ensuring that the community is provided with a range of services which they are required to deliver. The SEC and the Board of Works will become de facto taxing bodies for the government because it will be their responsibility to oncharge to their consumers the costs of the legislation. That is where the rub is in this Bill. The government is shielded firstly by the EPA and major statutory authorities which will obviously be exposed to additional costs, and it is shielded also from the tax implication through those statutory authorities.

One of the things we have to understand is that while the government is an adequate proponent of environmental issues, at the point of hurt it is not to be seen. It is using statutory authorities to shield itself from the impact of the significant costs that are associated with the operation of the Environment Protection Authority. Hopefully there will be amendments to the legislation which reduce the impact of the introduction of this very significant increase in some instances. In the case of the SECs and Boards of Works of this world undoubtedly there is an opportunity in their rating system to phase in those increases. In the case of the major industries in Victoria the government is asking the Opposition to accept one major amendment to the fee structure of significant increases which industry has no previous advice of, and it has no opportunity of building the cost into the charge-out fees of the products they are producing. That leaves those industries in the stage of a decline in industrial activity, which will significantly weaken the economic structure and financial viability of those enterprises which have been forced to pay the additional charges and fees.

I think the way the matter has been handled by the government takes no consequence of the people who have to pay. It is incumbent on honourable members on this side of the House to ensure that Victorians understand that the impact of the EPA administration, which is so roundly criticised by the Auditor-General, is being passed on to consumers behind the screen of some significant statutory authorities. One hopes that as we draw close to an election people will start to realise where some of the charges are emanating from and why they are being included in the fee structure they are being asked to pay.

It is best encapsulated in the remarks included in a letter I have received which was written by the Town Clerk of the City of Warrnambool, Mr Vernon Robson, and addressed to the honourable member for Warrnambool. It states:

> The initial reaction to this Bill is one of disappointment that private enterprise will again be subjected to the severe penalties and policing of the Environment Protection Authority.
>
> Regretfully there is absolutely no compassion or reasonableness with the prosecuting "force" in this bureaucracy.
>
> As a consequence, businesses will have no option but to compare the costs, penalties and persecution from the EPA against the opportunities and encouragement offered in other States such as New South Wales and South Australia.
>
> Whilst it is responsible to have reasonable laws with uniform provisions to prevent blatant environmental abuses, the government must also realise the huge financial cost that new laws and regulations (quite apart from exorbitant penalties) have upon industries.
>
> Many of these industries are already experiencing the economic recession and are not necessarily in a financial state to be able to comply immediately with EPA demands.
>
> There needs to be some reasonable time allowed for consultation and for phasing in equipment changes to meet new EPA standards.
>
> It is easy for governments to state that the "polluter" and the "user" should pay. However, in this process, some businesses will be forced to close because they have not had sufficient time to adjust and/or budget to comply with the EPA regulations.
>
> Higher penalties will not necessarily encourage compliance but are more likely to force business to cease operating, with consequent further unemployment.
>
> Some tolerance for a phasing-in period should be negotiated with provision for a reasonable period of notice to be given by the EPA before on the spot fines or other infringement notices are issued.

Like many other parts of rural and provincial Victoria, the City of Warrnambool is suffering from some economic downturn, and Mr Robson indicates the sentiments of the Opposition in this matter. Consideration needs to be given to a phase-in of the significant fee increases which are included in the Bill.

The Bill is not dealing entirely with fees. It contains a range of other issues. In essence it is a Committee Bill, given the number of issues addressed in it. Perhaps I shall deal with some of the issues set out in the Bill. Firstly, I wish to take account of the issues set out in clause 14 under the heading "Fees for services". What is proposed in the clause is that the EPA prescribe:

> scales of fees to a maximum of 200 fee units in respect of any service provided or function performed by the authority for which no other fee is prescribed.

This clause proposes to insert in the Act an all-embracing provision which can be used by the authority at will. In constructing the Environment Protection Act it was necessary to specify a range of services for which fees are charged and that system has worked satisfactorily. It has meant that each time there is an additional or new fee to be charged the proposal is tabled by way of amendment in the House and Parliament has a say in the extent to which fees are altered or new fees are implemented. This clause provides that in future that process need not be complied with and the Environment Protection Authority can set a scale of fees without reference to Parliament. In view

of the experience of a number of companies, and bearing in mind there is an economic impact of some significance in the suggestion, it would be wise not to extend that power to the EPA at this time.

The Opposition will be moving that clause 14 be deleted. The power provided under clause 14 is against the spirit of the Act, which currently contains specifications for each of the fees. I understand the EPA is concerned that it is unable to set a specific fee structure. It is perhaps best illustrated by a letter I have received from the Clean Air Society of Australia and New Zealand, a letter in which the society points out that motor testing in Victoria, and Australia generally, has become the responsibility of the Commonwealth government.

In the second paragraph of the letter the society says:

> However, as a result of recent interpretations of the Australian Constitution by the High Court, responsibility for administration of new motor vehicle air pollutant emission standards has moved from the States to the Commonwealth. This has occurred without the Commonwealth possessing its own testing facilities, so as to be able to audit the results presented by manufacturers. The State's testing facilities have since been underutilised or even idle.

According to the Clean Air Society of Australia and New Zealand, the role being performed by the EPA was taken over by the Commonwealth and the State's facilities are now underutilised or even idle. I think the EPA envisaged that where someone wanted a vehicle checked it could charge a fee for testing the vehicle, notwithstanding that it would be performing a Commonwealth function. The Opposition would argue that a person who presents with a vehicle for testing has demonstrated a fairly significant environmental awareness in seeking to redress the problem and ought to be assisted in the matter rather than being charged a fee for what is essentially a Commonwealth function. At the appropriate time the Opposition will move to delete clause 14 to ensure that the existing system that is well and truly recognised in the community continues, where each of the fees is set out in the legislation.

I move to clause 12, which provides for a new offence of aggravated pollution. New South Wales has introduced legislation providing for an offence of aggravated pollution to include negligent acts. The current Victorian legislation talks about "recklessly". The Opposition suggests that clause 12 should attempt to differentiate between organisations and individuals. New South Wales sets $1 million as the fine for aggravated pollution for a corporation. The Opposition suggests that where an individual is caught by this clause the fee should be $500 000.

Clearly there are people who set out to commit what we all think are unreasonable environmental actions. A recent case brought to my notice concerned an individual who, presumably with the acquiescence of the local municipal councils, was collecting oil from service stations in the Bendigo area and disposing of it by tipping it in the forest. That action continued for five years before it was discovered by the EPA, as a result of the oil seeping into a waterway and people receiving water from that source complaining about the oil content of the water. The person concerned has caused considerable pollution. It may have been easy for the person to do what he was doing, but at the end of the day he was a major contributor to the whole pollution mechanism.

The impact of the fine provided for in the Bill will ensure that significant offenders in the sense I have outlined have the full force of the law imposed on them. One can only hope that this is a single instance and that it has not occurred in other regional centres; that the same organisation has not been collecting oil and dumping it in the forest, as has happened in Bendigo. There have been other instances where trade wastes have been picked up from premises and dumped into sewers, making it difficult for organisations that receive the waste to treat it because they are unaware of what it contains. Cases that had been occurring clearly inspired the New South Wales

government to lift the penalty to $1 million for the aggravated pollution offence. There is a need to separate the penalty and at the appropriate time the Opposition will move an amendment which will provide a penalty for corporations and a separate penalty for individuals.

I refer to clause 8, pollution abatement notices, which sets out to allow the Environment Protection Authority to intervene in the activities of a sewerage authority. In essence, it is the "Nufarm amendment". Honourable members will recall that, at the behest of Greenpeace (Australia) Ltd, the EPA intervened in the accessing of waste by Nufarm Ltd into the Board of Works system, notwithstanding that the Board of Works was accepting the material and treating it and, as was subsequently proved by testing, the company was able to meet the requirements of discharge under the licence under which it operated.

While the clause deals with the Nufarm situation, a range of other places in Victoria have similar activities occurring. Parliament devoted a significant amount of time to debating a new Water Act, which was proclaimed at the beginning of the month. One of its strengths was that it kept in place a range of water authorities. They are freestanding organisations with board members who have a genuine desire to maintain the standard of the surroundings of the locations where the authorities operate. The authorities should have the ability to operate the sewage treatment systems that are generally part and parcel of their activities; but the clause provides an escape mechanism.

All honourable members are aware of municipalities whose councils will not make decisions on some matters, particularly those relating to planning issues, and simply refer them to the Administrative Appeals Tribunal, so avoiding the odium of having to make the decisions. The Bill provides for similar outcomes in respect of the activities of sewerage authorities. They will be able to refer matters to the EPA which will be able to use the provisions of clause 8 to determine how discharge into the systems of the water authorities should occur.

If water and sewerage authorities are to operate in this State with the full support of the community, they must be allowed to exercise their rights and assume the responsibilities flowing from them by accepting trade waste. The authorities will all operate under licences that carry some penalty if breached. In treating waste, the authorities are cognisant of the licence requirements; they will be cognisant also of the requirements when accepting trade waste.

Clause 8 provides an opportunity for the EPA to step in and say to an authority, "You can't accept the waste, notwithstanding the fact that you have not breached the licence arrangements under which you are working". The system is unsatisfactory and the Opposition will seek to defeat the clause. A raft of authorities with strength to make their own decisions must be maintained in this State.

Section 307 of the Water Act 1989 gives power to the Minister to intervene in such a case. It provides that:

> (1) The Minister may give direction to an Authority in relation to the performance of any of its functions and the exercise of any of its powers.
>
> (2) The Minister must give an Authority 14 days' notice of his or her intention to give a direction under sub-section (1).

A power exists at the moment for the Minister responsible to exercise control over the authorities. The clause proposes the control should be removed from the provisions of the Water Act and included under the provisions of the Environment Protection Act. Such a system is clearly not conducive to proper operation simply because many instances occur where a duplication of direction can arise and, as is envisaged by

clause 8, in that confusion nobody knows what should be done in such circumstances. On that basis, the Opposition will seek to defeat the clause.

I make specific comment on clause 6 which relates directly to the question of fees. As I indicated earlier, some phasing-in arrangement must be devised for this significant increase to be implemented. Quite clearly industry is not in a position to consider an escalation in fees from 7500 units to 42 000 units. The increase must be phased in. The Minister should give consideration to accommodating a phasing-in system. The critical aspect of the fees structure is that a limited number of organisations are paying the top fee. If some arrangement is not arrived at, all the organisations under the licensing arrangements will be expected to pay significant increases in fees. If the purpose is to raise between $4.5 and $5 million, the net will be cast wide. The Minister should be giving consideration to whether, in the first attempt at responding to the Auditor-General's comment the EPA is not recouping all its administration costs; the burden should be eased across all licence holders. Such a system would make it possible for each licence holder to accommodate the proposed increases within its budgeting processes. The Opposition will seek to have the matter considered and will be prepared to move an amendment to achieve that result at the appropriate time.

Environment protection has a growing community understanding; everyone is becoming aware not only of conservation issues but also of environment issues. Our urban environment is being severely impacted on. One can only hope that we understand the implications of what we do as a community and as individuals. The Streeton report into air health and quality shows the seriousness of suburban sicknesses and how the problem should be approached. Dr Streeton is a consultant respiratory physician. I am pleased that the Minister has been prepared to implement some of the recommendations in the Streeton report.

The motor car is still a major pollutant in this city. Unfortunately the government has not been prepared to give people any encouragement to transfer to the use of unleaded petrol in their vehicles. A transfer was made in the consumption of beer from full strength beer to light beer with an incentive in the pricing schedule. The same should be done for unleaded petrol. As we have seen from press announcements, the government is receiving substantial money from the current petrol situation. If the government has the environmental consciousness which it claims it has it would ensure that people have an incentive to use unleaded petrol. The Streeton report makes it clear that automotive emissions have been reduced from 700 kilotons in 1985 to 550 kilotons in 1990, a significant reduction in five years. In part that reflects the introduction of unleaded petrol but further reductions would be possible if more incentives were given to motorists to switch to unleaded petrol.

The Melbourne community suffers from many respiratory problems. That is reflected in the high cost of health. I ask the Minister to give consideration to a suggestion that the pricing of petrol should reflect the recommendations in the Streeton report. Septic tank systems are also a major pollutant in some parts of Melbourne.

The Opposition supports the Bill. We are anxious to have its provisions implemented so that the environment is further protected.

Mr W. D. McGRATH (Lowan)—The National Party has considered the provisions of the Bill that basically increase the fees and penalties applicable under the Environment Protection Act. The Environment Protection Authority (EPA) plays a strong policing role in this State in a number of areas but especially for factories that discharge various degrees of effluent into waterways, airways or land sites. The Bill places licence charges on those operations for the privilege of discharging into the atmosphere, the waterways or the soil.

We must minimise the danger caused by effluent going into the environment. Pollution is of human making. Our society has become more and more sophisticated and is using concentrates of chemicals to speed up the processes used in modern life. One can visit factories in any corner of the State, from a chicken processing plant at Great Western to a fruit processing plant in the Goulburn Valley or a vegetable processing plant in Gippsland and one will find that they all have effluent to dispose of. What we want is for that disposal to be done in the safest possible way. If companies do not abide by the rules and regulations laid down by the government through the Environment Protection Authority, they must suffer the consequences. The Bill is to enforce the requirements laid down.

Clause 8 gives the authority power to issue a pollution abatement notice. One company in Victoria that suffered heavily from the interference of the Greenpeace movement was the Nufarm chemical plant in the western suburbs.

I recall speaking to executives of the company about the problems they faced as a result of the interference from Greenpeace. It was certainly severe interference. My colleague in the other place, the Honourable David Evans, issued a freedom of information request on whether Greenpeace had made contact with the Environment Protection Authority before it came out publicly announcing the practices of Nufarm Ltd in the western suburbs. No evidence was secured by the Honourable David Evans as to whether Greenpeace had notified or dealt with the EPA prior to its coming out and publicly criticising that company.

As a farmer, I am aware that farmers rely on a number of chemicals produced by Nufarm. The interference by Greenpeace created a hiccup at that time in the manufacture of chemicals for farming practices. It may be critical for farmers if chemicals are not available, particularly pre-emergent and post-emergent sprays, which are used before and after crops come out of the ground. If they are not available at the right time farmers suffer a significant reduction in crop or pasture yields. It was alarming that that hiccup was allowed to occur as a result of the actions of Greenpeace, which has never been able to justify the claims it made. Greenpeace became involved in a mischievous exercise and suffered a downturn in credibility because it was unable to substantiate its allegations. Further investigations by independent people have demonstrated that the allegations made by Greenpeace had no merit. It is a pity that Greenpeace has suffered this downturn in credibility because it is held in high regard by many members of the community. As a result of Greenpeace taking action against Nufarm Ltd, without properly thinking it through, many people will doubt the organisation's credibility and it will lose some influence in making people aware of its role as a watchdog over operations affecting the environment.

Earlier the honourable member for Evelyn referred to car emissions in the metropolitan area. Metropolitan residents often condemn rural Victorians for not doing enough to protect the environment. They say there are insufficient numbers of trees being planted, that the waterways are not being looked after and that penalties should be imposed on people or companies pouring effluents into streams. I suggest that people making those allegations should look into their own backyards, and that the government should consider the introduction of a policy to encourage people to leave their vehicles at home and use public transport to commute to work. Perhaps in that way we will be able to overcome some of the environmental problems facing this State.

Clause 14 inserts in section 71 (1) of the principal Act a provision for the Environment Protection Authority to prescribe scales of fees to a maximum of 200 fee units for any service provided or function performed by the authority for which no other fee is prescribed in the Act. I suggest the clause will allow the EPA to charge a fee for any service that it provides and that the fee can be up to $1450. I express concern about that clause because it would enable the authority to visit a place of business on a

number of occasions and charge a fee up to $1450 for a service, even though it may not change a practice or provide any advice to that company. The authority may have some vendetta against a business practice and, through no fault of its own, a business may incur such penalties.

The Bill also provides for a maximum penalty of $1 million for certain breaches of the Act. Such a penalty may be appropriate for a corporation but it is a bit over the top to impose it on an individual person or small company. I suggest to the Minister that the maximum fine should be $500 000. I am sure the maximum penalty will not be imposed very often on an individual but certain safeguards should be put in place. I suggest a maximum penalty of $500 000 should be sufficient as a deterrent for individuals with respect to the possible breaching of regulations or the legislation.

The coalition believes there may be a duplication of responsibilities covered by the Environment Protection Authority and local water boards. With respect to pollution of a stream or waterway we believe the local water board should have the power to administer such activities in the interests of all residents and should not have to suffer the interference of the authority. If a water board is not performing its duties, it is the responsibility of the Minister for Conservation and Environment to make the board perform rather than having another body such as the EPA coming in and duplicating departmental or government interference. It is for those reasons that the Opposition will be moving a number of amendments during the Committee stage.

The SPEAKER—Order! The time appointed by Sessional Orders for me to interrupt business has now arrived.

Debate interrupted.

Sitting continued on motion of Mr ROPER (Treasurer).

Debate resumed.

Mr W. D. McGRATH (Lowan)—The Opposition will put forward amendments to the Bill in the Committee stage which we hope the government will accept. We believe the amendments will improve the intent of the Bill. It is important that we protect our environment to the best of our ability, and from time to time it is necessary to provide in legislation the opportunity for those who adjudicate on cases of pollution to apply the maximum fees or penalties, to determine the best possible outcome and restrict the possibility of harming the environment.

For that reason the Opposition will not oppose the Bill but we certainly hope the government will take on board the amendments we will move in Committee.

Debate adjourned on motion of Mr DELZOPPO (Narracan).

Debate adjourned until next day.

ADJOURNMENT

Kindergarten funding—Administrative Appeals Tribunal—Bus services in Derrimut electorate—Residential services for intellectually disabled—Pyramid Building Society—Essendon Airport—Protection for citrus growers

Mr ROPER (Treasurer)—I move:

That the House do now adjourn.

Mrs WADE (Kew)—I raise a matter for the attention of the Minister for Community Services. I have been approached by the Kew Preschool Association and other people associated with kindergartens in my electorate and they have asked me to raise the

question of cutbacks in funding for kindergartens. As a result of our discussions I should like particularly to raise with the Minister whether the priorities for funding in her department are appropriate.

All honourable members will be aware of cutbacks in kindergarten funding and their effects on various kindergarten programs. I refer briefly to a letter that I have which was written by the Minister to the secretary of a kindergarten in my electorate. The letter sets out that there is a tight budgetary situation and that savings have to be made in the kindergarten program. A number of these issues have been raised by other members in the House. They relate to cutbacks for toddler groups, for which funding will cease from 28 January 1991.

There are cutbacks for extended-hours kindergartens, which will receive half-day funding instead of full-day funding. There will be no kindergarten sessions funded in private schools. There will be no funding for three-year-old groups from 28 January 1991; and there will be no funding for Saturday sessions from 28 January 1991. In addition, type A centres in metropolitan Melbourne and provincial cities in rural Victoria will be required to have 46 children enrolled. I understand from the Minister this evening that there has been some change in that last matter I have mentioned, but I gather there has been no change in the other cutbacks.

I really wish to raise the question of priorities in program No. 194 that funds kindergartens, family planning, out-of-school-hours programs, school vacation care, child-care, creches and day nurseries, Aboriginal preschool assistants, subsidies for maternal and child health services, the refugee minors program and family support services. These are all grant-type activities. None of the services is carried out by the department itself; the department is merely handing money on to people who actually provide the services. The largest item of expenditure is for kindergartens, which is $63 127 600 this year out of a total budget of $145.6 million. That represents an 0.2 per cent increase for kindergartens on last year, or a 7 per cent cut in real terms; and in money terms, that is a cut of $4.3 million.

The Minister has explained that cutbacks are necessary. I should like to direct her attention to the department's budget for head office salaries and expenses. Last year that amount was $29.6 million, and this year it is $33.5 million. In other words, there has been an increase in the head office program—this is where the people who hand out the grants are located, but they do not actually provide the services—of almost $4 million. To be exact, there has been an increase of $3 933 283, or 13.1 per cent, for the paper shufflers, when there has been a cutback of 7 per cent in the kindergarten services.

It seems to me that if the Minister has to look for cutbacks—and I must say that I do not know why there have to be cutbacks in the kindergarten area when there are no real cutbacks in the total outlays in this budget—I point out that 23 cents in every $1 goes towards head office programs. In other words, 23 cents in every $1 is being used up at the head office and only the remainder of that $1 is actually going out to the people who are providing the services in the kindergartens to the children of this State and other family and children's services.

Mr MAUGHAN (Rodney)—I wish to raise a matter for the attention of the Attorney-General concerning a development by Loorungah Nominees at Echuca. After the Safeway shopping complex was completed as part of stage 1, plans for stage 2 were completed and given to the Echuca City Council for comment in September 1988. On 20 December 1988 plans were published in the *Riverine Herald* and comment invited. On 8 May 1989 an application for a planning permit was made. The gist of this whole problem is that on 21 May 1990 there was an Administrative Appeals Tribunal (AAT) hearing in Echuca to hear the submissions of the ten parties that had

objected to this particular development. Legal argument took place before a two-man tribunal over a period of two days, and legal argument was completed at the end of June.

After four months the developers became frustrated that they had received no advice from the tribunal regarding their decision—bearing in mind that they had already spent something in the order of $2 million, they were under pressure from their bankers, and there was a $10 million project at stake. Therefore, the developers involved, with all the pressures they had on them, the people associated with them; and people who were affected by the decision were becoming concerned at the delay.

I contacted the Administrative Appeals Tribunal some three weeks ago and was told that a decision could be expected at the end of October. When the October date came and went, I again contacted the AAT and was told that a decision would be made on Friday of that week; that was Friday, 9 November. Again that deadline came and went, and I was told that the decision would be released on Tuesday; that is today. However no decision has yet been announced. I am advised that maybe, with a bit if luck, we will get a decision tomorrow. This is an absolute scandal. It has taken five and a half months for the AAT to consider this matter.

I shall read the last paragraph of a letter written by the developer's solicitors to the AAT:

> It has not only cost our client $210 000 for legal planning and engineering fees, but it has almost driven it into liquidation, solely because all chairmen of the AAT except one keep taking on more hearings and won't bring down their findings. One chairman brings his decision in 48 hours. Why does it take others five and a half to six months?

This is scandalous. I ask the Attorney-General to examine why it took the Administrative Appeals Tribunal five and a half months to bring down a decision when legal argument was completed at the end of June. I also ask him to take action with a view to smartening up the process of the AAT.

Mr CUNNINGHAM (Derrimut)—I direct a matter to the attention of the Minister for Transport whom I thank for his recent visit to my electorate, when he travelled on the train from Melton through Rockbank, Deer Park and Ardeer to Spencer Street. At that time the Minister saw first hand a train service that transports 610 000 passengers a year from Bacchus Marsh to Spencer Street. The Minister also saw the bus services in the area and had pointed out to him the problems faced by residents in my electorate. I congratulate the Minister on the seven-year agreement he has made with the Bus Proprietors Association, which should bring both stability and serviceability to public transport users.

Some weeks ago when the bus proprietors were in dispute with the government a number of individual bus companies changed their timetables without the approval of either the government or its agency, the Public Transport Corporation (PTC). Sita Bus Lines, the company that provides the bus service in Melton and Albanvale, took certain action which, although it may have saved the company a lot of money, clearly disadvantaged the travelling public. Sita Bus Lines, which is paid monthly in advance by way of subsidy, withdrew 50 per cent of its buses—in other words, two of the four buses in operation in Melton were taken out of service. As a result services were drastically reduced. Some drivers lost their jobs while others copped flak from irate passengers—and I sympathise with their situation. Sita's buses ceased running to regular timetables and no new timetables were forthcoming, despite passengers requesting them.

The bus company was not worried, because bus proprietors are paid for bus routes and not for passengers carried, which is a cause of the problem. The services affected were the 5.50 a.m. first morning bus, which was withdrawn, and the Sunshine bus

from the Melton regional shopping centre, which was withdrawn; also the infrequent service during the day as well as the unavailability of timetables made it impossible to assess reliability.

This action will seriously affect future patronage and shows that the bus company and bus proprietors have no concern for the plight of the elderly, young people and students, as well as those who do not have the resources to own their own vehicles. The suburb of Albanvale has also suffered because of the unilateral action taken by the bus line, particularly the withdrawal of services after 6 p.m. on week days and on Saturday afternoon.

The actions were taken without the approval of the government and the loss in revenue to the government will be substantial. I ask the Minister for Transport to investigate whether the PTC paid for services that were not rendered. Now that the general agreement has been reached between the parties involved I ask the Minister to ensure that the PTC works towards restoring the services that were available a few weeks ago so that the travelling public will return to public transport and the bus drivers affected by the reduction in services will get back their jobs.

Dr NAPTHINE (Portland)—In directing a matter to the attention of the Minister for Community Services I ask her to take action to restore the rights of community-based committees of management of residential services for the intellectually disabled to select their own staff.

Residential services associations throughout Victoria provide a range of residential accommodation services for the intellectually disabled and are run by community-based committees of management, which ensures that the services meet the needs of the intellectually disabled and help their integration into our community. There are good reasons to retain the independence of the committees of management. Previously such committees selected their own staff even though the staff were paid by Community Services Victoria and were classified as exempt public servants.

Recently the committees of management have been instructed that they must comply with the provisions of two documents, the first of which is the CSV staffing and mobility strategy and the second of which contains the rules that pertain to the Government Sector Workforce Management Unit (GSWMU). The bottom line is that by complying with those two instructions the committees of management will no longer have control over who they are allowed to employ. Instead the committees will have to accept as staff redundant public servants from any department or government agency in preference to the person best equipped and available to do the job.

When such vacancies occur committees of management must now notify Community Services Victoria, which then searches to see whether any CSV redundant staff are available. If there is none, the committees of management are then required to notify the Government Sector Workforce Management Unit, which searches for redundant staff throughout the public sector to see whether anyone is available. I shall quote from a memo on the CSV staffing and mobility strategy's impact on non-government sector community residential units (CRUs).

Mr Kennedy interjected.

The SPEAKER—Order! The honourable member for Bendigo West is out of order and out of his place.

Dr NAPTHINE—And he does not know what he's talking about! The memo says:

> Contrary to the verbal advice given recently at a training session for residential association staff, casual staff cannot be permanently placed in ongoing positions at their level without advertising the vacancy according to current requirements. As determined in SAMS—

That is the staffing and mobility strategy—

> internal advertisement in JOBWATCH and clearance from GSWMU is necessary prior to any such advertisement.

Further:

> If staff from CSV or other government agencies are referred to vacant positions in CRUs they must be interviewed prior to any other staff being considered and the report referred to the personnel management branch (PMB). PMB will assess this interview report and if the redeployee is genuinely not suitable or qualified for the position, the vacancy can proceed for advertisement.

That means that if the personnel management branch thinks that a redeployee is at all suitable he or she will be given a job regardless of whether he or she is the best person for it. The effect of that is outlined very well in a letter from Mr Barry Sherwell, the Executive Director of Wimmera Community Care, in a letter to the President of the Committee of Management of the South Western Residential Services Association, in which he says:

> I believe the application of CSV's strategies to redeploy surplus staff to our associations and agencies represents a most serious intrusion into our staff selection process; a most serious blow to our autonomy.

He highlights the following problems:

> The policy strikes at the heart of community management because the management committees will no longer be able to exercise any real control over staff selection . . .
>
> It ignores all good personnel practices. Our associations and agencies will not be able to make appointments based on merit . . .
>
> It removes one of the keys to the success of our program, that is, the philosophy and motivation of our staff. . .
>
> We may be forced to accept surplus CSV or other department staff regardless of their commitment to community-based programs.

The policy is designed to protect the jobs of public servants instead of looking after the needs of intellectually disabled people by allowing committees of management to choose the best person from the community for the jobs of delivering services to residential units, which is what the government should be aiming for. The Minister and the government should act to ensure that the best people are employed to look after the intellectually disabled.

Mr KENNETT (Burwood)—I direct a matter to the attention of the Attorney-General, and in his absence the Minister for Planning and Urban Growth. About two weeks ago the government, through the Attorney-General, indicated publicly that it would set up a $20 million fund to assist those depositors in the Pyramid Building Society who were in distress or facing hardship.

Mrs HIRSH (Wantirna)—On a point of order, Mr Speaker, the honourable member for Burwood is raising an issue aspects of which I believe are before the courts. I suggest that it is inappropriate to raise in Parliament a matter that is sub judice and I ask you to rule that the honourable member is out of order in raising the issue.

Mr KENNETT (Burwood)—On the point of order, I raised the issue of the $20 million emergency funds that the government about two weeks ago announced as a fait accompli, and which is affecting the lives of many people in distress. That has nothing to do with the court case. I suggest the intervention of the honourable member

to try to stop me raising the matter is another indication that the government simply does not care. I ask that I be able to continue.

The SPEAKER—Order! There is no point of order.

Mr KENNETT (Burwood)—At the time, the government indicated——

Honourable members interjecting.

Mr KENNETT—Mr Speaker, it is my time and it happens to be the time of the people out there who are wanting access to this money. About two weeks ago the government indicated——

Mr MICALLEF (Springvale)—On a point of order, Mr Speaker, the honourable member for Burwood seems a little over-enthusiastic, being the former Leader of the Opposition; I suggest you ask him to behave in a proper manner and not to come in here after a long lunch.

The SPEAKER—Order! There is no point of order.

Mr KENNETT (Burwood)—About four to six weeks ago——

Mrs SETCHES (Minister for Community Services)—On a point of order, Mr Speaker, I definitely heard the honourable member for Murray Valley use a very unparliamentary expression to the honourable member for Springvale. I demand that he withdraws it. I will repeat the expression if I need to so everyone knows how he talks and how he refers to people in this House.

The SPEAKER—Order! The Minister has taken offence at a term used by the honourable member for Murray Valley during an interjection. I ask the honourable member for Murray Valley to withdraw.

Mr JASPER (Murray Valley)—I am quite happy to withdraw the term that I used; I called the honourable member for Springvale a useless log. I withdraw the term.

The SPEAKER—Order! The honourable member for Murray Valley has been here long enough to know not to use unparliamentary terms.

Mr KENNETT (Burwood)—About two to four weeks ago the government announced that it would set up a fund of $20 million to assist those in desperate need because of the Pyramid Building Society collapse. Last Friday I was approached by a constituent who wants to be placed on that list. I approached the Attorney-General's Department and asked how my constituent could be placed on the list, only to be told that the list and the categories have not yet been prescribed. I was told by the Attorney-General's Department that a committee would be set up within two weeks and the criteria would be worked out at that stage.

That is an absolute abuse of the people who are suffering hardship because they have lost funds through Pyramid. It is intolerable that the Attorney-General and the government have announced the setting up of this fund and the $20 million in such a way that it was assumed the money was already there to be given to people suffering hardship.

Mr Kennedy interjected.

Mr KENNETT—It is very typical of you people—you say you have a social conscience but people out there are hurting. The government has said it would set up a fund. The fund is not set up. I ask the government to establish that fund immediately to ensure that those people who are in desperate need obtain the assistance they were promised by the government about four weeks ago.

Mr SEITZ (Keilor)—I raise for the attention of the Minister for Transport, and for referral to his Federal colleague, a matter regarding Essendon Airport. Several studies have been carried out by the airport authorities and the City of Essendon about that airport being closed and used for residential development.

Last week's newspaper refers to latest reports about Essendon Airport being released for sale early next month. The article refers to a $126 million tag on the site, as valued by the City of Essendon, but that it would now be worth only $37.4 million.

Over recent years Victoria has experienced problems with contaminated soil. Essendon Airport has been there for a long time; it serviced Melbourne during the second world war. There must be a lot of contaminated soil there.

Mr Kennett—Do you know that?

Mr SEITZ—When we dig up the runways where will we dispose of the material? The cost of removing the contaminated soil, to establish a housing estate, will reduce the potential of that land.

Mr Kennett—How do you know?

Mr SEITZ—I do not want the Victorian taxpayers to grapple again with that problem. The Federal government has studied the area. Everyone must remember the land at Albion used for the explosives factory—and I commend the Federal government for that action—because that tract of land used as an ammunition dump was found to contain contaminated soil. The cost of removing the soil is great. Something similar could occur at Essendon Airport if the land is to be used for housing.

Everyone must remember the problem at Suspension Street, Ardeer, and all the contaminated soil. Victoria is still grappling with that. It is a financial problem and it is difficult to dispose of the soil. It is no longer acceptable to put that soil into a quarry. The soil must be decontaminated and it must be done economically. The soil cannot be transported throughout Australia to be disposed of.

I ask the Minister to discuss with his Federal counterpart the problem of the land at Essendon before the study is released and before any recommendations are made. Those issues should be examined by the Commonwealth which should remember the stringent planning regulations introduced by the Victorian government. That must be considered before the land is used for residential development. All the answers should be on the table before the closure of the airport is considered—and that is another matter.

My concern is for the attention of the Federal Minister. The issues have been addressed and should be of concern to all honourable members; to look after the safety and concern of a community that might build houses and move there, only to find much later that mistakes have been made. The dreams of people will be shattered—and forget the people who develop any estate! We must consider the number of cubic metres of contaminated soil.

The SPEAKER—Order! The honourable member's time has expired.

Mr JASPER (Murray Valley)—The concern I direct to the attention of the Minister for Agriculture and Rural Affairs relates to the difficulties facing Victorian primary producers, and the special problems being faced by citrus growers. Representations have been made to me from growers in the Cobram area.

The difficulty of orange growers in Victoria in particular must be recognised by the government and by all governments throughout Australia. Action must be taken to protect those important Victorian primary producers. The people producing citrus

products within Victoria are receiving approximately $64 per tonne for oranges used for juicing.

Producers in the Cobram area have indicated to me that the break-even point so far as their production costs are concerned is as high as $140 a tonne. They are receiving less than half the cost of production for oranges that are being used for juicing. In the Cobram area of my electorate there are 32 orchards; that is, 1500 acres are under citrus, and these people—like all citrus producers in Victoria and throughout Australia—are suffering tremendously from the import of cheap orange juice concentrate from many countries throughout the world, particularly from South America.

The problem is there needs to be action and support from the Victorian Minister for Agriculture and Rural Affairs in making representations to the Federal government to prevent dumping of juice concentrate in Victoria and Australia. We need to see protection for the people who are facing a difficult situation at present.

There is also the situation of juice concentrate being sold in Australia under local labels, but with small print showing the concentrate is from overseas. I want some action from the Minister for Agriculture and Rural Affairs to assist desperate citrus growers to get just returns for their produce.

Mr TANNER (Caulfied)—On a point of order, Mr Speaker, I listened to the contribution to the adjournment debate of the honourable member for Keilor and, although he raised a matter that would be of great concern to all members in this House, I should be grateful for your consideration as to its admissibility.

As you would be aware, under the rules for the debate in this House it is not merely in order for a member to ask a Minister to make representations to a Federal Minister; there must be some further element involved. I was searching for that element, although the honourable member for Keilor raised a very serious matter this evening.

The SPEAKER—Order! The matter raised by the honourable member for Caulfied relating to the comment of the honourable member for Keilor raises the issues of whether there was or is a matter of State responsibility, notwithstanding there are Federal responsibilities involved. I will undertake to review the *Hansard* record of the comments of the honourable member for Keilor. I must say that my recollection was there were elements of State responsibility involved.

Mrs SETCHES (Minister for Community Services)—The honourable member for Kew raised a matter that I did not hear completely because I was on my way to the Chamber when I heard her mention my name. I understand it was to do with kindergartens in the electorate of Kew, in particular, the Budget allocation for kindergartens, which for 1990–91 is expected to be $63 million, and which is a commitment to provide one year of preschool experience for all four-year-olds in Victoria.

The kindergarten services mentioned by the honourable member for Kew in the lead up to it, such as three-year-old kinders, extended hours kinders and toddler groups, were not generally available to people across the State; they were available only in the inner city area. Those were the services that had to be reduced to actually protect the kindergarten system within Victoria.

The honourable member for Kew might be aware that the 1990–91 allocations have been completed and appeals have been heard in the kindergarten system. Committees of management will be notified by 14 November, which is tomorrow. It is instructive to note that 86 of the kinders were not going to be affected by any of the changes made

in Victoria, and there had been a 4.3 per cent increase in the numbers of subsidies in some kinders.

The honourable member for Kew might not be aware that the dispute that was brought to people's attention because of demonstrations outside the front of Parliament House had actually been settled last week, and there have been widespread press reports of the settling of that dispute. The Kindergarten Teachers Association of Victoria and the Federated Miscellaneous Workers Union of Australia have accepted a proposal that was put forward by Community Services Victoria for a redeployment package to ensure that teachers that might become available following the cuts that have been made in those services are actually placed in the growth areas that are still receiving, as you, Mr Speaker, would know, additional services in the Budget.

An additional matter raised by the honourable member for Kew dealt with the Budget allocation. I do not think she would be aware that Community Services Victoria has undergone a restructure of its administrative levels from general manager down and that will produce about $1.5 million in savings that does not affect direct care in any of the services. The collapsing down of rural regional boundaries will also achieve some savings in administrative overheads. There was an institutionalised attack on Community Services Victoria public servants by both the honourable member for Portland and the honourable member for Kew in referring to the number of public servants. It is instructive to look back at the Liberal's Federal policy on the handling of welfare. That was an off-the-cuff approach to hand straight back to local organisations and community groups such as the Salvation Army and the Brotherhood of St Laurence, $140 billion worth of social security services to handle the systemic unemployment and disability claims and to cut out public servants; they are viewed as second-class citizens by the Opposition and the National Party.

In talking about the government's attempts to make certain that employees can be redeployed into other jobs and therefore not lose their incomes with the staffing mobility directions and the Government Sector Workforce Management Unit, the honourable member for Portland speaks with a forked tongue. He obviously believes that a redundant public servant——

Mr MACLELLAN (Berwick)—On a point of order, Mr Speaker, in view of the Minister's sensitivity about Parliamentary matters earlier in the evening and her outrage at the remarks of the honourable member for Murray Valley, I suggest to you that in saying that the honourable member for Portland has a forked tongue the Minister has offended the very rules she raised with you earlier in the adjournment debate. I ask that you ask her to withdraw the remarks and the implications that are made by that remark towards the honourable member for Portland. I invite you, Sir, to rule that the remark is unparliamentary.

Mrs SETCHES (Minister for Community Services)—I did not intend my remarks to reflect on his personal features. I withdraw.

The honourable member for Portland stated that a rural public servant does not have the same value in employment, efficiency or acceptability terms when compared with someone chosen by a committee of management! The shadow Minister for Finance, the Honourable Roger Hallam, has said that the Opposition, when in government, will reduce the number of public servants by 28 000, a 15 per cent reduction in the number of public servants, which will mean the loss of 400 Public Service jobs in the electorate of Portland.

The former Liberal government allocated an abysmal amount of money to intellectual disability services. In fact, its allocation to that area was practically non-existent. It now has a Budget allocation of $230 million, which the Opposition is determined to

reduce at some time in the future. Intellectual disability services is still the goverment's No. 1 social justice priority. I am happy to talk about the difference between the government's policies and those of the Opposition.

Mr SPYKER (Minister for Transport)—The honourable member for Derrimut raised the issue of bus services in his electorate and, in particular, the Melton region, a fast growing region of Melbourne, and referred to the bus dispute which has been ongoing for some time.

Although discussions are taking place with the Bus Proprietors Association I make it clear that the Budget allocation of $107 million is a firm figure and that any agreement has to meet that Budget allocation. I am pleased to announce to the House that agreement has been reached with the association to ensure that this year's Budget is met. Honourable members would be aware that many buses need to be replaced because of their age and service and that some bus routes have been established for 40 years and no evaluation has been done of the necessity for those routes. Duplication of services has occurred in some areas because no recognition has been given to the significant shift of population during the past 30 or 40 years. The new agreement will give the government the opportunity of examining those bus routes between now and the end of April so that rationalisation can occur where necessary.

The honourable member for Derrimut will be pleased to know that the new agreement will allow for an expansion of services in growth areas such as Melton. The honourable member also raised the question of the reduction of services during the dispute and I shall request officers from the Public Transport Corporation to meet with bus companies in that area and with the honourable member to see how they can assist his constituents and ensure that they continue to make use of those bus services.

The honourable member for Keilor raised the issue of the Essendon Airport. A joint working party comprising representatives of Federal, State and local governments is examining the future of the airport. Although primary control is with the Federal government, State and local governments can still make a significant impact on the examination of secondary airports and what their future ought to be. Considerable discussion has occurred at the local and State level and I will ensure that the honourable member's concerns are addressed and that the consultation will take place with the local community and local councillors.

Mr McCUTCHEON (Minister for Planning and Urban Growth)—The honourable member for Rodney raised for the attention of the Attorney-General the delay by the Administrative Appeals Tribunal in bringing down a decision and I shall refer that matter to the Attorney-General.

The honourable member for Burwood also raised for the attention of the Attorney-General a matter concerning emergency funding for depositors of the Pyramid Building Society who are in distress, and I shall refer that matter to the Attorney-General.

The honourable member for Murray Valley raised for the attention of the Minister for Agriculture and Rural Affairs a matter concerning citrus growers in the Cobram area and I shall refer his concerns to the Minister.

Motion agreed to.

House adjourned 11.46 p.m.

Wednesday, 14 November 1990

The SPEAKER (Hon. Ken Coghill) took the chair at 10.34 a.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

HOECHST AUSTRALIA LTD

Mr BROWN (Leader of the Opposition)—I refer to reports of articles in the German press about the debilitating influence of the radical left on the Victorian operation of German companies such as Hoechst Australia Ltd and I also refer to Trades Hall Council secretary John Halfpenny's forthcoming advertisement in the German press. I ask the Premier whether the government will take counteraction in the German press to restore Victoria's reputation as a secure, reliable and productive home for foreign investment.

Ms KIRNER (Premier)—I share the community's concern at the impact the Hoechst dispute is having on the views of overseas companies in terms of the safety and productivity of overseas investment. That is why I met with the seven petrochemical companies, which are all in my electorate and which I have worked with for the past eight years to assist them with their issues, and the unions for 2 hours last Saturday morning. It was a very useful meeting in terms of clearly demonstrating to the petrochemical companies and the unions the government's view of the importance of the petrochemical industry. It is worth $1 billion in terms of our balance of trade.

Over the past seven days the government has taken every possible action to try to get the dispute arbitrated and is continuing to do so. I am very hopeful that that will happen today, that there will not be a widening of the dispute and that people on both sides will come to their senses and say that the industry is too important to be undermined by the current dispute.

Mr McNAMARA (Leader of the National Party)—I refer the Premier to the current Hoechst dispute and ask whether she stands by her comment that Hoechst is the true enemy of the Labor Party.

Honourable members interjecting.

Ms KIRNER (Premier)—Thank you, Mr Speaker——

Mr MICALLEF (Springvale)—On a point of order——

Honourable members interjecting.

The SPEAKER—Order! The honourable member for Springvale is as equally entitled as all other members to raise a point of order.

Mr MICALLEF—I've got all day! It's your question time, Ralph!

Honourable members interjecting.

The SPEAKER—Order! I remind the Leader of the National Party that he has a particular responsibility and I ask him to heed it.

Mr MICALLEF—On a point of order, Mr Speaker, the question asked by the Leader of the National Party was in relation to a political party—the Labor Party—in relation to the Hoechst dispute; I believe it has nothing to do with government business.

Mr McNAMARA (Leader of the National Party)—On the point of order, Mr Speaker, I think it is a very important question because it goes to the root of the attitude of the Premier in the current dispute; it goes to the administration of government business, the Premier's view and the way she is handling the dispute. If the Premier's view is that Hoechst is the enemy of the Labor Party, obviously her attitude to the dispute will be coloured and her response in dealing with all parties will not be even-handed. If that is the Premier's view then let us hear it and we will all understand why she has been sitting on her hands for eleven weeks while this dispute has been devastating Victoria.

The SPEAKER—Order! The point of order raised by the honourable member for Springvale has been adequately addressed by the honourable member for Springvale and the Leader of the National Party and I do not believe it is necessary to hear further argument on it. The honourable member for Springvale raised his point of order on the basis that the internal affairs of a political party are not matters of government responsibility, and that would be so. However the question related to a statement made by the Premier and, as such, is in order.

Ms KIRNER (Premier)—Normally I would not reply to a question about something that I did not say. However the matter is too important to say, "I did not say that" and then not to answer the question. What I did say at the ALP dinner—which is what the Leader of the National Party is referring to——

Mr McNamara—What dinner was that?

Ms KIRNER—We will invite you next time and you can learn how to enjoy yourself.

Mr McNamara—Was it a factional dinner?

Ms KIRNER—It certainly was a factional meeting—the Paul and Joan faction! The statement I made was in the context of the issues that are important to Victoria in the future, including the issue of industrial relations. I said the enemy, not only of the Labor Party but the enemy in terms of the future development of Australia, was exactly the kind of divisive attitudes that are promulgated on the Opposition side of the House.

Honourable members interjecting.

Ms KIRNER—Just look at them, Mr Speaker.

The SPEAKER—Order! I ask the Premier to pause while the House comes to order. The Leader of the National Party asked a question. I suggest that he indicates his leadership in the House by remaining silent while the Premier completes her reply. I remind the honourable member for Springvale that he is bound by Standing Order No. 107, as are all other honourable members.

Ms KIRNER—The kind of encouragement of division that is so obvious on the Opposition side of the House is not the way to manage industrial relations. If both sides in the Hoechst dispute were prepared to accept arbitration the dispute could be resolved absolutely. The difference between the government——

Honourable members interjecting.

The SPEAKER—Order! I have already called the Leader of the National Party to order on a number of occasions. I warn him. I shall not warn him again. If necessary I shall take the appropriate action. I ask him to remain silent.

Ms KIRNER—I understood the Leader of the National Party was asking a serious question about a serious matter but have a look at him! He is one of the biggest lairs,

an effective lair but one of the biggest lairs in Parliament and he is not interested in the answer. He is not interested in whether there is a policy to make sure people in this State can work together to resolve issues, nor might I say is the Leader of the Opposition because his contribution to his own Liberal Party debate in Brisbane, in which he deliberately tried to stir up the same sorts of divisions, was rejected not only by Mr Howard but also by Dr Hewson.

That is not the line that I shall take. I shall continue to take the line that I took in the shop trading hours negotiations. The group over there has been baying for red meat and baying for blood for the past ten years but they have not been able to have the red meat issue resolved. Why? Because the Opposition is incapable of accepting that both sides of a dispute require respect and that that is the way to get action in the interests of the community.

STATE INSURANCE OFFICE

Mr NORRIS (Dandenong)—I ask the Treasurer to inform the House of steps the government is taking to provide for the sale of the State Insurance Office.

Mr ROPER (Treasurer)—As we made clear in the Budget, the government has decided——

Mr RICHARDSON (Forest Hill)—On a point of order, Mr Speaker, I refer you to Government Business, Notices of Motion, No. 13 on the Notice Paper; it is the first item listed on page 2. I submit that the question is out of order because it anticipates a motion that is already on the Notice Paper and is to be debated by the House. Therefore the question is inadmissible.

The SPEAKER—Order! The question of the honourable member for Dandenong sought information about an action proposed to be taken by the Treasurer and by the government and, as such, is in order. However, the Treasurer is not at liberty to debate the substances of the notice of motion.

Mr ROPER (Treasurer)—As part of the debt management strategy laid down in the Budget a number of organisations or assets were suggested for sale, an important one of which was the State Insurance Office (SIO).

Some honourable members may be aware that it is not possible for the State Insurance Office to be sold in its present state because it is basically the State Insurance Fund. It is the intention to convert the State Insurance Office to a public company to facilitate sale. Its sale will be on the open market. However, the government believes the Transport Accident Commission (TAC), as part of its ongoing investment program, should be able to be a serious bidder and will ensure that any barriers to a bid by the TAC will be removed.

I was pleased the Leader of the Opposition suggested this morning that TAC could and would be an appropriate bidder. The State Insurance Office has been and is a good and viable business in the insurance field and we would expect as part of the debt management strategy to receive an excellent price for it.

Also, because these matters are not simply about saying that these things are on the market, the Minister for Labour and I will be setting up, with the management of the SIO and the Victorian Public Service Association, a working group to examine the employment considerations relating to a change of ownership to provide protection for those people who are currently employed at the SIO. We believe the sale of the SIO will significantly contribute to the debt management strategy of this State and we certainly look forward to receiving an appropriate price for what is a very effective and profitable insurance company.

HOECHST AUSTRALIA LTD

Mr GUDE (Hawthorn)—Will the Premier advise the House what advice she has received on the cost of lost production so far as the escalating Hoechst dispute is concerned and the number of jobs that have been lost and may be lost in Victoria both directly and indirectly?

Ms KIRNER (Premier)—As the honourable member would know, and as he would have been advised, I imagine, when Mr Pont visited the Liberal Party yesterday—or perhaps it was the National Party yesterday—the advice given to the Opposition and to me by Mr Pont was that the plant was operating. It is operating at a lower level than it would have been if the maintenance and operator workers were in the plant. At the same time, on the issue of employment, Mr Pont has made it quite clear that the company wishes to restructure the work force in cooperation with the unions and that that restructuring will mean lower employment to increase productivity.

One of the reasons that I believe this dispute is so unnecessary in terms of the length of time it has gone on and the divisions it has created, is that we know that the petrochemical industry is poised to make a major investment in Victoria. It is waiting for this dispute to be settled to make it. The Altona Petrochemical Co. Ltd alone is sitting there, with something like $50 million ready to inject—$10 million in the first instance—to upgrade the plant so that, firstly, it could be more environmentally acceptable and, secondly, its butadiene plant can be more productive.

At the moment what we have, rather than major losses, is the threat of losses to those petrochemical companies and the government, through the Minister for Labour, is doing all that it can to get a resolution of the dispute so that the petrochemical companies which want to invest in Victoria can do so.

PUBLIC SECTOR PRODUCTIVITY

Mr ANDRIANOPOULOS (St Albans)—Following the recent release of an Economic Planning Advisory Council (EPAC) document, will the Premier indicate to the House the most recent advice she has received about the contribution Victoria has made to improving public sector productivity?

Ms KIRNER (Premier)—It was a pleasure to read of the EPAC report in the papers this morning and to have received a copy of it at the EPAC conference which I attended recently. Honourable members are all aware that the issue of productivity in the public sector is a crucial issue in terms of improving and restructuring our economy. Of course, that was a carefully discussed issue at the recent Premiers Conference, where improvement in the public sector in terms of productivity was discussed on a number of issues, including national rail freight reform and electricity generation, and the issue of the future of the development of infrastructure in both the outer urban and inner urban areas. What that report reveals is not the view that is commonly held that the private sector is well ahead of the public sector in productivity but, rather, that the public sector productivity is occurring at the moment at twice the rate of the private sector. I am pleased to say that Victoria has made a major contribution to that productivity improvement, and we have done that through the State Electricity Commission (SEC). The SEC has lifted its productivity over the past two years by working with its unions to lessen the number of staff at the SEC level and to ensure that there is greater productivity. That has been useful in the generation of further downstream industry in the aluminium industry.

The government does not intend to stop there. At the moment the government has a State Electricity Commission work force that has gone from 21 000 to 17 200 during a

period when electricity demand has grown by 3 to 4 per cent. That is the sort of issue the economic commentators should be focusing on, and not the total doom and gloom that the Opposition revels in, but the real gains that have been made.

Mr Cooper interjected.

Ms KIRNER—You don't like it when there are real gains in the public sector! The real gains in the public sector have been made by good management of out-of-Budget agencies. The government intends to have that continue through its review of the Gas and Fuel Corporation and the work that the MMBW is doing. The Victorian government will continue to ensure that there is greater productivity in the public sector.

MET PERFORMANCE

Mr COOPER (Mornington)—My question without notice is directed to the Minister for Transport. I refer to remarks of a senior Met manager that, despite a budget blow-out of $70 million, which makes a total loss of $1.9 billion for 1989–90, not including financing charges, the Met performed well. Given that service levels are at their lowest since 1984–85 and that WorkCare payments rose by $20 million, how can this claim be justified?

Mr SPYKER (Minister for Transport)—Mr Speaker——

Mr Coleman—The $3 billion man!

The SPEAKER—Order! I ask the honourable member for Syndal to remain silent. The Minister had not even had a chance to commence his reply when the honourable member started interjecting. I ask the honourable member for Syndal to remain silent.

Mr SPYKER—The honourable member for Mornington can't count. That is the basic problem, from the thrust of his question. The Public Transport Corporation total expenditure for the last financial year was $1.1 billion. How could he——

Mr Cooper—A loss!

Mr SPYKER—How could you——

Honourable members interjecting.

The SPEAKER—Order! If the Deputy Leader of the National Party is proposing to seek the call later, he should remain silent now.

Mr SPYKER—When you indicate that the expenditure, that includes the deficit allocated in the Budget, is $1.1 billion there is no way we can spend a total allocation of $1.8 billion. The make-up of expenditure and the Budget allocation——

Honourable members interjecting.

The SPEAKER—Order! If the honourable member for Mornington wishes to ask questions I suggest he allows Ministers to reply and allows those replies to be heard. I ask the honourable member for Mornington to remain silent.

Mr SPYKER—If you look at the allocation—and wild figures have been flying around the media of losses up to $3.3 billion—the railways of the Public Transport Corporation have been in existence since 1867. The total losses have been accumulated since that time.

The Budget allocation this year was based on about 45 per cent cost recovery with the remaining allocation coming from Treasury. The allocation to public transport in

1982 was about 9 per cent of total Budget allocations, but this year it has been reduced to 7 per cent.

It is important to note that no-one expects the Ministry of Education, Health Department Victoria or other departments, including the Roads Corporation, to make a profit. The representatives of other cities and overseas countries have told me that no public transport system in the world breaks even or makes a profit.

The government has a responsibility to provide a clean, reliable, efficient public transport system and it is doing that.

Mr Brown—Make him Treasurer; he should be the Treasurer.

Honourable members interjecting.

SALE AND LEASE-BACK OF ROLLING STOCK

Mr W. D. McGRATH (Lowan)—I refer the Treasurer to his answer yesterday in which he said that various finance companies were approached to arrange the sale and lease-back of rolling stock and I ask: was the State Tender Board used for this process and, if not, why not?

Mr ROPER (Treasurer)—The arrangements for that sale and lease-back process were clearly set out yesterday. I mentioned that in February a number of companies were asked to express a preliminary interest and that subsequently those initial approaches were examined very carefully and further details were sought. In this arrangement, as with other finance arrangements, a careful analysis of the various proposals is undertaken by officers of the Treasury and recommendations made.

In this particular arrangement four companies were placed on the final list and of those Babcock and Brown Pty Ltd was regarded as the best company to organise the arrangement, and it was the most commercially advantageous. I did notice that members of the Opposition attacked that firm which, as people know, has an international reputation and is recognised in both the public and private sectors of Australia as one of the major firms that is competent and capable of carrying out these leasing proposals.

There was a process where companies regarded as capable were asked to submit tenders; there was then a short list of four companies with Babcock and Brown regarded as the best of those. It then did the job adequately for Victoria and obtained very favourable terms for the leases.

As I mentioned yesterday, some of these leases are just over the cost of borrowing and some are just under the cost of borrowing. That has been the case during the past twelve years in which sale and lease-back arrangements have occurred. The former Minister of Transport in the previous Liberal government, the honourable member for Berwick, knows that there is a proper process, and evaluation of the competent firms to deal——

Mr W. D. McGRATH (Lowan)—On a point of order, Mr Speaker, the question I asked was specific: was the State Tender Board used for this lease-back arrangement?

Mr BROWN (Leader of the Opposition)—On the same point of order, Mr Speaker, which I also raised yesterday in relation to other non-answers to questions put by the Opposition, this question is very specific. It seeks an answer to one concise question which is: was the State Tender Board used for this process or not?

I have noted what the Deputy Leader of the National Party said in asking the question and he used those exact words. The Treasurer has assiduously avoided answering the question.

I know that he can effectively answer as he sees fit, but so far as relevance is concerned he is out of order. The situation is exacerbated by the fact that he has not even attempted to address the question which is: has the State Tender Board been used—yes or no?

Mr SPEAKER—Order! The point of order raised by the Deputy Leader of the National Party and supported by the Leader of the Opposition concerns the relevance of the Treasurer's reply to a question relating to whether the State Tender Board was used in a particular process. It does appear to the Chair that the Treasurer was referring to a particular process. I ask him to relate his remarks to the particular question that was asked.

Mr ROPER (Treasurer)—I had finished my answer but I will repeat again that the initial letters were sent out to firms by Treasury, as I said before, on 20 February. Full proposals were requested in March from the four firms that had submitted the best proposals. At the end of April tenders were received and Babcock and Brown were mandated in May for the proposal. The point I also made——

Mr MACLELLAN (Berwick)—On a further point of order, Mr Speaker, despite your direction to the Treasurer regarding the nature of the answer and the directness of the question about the State Tender Board the Treasurer has still not given an answer or even referred in his answer—be it his continuing answer or a second one—to the question of the State Tender Board.

The question was quite specific: was the State Tender Board used in the process? The Treasurer continues to ignore your direction, Mr Speaker, and, having caught him out, I suggest that you now require him to answer the question rather than simply indulging himself by repeating an answer he has already given which you have ruled not to be appropriate to the question asked.

Mr ROPER (Treasurer)—On the same point of order, Mr Speaker, I was asked whether the State Tender Board was involved. I have now said three times that the recommendation was made by Treasury, and if Opposition members believe those same letters equal the State Tender Board, they are even dimmer than I think they are; and that is very hard to imagine. I am describing exactly how the process occurred, but obviously Opposition members do not want to know.

Mr SPEAKER—Order! The point of order of the honourable member for Berwick raises the manner in which the Treasurer is replying to the question that was asked, and the view of the Chair is that the Treasurer is outlining the process in the course of which I expect it will become apparent whether the State Tender Board was involved. I do not uphold the point of order.

Mr ROPER—I also made the point—and again I repeat it for honourable members opposite because they do not seem to understand—that these sale and lease-back arrangements have been ongoing for twelve years, and advice to Treasurers and to respective Ministers for transport came from the old Treasury prior to 1982, from the Department of Management and Budget until this year, and again now from the Department of the Treasury. That is the way those sale and lease-back arrangements have been determined and absolutely nothing has changed in that regard.

BEHAVIOUR OF MEMBERS

Mr E. R. SMITH (Glen Waverley)—On a point of order, Mr Speaker, during question time the honourable member for Springvale made a lurid two-finger reverse salute in the full presence of a packed Public Gallery of children.

I submit to you, Sir, that it is the second occasion the honourable member has flouted Standing Order No. 177, which refers to the conduct of members in the House. On 11 October the honourable member did the same thing, and at that time the honourable member for Clayton was in the chair. He said the next time such action was taken by the honourable member for Springvale the appropriate disciplinary action would be taken by the Chair.

I bring that to your notice, Sir, and ask you to take the appropriate measures to uphold the dignity of this House and the proper conduct by which all honourable members should abide.

Mr BILDSTIEN (Mildura)—On the point of order, Mr Speaker, I also witnessed the two-fingered gesture made by the honourable member for Springvale. Not only is it a totally disorderly and provocative gesture, but also it brings this House into disrepute. Is it any wonder the government does not want full coverage of this place by the media when that sort of totally appalling behaviour is exhibited by the honourable member for Springvale?

As a member of this place I took offence at the gesture, and I am sure it gives the impression to people, including students, in the Public Gallery that politicians behave in an unacceptable manner. Not all honourable members follow that example, and I took offence at the gesture. It was clearly directed at members of the Opposition at a time when the Premier was answering a question about the Hoechst dispute. On behalf of all honourable members in the Chamber I ask you, Sir, to deal with the honourable member for Springvale appropriately.

Dr NAPTHINE (Portland)—On the point of order, Mr Speaker, I also saw the gesture and found it most offensive and demeaning to this House. On the previous occasion on 11 October when the honourable member for Springvale made the same gesture, the school group in the Public Gallery was a school from my electorate. As you know full well, Mr Speaker, one of those schoolchildren subsequently wrote to me expressing concern and disgust at the behaviour of the honourable member for Springvale, and I have passed on that correspondence to you, Sir.

It is not the first time the honourable member for Springvale has demeaned the House in this way, embarrassed all members of Parliament and disgraced Parliament in general. It is extremely unfortunate that schoolchildren visiting this place must write to honourable members expressing concern about the performance of honourable members. I direct it to your attention, Sir, so appropriate action can be taken.

Mr DOLLIS (Richmond)—Honourable members know the honourable member for Springvale is a colourful character, and they also know he uses considerable body language. If members of the Opposition do not wish to express themselves in a particular way they should pay a bit of attention to the honourable member for Springvale because he was just waving at them. It was a gesture of goodwill. It is totally untrue to say the honourable member for Springvale was expressing a negative attitude towards the Opposition. I know the honourable member for Springvale gets considerable opportunity to do that but I suggest, as a person who has observed him closely, that he was once more using his body language in a most colourful way.

The SPEAKER—Order! My attention had been directed to the incident referred to by the honourable member for Portland and I fully endorse the action that was taken

by the Acting Speaker on that occasion, the honourable member for Clayton. In respect of this particular incident, I will reserve my decision on the matter. I shall consider it and I shall advise the House at a subsequent time.

The honourable member for Springvale on a further point of order.

Mr MICALLEF (Springvale)—Thank you, Mr Speaker. Given the concern of the House about behaviour I ask you, Mr Speaker, to ask the honourable member for Murray Valley, who last night——

Honourable members interjecting.

The SPEAKER—Order! The honourable member for Springvale is in order if he wishes to raise a fresh point of order that relates to the current proceedings.

Mr MICALLEF—Given the concern of honourable members about demeanour in this House and given that the honourable member for Murray Valley used an unparliamentary expression——

Honourable members interjecting.

The SPEAKER—Order! The only matter the honourable member for Springvale is at liberty to raise at this stage is a matter arising from proceedings now occurring in this House. Matters that occurred on a previous sitting day were dealt with adequately on that day. If the honourable member for Springvale has a point of order relating to the proceedings now before the House I shall hear him.

Mr MICALLEF—Mr Speaker, I ask your advice given that last night I was called a wog.

Mr Jasper—That is not right and you know it!

Mr MICALLEF—Given that an unparliamentary term was used about me last night I ask: how do I go about obtaining a withdrawal of that statement?

The SPEAKER—Order! I advise the honourable member for Springvale that if an unparliamentary term is used exception to it should be taken immediately and the matter should be dealt with forthwith. It cannot be raised at some subsequent stage.

Mr PESCOTT (Bennettswood)—On a further point of order, the honourable member for Springvale 1 minute ago made a clear imputation against those on this side of the House when he said that someone from this side of the House called him a wog. It was not said and I ask the honourable member for Springvale to withdraw that imputation.

The SPEAKER—Order! The honourable member for Springvale in his point of order referred to yesterday's sittings. Yesterday's sittings are not a matter before the House and there is no point of order.

PETITIONS

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

Princess Elizabeth Junior School, Burwood

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

The humble petition of the undersigned citizens of the State of Victoria sheweth protest at the possible reduction of options for the education of young children who are deaf.

Your petitioners therefore pray that:

The option of a special school for young children who are deaf remains as at Princess Elizabeth Junior School, 90 Elgar Road, Burwood 3125; and that current resourcing be maintained.

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

By Mr Kennett (261 signatures)

Child molesters

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

The petition of certain residents of the State of Victoria draws to the attention of the Assembly the following procedures we deem necessary to deal with all cases of sexual abuse and other crimes against children:

1. Children, regardless of age, to be heard on sworn evidence.

2. Videotaped evidence and closed circuit television testimony of children, attended by a trained child advocate, to be accepted in court.

3. Body sample testing (DNA) of offender where reasonable grounds for suspicion.

4. Treatment of convicted offenders to be carried out under strict supervision in confinement.

5. Mandatory reporting of child abuse by relevant professionals and child-care workers to a central registry in each State.

6. All groups involving children must permanently remove any convicted molester and suspend any under investigation.

7. Convicted child molesters to be registered with police in the area of residence.

Your petitioners therefore respectfully urge that the Assembly will promptly address these procedures and bring in the necessary and appropriate legislation needed.

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

By Mr Jasper (20 signatures)

Service centre between Glenrowan and Wangaratta

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

The petition of certain residents of the State of Victoria draws to the attention of the Assembly the following concerns for the construction of a service centre between Glenrowan and Wangaratta:

1. The possible effect of the construction, with effluent from the settlement ponds finishing up in the Fifteen Mile Creek, which flows through Wangaratta.

2. The effect on small businesses, particularly in Winton, Glenrowan, Wangaratta and rural areas.

3. The development would detract from the natural beauty of the environment and result in a "concrete jungle".

4. The lack of satisfactory water supply in the area.

The petitioners therefore request the Assembly to address these matters before a decision is finalised.

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

By Mr Jasper (124 signatures)

Laid on table.

ACCIDENT COMPENSATION ACT

WorkCare reports

The SPEAKER—Order! Pursuant to the provisions of the Accident Compensation Act 1985, I have received copies of the following quarterly reports for September 1990: Accident Compensation Commission; Accident Compensation Tribunal; WorkCare Appeals Board; Medical Panels; and the Victorian Accident Rehabilitation Council.

I present a copy of those reports to the House, together with a communication from the Minister for Labour explaining the reason for the delay in presentation, which I have received pursuant to the provisions of the Act.

Reports laid on table.

PAPERS

Laid on table by Clerk:

Libraries Board of Victoria—Report for the year 1989–90.

Victorian Arts—Reports of the Council and the Ministry for the year 1989–90.

MURRAY-DARLING BASIN (AMENDMENT) BILL

Withdrawn on motion of Mr ROPER (Treasurer).

EDUCATION (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr KENNAN (Attorney-General) introduced a Bill to amend the Education Act 1958, and for other purposes.

Mr KENNAN (Attorney-General)—I move:

That this Bill be now read a first time.

Mr HAYWARD (Prahran)—Will the Attorney-General give an explanation of the purposes of the Bill?

Mr KENNAN (Attorney-General) (*By leave*)—I am happy to give the honourable member a briefing directly after this.

Honourable members interjecting.

Motion agreed to.

Read first time.

CORPORATIONS (VICTORIA) BILL

Introduction and first reading

Mr KENNAN (Attorney-General) introduced a Bill to apply certain provisions of laws of the Commonwealth relating to corporations, the securities industry and the futures industry as laws of Victoria and for other purposes.

Read first time.

NATIONAL PARKS (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Mr CRABB (Minister for Conservation and Environment) introduced a Bill to make miscellaneous amendments to the National Parks Act 1975 and for other purposes.

Read first time.

WATER (MINERAL WATER) BILL

Introduction and first reading

Mr CRABB (Minister for Conservation and Environment) introduced a Bill to amend the Water Act 1989 and the Groundwater Act 1969 and for other purposes.

Read first time.

FISHERIES (ABALONE LICENCES TRANSFER CHARGES) BILL

Introduction and first reading

Mr CRABB (Minister for Conservation and Environment) introduced a Bill to amend the Fisheries Act 1968 to increase the charges payable on the transfer of an abalone licence.

Read first time.

LAND (RESERVATIONS REMOVAL) BILL

Introduction and first reading

Mr CRABB (Minister for Conservation and Environment) introduced a Bill to revoke the permanent reservations and Crown grant of certain lands, to clarify the status of certain title documents and for other purposes.

Read first time.

BURRUMBEET LAND BILL

Introduction and first reading

Mr CRABB (Minister for Conservation and Environment) introduced a Bill to revoke the permanent reservation of certain land at Burrumbeet and for other purposes.

Read first time.

CEMETERIES (AMENDMENT) BILL

Introduction and first reading

Mr POPE (Minister for Labour) introduced a Bill to amend the Cemeteries Act 1958 and for other purposes.

Read first time.

HEALTH SERVICES (CONCILIATION AND REVIEW) (AMENDMENT) BILL

Introduction and first reading

Mr POPE (Minister for Labour) introduced a Bill to amend the Health Services (Conciliation and Review) Act 1987 and for other purposes.

Read first time.

CORRECTIONS (PRISON MANAGEMENT AND PRISONERS) BILL

Introduction and first reading

Mr SANDON (Minister for Police and Emergency Services) introduced a Bill to amend the Corrections Act 1986, the Parole Orders (Transfer) Act 1983 and the Prisoners (Interstate Transfer) Act 1983 and for other purposes.

Read first time.

WITNESS PROTECTION BILL

Introduction and first reading

Mr SANDON (Minister for Police and Emergency Services) introduced a Bill to make provision for matters relating to witness protection and for other purposes.

Read first time.

TATTERSALL CONSULTATIONS (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr ROPER (Treasurer) introduced a Bill to amend the Tattersall Consultations Act 1958 and for other purposes.

Read first time.

STATE INSURANCE OFFICE (AMENDMENT) BILL

Introduction and first reading

Mr ROPER (Treasurer) introduced a Bill to facilitate the sale of the State Insurance Office and for other purposes.

Mr ROPER (Treasurer)— I move:

That this Bill be now read a first time.

Mr STOCKDALE (Brighton)—I wonder whether the Treasurer would give the House an outline of the substance of the Bill?

Mr ROPER (Treasurer) (*By leave*)—The main purpose of the Bill is to provide a vehicle by which the State Insurance Office (SIO) can be sold, which will involve the sale of the shares in the SIO. Honourable members will be aware that under the existing legislation there is no method for selling the SIO.

The Bill provides also the opportunity for the Transport Accident Commission to bid for the SIO. A variety of clauses will deal with the ongoing entitlements of employees of the SIO, and similar matters.

Motion agreed to.

Read first time.

STATE BANK (SUCCESSION OF COMMONWEALTH BANK) BILL

Second reading

Mr ROPER (Treasurer)—I move:

That this Bill be now read a second time.

In August of this year the Premier of Victoria and the Treasurer of Australia announced that the Victorian government had agreed to sell the State Bank to the Commonwealth Bank. The agreement under which the sale is to be completed was signed by the Commonwealth Bank and Victoria on 8 November 1990.

The State Bank (Succession of Commonwealth Bank) Bill is intended to:

ratify the agreement entered into between the Commonwealth Bank and the State;

provide for the Commonwealth Bank to become the successor in law to the State Bank and for the State Bank to be dissolved; and

make provision for the future support of the Tricontinental group, which is to be acquired by the government.

Before discussing the Bill, I propose to address briefly the circumstances which have lead to the sale of the State Bank and to deal with some of the arguments which have been put forward in support of the government retaining the bank.

The government's decision to sell the bank is attributable to the gross excesses of Tricontinental's lending and investment practices. As stated by the directors of the State Bank in its annual report, history has shown that the group's expansion in the 1984–89 period was badly marred by the aggressive and imprudently high-risk lending practices of the bank's merchant bank subsidiary, Tricontinental. Tricontinental's expansion took place in a period of rapid credit expansion and economic growth where the weaknesses of poorly disciplined lending, poor commercial judgment and deficiencies in credit administration were masked. It should also be appreciated that this expansion took place in a recently deregulated environment and at a time of rapidly increasing asset values, particularly in commercial property and shares.

As a result of the lending practices of Tricontinental, and to a lesser extent the State Bank itself, the government has had to provide a support agreement to the State Bank group with some $2.7 billion claimable. This would have cost the people of Victoria about $140 million in debt charges this financial year rising to around $400 million by 1993–94, as well as adding significantly to the debt of the State.

The strain this level of support would have placed on the Consolidated Fund, combined with the objectives of the government's debt management strategy to generally reduce the government's ongoing debt obligations, has made it necessary for the government to sell the bank.

The sale price for the bank was established by competitive tender in August. Although one of the private banks offered a higher price than that offered by the Commonwealth

Bank, the Commonwealth Bank's offer when combined with the taxation compensation package offered by the Commonwealth Treasurer was more attractive and yielded total proceeds of more than $2 billion to the State. Also, one of the benefits to depositors of the State Bank in selling the bank to the Commonwealth Bank is the benefit those depositors will have of a Commonwealth government guarantee.

Professor Davis of the University of Melbourne argues that the sale of the State Bank cannot be justified. I disagree with the arguments put by Professor Davis. Professor Davis's claim is based on a model of the State Bank which purports to show that the State Bank can be retained and that the Tricontinental loans from the bank, which total some $2.3 billion, can be repaid before the end of the financial year 1998–99. An examination of Professor Davis's model shows that this claim cannot be justified. The model contains a number of structural errors and uses unrealistic assumptions. After correcting these errors, it is clear that the bank cannot be expected to generate sufficient revenue to enable the government to meet the interest commitments on the Tricontinental debt, let alone repay the debt as assumed by Professor Davis.

Professor Davis's claim that the true value of the bank is $5 billion is incorrect. Firstly, Professor Davis's assumptions are unrealistic and, secondly, the market has clearly established that it is not the case. For instance, he assumes profit levels which have rarely been approached and ignores the interest payments required under the support agreement.

The price offered by the Commonwealth Bank compares very favourably on a net tangible asset basis with other acquisitions by Australian banks. The average of these transactions in recent years have been 1.6 times net tangible assets. The price offered by the Commonwealth Bank represents 1.9 times net tangible assets.

Professor Davis does not address the broader issue of State debt, about which there has been considerable public and media debate. The government has responded to this concern with the debt management strategy announced in the recent Budget. The entire proceeds of the sale of the bank will be used to retire State debt or commitments related to the State Bank group. As outlined in the Budget, the strategy aims to achieve a reduction in the nominal level of the State debt over the current financial year, and this will be reflected as reduced debt servicing obligations in this and future years.

The State Bank (Succession of Commonwealth Bank) Bill consists of four parts. Part 1 contains the normal machinery provisions of a Bill such as purpose and commencement, and sets out definitions to be used in the Bill.

Part 2 operates to ratify the agreement entered into on 8 November 1990. The agreement itself is set out in Schedule A to the Bill. Honourable members should be aware that, while exhibits A to K are not set out in the schedule to the Bill, they will be laid before the House and a copy will be provided to the Opposition before that can be formally done tomorrow morning.

Part 2 also provides that the sum of $45 million must be paid by the Treasurer into the Public Account from the proceeds of sale received under the agreement. As stated previously, the proceeds of sale are to be paid into the Victorian Debt Retirement Fund. The amount of $45 million, however, represents an amount which was advanced to the bank out of the Public Account some years ago to support its capital base. It is necessary that this amount be returned to the Public Account out of the proceeds of the sale.

Part 3 contains the succession provisions. The merger is being effected by statute passed by the State and Commonwealth Parliaments. There is a principle of law which provides that, where such a merger occurs and the transferor body is dissolved, the law will recognise that the ongoing rights and obligations of the dissolved body are

rights and obligations of the succeeding body. This principle of law is recognised in other jurisdictions where the bank has carried on business. The clauses contained in Part 3 have been drafted in conjunction with the Commonwealth to ensure that the succession operates smoothly. The succession is anticipated to occur on 1 January 1991, that being the day after the completion date as defined in the agreement.

Also contained in Part 3 are clauses that either save or repeal guarantees and support arrangements entered into by the government in relation to the State Bank.

Part 4 deals with matters related to Tricontinental. It is proposed that prior to the completion of the sale of the State Bank the government will acquire the Tricontinental group. Part 4 operates to terminate the existing support arrangements that the State Bank has put in place to support Tricontinental and to give the government power to put in place its own support arrangements. Part 4 also operates to vest in the State any rights which the State Bank may have had to sue for loss or damage as a result of the actions of Tricontinental, its officers or employees.

The decision to sell the State Bank has not been an easy one. The decision has been forced on the government by difficulties largely within Tricontinental as distinct from the State Bank. The State Bank has historically served the people of Victoria and their businesses well. The sale of the State Bank to the Commonwealth Bank will strengthen the operations of the Commonwealth Bank in Victoria, and the Commonwealth Bank will, I am sure, continue to serve the people of Victoria.

I commend the Bill to the House.

Mr KENNETT (Burwood)—On a point of order, Mr Speaker, I seek clarification which may avoid difficulty in the future. When reading his second-reading speech the Treasurer, at the top of page 5, referred to exhibits A to K but the typed copy I have refers to exhibits A to I. Did the Treasurer mean to say A to I or was he correct in referring to the exhibits as A to K? I also ask when they will be laid before the House.

Mr ROPER (Treasurer) (*By leave*)—It is exhibits A to K. As I mentioned to the Deputy Leader of the Opposition, because of the nature of Parliamentary timing these exhibits must be laid before the House by way of returns. That will be done on the first available opportunity, which is tomorrow. I also said I would make copies available to the Deputy Leader of the Opposition so that he has access to them.

Debate adjourned on motion of Mr STOCKDALE (Brighton).

Mr ROPER (Treasurer)—I move:

That the debate be adjourned until Wednesday, 21 November.

Mr STOCKDALE (Brighton)—I am absolutely staggered——

Mrs Hirsh interjected.

Mr STOCKDALE—If the rattling vessel currently sitting on the government front bench resumes her place and stops interjecting we will be able to continue the debate about one of the most serious matters ever to come before the Parliament. It is absolutely ludicrous for the Treasurer to suggest that this Bill, which is very substantial and contains copious quantities of exhibits, can be dealt with by the opposition parties in the space of one week—in addition to the patent fact that the matter is of such importance that it would be trivialised beyond comprehensibility if the Treasurer offered only one week for consideration of the State Bank (Succession of Commonwealth Bank) Bill.

The Treasurer has provided briefings to the Opposition as the matter has developed. We were provided with a briefing when the sale was announced; we were provided

with a briefing a little over a week ago; and we were provided with a briefing earlier this week. As a result of the briefings there remain outstanding a large number of matters about which we have requested further information. As I understand it Treasury officers have agreed to provide that information, in one case seeking authority from the Treasurer to do so, which refers to a detailed response I understand the Treasury has in its possession to Professor Davis's paper. The Opposition has requested that paper, which it has been suggested to me the Treasurer has publicly released, although I have been unable to find any evidence of that. Nevertheless there are a large number of items about the sale of the bank about which the Treasurer has agreed to provide information but which have not yet been provided to the Opposition.

The mere fact that the Bill has to go through the coalition parties procedures and be given proper consideration in coalition meetings means that it is absolutely unworkable for the Bill to be debated in one week's time. It would simply be impossible for the opposition parties to deal with a Bill of this kind in that time, even without consulting the many people who are interested in it. I was absent from question time this morning because I attended a meeting with a group of concerned citizens who have agreed to go away to consider the matters raised with us by the Treasurer. Even with an adjournment of two weeks the work that must be done in consulting interested groups would put the opposition parties in an intolerable position.

The people to whom I spoke this morning complained that the government has not consulted them about the Bill. The Treasurer purported to make a partial response to them in the course of his second-reading speech; but it is dishonest and unacceptable for the government to expect to be allowed to ram the Bill through Parliament, obviously using its numbers in this House to confront the Upper House with the Bill in approximately one weeks time, when it refuses or fails to meet interested members of the community who are affected by what is perhaps the most important issue ever to be dealt with by the Parliament of Victoria. Victorians have owned the State Bank for 150 years, and to suggest that it should be snuffed out in one week is obscene and an insult to all Victorians.

I put the Treasurer on notice that the opposition parties will not be stampeded into dealing with this matter on a time scale that will not allow us to properly and responsibly consider the implications of the Bill. The government does not command all of the Parliament. If the Treasurer forces the Bill through the Assembly, not allowing proper time for its consideration, that time will be made available in the other place. I repeat: the opposition parties will not be stampeded into passing the Bill. If the Treasurer believes he can convince the people of Victoria that he and his government are acting reasonably and responsibly in snuffing out the State Bank after only one weeks consideration I will join him in debating the issue anywhere at any time in the absolute certainty that the people of Victoria will not accept such action.

I ask the Treasurer not to provide one week with the offer of more time, if necessary, but to provide the usual two weeks with an offer of more time, if necessary. It is very likely that it will not be possible to responsibly and reasonably deal with this matter so as to be ready to debate it in two weeks time. It may be necessary to allow further time before the Bill is debated. Because of the way the matter has been handled we have not had an opportunity to thoroughly examine the Bill. Last week I asked the Treasurer to provide us with the details of the Bill which were then available, and he undertook to consider that. This is the first time either I or any other member of the Opposition has seen the Bill. It is simply not reasonable to debate the Bill after an adjournment of only one week.

Mr Speaker, I ask you to direct the Treasurer to be reasonable and to accept the responsibility he has to the Victorian people and to give them the time to consider

properly what is the most important single issue that this Parliament is ever likely to deal with.

Mr ROPER (Treasurer) (*By leave*)—As was discussed with representatives of the two opposition parties earlier this week, the chief restraint on the timing of the debate of the Bill relates not to this House but to decisions made in the Upper House about when and under what conditions it will accept new business.

If the Opposition requires additional time and the matter can be discussed sensibly with the Upper House, I am sure additional time can be provided—certainly that was the kernel of the discussions earlier this week. As I have said the problem concerns decisions made by the Upper House. If members of the Opposition in this place can discuss the matter with their opposite numbers in the Upper House—and I shall be most happy to take part in those discussions—I am sure additional time can be provided. But that is not the case at present, because of the limitations imposed by the Upper House.

Mr STOCKDALE (Brighton) (*By leave*)—What the Treasurer has said is a gross distortion of the situation. I have discussed the matter with the Leader of the House for the Opposition, who told me he did not give the Treasurer to understand that we would agree to or accept an adjournment of the debate of only one week. I have already discussed the matter with the Treasurer by telephone, explaining to him my view that it was more important to deal with this matter than to adhere to the deadline imposed by the Upper House. I also said I did not anticipate there would be any difficulty about that.

It is simply untrue for the Treasurer to suggest there is any difficulty about that or that he needs to discuss the matter with anybody. If he is not aware of the importance of this issue to all of the people of Victoria, we certainly are and we do not accept that the Bill can reasonably be dealt with after only one weeks adjournment. It is not true and should not be suggested by the Treasurer that we are placing any obstacles in the way of the Bill being dealt with on its merits on a time scale that allows for its proper consideration by the Parliament.

Mr KENNETT (Burwood)—On the question of time, Mr Speaker, I support the comments of the honourable member for Brighton that an adjournment of one week is totally inappropriate. It is likely that two weeks will be inappropriate, because it may take a number of weeks for each of us not only on this side of the House but also on the government side to come to grips with what is obviously one of the most important pieces of legislation that has come before Parliament in the fifteen years I have been here.

The Bill contains 49 pages and there are many attachments to it. Tragically I'll bet London to a brick that if the government tries to force the Bill through the House many drafting errors will go unnoticed. I have already picked up one error in the Minister's second-reading speech concerning a difference between the written word and the way the Minister delivered his speech. We are on the way to selling off the State Bank and already errors are apparent. I emphasise that it will take considerable time for each member of this House, not as members of political parties but individually, to be able to reach a conclusion about whether the sale of our State Bank is in the best and long-term interests of Victoria. I suggest members on both sides of the House will want to satisfy themselves about the correctness of the position the State government has put us in before going into their party rooms to debate the matter.

On the question of time, there can be no doubt in my mind that each and every one of us will want to seek independent advice. The Treasurer is asking that honourable

members not only do that and come back for a decision by Tuesday next week, but that they make that decision rationally after being fully informed.

The Treasurer raised the question of the Upper House. It is the government that brought about the sale of the State Bank and entered into a contract with the Commonwealth Bank prior to Parliament having decided whether the bank is to be sold anyway. The government has imposed its own restrictions in time and now through this legislation wants the Opposition to retrospectively agree to what it has done. I do not agree that the contract entered into to date has been entered into correctly because this legislation has not passed the Parliament.

In speaking to some members of the government in this House and elsewhere I know there are some who feel very strongly about the State Bank. It is quite possible that when they consider the ramifications of this and look at the legislation they may not vote for its passage. Honourable members cannot possibly do the work the government has been working on for weeks, with its minions both here and at a Federal level, in what is left of today and tomorrow, which are sitting days. It leaves only Friday, Saturday, Sunday and Monday. Honourable members cannot be expected in those four working days to come to a decision that is going to cut out one of the great assets of this State with the stroke of a pen. I ask that the Treasurer recognise that one week is not sufficient and does not pigheadedly force the Bill through Parliament within one week.

There will be members of Parliament who have a responsibility to speak on behalf of their constituents, and who do so from positions of strength and knowledge. If the Treasurer forces this measure through in a weeks time—and the honourable member for Brighton said the Opposition in another place will slow the process down, and I accept that—it denies members of this House the opportunity to speak on this important issue.

Discussions are occurring at the table now, but it makes it very hard for the Opposition in raising this issue if the Treasurer is not prepared to listen. Members of the House have the right to address the issue in a proper and lengthy debate on behalf of their constituents when debate occurs. If it is brought on in one week there is no way in the four days left—and two of those include the weekend—that honourable members can be properly briefed. As a result there is no way honourable members can make proper representations and submissions on behalf of their contituents.

I hope the Treasurer—as a result of the discussions at the table—will now allow a two-week adjournment and that ultimately there will be a full and proper debate. If the debate is curtailed I will argue in other forums in this Parliament that the debate in the Upper House be delayed. The debate will be delayed if the Treasurer forces the measure through this Chamber and if the government guillotines the discussion of the Bill to deny members the opportunity to represent their contituents. I hope the Treasurer will give the elected members of Parliament the courtesy and time to be as fully acquainted with this legislation as possible so they can best represent the interests of their constituents.

Mr ROPER (Treasurer) (*By leave*)—Further discussions have occurred at the table. My original intention in proposing one week was to ensure that whatever this House decides the Bill can go to the Upper House and be debated. I am assured that arrangements can be made in terms of the Upper House.

Mr Kennett—Sitting longer?

Mr ROPER—It is not a matter of sitting longer; it is a matter of the Upper House taking business later which is the problem. It is agreed that Parliament sit longer; what has not been agreed by the Upper House is that business be taken later.

On the basis of the clear undertakings—I know honourable members here cannot speak on behalf of Upper House members—the government will use its best endeavours to have the Council accept this business later. I am prepared to amend my motion to two weeks rather than one week.

Mr Kennett—And a full debate?

Mr ROPER—I have already undertaken that to the honourable member for Brighton.

Mr Coleman—No guillotine!

Motion withdrawn by leave.

Mr ROPER (Treasurer)—I move:

That the debate be adjourned until Wednesday, 28 November.

Timing has to be conditional on the government reaching an arrangement with the Upper House, which I am sure can be mutually done. My concern is not only the existing resolution of the Upper House; the new resolution it has moved will also prevent new business after the end of next week.

Mr STOCKDALE (Brighton)—On a point of order, Mr Speaker, the Treasurer attributed to me, without stating what it was, an unqualified assurance—I forget the precise words he used. I make it clear, in case there is ever any issue about it, that what I have said to him is I do not believe there will be any problem in the Upper House. That is not an unqualified assurance.

The SPEAKER—Order! Points of order are not an opportunity for personal explanations. The Treasurer has withdrawn his original motion and substituted a motion that the debate be adjourned for two weeks.

Motion agreed to and debate adjourned until Wednesday, 28 November.

CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL

Second reading

Mr POPE (Minister for Labour)—I move:

That this Bill be now read a second time.

This Bill could best be described as statute law revision type legislation. Its main purpose is to remedy several problems which have arisen because of errors or oversights in amending legislation, and which are inhibiting the effective administration of the Chiropractors and Osteopaths Act 1978.

The amendments proposed in the Bill are, essentially, technical. With this in mind, comprehensive explanatory notes have been printed with the Bill for the assistance of honourable members rather than taking up the time of the House in explaining individual amendments in detail. These notes outline the problems the legislation seeks to resolve and the aim of each amendment proposed in the Bill.

I commend the Bill to the House.

Debate adjourned on motion of Mr WEIDEMAN (Frankston South).

Debate adjourned until Wednesday, 21 November.

HEALTH (RADIOGRAPHERS) BILL

Second reading

Mr POPE (Minister for Labour)—I move:

That this Bill be now read a second time.

Honourable members will no doubt recall that, some years ago, Parliament enacted a package of Bills dealing with the twin problems of nuclear energy and radiation safety in this State. One of those Bills became the Health (Radiation Safety) Act 1983.

That Act, in turn, amended the Health Act 1958 to:

(*a*) require radiation equipment to be registered with (what is now) Health Department Victoria as a condition of its use; and

(*b*) restrict the use of such equipment to persons licensed by the chief general manager of that department.

An important element of the Health (Radiation Safety) Act was the establishment of the Radiographers and Radiation Technologists Registration Board of Victoria. The role of the board contemplated by the Act is the registration of radiographers and radiation technologists along the same lines as other health professions are registered by their respective registration boards. However the board has never become functional. This has happened for a number of reasons, the major one being that the licensing provisions of the Act were brought into operation before the board became fully established. The net result is that the Chief General Manager of Health Department Victoria, is now the de facto registration board because of the need to recognise the relevant qualifications for the purposes of granting an application for a licence.

This Bill sets out to give effect to the original intentions of the Parliament by enabling the board to become fully operational. This will be achieved by exempting persons registered by the board from the need for a licence from the chief general manager. In other words, provided a person is registered by the board, he or she would be authorised to operate radiation equipment. This change will transfer effective responsibility for regulating the professions from the chief general manager to the board.

The opportunity is also being taken to update the titles of the various professions referred to in the present Act, as well as to adopt the recommendation of the board that its name be changed to the Medical Radiation Technologists Board of Victoria.

The Bill seeks to resolve a longstanding dilemma that has frustrated the Radiographers and Radiation Technologists Registration Board in carrying out its functions and prevented the government honouring its commitments to the profession.

I commend the Bill to the House.

Debate adjourned on motion of Mr WEIDEMAN (Frankston South).

Debate adjourned until Wednesday, 21 November.

MURRAY-DARLING BASIN (AMENDMENT) BILL (No. 2)

Second reading

Mr CRABB (Minister for Conservation and Environment)—I move:

That this Bill be now read a second time.

The governments of Victoria, New South Wales, South Australia and the Commonwealth have agreed to enter into new arrangements to remove the need for

the Ministerial Council to formally meet in order to make a decision. This will improve the efficiency of administrative arrangements between the parties under the Murray–Darling Basin Agreement.

The Bill will carry these new arrangements into effect in Victoria by making the necessary amendments to the Murray–Darling Basin Act 1982. The Bill provides for these new arrangements for making of decisions by the Ministerial Council to become Schedule Three of the Act and also makes the amendments which are required to the Act itself.

I commend the Bill to the House.

Debate adjourned on motion of Mr COLEMAN (Syndal).

Debate adjourned until Wednesday, 21 November.

ENVIRONMENT PROTECTION (FEES AND PENALTIES) BILL

Second reading

Debate resumed from 13 November; motion of Mr McCUTCHEON (Minister for Planning and Urban Growth).

Mr DELZOPPO (Narracan)—I join the debate to support the contentions of and criticisms about this Bill by the honourable member for Syndal. There are some unanswered questions about the practical application of the legislation. There is no doubt from the admission made by the Minister that the genesis of this Bill was the Auditor-General's report and the fact that certain fees and moneys levied by the Environment Protection Authority (EPA) are not recovered.

In raising revenue we have to be careful that we do not penalise certain classes of people and certain organisations which would not be in the best public interest. I refer particularly to the effect the legislation will have on sewerage authorities including the Melbourne and Metropolitan Board of Works (MMBW). I speak with some experience, limited though it may be, because for eight or nine years I was a member of the Latrobe Valley Water and Sewerage Board. During that time the board was the delegated authority of the Environment Protection Authority. The board had responsibility not only for sewerage but also for carrying out the purposes of the Environment Protection Act in the greater part of Gippsland.

The Bill will bear heavily on many of those sewerage authorities and it highlights to me something that has been going on for some time, that is, a certain tension between the Environment Protection Authority and the department responsible for water resources. There is a certain overlap of responsibility that is costing the community dearly and making it difficult for manufacturers that are generating any pollution load at all to know how to moderate their affairs, to whom they should turn for advice and who will be doing the supervision.

The Bill suggests that sewerage authorities should pay increased fees. I understand that the increases in fees are limited at present in recognition of the work of sewerage authorities in getting rid of waste. It is all very well for people to be critical of sewerage authorities and their end product, but I put it to the House that we all share a responsibility in creating the waste water stream, not only from our factories but also from our domestic premises, from sludge water, the use of phosphate detergents in homes, and the use of modern labour-saving machines such as flowthrough washing machines and dishwashers, of which we are all guilty, and which contribute to the waste water stream. I do not believe any citizen of this State can sit back and criticise sewerage authorities and the products they produce.

From discussions and briefings I have had it appears the Bill provides that the fees imposed on polluters will be calculated on a formula that will take into consideration the concentration of a discharge, multiplied by the flow to give the mass of the pollutant, which will then be multiplied by a factor. That factor has not been made clear to me or the House, and it is up to the Minister to explain it during the debate.

People who will be affected by this Bill have not been told what the financial imposition will be, and I believe it is necessary that that information becomes available while the Bill is between here and another place.

The question of the service sewerage authorities provide for our community also arises. One may ask whether they should be required to pay a fee at all, because the fees being imposed are passed on to consumers and the consumers pay by way of water and, more particularly, sewerage rates every time they receive their annual accounts. The Minister ought to give some reply to the rhetorical question of whether sewerage authorities should be included in the scale of fees.

I believe the Bill will cause trouble between sewerage authorities and the Environment Protection Authority because it envisages that certain functions which are now carried out by sewerage authorities will now be carried out by the Environment Protection Authority. I put it to the Minister and to the House that this overlap will cause trouble and will not be in the best interests of either the EPA or the sewerage authorities. Under the present Act sewerage authorities are required to pay licence fees for their final discharges, and significant polluters, mainly industrialists, have what is called trade waste agreements with local sewerage authorities to take care of the pollutant load they put into the sewer. The trade waste agreements set out what the pollutants are and their concentration. As I understand it, if there are breaches of the trade waste agreement—and those breaches would occur through excessive amounts of pollutants being put into the sewer—the theory is that the excesses would be picked up at the sewerage authority's final point of discharge because that final point of discharge is being monitored, and quite rightly so. The trade waste agreements exist in the Melbourne metropolitan area between industrialists, manufacturers and the Board of Works, and there are similar agreements between local sewerage authorities and manufacturers in regional areas.

If any pollution is going on people should know about it and should be alerted so that the sewerage authority is required to correct it. One of the methods of correction is the issue of waste abatement notices. That means an authority can say to an industrialist, "You are exceeding the conditions of your trade waste agreement. You must modify your actions, consider a renegotiation of the agreement or cease", and there are penalties for that. Under the terms of the Bill that section of the current Act is being repealed. I shall come to that matter in a moment.

I said earlier that in my view the Bill is an intrusion of the EPA into the affairs of a sewerage authority. I remind the House that in 1984 when the Environment Protection (Review) Bill was before the House the then Minister for Local Government, the Honourable Frank Wilkes, made it clear in his second-reading speech that there should be a distinction between the responsibilities of a sewerage authority and those of the Environment Protection Authority. In his second-reading speech the former Minister said:

> In most cases it is appropriate that a sewerage authority has exclusive management and control of wastes discharged to its works and that the role of the authority be confined to setting and enforcing discharge limits from the treatment works.

I have already made the point that a sewerage authority ought to be in charge of its own works, and it is under surveillance. I am not suggesting there should be no check-up on the authority, but it ought to take place at the point of discharge. The point of

discharge for the MMBW is Werribee Farm or the south-eastern outfall system. People would be familiar with those.

I return to the second-reading speech. It states:

> Where, however, a sewerage authority is consistently in breach of its licence and where the breach is caused by a particular industry discharging trade wastes to a sewer, it is necessary that the Environment Protection Authority be in a position to more positively control the discharge of wastes into the sewerage system.
>
> For this reason, clause 10 of the Bill introduces an abatement notice to enable the authority to regulate sewer inflows. The approach used will be a cooperative one involving the sewerage authority, the industry and Environment Protection Authority. Appeal rights are provided.

I am suggesting to the Minister and the House that the relationship which has existed since 1983 and which I believe is in the best interests of the people is about to be fractured. The Minister has to come up with pretty good reasons why this is so and assure me that the outcomes of the Bill will be in the best interests of the community via the sewerage authorities and the EPA.

I reinforce that thought by saying that an authority with sewerage functions clearly has a statutory responsibility which is set out in the Water and Sewerage Authorities (Restructure) Act which the Parliament recently passed. It requires sewerage authorities to be subject to environment protection management through licensing, regulations and legislative processes. I am afeared of the duplication and the uncertainty that this particular Act will generate in the minds of not only sewerage authorities but also manufacturers.

I made a point about uncertainty. In this State the environmental climate is very complicated indeed and a current or prospective manufacturer has to weave his way through a multitude of licences, rules, regulations, codes of conduct—you name it. The EPA, the Minister for Planning and Urban Growth and the government have made a huge monument of all this written work, and it is very difficult and confusing. I put it to the House that even this Minister—if he were to give me 2 minutes of his attention—does not know the monster he has created. I shall give an example, not just rhetoric.

On page 1 of the *Government Gazette* of 29 October there appeared an industrial waste management policy. It was concerned with waste minimisation and went through all the applications of policy—implementation policy and so on—and it contains these gems. Under clause 37 it says:

> Where a person, company or industry continues to generate unnecessarily high levels of waste considered by the authority to pose potential or actual hazard to the environment, the authority may issue a pollution abatement notice or where applicable, an abatement notice requiring reduction of the quantity or hazard of the waste.

I ask the House to note that: an abatement notice. Under the heading "Part 5—Definitions", it reads:

> In this policy: 'Abatement notice' means an abatement notice issued under section 28B of the Act and refers to premises from which wastes are discharged to sewers or sent to treatment works operated by sewerage authorities. 'Act' means the Environment Protection Act 1970 as amended.

The definition relies on section 28B of the current Act. How on earth can an industrialist reading that garbage reconcile it with the fact that today under clause 8 the Minister wants to have section 28B repealed? I put it to the House that the Minister does not know whether it is Christmas Day or Bourke Street! How confusing can one be? A fortnight ago it was stated in the *Government Gazette* what an industrialist can do and what good things we are doing to clean up the environment. It relies upon the definition

in section 28B of the current Act, and today the Minister wants to have that section repealed. I put it to the House that that is not good enough!

I realise it is a complicated issue and is not plain sailing, but the rules of the game should be made as clear as possible and should not be confused. Confusion was rampant not so long ago in relation to the Nufarm Ltd case in the western suburbs where Greenpeace moved in. Greenpeace does a good job in bringing these matters to our attention but the community is often baffled by scientific terms.

It is a long time since I was trained in chemistry; I suppose the same applies to the Minister when he underwent training in chemistry and physics while training as an architect, and I include the honourable member for Clayton in that coterie. Many changes have taken place since but, at the time we were training, the limits of detection and the methods of analysis were such that we could not possibly detect in the same range as is done today. In our day we talked in parts per million, or fractions of a part per million and it was pretty much hit or miss.

These days the talk is of parts per trillion—that is 10^{-12}, which as a fraction is 1/1 000 000 000 000—or parts per quadrillion—that is 10^{-15}, which as a fraction is 1/1 000 000 000 000 000. For those people who are learned in chemistry, that figure is approaching the Avogadro number. We are searching for the spaces between the molecules and the degree of dilution is very hard to conceive. As an example, if the Minister were to stand on Princes Bridge and, with great respect, urinate into the Yarra River three or four days later when he sailed his boat on Hobson's Bay—he is an avid sailor and I respect his skill in that area—and if he dipped his hand into the water over the side of the boat, the concentration of urine in the water would be getting down to one part per quadrillion.

Mr Lieberman—That is assuming no-one else did what you said the Minister did!

Mr DELZOPPO—I do not want to be confused. These numbers are used in the community in one way or another as a defence against a particular incident and often the numbers are meaningless. Yet the community, which unfortunately does not have any training in science or chemistry, is taken in by these numbers and we tend to build up a case for or against.

I come back to the point of the discharge and sewerage authorities being required to have a licence. I believe that that system is very good and is one we ought to concentrate on. If we concentrate on the spot discharges—individual discharges to a sewer by individual companies or industries—we overlook one fact: a certain amount of purification takes place in the sewer itself. To give an example, many years ago we had a case in the Latrobe Valley of a heavy polluter who was asked to stop polluting and we just about ruined the whole pipeline, because a discharge from a milk factory clogged up the pipe. The discharge that we had prohibited was injecting a chemical into the sewer that was preventing the discharge from the milk factory from clogging the pipe.

Although individual point discharges are important, the most important factor to consider is the discharge at the end of the treatment system. Loads by individuals can be mitigated or lessened or treated along the length of the sewerage pipe. That should not be overlooked and is why, during the Nufarm Ltd incident, I was not so much concerned with the individual discharge from the Nufarm plant, important though that may have been—it was subsequently found to be groundless—as I was with the discharge at the other end when the effluent went to the sewage farm at Werribee and ultimately into Port Phillip Bay. That is the aspect we ought to concentrate on, and I think this Bill militates against that aspect.

This is very much a Committee Bill and it is hard to deal with some of these concepts in the second-reading debate. I believe the Minister knows the drift of my comments and I look forward to pursuing them during the Committee stage of the Bill.

Mr LIEBERMAN (Benambra)—I commend my colleague and friend the honourable member for Narracan for his excellent contribution. It is true that we are lucky in this Parliament to have people with experience such as that of the member for Narracan, particularly in the water and sewerage industries.

Mr Delzoppo—It might be sewerage to my learned friend but it is bread and butter to many people!

Mr LIEBERMAN—I agree this is a Committee Bill. I wish to highlight some areas of concern I have about the Bill but not to speak in opposition to the Bill per se because I accept that most of what it proposes is appropriate.

As my electorate runs next to the New South Wales–Victoria State border I have long been concerned about the increasing problems of States adopting different rules, penalties and sanctions in relation to industry, commerce, social activity, road laws and the like. Perhaps belatedly, in recent years all State Parliaments have been endeavouring to bring their environmental laws up to date to meet the aspirations and expectations of the community and to provide a framework in which industry, commerce and the community can function efficiently.

It has been an interest of mine and a goal I have set myself to try to help our side of the Victorian Parliament to accept that when it is enacting laws that deal with, in this case, the environment that those laws should be complementary to the laws of other States where they are supportable. That does not mean that every law of another State should be embraced by us. Far from it. I would not have a bar of some of the laws of other States. However, wherever possible when dealing with our environment, which belongs to all Australians and is not confined by State borders, we should have reciprocity, mutual understanding and a common set of objectives. Legislation should mirror the sanctions and penalties proposed by other responsible States.

There is good reason for that approach but I do not necessarily have any hard facts to back it up. Friends of mine at universities and other places believe Australia faces the danger of people involved in pollution-making activities choosing to locate their activities in places where the penalties and sanctions for their polluting activities are not as high as they would be in another place. My electorate is along the border and is in the middle of the Murray–Darling Basin into which rivers and streams flow that have their origins in Queensland and join with catchments, rivers and streams in New South Wales, Victoria and, in some places, South Australia. What someone does in Queensland or New South Wales can affect the rivers and streams in my electorate. Similarly injuries done to streams and rivers in Victoria could easily have an adverse effect on the quality of rivers and streams in the other States.

I had hoped that the Minister could bring forward a Bill that would provide similar penalties to those currently on the statute books in New South Wales because I understand that those penalties are substantial and effective in combating pollution and in educating people about the need to adopt proper standards of pollution control.

I am disappointed to learn that the penalties being proposed by the Bill will be different from those in other States. I do not know the solution and I certainly do not suggest that the Bill be delayed or defeated but I ask the Minister during his response to the second-reading debate or during the Committee stage to inform us whether he intends to have discussions with the States and the Commonwealth to achieve uniformity in this area. Apart from helping to protect our environment and dealing with polluters who threaten our rivers and streams, uniformity would be welcomed by business and

industry, the community and the Public Service which are crying out for State and Federal governments and local government to adopt systems of management that are efficient and complementary to each other so that there are not different sets of rules to deal with the same problems or challenges.

People in business and industry sometimes despair when they travel Australia looking for suitable investments that would create jobs, stimulate the economy and improve profitability. When they go to a State they talk to people about the same things that were discussed in another State but they want to do things differently and they argue that their way of doing things is better than that across the border.

As a member of Parliament representing a border electorate I suffer constant frustration and often shame that in 1990 States are still legislating or amending existing legislation and creating differences on basic procedural management techniques dealing with the approval, assessment and appeal processes. I am disappointed that we are now debating a measure that will not provide uniformity of procedure with the other States. I am not advocating that ours is better than theirs or theirs is better than ours. That sort of argument does not get one anywhere and it only drives people into a corner.

I appeal to the Minister to accelerate the process of uniformity between States so that people who want to invest in Australia can do so knowing that there is only one set of rules. They would then know where they stood. They would not have to employ different consultants or waste good, scarce investment capital dealing with bureaucracy and red tape. That does not do Australia one bit of good. It only diverts people from the important tasks they should be concentrating on.

Much time is taken up by officers of the Environment Protection Authority, statutory bodies and local government in explaining to interstate and overseas visitors how things are done in this State. They should be able to talk about the positive aspects of a State and to find out from the people they are talking to more about how things are done in other places so that we can possibly take on board their good ideas.

I ask the Minister to make a pledge that as the Minister responsible for these important areas he will up the ante in conferences with his colleagues in the other States and the Commonwealth and set an agenda. The Commonwealth and the Premiers recently set a good example in meeting and agreeing to review our Federal system. That is long overdue and has my support.

I ask the Minister to up the ante at the next conference of planning and environment Ministers and to set a time within which to prepare draft legislation that enacts similar processes for approval, assessment and appeal and uniform penalty and licence fees except where there is a good case to have differences. Perhaps the Ministers could set a year as a goal but if that is not achieved no shame is attached.

The community and the economy is crying out for this sort of approach from our leaders. It must not be approached on a party political basis. This nation must work together more effectively and efficiently and it will not do so until it has some uniformity in these areas.

As a lawyer and as a member of Parliament representing a border area, I am also concerned that the laws designed to protect the environment in New South Wales, Victoria, South Australia and so on do not have any application to the Commonwealth. I understand that because of the provisions of the Constitution the States cannot legislate as well as we would hope in relation to these matters. Hypothetically, for example, in my electorate, if we had a massive disaster due to gross neglect on the part of a Commonwealth agency that polluted the Kiewa River, the River Murray or the Ovens River, the State could not enforce penalties and sanctions against that Commonwealth agency or its employees, nor could it order a clean-up or recover

costs. I say that this is wrong. In 1990, in a federation like ours, we should have a situation where the law applies equally.

The Minister and everybody else have been saying that the polluters should pay, including agencies, government authorities and water and sewerage boards. We all have a responsibility, and if we make a mistake we have to be accountable. I accept all that. Yet, here is a giant void where the law is inadequate and does not enable a State Parliament to legislate effectively, as I understand it—and I stand to be corrected on that point—in relation to Commonwealth negligence, Commonwealth-caused pollution, pollution controls and matters in relation to recovering the costs of cleaning up pollution.

There may need to be some form of Commonwealth-State reciprocal legislation. There may even need to be a referendum on the Constitution in order to achieve this. Eminent lawyers in the constitutional area could no doubt advise us better than I could, but I think in the interim it would be possible for the States and the Commonwealth to enter into mutual covenants and agreements that could be enforceable as matters of law between them, because they would be based on the covenants and contracts whereby the States and the Commonwealth agree to adopt certain machinery provisions, licence fees or obligations. In that way, pending a resolution of the hiatus in the law that may need to occur by referendum—and certainly it may need legislation in all the States and the Commonwealth—in the interim there could be at least some mechanism that acknowledges that the Commonwealth and the States are bound by reasonable laws that they expect everybody else to be bound by, that accountability is there and that people who breach them will be taken to task; and if members of a Commonwealth agency are responsible for polluting any of the Murray, Ovens, Kiewa, Murrumbidgee and the Lachlan rivers, they will be brought to account just as everybody else should be and will be subject to pollution control.

The other matter I want to mention briefly is the importance of ensuring—and the honourable member for Narracan has mentioned the reasons for it in adequate detail—that our water and sewerage boards and local government agencies that are responsible for water and sewerage are encouraged to continue their excellent work in the areas of waste disposal and environment protection. Of course, mistakes have been made by many of them over the years, and no doubt mistakes will be made in the future by people involved in the complex system of disposal, particularly when infrastructure funding is inadequate, when agencies and statutory bodies are facing an infrastructure crisis and when maintenance and equipment for infrastructure are inadequate; there will be a breakdown in funding for capital works in Australia. But I do not want to see the attitude develop that because the local authorities have problems they should not be able to continue their excellent work and that some other agency should take over in the mistaken belief that what one should do is fix inadequate infrastructure investment and maintenance by putting in some other policeman. That is nonsense. That is a short-term bandaid reaction to the problem.

What we should do is address the infrastructure crisis in Australia and find ways and means of getting more funds to improve technological skills, research, equipment and capital works so that we can deal with pollution effectively. Many problems that occur with agencies that are responsible for waste disposal on behalf of their communities occur because, I regret to say, those agencies are forced to cut corners. We should be addressing this as a Parliament. They are forced to cut corners because there is no other way; they do not have the money to pay for new infrastructure or to improve what they have, or even to provide infrastructure in some cases. I do not excuse their polluting the streams, but I do say that we really ought to have a good debate about why it is happening and how we can help to improve the situation rather than talking

about a new form of police force to enforce controls against them. The education side also should be addressed more vigorously.

There are some examples of cooperation between the States and the Commonwealth which are worthwhile but which seem to be going off the rails as well. One example is the work of the two States and the Commonwealth in relation to the proposed high-temperature incinerator for the disposal of Australia's intractable waste, which is stored in a way that is inadequate, inappropriate and quite dangerous.

As a member of Parliament who represents an electorate on the Victoria–New South Wales border, I say that the work done by other Ministers in Australia to resolve this issue up until now has been fairly good, except for the past few weeks, when they have foolishly chosen a site in Corowa on the Victoria–New South Wales border for Australia's first high-temperature incinerator for the disposal of intractable waste. Believe it or not, the site is within about a kilometre, or even less, of the River Murray; in fact there is a branch of the river that is within a quarter of a kilometre of the site.

From the inquiries I have made I understand that the hydrological characteristics of that land are that there are at least three known aquifers below the surface of the site. The aquifers are separated by gravel bands. As honourable members will know, the behaviour of the River Murray is such that its water levels go up and down; it is one of those rivers where the levels move quite a lot depending on the climate and the seasons. As they move up and down the aquifers and bands act as siphons and the water in the flood plain goes up and down in accordance with the level of the river.

To propose to site a high-temperature incinerator in this location is, in my view, the worst decision that could have been made, having regard to the excellent work and the high standards and criteria that the three governments have set themselves and their task forces for finding an appropriate site. I urge the Victorian Minister—who I know has been very attentive and who has made himself available to us all to talk about this problem—to try to get his colleagues in the Commonwealth and New South Wales to quickly abandon the site in Corowa, and not to see that as a defeat or rebuff to their excellent work, but simply to acknowledge that that is a hiccup that should not have occurred. As long as the process in relation to the Corowa site continues it is diverting people's attention from the real issue of finding a suitable site; it is dividing the community; in some cases it is giving people the opportunity of manipulating the public and achieving their own agendas, putting forward a lot of nonsense about these safe disposal methods that are available, and causing people worry and concern.

One cannot blame innocent mothers and fathers with children living in my area for saying, after hearing a Greenpeace speaker, for example, that they do not want anything like a high-temperature incinerator anywhere in Australia. One cannot blame them for feeling that way when they are given scientifically based information that is cleverly and skilfully put forward. One cannot blame them for saying that when they are told that if such an incinerator is established there will be a threat to their well-being and their future.

The debate is being diverted away from the main issue, and the sooner the three Ministers can make an announcement that Corowa will not be the site for the high-temperature incinerator, the better. I know they have said they will obtain an environment impact statement, that that statement will address the concerns, and that it will come out with proper answers in due process; and that if the environment impact statement establishes grounds for the concern people are expressing the proposal for the Corowa site will not go ahead. I am in favour of due process; I am not against it, but I am against it going ahead at great cost to the taxpayer. The Corowa site is clearly and manifestly undesirable, having regard to the criteria and standards set by

the three governments in the first instance, that is, for the site not to be near a major river or stream, not to be in a major food producing area, and not to be in an area where there are wineries, tourism, and large populations.

I shall not distress the Minister any longer, but I should like, in passing, to highlight the problems we have on the border that we have to put up with all the time. Different agencies are trying to do things in the national interest for the benefit of the whole of Australia, and we are copping the results of that because we are on the border.

Sometimes I wonder whether the solution of some people is to say, "We will put it on the border; it involves the States, and that is the way to go". If that is the reason they chose Corowa, it was a very grave mistake.

Clause 10 deals with appeals by third parties. I raise the question about whether a careful analysis has been made of how the appeals by third parties procedures will impact on the economy and whether they will create undue delays and problems for people who simply want to know whether they can go ahead and invest money in a productive area, thereby creating employment. How much more time will be taken by this process?

I ask the Minister for Planning and Urban Growth to reply. Has there been a careful analysis of the potential impact and efficiency of the operation of clause 10 in the real world? How do we know that vexatious and capricious people will not use this provision to cause frustration and delays for those who genuinely want to achieve high standards of environmental protection and, at the same time, provide new jobs and investment in Australia? How do we know they will not be driven out of the State because of people who are motivated by other means and for other causes, who avail themselves of this facility, and who are not being fair dinkum?

What sanctions or means are there to prevent people who are capricious and who are trying to be vexatious, or who are trying to score a point in order to pay back someone, from taking advantage of this provision?

When I was Minister of Planning the government looked at such provisions; it created the Planning Appeals Board. It finished up with provisions in the Planning Act that enabled the chairman to use his discretion carefully and judiciously to make an order for costs against people who were abusing the appeals process. I am not suggesting that people who do not win their case should be punished. I am saying that the arena of appeal and review should be made up of people who genuinely have a concern and who wish to put that concern, to have it evaluated in a fair and proper manner, independently, and without doing it as an act of wilfulness or without proper thought about its implications and repercussions. I have some concerns about that clause. I ask the Minister to give consideration to its effect and, I hope, to give me some reassurances that he has that possibility covered in some way.

Clause 11 deals with the approval of septic tank systems. Again I wonder whether the Bill creates another ugly monster. I am not against high standards of maintenance and supervision of septic tanks; of course they must be carefully checked to ensure they operate effectively and that they are installed correctly.

However, finally in Australia—and I have had something to do with it—a national approach is being adopted to achieve uniformity in building regulations. At the moment a review is being conducted by the Commonwealth and the States to achieve uniform building regulations and procedures. One of the discussion papers in that review deals with certification. If a licensed plumber who has gone through the mill and achieved qualifications to practice his craft and profession—and who is responsible for the construction and installation of septic tanks and the like—is involved, why should it be necessary for some other statutory taxpayer-funded body to check his work when

it may be possible for some system of certification to be adopted? For example, if it is a certain type of tank in certain terrain, with certain topography and certain characteristics, the certification could deem that the tank has been installed correctly; that would avoid the cost of an officer having to inspect every installation. That check costs money and causes delays.

I am not arguing against proper inspection of septic tanks but I am saying to the honourable member for Bundoora—he just walked in and went out; no doubt he will say I drove him out—and to the Leader of the National Party that Parliament is blithely inserting in the law a provision that every septic tank system cannot be used until it is inspected and until a certificate approving its use has been issued by the officer of the municipal council. Parliament is legislating for more regulations and more inspections without regard to the outcome of the national review on uniformity of building regulations and the possibility of achieving some form of certification that may well alleviate some of the costs of this system.

Perhaps the Minister's answer may be, "We do not have the results of the review but when I get them I will introduce amending legislation". I will settle for that. Perhaps the Minister may acknowledge that this clause should go through now but only on the basis that this is not the end of it; the matter will not be shelved in the statute books and left forever. If he gives a guarantee that when the review is completed he will sit down and discuss whether these procedures can be modified in the light of the recommendations of that particular review, that will be satisfactory; I ask the Minister to join me in that commitment.

Certainly I will be following the progress of the review and raising proposals for change in the process of fees and inspections when the findings of the national review are available. I urgently want to use the recommendations because I am concerned at the high cost of building, particularly for families struggling to pay for their homes. If Parliament can save even $100 on the cost of a house it is the duty of members to find a way of saving that amount. Processes like inspections are expensive and increase the overheads for families already struggling to provide home and shelter for their families.

All Parliamentarians have a responsibility to reduce humbug and red tape, and to make things simpler. I wish the Bill a speedy passage.

Sitting suspended 12.59 p.m. until 2.4 p.m.

Dr WELLS (Dromana)—The Environment Protection (Fees and Penalties) Bill is in many senses a child of its time. Firstly, it increases the fees and penalties for polluters, which is appropriate by and large. That is made necessary by two factors: the first relates to the inflationary process, and secondly, and more importantly, the increasing appreciation by the community and Parliament of the need to modify our stance in dealing with this community-wide problem of pollution.

Secondly, the Bill attempts to change certain important principles. The Opposition does not agree with some of these issues and I shall come to them in due course.

I note that the speeches made by the honourable members for Narracan and Benambra canvassed a wide range of subjects all properly the province of the Bill and the associated debate because the subject is so broad. I propose to comment on some of those issues mentioned by those honourable members, but before I do so I should say that I am not one who ever wishes to penalise people or organisations in the community by increasing penalties. However I do agree strongly with the principle that polluters must pay, for two reasons: firstly, to cover costs, and secondly, to discourage pollution in the future. We may not wish to make life more difficult for industry, but in the long term there is no question that pollution is rapidly becoming the most important management issue facing society because it is the most difficult subject associated with

the natural world in which we live. If we maintain land in reasonable shape we can, for example, grow trees on it as replacements for others, but once the land and oceans are polluted they become unusable and it is difficult to extract the poisonous material from them. In the end individuals and the community cannot go on living unless they solve the problems of pollution.

It is hard for the world to accept that we will do things in the future quite differently from the way they have been done in the past. Up to now a home has been protected because it has been able to pass its waste into a broader system, and industry has been able to function because it could get rid of its waste into the broader system that was provided, but they will have to think further about it because there is now abundant evidence, as I have mentioned on previous occasions, to indicate that we cannot continue to pollute in this way. We know that now.

It is difficult to contemplate how rapidly human beings are multiplying—the increasing number of people is causing the problem. The second aspect is that we all insist on a certain standard of living. The consequence is that we use a wide range and an extremely large number of sophisticated chemical poisons to maintain our daily living. I have referred previously to something like 70 000 modern chemicals being used in sustaining human life on earth. They are all foreign substances not found in nature, toxic to a high degree and pretty much capable of surviving in the soil or waters of the planet for an indefinite period. It is not something we can turn our minds away from and say that it will not be there in a years time or five years time. Some of those poisons will remain in the system for centuries or perhaps thousands of years. I have quoted illustrations of this before and I shall not pursue that again.

I remind the House that it is dealing with a subject that, to an extent, has a timeless dimension. That is, in the end, the justification for the government increasing the fees and penalties relating to the pollution of our natural world. Politicians should recognise that in the end they are the protectors of the populace in terms of ensuring that human society can go on, not just for a decade or a hundred or a thousand years, but beyond that; and in those terms we cannot continue to use the land or the rivers flowing down to the seas or the seas as a sewer in which to discard our chemical waste products.

It is bad enough that around the coastlines of the world many areas are damaged or even destroyed by the domestic pollution flowing from unsewered areas. That must stop and money must be made available to rectify that. We have an increasingly short time span to respond to that issue, no matter what the expense.

The Minister for Planning and Urban Growth, in his second-reading speech, said that 95 per cent of industrial waste is disposed of via the sewer, certainly around the populated areas of Melbourne and Geelong. This is unacceptable in the long term. That is the justification for the government adopting the higher ground of pushing to reduce the production of waste. We must reduce the waste we produce. That is, in the end, the ultimate reason for imposing these fees and fines in the area. We cannot afford to accept 95 per cent of industrial waste going down the sewer. We cannot accept the spurious defence accepted by the members of this House in some cases that it is all right so long as the material that is put down the sewer from industrial plants particularly is diluted overall, and the material that flows out finally into the bay or into the Southern Ocean has a lower level because of dilution of that material.

It would be much more graphically obvious to people what is really happening if they could see the original material in drums and recognise that that is being poured down the sewer and eventually flowing out to the sea. If you multiply this hundreds of thousands of times in Victoria, in Australia and overseas you will see what you are doing. If you couple that with the fact that a lot of that stuff is virtually indestructible and toxic to all biological life, you will recognise the unfair cost we are building up in

the waters of the world for generations who will follow; and certainly so far as we can possibly do it, we have to avoid that sort of situation continuing in the future.

It is not good enough to let 95 per cent of industrial waste go down the sewers and out from there. As a brief aside let me say it is not good enough that we should continue to pour our sullage waters even from surface drainage around almost a closed sewerage system such as Port Phillip Bay, out into the bay. I know that would involve huge expense but sooner or later this area will have to be changed in terms of control mechanisms and that material needs to be treated before it flows out. Around the world where you have proper sewerage systems working, still problems exist at points of discharge into oceans, and I will come to that later as it relates to Victoria. We need increasingly better control over these areas of waste disposal.

The government is aware of it. It has brought a number of Bills into this place. It has introduced changes. It has had support from the Opposition. I know that the Federal government works in these areas too but we should not delude ourselves that we have time on our side. Time is distinctly against us in these matters, particularly in these tricky economic times when we are having difficulty economically in caring for all of our community. Nevertheless, there is no justification for governments easing off in these areas and approving systems that they would not approve in better times. I am not suggesting that the government is doing this.

It is absolutely essential that in these areas the government continues to develop a wise, balanced approach between the longer term needs of our society and planet and the shorter term economic needs, which I fully recognise, so that we can produce a product now to sell, to make a dollar, to eat and to live.

Equity and efficiency are difficult to come by. What this Bill symbolises probably more than most other Bills that come before this House, is that it is a case in which the Minister and the government should engage in full-scale debate in this place and be prepared to change their policy provisions on particular things if it can be shown that what they first put up can be improved.

There are a few things about this Bill that the Opposition does not like and we will be moving to get some changes and they will be brought out a little later. Also one has to recognise that this is a subject ideally suited to national control. I am a strong States rights person in believing there are things in the real world that must be done by State Parliaments that cannot be done by Federal Parliaments, but there are areas such as pollution control and coastal management policy and so forth where we do need national involvement. It is important for Victoria and this Parliament not to be left behind and have these things worked out by others.

We must be very much to the forefront in engaging in debate and working with the Federal Parliament and other State Parliaments to see what can and must be done in the future. I would like to come back later to a prime illustration of that current situation—that of the Corowa high-temperature incinerator which has been raised already, and I will address myself to that later.

Turning to the Bill itself, I will move through the clauses I wish to comment on. Clause 4 is an appropriate clause that will bring ozone-depleting substances management under the control of this Act of Parliament. This subject has been bandied around and discussed by many people. It became very much the flavour of the day, then fell into disrepute among people as being an overstatement. But in the end, when the facts are really on the table, the scientific evidence is irrefutable.

The government recognises this and I commend it for moving to complete the mechanisms we have in this State for the control of ozone-depleting substances. The fact that these chemicals survive in the stratosphere for so long is the great driving

force to see that we stop this process as quickly as we can. Victoria, to its credit, has helped lead the field worldwide in this regard but again it is necessary to make this change in my view.

The Opposition takes exception to clause 6, which increases the maximum licence fee that may be prescribed from 7500 fee units to 42 000 fee units. This is a considerable increase. I do not deny that it may well be justified, but the Opposition is certainly clear that it should be phased in as a matter of rational, responsible economic management in the first few years, and that will be dealt with in the Committee stage of the Bill in much more detail.

Similarly with clause 8 we take strong exception to what is proposed there, which gives the Environment Protection Authority power to issue a pollution abatement notice to the occupier of any premises which discharges wastes to sewerage systems where the discharge is likely to cause the sewerage authority to be in breach of any regulation, policy, licence or permit or prescribed standard issued under the Act.

The clause deletes existing section 28B and makes consequential amendments. The problem with this is that it is being proposed as an unproven system which on rational analysis is highly likely to run into real difficulty. It has been mentioned by earlier speakers that the powers under this head already reside with the Minister responsible for water resources. There is an established system working there and never in my limited experience in Parliamentary work have I known it to be the case that when you give the same power to two different government authorities you simplify a system. In fact you complicate it and this leads to difficulty and delay and extra cost.

Life is tough enough out there for industry and individuals and I ask the Minister at the table to consider between here and another place modifying that provision in clause 8 because I cannot find an established rationale for doing what the government proposes to do.

Also clause 10 re-enacts section 33B (2) and (2A) to confirm the rights of third parties to appeal against the conditions of works approvals on the grounds that the works as approved would adversely affect their interests or would be inconsistent with a relevant State environment protection policy or industrial waste management policy or would cause pollution. There is much merit in the proposal, but I do not see the need for a lot of refinement in the future.

This will undoubtedly lead to appeals involving third parties not just in industry but from the community. Contrary to the comments of one of my colleagues earlier in the day, I can see merit in that in many cases. We do need, while we are in this rapidly evolving stage of our community, development in terms of pollution control to be able to draw upon the experience of people in the community if they so feel inclined to be involved.

Many if not most of the major environmental debates in the last decade in this country have started off in the community. People causing environmental hazards have been prosecuted successfully by the community and so I am not averse to the community being involved at this level of appeal procedures but if we were to draw on our experience in Administrative Appeals Tribunal planning matters one could see great scope for expanding and refining the legislation being proposed under clause 10.

I do not know how far the Minister can go with this before the Act is finally put into operation but I am sure that what he can do will be very valuable and will overcome lots of difficulties in the future. I could quote examples from my own area on the Mornington Peninsula where I believe the provision will be used in the near future. I urge the Minister to review the provision to ensure that it is as specific as possible.

Clause 11 is important and makes it an offence to fail to comply with the conditions of a permit to construct, install or alter a septic tank system. It also stipulates that a

septic tank system may not be used without a municipal inspection and the issue of a certificate approving its use.

In the fringe suburbs around Melbourne there are large areas of operational septic tanks; hence one can easily see how important this simple clause is. On the southern Mornington Peninsula in my electorate one of the first things I became involved with years ago was an attempt to establish whether the dying off of trees on farms was caused by underground seepage from the discharge of septic tanks. That region has large areas of septic tanks. On the Somers side of the peninsula, also, it is believed that there has been seepage into the ocean from septic tanks in that area.

The answer is full sewerage, and I have no sympathy with individuals wishing to maintain septic tanks in any area. It is a problem of money, but the government must deal with it. The tanks must be removed, but while they remain I am staggered that a Bill must be introduced to tighten up the practical management of them. Apparently it has not been the case to date that the tanks must be inspected prior to approval by municipal authorities. Clause 11 should not cause any controversy: it is necessary to ensure the tanks operate as efficiently as possible.

Clause 12 is helpful and broadens the offence of aggravated pollution to include negligence as well as reckless or intentional acts. I have some reservations about that because I am concerned about the individual being overrun by the bureaucracy. I understand from the wording the question of negligence will apply and will be interpreted to apply only in a case where it is obvious and where there is ample evidence from the past that the individual or company concerned is not accepting its responsibilities. I urge upon the Minister a review of that clause to ascertain whether tightening up is necessary.

I take strong exception to the second aspect of the clause. Unlike the New South Wales legislation, the proposal does not include a lower penalty for individuals who offend. The penalties will be extremely high, and it is not reasonable to fine an individual the same figure as a corporate body. I ask the Minister to review that provision.

Clause 13 continues in that vein to some degree. It amends section 67AB of the principal Act to require the imposition of a minimum penalty in certain cases where a person is found guilty of an offence under the principal Act, which attracts a maximum penalty of 50 penalty units or more, if that person or organisation has already been found guilty of an offence under the Act in the previous five years or if the court intends to impose a penalty under either of the two intentional offences in the aggravated pollution provisions of the Act—section 57E and section 67AA. It is necessary to deal firmly with those who offend repeatedly with regard to industrial pollution, and the clause is appropriate for that reason.

The Opposition takes exception to clause 14, which allows the Environment Protection Authority to prescribe by regulation fees to a maximum of 200 fee units for any service provided by the authority for which no other fee is prescribed. I know the Minister would have the highest of intentions in that regard, but the Bill will be interpreted by many people down the line, and I am concerned that there is no definition of what type of action could incur an application fee of $1450. It would not be beyond the responsibility of Parliament to specify more precisely exactly what the government has in mind. The sum of $1450 is a lot for many businesses, and it is not fair to leave the provision as wide open as it is currently.

I shall say a little more about matters relating to the Bill. I know the Minister considers the Bill deals with fees and fines, but it is not as simple as that. It deals with principles and processes, and fees and fines are only part of the overall consideration.

The aim of the government is to evolve a method of controlling pollution in our society, and I said earlier that the subject is difficult, fast moving, evolving and fraught with potential errors. Too few answers have yet been found to the problem. I am disappointed the Victorian government has in recent days been associated with the proposal to establish a high-temperature incinerator at Corowa.

Mr McCUTCHEON (Minister for Planning and Urban Growth)—On a point of order, Mr Acting Speaker, the incinerator at Corowa was raised by a previous speaker and it has now been mentioned by the honourable member for Dromana. The Bill is about the Environment Protection Authority in Victoria. Corowa is under the jurisdiction of a different State; therefore, it is not relevant to the Bill.

Mr LIEBERMAN (Benambra)—On the point of order, Mr Acting Speaker, I understand the Minister's concern that honourable members talk about the Bill, and I agree it would be wrong for a member to dwell too long on the high-temperature incinerator at Corowa. However, it is proper for any honourable member to mention in passing the impact of that incinerator on the environment, particularly as the Bill deliberately proposes to amend the Environment Protection Act.

The Corowa high-temperature incinerator is proposed for the Murray–Darling Basin, part of which is in Victoria. The Shire of Rutherglen has informed me that the proposed site is within approximately 4 kilometres of Victoria's border. Substantial Victorian industries are located next to the site—for example, the Uncle Tobys Company Pty Ltd and a number of wineries. They are concerned about the environmental effects and the social and economic impact of the project.

The Minister should allow my colleague to make some appropriate and not too lengthy statements about the site because it is relevant. Honourable members are debating whether the law needs to be enhanced and expanded in relation to environment protection. The high-temperature incinerator is a typical example of an environmental issue occupying the minds of many caring and thoughtful citizens of Victoria, particularly those in my electorate.

Mr COLEMAN (Syndal)—On the point of order, Mr Acting Speaker, I refer you to clause 10, which confirms the rights of third parties to appeal against the conditions of a works approval on the grounds that the use of the works as approved will adversely affect their interests, will be inconsistent with a relevant State environment protection policy or industrial waste management policy or will cause pollution. That is a wide provision and it clearly covers the proposed high-temperature incinerator at Corowa.

Although the Minister may be aggrieved that the debate is running longer than he anticipated, the high-temperature incinerator is an issue of potential damage to the State. In terms of the rights of third parties to appeal against the establishment of the incinerator, it is well within the bounds of the debate for honourable members to comment on it. The honourable member for Dromana had simply named the project, and even that brought anguish to the Minister. Clause 10 encompasses the matter that was raised.

The ACTING SPEAKER (Mr F. P. Sheehan)—Order! The point of order raised by the Minister related to the remarks made by the honourable member for Dromana about the toxic waste incinerator. I understand that permission has been sought from and approval has been given by the Speaker for the incorporation in *Hansard* of a letter to the press from the honourable member for Dromana. I presume leave will be sought shortly for that letter to be incorporated. In those circumstances I therefore have difficulty upholding the point of order raised by the Minister, but the matter remains that the issue of the incinerator is not one that is directly related to the

jurisdiction of the government and therefore the honourable member for Dromana should couch his contribution in such a way as to make reference only or to give example rather than debating the substantial issue of the toxic waste incinerator.

Dr WELLS (Dromana)—I seek leave to have my letter to the editor of the *Age,* 5 October 1990 incorporated in *Hansard.*

Leave granted; letter as follows:

Toxic waste incinerator safer if built in a dry, stable desert area

from Dr R. Wells, MLA, Dromana

The proposal to establish Australia's major toxic waste incinerator at Corowa, straddling the New South Wales/Victorian border verges on lunacy.

The plant is needed but the proposed siting questions the credibility of the responsible intergovernment task force.

Although the plant has not yet even been designed, and no environmental effects statement or environmental audit has been prepared for the proposal, we are assured that it will be absolutely safe.

Federal environment Minister Mrs Kelly's statement that it will burn 99.9 per cent of material is equally scientifically insufficient.

The statement that the land for the incinerator has already been purchased hardly promotes an attitude of scientific neutrality during the assessment process.

How can we accept that the appropriate criteria for this siting is that Corowa is on the border between the two major waste producing States, and that the Shire of Corowa authorities are very keen to have the project?

Some of the matters which must be considered before siting this plant include the attitudes of the local people; the possible effects on prime food-producing farmland; the effects of windborne fall-out on urban populations stretching at least to Albury–Wodonga; the possibility of Australia's greatest river acting as a toxic conduit affecting three States; the immense possibilities of inter-State litigation; the effect of burying toxic residues near the Murray and their fate in centuries to come, and the effect on Australia's reputation as a food exporter.

These matters must be considered in relation to normal functioning of the plant and after accident or breakdown.

The responsible authorities should overcome their political foibles and examine desert sites for the proposal.

No matter how safe this plant may be, it will be safer if placed in a dry desert area that is geologically stable; the residue would also best be buried there and protected until a method of destruction is found.

I write, not as a political party commentator, but as a biological scientist and a concerned citizen.

Ron Wells

Mt Martha

Dr WELLS—I used the Corowa incinerator to show the difficulties that Parliament faces. It is a fatuous defence to suggest that because the Corowa incinerator is proposed to be built on the other side of the River Murray that it will not affect Victorians; of course it will affect Victorians.

To turn to an area closer to my heart, the southern Mornington Peninsula is an area that is besieged on all fronts by major pollution problems because of the growth in population. We have a major problem with domestic refuse because we have run out of suitable sites for its disposal. The coastline faces considerable problems because of the run-off of surface water. There is a proposal to locate 8500 people in the Kangerong Valley near Safety Beach. That proposal must be examined.

Septic tanks located all along the coast in Rosebud, Rye through to Portsea, as well as on the east coast of the peninsula, are causing problems. The government should

administer its expenditure more frugally so that these important matters are dealt with. Society must recognise the necessity to adopt a 1000-year rule because if we continue to dispose of waste in the land and the waters of the world this will create enormous problems.

Dr VAUGHAN (Clayton)—I support the Environment Protection (Fees and Penalties) Bill. The community I represent is particularly concerned about the impact of certain industries on the urban environment in the south-eastern suburbs of Melbourne. Clayton contains a large number of manufacturing industries and extractive industries. As a result the Bill is important to the local community and the operation of the Environment Protection Authority is also significant to the community that I represent.

Today I shall mention the extractive industries that operate in the Clayton area. One of the burning issues in that community is the impact that municipal tipping operations have on the quality of the urban environment. According to the South Eastern Regional Refuse Disposal Group which is made up of seventeen councils in the metropolitan area, there are 45 refuse disposal sites in the Heatherton–Dingley extractive industry zone. Approximately twelve of those tip sites have been filled and each one constitutes an environmental time bomb. In the medium to long term, we do not know what the effect of those closed tips will be on the ground water beneath the Clayton area. The large ground water resource will be important for the people of Victoria in the years to come and it is located beneath those tip areas that contain who knows what. Those tips were filled when large sections of the community really did not care about the environment and they used them to dump all matter they wished to be rid of. A number of those tips predate the establishment of the EPA. Some go back well before 1970.

Closed tips in the area continue to cause problems above ground. The most recent closed tip in the South Clayton area, which was operated by Cleanaway, continues to emit a stench across the residential area located close to that site. It is appalling that tips have been located so close to residential areas in Clayton and the surrounding areas.

Some appalling planning decisions have been made over the years and a number of agencies are responsible for those decisions. Local government and government agencies share a collective blame for those appalling post-war planning decisions. A dramatic change must be made in the future to deal with this problem. It is appalling to think that recently a proposal was put to government agencies for a massive putrescible domestic refuse tip in the City of Moorabbin in Carroll Road, Oakleigh South. It was proposed that it be located adjacent to a residential area that was subdivided only recently and to this day is being built on.

Mr Coleman—Same municipality?

Dr VAUGHAN—The same municipality and it has a share in that site. I am heartened by the fact that the Department of Planning and Urban Growth has informed the proponent of the Carroll Street, Oakleigh South, tip that it is an unsatisfactory proposal. I received that information during the past two weeks.

Mr Coleman interjected.

Dr VAUGHAN—I only learnt that as an objector. The proponent of the proposed tip, Pioneer Concrete (Vic.) Pty Ltd—and to some extent the City of Moorabbin is involved—will no doubt appeal that decision.

I look forward to the time when no more putrescible tipping operations are conducted in areas adjacent to residential areas in the south-eastern suburbs of Melbourne. No

further putrescible tipping operations should be conducted in the zone. The South-Eastern Regional Refuse Disposal Group can have its 45 holes marked on the map in their various colours, those currently being filled and prospective sites, but so far as I am concerned there are no prospective sites; the activity is no longer acceptable in the area.

I expect that generations following this one will have an expensive job——

Mr Coleman interjected.

The ACTING SPEAKER (Mr F. P. Sheehan)—Order! The honourable member for Syndal will have his chance.

Dr VAUGHAN—He certainly will. I expect that generations following this one will have an expensive job in clearing the mess created by the tips in the sandbelt of Melbourne. As I said, the tips are an environmental time bomb. Who knows what lies there and what will leach out? A significant provision of the Bill is the considerable increase in penalties that will apply to breaches of the law.

Honourable members interjecting.

Dr VAUGHAN—I look forward to having the penalties put in place. However, penalties are no good if the courts will not enforce them. The courts have not treated offences under the Environment Protection Act seriously enough; the fines imposed have not been heavy enough. Through the passage of the Bill, Parliament will give the courts some guidance on this matter.

Mr Coleman interjected.

The ACTING SPEAKER—Order! The honourable member for Syndal!

Dr VAUGHAN—I look forward to the further contribution of the honourable member for Syndal. I refer now to the provision of the Bill which will allow for the overriding of a decision of the Administrative Appeals Tribunal to not permit third-party objectors to appeal under the Act. It is important that Parliament express the view incorporated in the provisions of the Bill and allow third-party objectors to appeal because of the significant contribution those appeals can make to the planning process. I wish the Bill a speedy passage through the House.

Mr EVANS (Gippsland East)—The Environment Protection (Fees and Penalties) Bill amends the Environment Protection Act 1972. That legislation was described in a judgment of the Full Court of the Supreme Court some years ago as being, from memory, "draconian". One of the judges said the Act was so broad that breathing out and breathing in could be construed as being in breach of the provisions of the legislation! The Environment Protection Act does not require that any harm be done in order to constitute a breach; it merely requires a change to be effected to the environment and that results in incurring the displeasure of those administering the Act.

The comments of the judge emphasise the fact that every living creature is creating waste all the time. Every time people breath out they add to the carbon dioxide in the atmosphere. Many other obvious ways exist in which every creature adds to the waste in the environment, not only while it is alive but also once it dies. Decaying vegetation also adds to the methane and other gases that these days are apparently considered to be a threat to the future of the planet.

I have some concerns about the matter because a form of hysteria has developed in the community on the issue of waste. The honourable member for Dromana did not distinguish between wastes and poisons. I suppose all wastes are poisonous until nature goes to work on them and rectifies the problem. Honourable members must

recognise it is all part of the working of nature: the creation of waste is dealt with by nature which normally turns it into other products that are in turn used by another generation or another species for growth.

Honourable members must bear these things in mind in their anxiety to protect the community in what is an exaggerated sense of menace. Some sections of the community tend to go overboard and the result can have unfortunate repercussions. The most recent incidence of such an over-reaction was referred to by an earlier speaker on behalf of the National Party who spoke of the efforts of Greenpeace (Australia) Ltd in the Nufarm Ltd case, which occurred a few months ago. In the event it turned out the allegations made were totally unfounded.

Often members of the community are taken in by the point made effectively by the honourable member for Narracan, who referred to modern technology having produced new ways and means of measuring substances in the environment. Many allegations are made about toxic substances as if they had only recently been discovered when they have probably been present almost since the beginning of time. They are present in such minute quantities that it has been impossible to measure them until recently. Often people have ulterior motives—as in the instance of the Greenpeace allegations—and, in wanting to make a point, they completely mislead the community with their claims.

I refer to the contribution of the honourable member for Clayton who has just concluded his remarks and has already left the Chamber.

Mr Coleman—Hit and run!

Mr EVANS—I disagree with the arguments of the honourable member for Clayton about the attitude of the Environment Protection Authority (EPA) to prosecutions and penalties, particularly in a couple of cases that I have come across. One case concerned a resident of my electorate who found a tin of winter spraying oil on his property. It had been lying there for a considerable number of years. He followed the instructions on the can, took it to the tip and punctured the can, releasing a couple of litres of winter spraying oil. A day or so later he heard a news item on the local television station in which reference was made to the panic about toxic waste being disposed of at the local tip. Suddenly he realised he was possibly the person being accused of illegally disposing of the substance. This man immediately went along to his local municipality, explained what happened and paid for it all to be cleaned up.

Mr Coleman—He was responsible!

Mr EVANS—He took a responsible attitude. This man is a responsible citizen and, like many of us, takes great pride in the fact that he has never been in a courtroom in his life. He paid $1600 for the waste to be cleaned up. But the Environment Protection Authority was not content. It took him to court and for his trouble he was fined an additional $4000. That is a draconian way of putting legislation into effect.

I have been advised that the oil was of low toxicity and, with the quantity involved, it was virtually impossible for any of it to have escaped or to have created any problem. Unfortunately the Environment Protection Act is so broad that any change, whether harmful or not, results in a breach of the law. That is not good legislation. Honourable members should be examining ways of modifying legislation so that it can be interpreted with more commonsense than was illustrated in that case.

Another case that came to my notice concerned an aircraft operator who was spraying thistles in a fairly remote area of the State. Unfortunately a schoolteacher and some students from a local holiday camp were trespassing in the area at the time. They had

no right to be on the property he was spraying but a great panic ensued because some of the spray got onto the children.

I have used these sprays over many years, since long before anyone thought of wearing protective clothing. Many people are convinced there is no harmful effect from casual contact with these weedicides. I am not aware of anyone suffering physical damage. Some people may suffer psychological damage because of the hysteria that has built up over the use of these sprays. But in considering prosecutions it is important that people examine the alternatives. Without the use of these sprays in many parts of rural Australia noxious weeds such as thistles would literally take over the country. It is all very well for the EPA to adopt a holier than thou attitude and say, "Well, you shouldn't be using these sprays and you must find an alternative". If no alternative is available, it is important for the authority to take that into account. I am sure many of the penalties that are being substantially increased by the Bill will be applied incorrectly if the authority continues with the policies it has pursued in the past.

Some significant evidence has been derived from what the honourable member for Dromana likes to refer to as one of the worst environmental disasters on the planet: the massive oil spill in Alaska a couple of years ago. It is interesting to note that, after careful consideration of the steps taken to clean up and control that shocking oil spill, it is now believed these people did more harm than good. They overlooked the fact that nature would have cleaned up the oil spill through microbes and other natural measures. These people used hot-water high-pressure hoses to clean up rocks and beaches and so on. Later it was discovered that in that process they killed the microbes that would have done a much better job of cleaning up the oil spill.

When these events occur there is an enormous amount of publicity and people in authority seem to panic and rush in, in an attempt to prove they are looking after the environment. In this case it was demonstrated that some of the steps they took did more harm than good. It is important that there be more sober consideration of what needs to be done whenever these unfortunate disasters occur. I do not suggest all possible steps should not be taken to avoid them happening, but people who create the problems should ensure that they are cleaned up properly. Consideration of environmental damage should be approached in a sober, sensible manner instead of authorities taking wild and ill-considered action in an endeavour to prove to the public that the people supposedly looking after the environment are on the job. Unfortunately I believe that has a lot to do with it in many cases.

I also express concern about the provisions in the Bill relating to septic tanks. Although the honourable member for Dromana may have some problems with the large number of unsewered properties in certain areas of his electorate, it must be borne in mind that nature has a tremendous capacity for dealing with waste. Pollution does not occur merely from the discharge of wastes. It occurs when the discharge exceeds the capacity of nature to deal with it. I have some reservations about the septic tank provisions because I believe rural properties in particular should be encouraged to put in septic tanks and should not be discouraged by such provisions.

I was brought up in the days when the toilet facilities were in fact the dunny down the backyard. On our farm we had a rather unique structure which was known as a double-seated dunny. As a young child I used to watch intrigued as the nightsoil man turned up with his sixteen-door sedan, as it was sometimes called, and he put the can on top of his head and carried it 100 yards or so down the paddock and put it into the conveyance, never spilling a drop! People must consider that as an alternative to a septic tank if such facilities become too expensive for them.

It is not a highly technical exercise to put in a septic tank. Any reasonably intelligent handyman could follow the published specifications and construct his own soakage

pit. I am sure that happens on many farms because the work is undertaken by farmers. It seems unnecessary for someone to travel for 2 or 3 hours from the local municipal offices, which would be the case in my electorate, to inspect that facility before people are allowed to use it. Such provisions are entirely unnecessary.

Reports of the effects of the disposal of effluents from septic tanks are grossly exaggerated. At my place I have a soakage pit that extends partly into my garden and partly out to an adjoining paddock to which stock can have access. The grass in the garden area needs to be constantly cut because it grows vigorously, but there is no evidence of such growth outside the immediate vicinity of the soakage pit. Certainly there is no evidence of any nutrients from the soakage pit spreading down the hill. My place is on the brow of a 60 foot high hill, so the slope is pretty steep. The grass around the fence is closely cropped because that is the area the stock like to graze the most. From personal observations I have seen very little spreading of nutrients from the septic tanks down the steep slope because that would be shown in the vigorous growth of grass further down the slope, which is simply not there.

We hear a great deal about superphosphate from farms supposedly polluting our lakes, particularly in the Gippsland area—but again the evidence for that is not there. I believe that scientists, observing increased phosphate levels in lakes and being aware of the use of superphosphate on farms, assume the two are connected.

Dr Wells—Check the Swiss lakes!

Mr EVANS—I invite the honourable member down to my farm to see where the superphosphate spreader has worked backwards and forwards across the slope of the hill. He will see that any area that is missed shows up dramatically. I have not seen any evidence whatsoever to suggest that rainfall on the high levels of the hill spreads superphosphate down the slope. I do not believe that the use of superphosphate has significantly added to the phosphate levels in our streams. Apart from anything else farmers do not spread superphosphate on their properties for it to be washed down our rivers or into our lakes and out to sea. Anyone engaged in agriculture knows full well that if the application of fertiliser misses any part of a paddock the effects are soon seen. When arguments arise about pollution, in many cases people put two and two together and came up with six because they do not see things for themselves and so learn from experience.

By the same token I stick to the point I made earlier that problems with pollution arise when the amount of waste produced exceeds the ability of nature to deal with it, and nowhere is that more obvious than in metropolitan Melbourne. If the Environment Protection Authority confined its activities to dealing with problems in the metropolitan area it would be more likely to stay on the right track. One has only to look at the brown smog that hangs over the city most of the time to realise where the air pollution is coming from. For more years than I care to remember I have been arguing that if we are to solve the problems caused by pollution we should be encouraging the dispersal of our population. By overconcentrating the population of Australia in large cities along the coast we are aggravating the effects of pollution.

It is a sad fact that in many cases people in rural areas are paying the cost of overcoming the problems caused by pollution in the cities, a classic illustration of which is the added costs to motorists of the introduction of lead-free petrol because of the pollution caused by cars in our cities. The environment in non-metropolitan areas is able to cope with motor vehicle emissions; certainly you never see in those areas the levels of smog you see in the city. Generally speaking in the more remote rural areas smog is non-existent.

It is an established fact that lead in the atmosphere leads to mental deterioration, no better evidence of which are the decisions made in metropolitan areas to elect Labor

governments to run the country. It does not show much intelligence to expect Labor governments to run the country in an environmentally sensitive way that will lead to a better life for everyone.

The Bill is designed to tackle blatant breaches of environment legislation. I have no quarrel with any attempt to prevent the deliberate or careless pollution of our environment, but that must be weighed against the alternatives available. Sometimes the Environment Protection Authority, while describing an installation as not up to standard, has been unable to tell the manager or the owner how to bring it up to standard. Some years ago a motel owner that I know of who relied on septic tanks for waste disposal was almost driven up the wall because of repeated inspections of the tanks by the Environment Protection Authority. He was continually told by the authority that his effluent control was not up to standard. He was prepared to carry out whatever work was considered necessary to resolve the problem, but was always told, "We cannot tell you how to bring it up to standard because we don't know how, but you will have to find the ways and means of doing so, and we will not approve it unless you do so". That is hardly a responsible way to tackle the problem.

I support the arguments put by the Opposition speakers and I hope by the time the Bill is passed it will be in better shape than it is at present.

Mr JASPER (Murray Valley)—I support the comments made by previous Opposition speakers on the Environment Protection (Fees and Penalties) Bill. I read with a great deal of interest the Minister's second-reading speech and I understand the thrust of the operations of the Environment Protection Authority (EPA) and the need to reduce pollution and waste. But I point out the need for balance between the operations of the EPA and the fees and penalties imposed by the authority, so that industry, business and individuals are not subject to extreme and unjustified pressure.

One of the things I have watched closely over a number of years in Parliament has been the operation of the regulations from the Acts of Parliament that have been passed. I have also noted the dramatic changes that have been made and the removal of charges and penalties that are imposed by particular departments in the Acts of Parliament, and provided for in the regulation-making powers within particular Acts. I am concerned with the changes that have been made, and the removal of maximum fees, penalties and charges in the Acts being incorporated into the regulation-making powers in a large range of Acts that have passed through Parliament.

I applaud the fact that in the Environment Protection (Fees and Penalties) Bill there are maximums provided for all the fees, penalties and charges that are imposed by the Environment Protection Authority. One can see the maximums detailed in section 71, and the various fees, penalties and charges are being set up through regulations. The important point is that in this Bill one can see maximum charges, fees and penalties being retained. When the maximum is reached through regulation the matter must be returned to Parliament so it can be debated. The concern the Opposition has is the huge increase in the maximums that have been provided for in the Bill. That has been detailed by the lead speaker for the Opposition and other honourable members.

In clause 6 the increase in the maximum licence fee which may be prescribed is from 7500 fee units to 42 000 fee units. That is a huge increase which will then become part of the Environment Protection Act 1970. That is a concern that we as members of Parliament should be aware of. We should try to ensure that the increases provided for in these measures are not such that it will be many years before the government would need to return them to Parliament.

Checks are provided for through the Subordinate Legislation Act and through the Subordinate Legislation Subcommittee of the Legal and Constitutional Committee.

Departments prepare regulatory impact statements whenever new regulations are prepared, except for exemptions provided for in the Act. An excellent review system is provided for regulations within the State of Victoria. The Subordinate Legislation Subcommittee is leading the way in Australia in the review of regulations and in the way it has operated over a long period.

When I entered Parliament in 1976 a former member in another place, Mr Ivan Swinburne, indicated to me that if I wanted to be a member of an important subcommittee that got very little recognition I should become part of the Subordinate Legislation Subcommittee. I joined in 1976 and have been part of that subcommittee ever since. It is important for members of Parliament to understand—despite the Acts of Parliament that are debated and passed in the two Houses—that a massive number of regulations are made under the Acts of Parliament, and they need to be reviewed. Often there is a lack of understanding by members of Parliament about what happens. Honourable members see Bills pass through Parliament, become Acts and then the regulations that are made under those Acts are reviewed by the Subordinate Legislation Subcommittee. Many people do not understand the procedures of the Subordinate Legislation Act 1962 that is under the administration of the Legal and Constitutional Committee. Mr John Little, the Deputy Clerk, was secretary of the subcommittee for many years and provided excellent advice to it.

The ACTING SPEAKER (Mr Delzoppo)—Order! Will the honourable member indicate to the Chair how his latest remarks relate to the Bill?

Mr JASPER—I am happy to relate my remarks to the Bill. One is seeing an increase in the maximum penalties, fees and charges which are related to the regulation-making powers. One needs to recognise the importance of the Subordinate Legislation Subcommittee to the legislation being debated today. Huge increases in the maximums have been provided for in the Bill and one needs to understand that regulations will be made under this Bill that will then be reviewed by the subcommittee.

It is important to understand that the Subordinate Legislation Subcommittee does have an important role in reviewing all the regulations that come under all the Acts of Parliament, and the regulations that are part of the Acts themselves. I emphasise to the House the importance of the subcommittee and Mr John Little, its former secretary. Prior to 1982 it was a joint committee with two secretaries; a secretary from this House and one from the other House. In 1982 the joint committee became a subcommittee of the Legal and Constitutional Committee. It should be a committee in its own right to be able to handle the great responsibility of regulation review, including the regulations that will be passed as part of the Bill that is before the House today.

Honourable members need to have a look at a reduction in the waste burden that is being produced and how pollution and waste within Victoria are to be controlled. The Environment Protection Authority has that responsibility, a responsibility that needs to be balanced so that assistance is provided to industry when it is developing new technology to see that it conforms to the Environment Protection Act. The EPA should not be seen as coming out and attacking industry and business. That is of concern because I have had representations from business and industry within my electorate that sometimes the EPA comes in a little heavy-handed and, in the first instance, has not come in to assist and direct industry so that it meets the requirements of waste management.

I note in the second-reading speech of the Minister for Planning and Urban Growth that there is pressure. He is trying to get uniformity between the States and the Commonwealth, and that should be followed up so that consistent penalties and charges are imposed. I also note that there has been close cooperation with the New

South Wales Environment Protection Authority to try to obtain uniformity. Where a person is wilful or negligent there is a maximum penalty of $1 million. Apparently Victoria has now been brought into line. I note the difference that in New South Wales imprisonment is for a maximum of seven years, but in Victoria it is five years.

I wonder why the Minister has indicated that the government is seeking uniformity when differences can be identified in that area. Action is being taken by the government through the Environment Protection Authority to seek to overcome pollution and to achieve appropriate waste management. I note from the second-reading speech that 90 per cent of the industrial waste generated in Victoria is now discharged into sewers. It is important to recognise the need for appropriate treatment of waste discharged into sewers.

Those of us representing electorates along the border between Victoria and New South Wales have difficulties in seeking uniformity. The Border Anomalies Committee which was established by a previous government in 1978 has performed an excellent task in examining and seeking to remove border anomalies between the two States. If there are anomalies under the Environment Protection Act surely the Border Anomalies Committee should be utilised to try to remove them. Problems are being caused along the border between Victoria and New South Wales by actions taken in the River Murray region. Many people recognise the general deterioration in the quality of the water in the River Murray and the need to improve the quality of that water.

I am interested to note that the provisions of the Murray–Darling Basin Act have been expanded so that the Murray–Darling Basin Commission can examine not only the supply of water but also the quality of water being supplied down the River Murray. It is disappointing that some people are polluting the river. For instance, sewerage farms are delivering effluent to places in proximity to the River Murray. In Albury–Wodonga sewage is discharged in an area close to the river and when the river floods as it has done on many occasions some of that sewage finds its way into the river itself.

I remember talking to a farmer who showed me the operation of his piggery, which was close to the river. I asked where the effluent from the piggery went. He showed me the river flats at the rear of the property where the effluent went. I asked how he got rid of the effluent and he said, "Whenever there is a flood it is gone". That highlighted the problems along the River Murray. I point out that many towns draw their water supply down river from that piggery. Fortunately, the EPA has changed the operations of that piggery so that the effluent is now pumped up onto the farmer's land. That was a few years ago now but it highlights the pollution problems along the river.

We need to seek uniformity between Victoria and New South Wales not only to try to remove anomalies between the two States but also so that the three governments—the two State governments and the Commonwealth government—and in the case of the Murray–Darling Basin Commission, the three State governments and the Federal government, can move together to achieve uniformity and more appropriate controls along the border.

A balanced approach is needed. Australian Newsprint Mills is seeking to expand its operations in Albury and much controversy has surrounded the new development proposed because of the effluent from the mill. Only a small part of that effluent is regarded as pollution and the company claims it will be near enough to pure water but a small quantity of pollutant will remain and many people believe the company should be going further by making the effluent pure water. There needs to be a balance between controlling pollution and the disposal of waste in the interests of achieving industrial and business developments, at the same time addressing the needs of the community.

One of the major problems facing north-eastern Victoria particularly the Shire of Rutherglen is the proposal to build a high-temperature incinerator at Corowa. The Minister for Planning and Urban Growth was involved in the joint task force on intractable waste involving the New South Wales, Victorian and Commonwealth governments over a period of two or three years. The task force recently produced its final report in which it was agreed that New South Wales would accept the establishment of a high-temperature incinerator in that State. The New South Wales government asked municipal councils to indicate whether they were interested in the establishment of the facility in their municipalities.

Mr McCUTCHEON (Minister for Planning and Urban Growth)—On a point of order, Mr Acting Speaker, this matter has already been raised in this debate. It refers to Corowa, which is not the subject of Victorian legislation. The process for the establishment or otherwise of that facility and the determination of the site is a matter for New South Wales State law. I suggest that the honourable member be asked to return to the subject of the Bill.

Mr COLEMAN (Syndal)—On the point of order, Mr Acting Speaker, I do not know whether you were in the House when another Acting Speaker dealt with the same proposition, but I point out that clause 10 provides for the rights of third parties, particularly with respect to the relevant State environment protection policy and industrial waste management policy, and the issue of the high-temperature incinerator proposed for Corowa is clearly within the ambit of those two policies.

The proposed facility will be located close to the border between New South Wales and Victoria and will clearly provide an opportunity for third parties to take some action by the appeal process if it proceeds. The clause provides for that third-party interest and I suggest that the honourable member for Murray Valley should be allowed to proceed along those lines.

Mr JASPER (Murray Valley)—Briefly on the point of order, Mr Acting Speaker, I support the comments made by the honourable member for Syndal indicating that the positioning of the high-temperature incinerator will have a considerable effect on northern Victoria, particularly the Shire of Rutherglen. I shall refer to it in passing and refer also to the legislation that deals with the sorts of issues I will raise, which will have an effect in Victoria itself.

The ACTING SPEAKER (Mr Delzoppo)—Order! I was present when the matter was previously raised. For the sake of consistency I do not uphold the point of order, but ask the honourable member for Murray Valley to round off his comments on the high-temperature incinerator and return to the Bill.

Mr JASPER—I respect the judgment that you have made, Mr Acting Speaker, and your comments but I want to indicate quite clearly to the House that I believe the development of the high-temperature incinerator will have a direct effect on the Victorian government and the responsible Victorian Minister, the Minister for Planning and Urban Growth, will have a vital say in what will happen with that facility.

The Environment Protection Authority will have a say in what happens when the final judgments are made in relation to the incinerator. Much of the waste material will be transferred to a high-temperature incinerator, wherever it is built, and it may be that the fees and penalties that are included in the legislation will be used where there is movement of intractable or toxic waste which is going to the incinerator in New South Wales or wherever.

If there is an accident or a problem with the removal of the waste in New South Wales I suggest the EPA will have no qualms about coming down on someone who is involved in shifting material to the incinerator. It is all right for the Minister to sit

back and say it has nothing to do with the proposed legislation. I suggest it will have a lot to do with the legislation. I reject entirely the comments made by the Minister but I respect the comments made by you, Mr Acting Speaker. It is of some concern to the people of north-eastern Victoria and the Shire of Rutherglen that there was no consultation when the preferred site at Corowa was suggested by the waste management authority. I suggest the Minister should be involved and interested in this subject because if he does not think it is important to the legislation now he might find it is in the future, particularly if the site chosen for the high-temperature incinerator has a radius as wide in Victoria as it will be in New South Wales. The Minister needs to be aware that this is a vital issue and therefore it is important that he give it his support.

This issue will need to be resolved and the incinerator not built on the preferred site, which is in the Shire of Corowa. The Shire of Corowa was interested in having the incinerator built there but it has now rejected it and reversed its decision. In fact, enormous opposition to the proposal has been created in both the southern part of New South Wales and the northern part of Victoria. The incinerator should not be built along the River Murray or in the Murray–Darling Basin area, and the reasons have been clearly indicated. There are problems for industry and tourism and the development of north-eastern Victoria.

The Minister will be vitally involved should there be any move to develop the high-temperature incinerator close to the Victorian border. The Minister should be taking positive action to support the people opposed to the incinerator. The EPA is having problems getting uniformity between Victoria and New South Wales and there are enormous problems along the River Murray region and with various industries and authorities which are disposing of effluent in the area. They may not be disposing of it correctly. There needs to be balance in how that is managed and how the EPA handles the particular industries.

Earlier I mentioned the difficulties with industries within my electorate. One example is a timber mill which the EPA should have handled in a more balanced way. That industry is providing employment. In Wangaratta there is an industry called McKay Products which had great difficulty with the sewerage authority over the disposal of effluent. The problem has been corrected but there was enormous cooperation between the sewerage authority in Wangaratta and the industry. The EPA needs to be more balanced in its approach to removing problems that are created by industries.

I wish to refer to my original comments on the proposed legislation. I want the Minister to understand that I strongly support the idea that monetary limits should be included in major legislation that becomes an Act of Parliament and that there should be controls over the regulations which are part of the major Acts in Victoria and not a removal of monetary penalties to be handled by regulation, despite the efficient manner in which the Subordinate Legislation Subcommittee of the Legal and Constitutional Committee is operating.

If the Minister maintains that point of view of the legislation he will have my support and that of the regulation review committee. I am concerned at the huge increase in the monetary limits and hope the Minister will indicate those maximums will not immediately increase the penalties, fees and charges in the amendments.

I express my concern about clause 10, which has been mentioned by previous speakers. It concerns appeals by third parties. I trust the Minister will respond to that matter and believe it should be examined carefully. I refer also to clause 14 concerning fees for services, which will go into the regulations under the Environment Protection Act. That clause refers to:

> ... scales of fees to a maximum of 200 fee units in respect of any service provided or function performed by the Authority for which no other fee is prescribed;".

That shows a maximum of 200 fee units without indicating what it will refer to. The anomalies in the development of the high-temperature incinerator and the removal of waste not only in Victoria but throughout Australia will need to be examined carefully and addressed properly.

There is no way the electorate of Murray Valley can consider developing such a thing as a high-temperature incinerator, nor can the area of Corowa or any area along the River Murray do so. There has to be a way of disposing of waste. Apparently 60 per cent of Australia's trade waste is in New South Wales, and that must be removed.

The legislation does cause some concern. The argument has been developed by the lead speakers for the opposition parties and they will be examining it more closely during the Committee stage of the Bill.

Mr ELDER (Ballarat North)—I have much pleasure in making my contribution on the Bill. However, I believe it is not about increasing environment protection in Victoria but is a further mechanism to raise taxes and charges. I believe we could throw this matter in with the increase in petrol taxes, the WorkCare premiums and all those things that are affecting small and large businesses and pushing many of them to the wall. Many industry groups are actually paying for the government's economic mismanagement and incompetence.

The government talks about having introduced the user-pays concept in the last Budget, and is trying to recoup the administrative costs involved in managing much of its legislation. However, I see this concept as additional costs that will be borne by the Environment Protection Authority as a direct result of community attitudes. In fact, people in the community are saying the way to get fewer breaches of the Act is to increase the fees and the penalties. That is a crazy situation. It is similar to saying that by introducing capital punishment we will have fewer murders committed in the State. We know that statistics prove that is not correct. We must look at an education program and focus on educating individuals and companies on how to safely and economically get rid of their waste products.

The increases in fees and penalties proposed in the Bill will strangle small and large businesses in our community. It is ludicrous for the government to say that increases of, for example, a maximum of $300 000 will apply predominantly to instrumentalities such as the State Electricity Commission, water boards or other government or quasi-government instrumentalities. We know those increased fees and penalties will be charged to the users. No-one can tell me the SEC is going to bear the cost of increases in fees of $300 000 and not pass it on to individual consumers in Victoria. I know that is exactly what will happen.

I would have been more convinced of the government's commitment to industry and businesses in Victoria if before increasing the fees and penalties it had looked at other charges—in fact, the total package of charges and increases that have occurred as a result of the recent State Budget. For example, the government should have looked at increases in trade waste charges, land tax and payroll tax which are killing industries. The government has shown it does not care about industry, and the unemployment figures show it does not care about employment and is prepared to get industry to cover its mismanagement by stinging it and charging it as much as it possibly can.

The government is killing the goose that laid the golden egg which has provided jobs in this State for probably twenty years and has contributed to Victoria's low rate of unemployment compared with the rate for the rest of Australia. The government must realise there is a point beyond which industry cannot bear increased fees and charges.

I have had discussions with the Australian Chamber of Manufactures which has shown real concern about clause 5, which increases the maximum fine for aggravated

pollution to $1 million while clause 12 actually relaxes the original definition. We need to look at the situation in New South Wales where there is a lower penalty for individuals than for companies.

If the government had adopted better education strategies to educate industry on the best method of waste disposal there would not be the breaches that are occurring today. Some municipal councils in New South Wales are forcing individual households to reduce the amount of waste they generate by going back to smaller bins. In Victoria we continue to allow people to use enormous green bins which they park in front of their households. We know that the bigger the bin, the more rubbish is going to go into it. The same applies with industry. If the government worked with industry on some sort of strategy to encourage industry and promote within industry the available opportunities for it to reduce the volume of trade and industrial wastes, I am sure it would get a good response. It is obvious that increasing charges and penalties will not work.

The legislation is badly timed because at the moment in Victoria small businesses are going to the wall at an enormous rate. As a country member it is frightening for me to represent an area with one of the highest unemployment rates in Victoria because many small, medium and large businesses in my electorate are going to the wall. The proposal is badly timed because it is squeezing out industries that cannot afford to stay in the market because they are overtaxed. I suppose this government will go down in the history books as one of the highest taxing governments in Australian history.

The government needs to look closely at the Bill, the fees and how they will be passed on to consumers. It needs to look at the package of increased charges that are affecting industry and at duplication. Clause 8 deals with pollution abatement notices, and duplicates the functions of the Board of Works. Premises discharging to the Board of Works sewers are licensed under trade waste agreements, but clause 8 usurps the function of the board and other waste authorities. The EPA is continually complaining about a lack of funds—this shows the government's commitment to the reduction of trade wastes and other pollutants—to carry out its present responsibilities and about the supposed need for massive increases in licence fees as set out in clause 6, and in this situation it is inappropriate to have a duplication of powers. The Opposition looks forward to moving to delete clause 8.

The Environment Protection (Fees and Penalties) Bill is badly timed and the government really has no concern about increasing environment protection in Victoria but, as illustrated in the recent Budget, is using the Bill as a mechanism to further disadvantage Victorian manufacturing industry by increasing charges and penalties.

Mr McCUTCHEON (Minister for Planning and Urban Growth)—There have been contributions to the debate from nine honourable members and some general issues have been raised. I recall the honourable member for Benambra raising the question of uniformity of environment protection laws and penalties on a national basis and a number of other speakers have referred to it in the same way. The legislation itself echoes that concern and I am sure there is general agreement between the government and the Opposition on the desirability of uniformity. The matter has been the basis of frequent discussions at meetings of the Australian and New Zealand Environment Council (ANZEC) to try to achieve the highest possible level of uniformity. As States have developed their individual environment protection legislation, differences have occurred and there are gaps, particularly between New South Wales and Victoria, which I hope we can overcome shortly.

The honourable member for Benambra also asked whether I would make a pledge to set up a timetable to try to increase the rate of progress in approaching uniformity, particularly in appeal processes and so on. I assure the honourable member that the

matter has been strongly supported, both by me and by my predecessor, at the ANZEC meetings, and the government will continue to press for as rapid progress as is possible.

He also raised the issue of the application of State laws to the Commonwealth law. Although that has been an issue at ANZEC meetings for many years, the Commonwealth has given an undertaking that Commonwealth agencies will comply with State laws. I believe that would mean that the Commonwealth would react in a positive way if environmental legislation was to be raised concerning the operation of any Commonwealth agency or institution within this State. However, the point is taken that the Commonwealth is not obliged by law, but it is obliged by an undertaking which it gave to comply to State law, especially with regard to the environment.

Some brief reference should be made to matters that have been raised about clauses in the course of debate. Clause 5 relates to the maximum penalties for the majority of offences against the principal Act. In discussions in briefings prior to the debate and in contributions to the debate the point was made that we should attempt to bring penalties into line with New South Wales and specifically the distinction between penalties relating to companies and to individuals. I am happy to accept that proposal. A House amendment has been drafted to accommodate that and it can be discussed during the Committee stage.

Clause 6 relates to licence fees. Likewise a comment was made during debate and prior to the Bill being introduced about the phasing in of increases. I am prepared to consider that phasing in. A number of authorities would have a significant rise in their licence fees. Probably a classic example is the Board of Works where the present maximum licence fee is $54 000. Eventually it will be $300 000. It is one of the most extensive authorities and deals with a wide range of trade waste agreements and the potential is there for serious discharges into the sewerage system. The monitoring of the effluent and the discharges by the Board of Works is a major demand on Environment Protection Authority (EPA) resources.

Discussion on clause 8 about abatement notices produced a number of comments about potential conflict between the EPA and water and sewerage authorities. The suggestion was that the EPA wanted to interfere with water boards and sewerage authorities. It would be worthwhile trying to achieve clarification of the intention of this clause and the use of abatement notices by the EPA, not in the role of interfering in water and sewerage authorities in their acceptance of industrial discharges into the sewer so much as using it—as the EPA does—in other sectors, for example, in discharges to the air to be able to deal in advance with the potential to pollute or to make a discharge that would be unmanageable by the sewerage authority. It is consistent with the other powers the EPA already has.

The honourable member for Narracan tried to make a case for confusion between the waste minimisation policy that was published in the *Government Gazette* and the provisions for pollution abatement notices. I believe he failed to read the legislation correctly because it proposed that new section 31A provides the definition of pollution abatement notices. Clause 8 is seeking only the deletion of section 28B. Proposed amendment to section 31A enables the power of the EPA to issue pollution abatement notices.

Mr Delzoppo interjected.

Mr McCUTCHEON—Section 28B will be deleted because it is unnecessary. All the requirements the EPA will need are contained in proposed new section 31A (1) which will read:

(3) In section 31A (1) of the Principal Act after paragraph (*b*) insert—

"(*ba*) has caused or is likely to cause a failure by a sewerage authority to comply with—

(i) any standard prescribed by the regulations; or

(ii) any Order declaring policy; or

(iii) any requirements contained in any policy; or

(iv) any condition in a licence or permit; or

(v) any standard prescribed for the purposes of this section; or".

I believe the potential disaster adverted to by the honourable member for Narracan is not there.

Mr Delzoppo—Confusion, not disaster.

Mr McCUTCHEON—It will sort itself out when the legislation is tidied up. The honourable member for Syndal also spoke strongly on this matter. The EPA has had discussions with water boards and only two water boards have expressed opposition. In fact some water boards have come out strongly in support. Although the honourable member for Ballarat North is not in the House at the moment, he did raise the matter. The Ballarat Water Board expressed strong support in a meeting with water boards and gave an example of why it supported this use of the power by the EPA. On a previous occasion the EPA had assisted the Ballarat Water Board with a difficult major client.

One of the reasons for the provision is that while there are small water boards with a limited number of identifiable clients who have trade waste agreements it is possible to identify the source of a pollutant, but it is more complex with, for example, the MMBW which collects trade waste from whole sectors of industry.

Mr Coleman interjected.

Mr McCUTCHEON—I said a relatively small number of trade waste collections compared with the Board of Works. So there is support in the water industry for this clause. It is not seen by most water boards as an attempt to interfere with the operations of their trade waste agreements. Although these authorities have power under the Water Act to enter into trade waste agreements and to prohibit certain sorts of discharges, they do not have a mandate to take preventive action to protect the environment, which is the EPA's clear responsibility, nor do they have the power to act quickly to deal with an environmental hazard and it is for this reason that that clause has been introduced.

In relation to clause 12 some brief concern was expressed about aggravated pollution including negligence and reckless or intentional acts. I believe wisdom should prevail on that. It has been fairly well checked by the lawyers to clarify that that is an appropriate provision.

Clause 14 raises the question of a power to prescribe by regulation fees up to 200 units, which is some $1450, for services provided by the EPA. It was implied by one speaker that this power would be used to abuse clients and pursue them in an unreasonable way. I have had drafted an amendment that seeks to clarify that this power will be used for services requested of the EPA by clients where the clients are happy to pay a fee to obtain that benefit.

An anomaly in the present regulations prevents the EPA from actually collecting fees for work they do at the request of organisations. For example, if the EPA obtains for a firm an exemption for the use of ozone depleting substances, that would be a piece of technical work done that assists that firm. I believe the difficulties envisaged by some speakers about an abuse of power could be removed by insertion of the word "requested".

I believe there is strong support for the Environment Protection Authority. The inferences drawn by the honourable member for Ballarat North about this being a

taxing Bill were put in their correct context by earlier speakers from the Opposition who referred to the Auditor-General's comment that the EPA has not been collecting, through its licence fees, from its clients or those industries that required to be licensed anything like the cost of providing that service. This Bill goes some way towards providing for cost recovery. That proposal was presented to Parliament in the report of the Auditor-General and, as has been suggested, this is a response to that. I have indicated that I am prepared to see the increase of those licence fees phased in so that undue hardship is not created by their introduction.

I have completed my remarks in this second-reading debate. I know the House wants to go into Committee, and honourable members will be able to deal with the issues in more detail at that stage.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 4 agreed to.

Clause 5

Mr McCUTCHEON (Minister for Planning and Urban Growth)—I move:

1. Clause 5, line 27, omit all the words and expressions on this line and insert—

"(1) In section 59E for "5 years imprisonment or a fine of 5000 penalty units or both" substitute "In the case of an individual, a fine of 2500 penalty units or 7 years imprisonment or both.

In the case of a body corporate, a fine of 10 000 penalty units.";".

As I indicated in the second-reading debate, this amendment seeks to take up the concern of the Opposition and inserts into the penalties provision an individual penalty that is less than the penalty applicable to a company or corporation. It is set out in line with the New South Wales equivalent.

Mr COLEMAN (Syndal)—I welcome the amendment moved by the Minister. Quite clearly, without the amendment, both individuals and corporations would be exposed to the same maximum penalties. An anomalous situation would have existed. The amendment recognises that fact and, to that extent, the Opposition supports it.

Amendment agreed to; amended clause agreed to.

Clause 6

Mr DELZOPPO (Narracan)—I raise a question about the licence fees contained in this clause. I have always been a little concerned that in the overall approach taken by the Environment Protection Authority for a licence, it does not take into consideration the nature of the discharge or where it is ending up.

As an example, I point out that in the Latrobe Valley the licence fee for the Dutson Downs sewerage farm is some $4200 where the effluent is discharged into land after treatment. As well as that there is a salt water pipeline that runs from the State Electricity Commission taking ash water—that is, water that has been used to quell the brown coal ash—and the salt water that is purged from the boilers from time to time and discharged into the ocean. The actual effluent is about the consistency of salt water. It is going into salt water and yet, from memory, I believe the licence fee for this particular discharge is $45 000.

I should like the Minister to consider, while the Bill is between here and another place, making some alteration to the licence fees to take into account the quality of the receiving waters in the case of a discharge to water, and to overcome the anomaly I have been talking about in regard to the SEC and its salt water outfalls pipeline.

Mr COLEMAN (Syndal)—In the conclusion to his reply in the second-reading debate, the Minister indicated he was prepared to look at a phase-in of the increased licence fees. However, such a phase-in is not provided for in the amendments that have been put forward and it is not clear what form such a phase-in is likely to take. In the first instance, I am seeking an undertaking that a phase-in procedure will be among the issues to be discussed while the Bill is between Chambers in an effort to achieve an acceptable phase-in process.

I remind the Minister that during the debate on the Environment Protection (General Amendment) Bill in December 1989—so it was debated only recently—a maximum limit of $54 000 was set for licence fees. At that time it was agreed that further increases would be in line with the consumer price index. There was general agreement between the parties and industry that increases in line with the Consumer Price Index (CPI) would apply. However, in this case, there seems to be a clear breach of the understanding that was reached only in December last year.

It is important that the Minister recognise that an increase in line with the CPI was envisaged, yet in the case of fees prescribed under this Bill the increase is substantially higher than the CPI; the maximum licence fee is being increased from 7500 units to 42 000 units. Although it will apply to only a limited number of statutory authorities and major industries, if it applies in the way it is intended it will increase the revenue to $280 000 this year and $550 000 in a full year. With the fee restructuring it actually has the potential to raise the $5 million that is being sought.

The way in which the fee is applied will have a fairly significant impact on industry in this State. Although industries are cognisant of their need to abide by the environmental policies of the government—and in the main they all want to comply in any case—the fee structure needs to be phased in.

I seek some agreement or statement from the Minister about the action he proposes to take and an indication that he is prepared to commit to paper the undertakings he has provided that the government will phase in the fee structure. The Opposition seeks such an assurance from the Minister as part of this amendment process and, while the Bill is between Chambers, some meaningful discussion on the matter can occur.

Mr McCUTCHEON (Minister for Planning and Urban Growth)—I cannot enter into a conversation with the honourable member for Narracan about the particular details of the Latrobe Valley waste and the State Electricity Commission discharge, but I acknowledge there are anomalies in the current licence fees, to which the honourable member has already referred. The Environment Protection Authority is very keen to conduct a review of the current process so that those anomalies can be considered and dealt with.

The total context is not only the legislation; but also licensing regulations. A review of the structure is needed to eliminate anomalies, and then develop the new scale of charges in line with the limits that are contained and suggested in the legislation.

I give an undertaking that I will discuss the phasing-in process with the opposition parties while the Bill is between here and another place so there can be an agreed structure for that process.

Mr DELZOPPO (Narracan)—On the same clause, during the Minister's reply in the second-reading debate he did not mention the problem I raised with him during my contribution to that debate; at the moment it is proposed that the fee structure will be based on concentration multiplied by flow as a factor to calculate the fee unit. There is some disquiet in the water and sewerage industry that the Environment Protection Authority has not disclosed in its discussions with various authorities affected by the legislation how this figure will be calculated nor the factor that will be in the formula.

The Minister should give an undertaking before the Committee agrees to this clause. I realise it is a technical question but I did raise the matter during the second-reading debate. So as not to embarrass the Minister, perhaps he may supply the answer in some detail while the Bill is between here and another place. The matter is crucial to the clause.

Mr McCUTCHEON (Minister for Planning and Urban Growth)—I shall do my best to give the honourable member the information he requires but I rather understand that the basis is part of the review that is examining anomalies. It may be it is a process that will arrive at a clearer picture during the course of time rather than as an answer that the honourable member can receive immediately.

Clause agreed to.

Clause 7

Mr COLEMAN (Syndal)—Approximately 2500 organisations are currently licensed under the annual fee arrangement. That significant number has to bear the burden being imposed by the increase in fees. The average bulk of the fees would be about $1000. If the intent of the government is to raise between $4.5 million and $5 million from this legislation—and indications from the Auditor-General's report are that there is a need to have a recoupment of the administrative costs associated with the Environment Protection Authority (EPA)—it must be borne in mind that some hurt will be applied to some organisations.

I hope the government, in pursuing these increases in licences and fees, will take account of the ability of individual organisations to pay. If organisations find some difficulty in meeting the impost, given that by their very nature if the organisations are to survive they must pass on the fees to the product they are handling or producing, I hope there will be some time allowed in which they may pay, providing a case for hardship can be mounted.

Where a hardship case is proven in the administration of the legislation I hope the EPA and the government will provide some accommodation for the organisations that have difficulty paying the significant increases being applied directly to them. For that reason, clauses 6 and 7 need to be viewed in terms of their impact upon industry, notwithstanding the fact that those organisations are operating well within the limits for discharge into the system. In so doing, they are making their contribution towards improving the environment in which we live.

Clause agreed to.

Clause 8

Mr DELZOPPO (Narracan)—During the Minister's reply in the second-reading debate he made a few remarks at my expense concerning the repeal in clause 8 of section 28B of the principal Act. During the second-reading debate I told the House and the Minister that the *Government Gazette* of 29 October, under the industrial waste management policy, referred to an abatement notice under section 28B but that section is now being repealed. Anyone reading the document would become very

confused when told about the definition of "abatement notice", which is crucial to the industrial waste management policy; while trying to weave his way through the regulations, he would go to section 28B, only to find that it had been repealed.

The Minister tried to ridicule me about this matter but I do not accept that. Parliament, the Minister and the Environment Protection Authority (EPA) have a responsibility to make the regulations as clear as possible. This is an unnecessary complication. The Minister owes it to me and to the Committee to say whether he will have a reprint made of the industrial waste management policy, and whether he will alter the reference to the definition under section 28B.

Mr McCutcheon interjected.

Mr DELZOPPO—Thank you. Secondly, under the same clause, the administration relevant to the abatement notices and responsibility for the point of discharge belonging to the authority—be it the Melbourne and Metropolitan Board of Works, or a small or provincial sewerage authority—is being changed. That responsibility will now be with the EPA.

One of the complications about the change is the division in responsibility. I mentioned this problem during the second-reading debate. I referred to the 1983 debate when the then Minister, the Honourable Frank Wilkes, said that the aim was to separate the responsibilities of the EPA, on the one hand, and those of the sewerage authorities, on the other. Either Frank Wilkes was wrong then or something has occurred in the meantime that requires a change in the legislation.

The Minister must give a reason to the Committee. It may have been difficult to do that during the second-reading debate but the Committee has plenty of time. We have a responsibility to get this wretched piece of legislation correct.

The other point about abatement notices is that if the responsibilities for discharge under the trade waste agreements are given to authorities, the MMBW will be involved in the checking of the 7500 trade waste agreements. I understand that the MMBW staff are presently checking the agreements. Given that the responsibility will be handed to the EPA, and that one person may be able to make five inspections a day—although that is a rather high rate—according to my calculations it will take 1500 men days to cover the 7500 waste discharge points in the MMBW system.

Mr Coleman—We have found a new growth industry.

Mr DELZOPPO—We have found a new growth industry. We must find extra staff and extra money to do a job that is already being done now, but who ultimately pays? The people living within the metropolitan area who pay their Board of Works rates. I shall give the honourable member for Clayton, who is acting as a runner between the Minister and his adviser, time to give the Minister some indication why the community should bear this additional expense and why the present system is not coping with the work.

Mr COLEMAN (Syndal)—The new Water Act was proclaimed on 1 November and that Act involved the same process of machinations, as the honourable member for Narracan would be aware, that currently applies to the Mineral Resources Development Bill. The debate on the Water Act was a tedious process because it was aimed at getting consensus between all the interested parties. Part 9 of the Act relates to sewerage authorities. All the authorities brought under the ambit of the Act ought to have the opportunity of working and proving that the Act can address the issues for which it was designed. Section 173 of the Act refers to the functions of the sewerage authorities and reads:

(1) An Authority that has a sewerage district has the following functions:

(*a*) To provide, manage and operate systems for the conveyance, treatment and disposal of sewage and, if the Authority so decides, of trade waste;

(*b*) To identify community needs relating to sewerage services and to plan for the future needs of the community relating to sewerage services;

(*c*) To develop and implement programs for the recycling and reuse of treated waste water;

(*d*) To investigate, promote and conduct research into any matter which relates to its functions, powers and duties in relation to sewerage services;

(*e*) To educate the public about any aspect of sewerage.

(2) An Authority must perform its functions in an environmentally sound way, having regard to the need to preserve aspects which have landscape and fauna and flora values.

So the role of sewerage authorities is clear. As I indicated earlier, the Opposition will oppose the clause because it wants the Water Act to operate effectively. If the government feels it has a problem in having authorities performing their functions under the Water Act, it ought to introduce amendments to enable those authorities to have clearly laid out for them the role the government sees for them. Section 181 deals with by-laws on trade waste and states:

(1) An Authority may, in accordance with sections 160 and 161, make by-laws for or with respect to any of the following:

(*a*) Regulating or prohibiting the discharge of any trade waste into its sewers;

(*b*) Prescribing the terms and conditions to be included in agreements for the receipt and disposal of trade waste by the Authority, including the grounds on which the Authority may disconnect the service;

(*c*) Prescribing the method of charging and the charges for the Authority's costs of inspecting, measuring, monitoring and testing any trade waste and other matter under an agreement under this Part for the receipt of trade waste;

It then refers to a number of other by-law making powers that are provided to authorities. It is clear that sewerage authorities were intended to have the power to operate with all of the functions available to them as indicated under the provisions of the Act and the by-laws. That power is being usurped by clause 8 of this Bill, which gives the Environment Protection Authority (EPA) power to intervene. That is justified in a memorandum from the Environment Protection Authority dated 12 November which states:

On this basis, it is necessary for EPA to have the powers proposed by clause 8 to be used as reserve powers—where a water board is unwilling or unable to act to prevent pollution, remove an environmental hazard or implement a SEPP or WMP . . .

It is the function of the Minister responsible for the Water Act and the sewerage authorities to bring those boards into line with the government's expectations. In any case, they cannot be in breach of the Act. There is an inherent need to have strong regulations placed within the ambit of the Water Act rather than incorporating that power in this Bill.

The second basis on which the amendment is put forward is:

Where immediate action is needed.

Clearly the by-law making arrangement is incorporated in the act and the Minister has the power to act on behalf of authorities. I recognise that there is a fourteen-day provision in that section and it may be necessary to have a shorter time frame included in the provision of the Water Act, so that the responsible Minister has the ability to deal directly with the sewerage authority.

The third reason is:

Where a consistent approach to waste minimisation is required.

I should have thought that, with a State environmental protection policy or an industrial waste management policy, the ultimate objective would be a consistent approach to waste minimisation.

The fourth reason is:

> Where process information is required and the discharger is unwilling to provide it.

In this case the discharger is discharging into a sewerage system under a waste agreement with the authority and that authority, after the treatment process, is still meeting its licence emission levels.

The four reasons provided to support the clause are reasons why the provision should be included in the Water Act because they provide authorities with the strength to force the hands of organisations that are not complying with the terms of the trade waste agreement.

The worst scenario is the one provided in the amendment to the Bill, where at a given time the EPA can come in over the top of an authority established under the Water Act and say to an industry, which invariably holds a trade waste agreement, that the terms of the agreement are not being met and that a pollution abatement notice will be issued. That is the reason why the Opposition will insist that the Water Act be used in the way it was originally intended.

The new Water Act is in its infancy and it is expected that amendments will be made to it. It was always anticipated that there would be a period of settling in.

Because of the way the process was conducted and the heat of meetings held out in Queen's Hall, of course some things would be overlooked, and I venture to say that the same thing will happen with the Mineral Resources Development Bill; the same problems will exist there, and in this instance we ought to accept that the new Act needs recognition of this additional power; it needs to be in the Water Act where it rightly belongs to strengthen the hand of those authorities who really want to operate under the full terms and understanding for which they have been given a licence.

Mr McCUTCHEON (Minister for Planning and Urban Growth)—I am not unsympathetic to what the honourable member for Syndal has said, and I do not believe the intention of the Bill contradicts his points. I will refer further to the memo from the Environment Protection Authority (EPA) from which he quoted because it says some things that are not contrary to the explanation he has given.

I was in on the conception of the Water Act. I happened to be the responsible Minister at the time and I have a great respect for the Water Act. I am not interested in any way in denigrating that long drawn-out process which led eventually to its birth, and I certainly want to help it grow into a strong, surviving piece of legislation, but there is a nuance here which I tried to get across in my earlier remarks on this matter, and the remarks the honourable member has made so far have not dealt with it. It concerns the role of the EPA in relation to its other controls over industrial processes where discharges may potentially pollute.

The EPA has power to go to that industry and either close it down or require it to modify its process to prevent the potential pollution discharge. This clause seeks to apply that power to those industries which have trade waste agreements to discharge into the sewer of a sewerage authority. The EPA does not want to take over the sewerage authority's powers but it is about the EPA's environment protection role, consistent with its ability to stop discharges into the air.

An abatement notice provides the power to prevent a pollution incident where, in the view of the EPA, a particular process or industry is potentially likely to illegally

discharge and where the EPA wants the industry to improve its process or take certain safeguarding actions. That is the intention. That is what is set out in the EPA memorandum on pollution abatement notices referred to earlier. Prior to the section the honourable member for Syndal read, there are a couple of paragraphs that I shall quote:

> Under this proposed amendment dischargers to sewer will be governed by the same rules that apply to other Victorian waste dischargers. For all other such premises the EPA is able to issue a pollution abatement notice to ensure that works are modified or discharges are stopped where it is considered that there is an actual or potential risk of environmental contamination. The comprehensive appeal rights attached to the serving of all EPA notices will provide protection against unreasonable or inappropriate notice conditions. While sewerage authorities have power under the Act—

That is, the new Act that we both support—

> . . . to enter into trade waste agreements and to prohibit certain sorts of discharges they do not have a clear mandate to take preventive action to protect the environment nor do they have the power to act quickly to deal with an environmental hazard.

In a sense as I have outlined earlier, that memo indicates the responsibilities the EPA has in giving work approval permits and in governing the processes that take place in particular industries. That is what this abatement notice power is intended to do, and certainly it is not my intention in any way to denigrate the role and responsibilities of water and sewerage authorities, as clearly outlined in the Water Act.

Mr COLEMAN (Syndal)—I think the Minister must have a different face sheet to the memo I have. While the content may be much the same, the layout of it is somewhat different.

The matter I want to impress on the Minister is that while the Opposition acknowledges that we have either a discharge to the air or a noise pollution problem, quite clearly the Environment Protection Authority (EPA) has a role, where no-one else is charged with the responsibility of dealing with the problem, to issue a pollution abatement notice.

There is quite a clear distinction in the view of the Opposition between discharges to air or noise pollution and discharges to a licensed sewerage system. In the latter case it is apparent what the parameters of the eventually discharged substance should be. The honourable member for Narracan gave us a clear example of what happened in the case in the Latrobe Valley where the emulsification of the various trade wastes was interrupted by the withdrawal of one flow.

Authorities which are operating under licence arrangements have a requirement—and it is quite clear—to meet a discharge level themselves, and the method they use to get to that discharge level is really not a matter for the EPA; it is a matter for the authorities.

Certainly in terms of policing it is a matter for the EPA that at the end of a process the licensed agreement has been met and authorities, if they are to accept trade wastes, are going to accept this trade waste on the basis that they can treat it; otherwise they will not accept it. Industry has to take some consideration of that fact. The trade waste agreements have to be written in such terms that the authorities accepting them can treat the waste, and that is the critical part. We know there was some hiatus at Nufarm and essentially this is an attempt to address the problem found there.

The problem would be just as easily addressed by putting power into the Water Act for an intervention, and that is what we hope will occur out of all of this.

Dr Vaughan—You mean the Board of Works!

Mr COLEMAN—The Board of Works is an authority under the sewerage authority sections of the Water Act.

Mr McCutcheon—He means it is the Melbourne and Metropolitan Board of Works Act.

Mr COLEMAN—The board is a treating authority under the provisions of the Water Act. The critical thing is that quite clearly we will be prepared to support an amendment which achieves the same thing through the Water Act, but we are not inclined to support this amendment to the principal Act which takes the prerogative away from the board and makes additional provisions to the EPA.

Mr DELZOPPO (Narracan)—I do not believe the Minister, in his explanation, has covered one particular point, and the point I refer to is contained in clause 8 (1) of the Bill where section 28B of the principal Act is repealed. That is quite clear. I have gone back to the Environment Protection Act 1970 as amended and I should like the Minister to indicate, if the Committee defeated the clause, whether the Environment Protection Authority (EPA) would be worse off if it treated these point discharges that are controlled by trade waste agreements. That is the nub of the question.

What would the consequences be and how disadvantaged would the EPA be if clause 8 were opposed? Also, in terms of the comments of the honourable member for Syndal about the Water Act, I should like to satisfy myself about the effect of clause 8 being defeated so that section 28B of the Environment Protection Act still stands.

Mr McCUTCHEON (Minister for Planning and Urban Growth)—A matter I did not raise in relation to comments made by the honourable member for Narracan was the waste minimisation policy and the reference to section 28B in the gazetted document. That will be amended if the Bill is amended and a newly published statement will help to allay the confusion that may result.

The honourable member for Syndal is still saying the Water Act should be used to make the amendment. However, the Environment Protection Authority (EPA) must do its task in relation to a process in an industrial concern that creates a potential environment hazard. As it does for discharge and emissions, the EPA must be able to issue abatement notices.

If a particular process is creating a potential hazard to the discharge of a sewer, the sewerage authority may not notice it. The honourable member for Syndal mentioned the situation at Nufarm Ltd, which is an example of the Melbourne and Metropolitan Board of Works monitoring the discharge into the sewer. The amendment will allow the EPA to take a more interventionist role in that area.

Mr Delzoppo interjected.

Mr McCUTCHEON—The monitoring by the EPA of the outflow of the Werribee process and the repeat tests have shown no indication of the pollutants detectable at the factory. In his earlier remarks the honourable member for Narracan referred to parts per trillion measurements.

There is a legitimate distinction between the role of the EPA monitoring a process, anticipating a potential environmental breach and being able to use its powers and the role of a water board or sewerage authority carrying out its responsibilities under the Water Act. The two functions are not in conflict.

The honourable member for Narracan referred to occasions when a water board is unwilling or unable to fulfil its responsibilities. Earlier I informed honourable members that the Ballarat Water Board appreciated the strong support it received from the EPA in detecting one of its recalcitrant clients. The two authorities work together, and the

EPA can support a water board or sewerage authority in dealing with something it may suspect is occurring but with which it is not armed to deal. The EPA can take the initiative or action can be taken in conjunction with a sewerage authority.

The amendment does not counteract the responsibilities of an authority under the Water Act; it gives the EPA a different shaft on a potential environmental breach, and that is the task of the Environment Protection Authority. The task of the EPA is to issue works approval permits and to monitor any existing processes. The audit teams check out the processes and, if necessary, stops them if they are in breach. That is consistent with the role of the EPA, and I request the Opposition not to get caught up on the Water Act and the responsibilities of water boards and sewerage authorities.

I have made it clear it is not the intention of the government for the EPA to interfere with the ordinary responsibilities of water boards and sewerage authorities. I do not mind the government being asked to consider amendments to the Water Act if some amendment is required. However, in this instance, honourable members are considering the responsibility of the EPA, and the amendment is a legitimate extension of existing powers.

Mr DELZOPPO (Narracan) (*By leave*)—I thank the Minister for being so accommodating, but he has not answered the question I asked. I want to know whether the Environment Protection Authority will be disadvantaged if the clause is negatived and section 28B remains.

Mr McCUTCHEON (Minister for Planning and Urban Growth)—I should like to take that on notice and discuss it with the honourable member when the Bill is between here and another place. Most deletions from Acts can create problems, and I do not want to answer the question off the top of my head. I am prepared to provide officers from the Environment Protection Authority to work through the matter in detail with members of the Opposition.

Mr Delzoppo—I thank the Minister for his courtesy.

Dr VAUGHAN (Clayton)—I briefly enter the debate to comment on the various contributions made on the clause. Both the honourable members for Syndal and Narracan have argued their case well. In the best of all possible worlds their argument should be respected. However, the whole point of the clause is to address the practicalities of the real world. When it comes to sewers, the practicalities are that the agency controlling the sewer has a commercial interest in providing a service. The agency is not primarily interested in what happens downstream; that is a secondary interest. However, the primary field of interest of the Environment Protection Authority (EPA) is protecting the environment that receives the discharge.

If clause 8 is passed, it will not be used on a daily basis, but it is the sort of reserve power required from time to time, usually in most unexpected circumstances. Throughout the debate mention has been made of the Nufarm Ltd controversy of some months back. In that instance, if the EPA had had the power it would have liked to have had, it would have exercised that power.

The clause is about addressing some practical realities in the way institutions and individuals behave in the real world. The clause is not about how powers should be theoretically distributed. It is about a power that will not be used much but, in the interests of the environment, should be available.

Clause agreed to; clause 9 agreed to.

Clause 10

Mr McCUTCHEON (Minister for Planning and Urban Growth)—I move:

2. Clause 10, page 6, line 24, omit "(2C) Unless sub-section (2D)" and insert "(2B) Unless sub-section (2C)".

3. Clause 10, page 6, line 25, omit "or (1) (*c*)" and insert ", (1) (*c*) or (1) (*d*)".

4. Clause 10, page 7, line 4, omit "(2D)" and insert "(2C)".

5. Clause 10, page 7, line 4, omit "or (1) (*c*)" and insert ", (1) (*c*) or (1) (*d*)".

Mr COLEMAN (Syndal)—Clause 10 relates to appeals by third parties, and the amendments moved by the Minister correct a series of drafting problems. The Opposition supports them. Appeals by third parties deal specifically with works approvals. Works approvals were introduced in 1984. There is no process of appeal for a third party in the Act. It was always the intention that the appeal process would be available and now the government is amending the Act to restore this original intent so that where appeals were made on the ground of works approvals this appeal process would be available. That provision is supported by the Opposition.

Today we have heard debate about the proposed high-temperature incinerator at Corowa. The remarks made by the honourable member for Murray Valley ought to be considered by the Minister because a considerable proportion of the waste transported to that high-temperature incinerator would come from Victoria. Therefore it is incumbent on the Minister to assure the people who would possibly be exposed to the waste material when it is transported out of Victoria or when it is moving within Victoria that there will be an appeal process available to them that will ensure they have an opportunity to have their concerns registered and if necessary that they may appeal against the establishment of the incinerator.

Dr Vaughan—We have got the waste material stored in our suburbs.

Mr COLEMAN—As the honourable member for Clayton has said, we do have it stored in our suburbs. We represent areas where there are significant quantities of this waste material stored. On the boundary of our two electorates there is a company, Dulux Australia, where considerable work has been done to deal with trade waste, particularly paint thinners. When some encouragement is provided to industry it is prepared to treat its waste and therein lies the first solution to the problem. Industry should be encouraged to treat its waste so that it becomes inert and is able to be disposed of safely.

Dr Vaughan—It is certainly the government's view.

Mr COLEMAN—It is interesting that the honourable member for Clayton has commented that that is certainly the government's view. One then wonders why the government was a party—the Minister took a high profile in the announcement—to the high-temperature incinerator to be established in Corowa. It was his colleague in New South Wales who had to wear the egg. Only a little bit of shell actually fell on the Minister when the Corowa municipality reneged on its undertaking or offer to accommodate the high-temperature incinerator.

It is important when this material is transported that there is provision for an appeal by a third party—in part, I suspect this matter is covered by the hazardous waste legislation—but it is important that a third party, when a works approval is given, should have an opportunity to appeal against that approval. I hope that the remarks made by the honourable member for Murray Valley, who has an intimate knowledge of the process, are considered by the government and particularly by the Minister.

Mr DELZOPPO (Narracan)—As the Committee is amending the part of the Act that deals with an appeal by a third party, is there any intention by the government or the Minister to prevent the use of frivolous appeals to hold up works? I do not deny

the right of a third party to lodge an appeal but I ask whether some zealous people in the community might seize upon this provision when their zealousness overcomes their better judgment and use it to frustrate legitimate development.

Dr Vaughan interjected.

Mr DELZOPPO—I am directing my question to the Minister. Is there any provision to prevent frivolous appeal; I believe it is a fair question.

Mr McCUTCHEON (Minister for Planning and Urban Growth)—The general reason why the clause has been included, as the honourable member for Syndal indicated, was because of the original intention that a third party should be able to appeal on a works approval process. There was a case in which the right of a third party to appeal was contested by a Queen's Counsel and was successfully defeated. It appears that it is necessary to specifically state that a third party right of appeal should be provided and that is the intention of the clause.

The question of the frivolous use of third party rights has been addressed in a review of the Administrative Appeals Tribunal, and that is the appropriate place for management of the system to be handled. I believe the matter should properly be addressed by the Attorney-General and the review process.

Amendments agreed to; amended clause agreed to; clause 11 agreed to.

Clause 12

Mr COLEMAN (Syndal)—Clause 12 broadens the offence of aggravated pollution to include negligent as well as reckless or intentional acts. It brings the legislation into line with New South Wales legislation. We could have a lengthy debate about what is reckless, negligent or intentional. Suffice to say that the Minister, by dividing the provision in relation to penalties between those applying to individuals and those applying to corporations, in part begins to deal with the application of the clause, because if one is an intentional polluter the situation is completely different from one who pollutes because of negligence or recklessness. The inclusion of the word "reckless" is extending, in my view, the word "negligent".

I am pleased that there are not many lawyers in the Chamber because we do not need a long drawn-out debate on terminology—I was trying to tempt one or two of them to speak—but given that the provision meets some of the aspirations of the honourable member for Benambra who quite rightly pleaded for the agreement to be made where possible between adjoining States, the intent of the amending provision is to bring the legislation into line with New South Wales although the advice I have received is that perhaps the definition of offence is correct without including the word "reckless". Victoria will be brought into line with New South Wales which, through its Minister, Mr Tim Moore, is active in pursuing environmental issues.

Clause agreed to; clause 13 agreed to.

Clause 14

Mr McCUTCHEON (Minister for Planning and Urban Growth)—I move:

6. Clause 14, lines 16 and 17, omit "service provided or function performed by the Authority" and insert "advisory or consultancy service provided by the Authority upon request or any application involving an evaluation, assessment or analysis by the Authority".

Clause 14 relates to the power to make and prescribe fees by regulation to a minimum of 200 fee units, some $1450, for any service provided by the Environment Protection Authority (EPA) for which no other fee is prescribed in the Act. The government seeks to amend the clause by providing that a fee is charged only when the service is

requested so that the situation cannot arise—as was suggested during the second-reading debate—where the power is abused by the EPA in respect of a client to which it may take some exception by charging a fee for visiting its site and carrying out inspections.

Officers of the EPA can and do visit and offer assistance to organisations and companies and help them. It should be appropriate to charge a fee for that service.

Mr COLEMAN (Syndal)—As I indicated earlier the Opposition is opposed to the principle embodied in the amendment. The amendment will be made to sub-paragraph (*na*), which is an indication of just how many different services can have fees charged for them. On that basis the Opposition contends the legislation has set out in it the various services for which fees may be charged. While it is acknowledged the Minister has made it a little clearer so that the amendment is slightly more acceptable, the Opposition is still concerned that the various fees that can be charged should be brought to Parliament for consideration.

Section 71 of the Environment Protection Act provides that:

> The Governor in Council on the recommendation of the Authority may make regulations for or with respect to——

A range of issues is then listed, going on for no less than five pages.

At the end of the day what is being sought by the EPA is an all-embracing power. The Minister seeks an amendment to allow a fee to be charged for:

> . . . advisory or consultancy service provided by the Authority upon request or any other application involving an evaluation, assessment or analysis by the Authority.

The clause will provide an all-embracing power and will be applicable for the services not yet identified but which obviously are included in the regulation-making powers provided by section 71. On that basis the Opposition is prepared to discuss the matter while the Bill is between here and another place, so that some other form can be found for implementing the government's intention.

I repeat: the Opposition is not of a mind to provide the authority with an all-embracing power, given that five pages of situations are set out in the Act under which the authority may define and separate individual charging structures. To that extent the Opposition will be opposing the amendment when the Bill is in another place.

Amendment agreed to; amended clause agreed to; clause 15 agreed to.

Reported to House with amendments.

Passed remaining stages.

APPROPRIATION MESSAGE

Message read recommending further appropriation for Mineral Resources Development Bill (No. 2).

BEHAVIOUR OF MEMBERS

The SPEAKER—Order! Immediately following question time today a point of order was raised concerning a gesture said to have been made by the honourable member for Springvale during question time. The gesture was not seen by the Chair.

A similar point of order was raised on 10 October 1990 when the honourable member for Clayton was Acting Speaker, The proceedings are reported in *Hansard* at pages 1199 to 1201.

By custom and practice a member may seek a withdrawal of a word or words which that member finds offensive and the member who used the word or words is obliged to withdraw the expression without qualification. A withdrawal has been held to imply an apology. The matter must be raised immediately following the use of the offending expression and it is dealt with forthwith.

In the view of the Chair, a gesture which a member finds offensive should be treated in similar manner to an expression found to be offensive and the member making the gesture is obliged to indicate to the House that he or she withdraws the gesture without qualification. It is not appropriate to raise such a matter at a later stage of proceedings.

Whether a word, expression or gesture is found by a member to be offensive does not have to be related to whether the same may be regarded by other persons inside or outside the Chamber as offensive. The fact that the member making a gesture may observe it to be widely used or accepted in other contexts does not affect the way in which the gesture is to be treated in the House if it is found to be offensive to a member. As in the use of words, it is suggested that members should be moderate and respectful in any gestures they use.

In respect of the particular point of order raised by the honourable member for Glen Waverley, the matter does not appear to have been raised until some time after the event. In these circumstances, it is inappropriate for the Chair to intervene at such a late stage.

However, it should be understood that if the Chair observes or has drawn to its attention a gesture which is lurid, obscene, rude, otherwise unparliamentary or constitutes highly disorderly conduct in breach of the Standing Orders, it will be dealt with in accordance with the provisions of Standing Order No. 114 or Standing Order No. 116, as appropriate.

It will assist the Chair in upholding the standards of behaviour in the House if apparent breaches which may not have been observed by the Chair are immediately drawn to attention.

It is the intention of the Chair that, in the event of a gesture which constitutes highly disorderly behaviour being observed and directly or immediately drawn to attention, the Chair will intervene forthwith to uphold appropriate standards of behaviour.

Mr LIEBERMAN (Benambra)—On a point of order, Mr Speaker, I will certainly study your ruling with great interest. I wonder whether you might consider giving further consideration to clarifying the question of first available opportunity.

I ask that in the interests of the House because I believe there are some circumstances, accepting the principle of first available opportunity which you have correctly said is important, where it may not necessarily be conducive to the order of the House that a matter be raised. For example, I refer to the middle of question time when the honourable member raising the point of order on alleged behaviour may not be able to do so in a convenient way, having regard to the proceedings of the House at the time.

In the case today the honourable member for Glen Waverley raised the matter as soon as there was a change of business after question time, using his judgment, I think correctly, that it was appropriate to do so at that time. Without demur at your ruling, sir, I ask whether you would consider giving further consideration to the matter and perhaps advising the House at a later time of your view on whether the question of

first available opportunity can or should be modified in certain circumstances, perhaps by a discussion with representatives of all parties. I suggest it is important that "first available opportunity" have some flexibility attached to it and that some judgment be allowed to be used in specific circumstances.

Mr E. R. SMITH (Glen Waverley)—On the point of order, Mr Speaker, I believe it is relevant to add that at the time of the gesture this morning I did jump to my feet but you also rose to your feet on another issue. So I sat down again and waited until what I thought was the appropriate time at the end of question time to raise the issue with you.

Cognisant of the fact that the incident happened during question time and that I did not want to waste the time available for questions, I took the view that the first available opportunity would be at the end of question time. I thought I should raise that matter as a point of relevance to the point of order raised by the honourable member for Benambra.

The SPEAKER—Order! On the point of order, honourable members have the right to raise points of order concerning the orderly conduct of the House at any stage of the proceedings. In respect of a suggestion that there has been disorderly conduct and that that is the basis of the point of order, it is appropriate that such matters be dealt with forthwith while the alleged disorderly conduct is immediately relevant to the proceedings of the House. It may well be that, if the matter is held over by the honourable member to be raised at some later stage, the behaviour complained about may no longer be relevant to the way in which the House is conducting itself.

It appears to the Chair that, where a point of order relates to the order or good conduct of the House and the continuation of such proceedings, such matters should be resolved immediately rather than held over.

Mr COLEMAN (Syndal)—On a further point of order, Mr Speaker, given the rulings you have just made and the fact that the change of business at the end of question time offered that opportunity, when a point of order is raised about the good conduct of the House and that matter must be determined, would you give further consideration to allowing an extension of question time to ensure that the time available for question time is not lost?

Mr COOPER (Mornington)—On the point of order, Mr Speaker, I support the point of order raised by the honourable member for Syndal. I direct your attention to the fact that an honourable member who wished to limit the time available to the House for question time could deliberately set out on a course of action that would cause someone to take a point of order at that stage and it may require a considerable amount of time to resolve the issue. If the matter were so serious that you felt obliged by the actions of an honourable member at that time to take action by suspending that person from the service of the House for some time, it is clear that on most occasions a considerable amount of time would elapse; a division would be called and as a result the time allocated to question time would be finished.

It is important for honourable members to have available to them the full question time allotted. It is only 45 minutes on a sitting Tuesday and 30 minutes on other sitting days. That time needs to be protected by the Chair and by Parliament; otherwise the sorts of actions that could occur may well be taken by an honourable member who sets out to have no question time. The honourable member for Syndal has raised a reasonable point and it is a matter that deserves your consideration and report to this House.

Mr LEIGH (Malvern)—On the point of order, Mr Speaker, previously when the honourable member for Doncaster raised a point of order about the performance of

the honourable member for Springvale, he did so at the end of question time. The honourable member for Doncaster told me and other members of the Opposition that he raised the point of order at that stage because there were fewer people in the Public Gallery.

The SPEAKER—Order! The honourable member for Malvern seems to be relating his remarks to a completely different issue from that raised by the honourable member for Syndal.

Mr LEIGH—Then I shall raise it on a further point of order, if you like.

The SPEAKER—Order! The Chair does not have a discretion in this matter with respect to question time. The period for question time is laid down clearly in Standing Orders. No discretion is held by the Chair in this House, unlike the other place, to extend question time. However, the issue is a significant one and there is the possibility of it infringing on the opportunity for honourable members to speak as a result of the actions of the sort described in the point of order. For that reason, among others, I have placed that general issue on the agenda of the Standing Orders Committee and it is currently before that committee.

Mr PESCOTT (Bennettswood)—On a further point of order, Mr Speaker, this morning in the House I raised a point of order which, as I have discussed with you subsequently, was one that you had not fully understood at the time of my raising it. It referred to the honourable member for Springvale saying that a member on this side of the Chamber had called him a name yesterday which he found offensive. The name he used was different from the name that was admitted yesterday and retracted. As I said earlier today, I found it extremely offensive—and so did my colleagues on this side of the Chamber—that there should have been an imputation, which still exists on the record, that we had used the word "wog" which in fact had not been used.

As this is the first occasion since then that I have noticed both the honourable member and you in the Chamber at the same time, I ask that the honourable member for Springvale withdraw the imputation made this morning.

Mr TANNER (Caulfield)—On the same point of order, Mr Speaker, I appreciate the difficult situation you find yourself in. Through you I impress on the honourable member for Springvale the offence taken by honourable members on this side of the Chamber. There is no doubt that the honourable member feels aggrieved, but his imputation that we would insult him in that manner is unworthy of him.

Mr Micallef—It's on the record.

Mr TANNER—The honourable member by interjection says it's on the record; but it is also on the record that the honourable member for Murray Valley has retracted and apologised for another word that he used to describe the honourable member. The honourable member for Springvale should retract his imputation made this morning that members of the Opposition have called him a wog. We have not called him a wog—that was not the word used—and the imputation is unworthy of him It is untrue, and the honourable member for Springvale should be called on to retract it.

The SPEAKER—Order! As the honourable member for Bennettswood said he raised this matter with me privately at an earlier stage of proceedings. I have since had an opportunity of listening to the tape of proceedings and of reviewing the comments made this morning by the honourable member for Springvale. In my view the honourable member's comments this morning related not to a general suggestion about members of the Opposition but to remarks attributed by interjection to the honourable member for Murray Valley.

The tape is unclear: it is impossible to determine from the tape the precise spelling of the word that appears to end with the letters "og". The honourable member for Murray Valley withdrew the words he said were "useless log". In those circumstances I do not believe it is appropriate to spend any further time on the matter. I do not uphold the point of order.

Mr LEIGH (Malvern)—On a further point of order, Mr Speaker, in view of the fact that this morning you supported the comments of the honourable member for Clayton when he was in the chair, and in view of the fact that three members of the Opposition witnessed the actions of the honourable member for Springvale, I wonder why you do not call on him to apologise to the House for his actions. His actions reflected badly not only on himself and his constituents but also on this House and its members.

Mr Speaker, if you are not prepared to take any further action I ask you, at the very least, to call on the honourable member for Springvale to apologise for his actions and to seek an assurance from him that he will restrain himself in future.

The SPEAKER—Order! I have ruled on that matter in ruling on the point of order raised by the honourable member for Glen Waverley.

Mr PESCOTT (Bennettswood)—On a further point of order, Mr Speaker, I understand that if, in this Chamber, an honourable member finds offensive something said or done by a member on the opposite side the normal rules and practices of the House require that that person withdraws what is said to be offensive. Other honourable members sitting nearby might not find the remarks offensive; although it is a matter not always to be judged by others.

As I said, if an honourable member finds a remark offensive the honourable member causing offence is asked to withdraw, and by custom it is withdrawn. I found what was said this morning, whether it was to the honourable member for Murray Valley or to anyone else, offensive. The offence taken on this side of the Chamber has not been satisfied at this stage.

Mr KENNAN (Attorney-General)—On the point of order, Mr Speaker, what the honourable member for Bennettswood says he and other honourable members opposite find offensive is a statement made by the honourable member for Springvale that he found offensive something——

An honourable member interjected.

Mr KENNAN—That's not established, you see. Mr Speaker said that after listening to the tape a certain word ending in "og" was used.

The honourable member for Bennettswood said that he and other members find offensive the honourable member for Springvale's saying he found something offensive, which is corroborated by the tape because it proves that a word ending in "og" was used. Mr Speaker, you have said that the tape does not establish the matter definitively, and you have given your version of what you believe was said. The honourable member for Springvale and others on this side of the House have another view of whether the letter preceding the "og" was an "l" or a "w"; but the tape does not distinguish the matter either way.

Mr Speaker, it is nonsense for a member to get up and say that he or she finds offensive something that has been repeated by another member in reference to something that was said by a member, in this case, on the other side. Such an argument is simply nonsense; if it were valid the argument would be entirely circular. There is no point of order and there is absolutely no ground on which the honourable member for Springvale should be asked to retract.

The SPEAKER—Order! Frankly the House will reach a ridiculous situation if we continue to debate and hear comment on this point of order. It will be useful if I quote to the House the *Hansard* record of the relevant part of the comments made by the honourable member for Springvale earlier today:

> **Mr Micallef**—Mr Speaker, I ask your advice given that last night I was called a wog.

It does not appear to me that there was thereafter an accusation against any particular member.

Mr Leigh interjected.

The SPEAKER—Order! If the honourable member for Malvern wishes to test the authority of the Chair he will be accommodated.

In those circumstances, having reviewed the *Hansard* text, I do not uphold the point of order.

Mr PLOWMAN (Evelyn)—On a further point of order, Mr Speaker, when the honourable member for Springvale stood up this morning he did not say he wished to raise a point of order; he simply began speaking. At no stage did he say, "I raise a point of order".

Mr Micallef—That's absolute rubbish.

Mr PLOWMAN—I certainly did not hear the honourable member say it was a point of order. I believe he did not. I ask you to examine the record and to see whether the tape reveals that he raised a point of order. I do not believe you should have heard the honourable member for Springvale this morning unless he said, "I raise a point of order", or "By leave, I wish to address you or the House"—instead of getting up and making a statement as he did.

You should not have allowed that to happen, Mr Speaker. I ask you to check the veracity of what I am saying and to determine whether you have acted properly in this matter.

The SPEAKER—Order! Again I refer to the *Hansard* record of this morning's proceedings. I advise the House that immediately following my comments on the point of order raised by the honourable member for Glen Waverley, the honourable member for Springvale said:

> On a further point of order, given the concern——

And so on.

Mr Fordham interjected.

The SPEAKER—Order! The honourable member for Footscray is not assisting. The words recorded in the *Hansard* greens I believe to be the correct words on my recollection on this morning's proceedings. There is no point of order.

Mr Plowman—Will you check the tape, that is what I asked?

Mr W. D. McGRATH (Deputy Leader of the National Party)—On the point of order, there is a lot of feeling and contention about this matter and I think it is fair to give consideration to a request from me as to whether you, Mr Speaker, will examine the tapes that are taken of the Parliamentary proceedings. It could be quite easy to make an error of judgment or an error in bringing about a *Hansard* report. I know the *Hansard* reporters give the members a deal of grace on a number of occasions. All I ask from you, Mr Speaker, is that you give consideration to listening to the tapes and see whether you can continue to justify the position that you have explained.

The SPEAKER—Order! The greens on which I am relying are the originals prepared by *Hansard.* There is no suggestion that there has been any change made to them. However, if it is going to satisfy honourable members I will check the tape of this morning's proceedings at the appropriate stage.

Mr JASPER (Murray Valley)—On a point of order Mr Speaker, references and inferences have been made by members of the government about the words I used last night about the honourable member for Springvale. I categorically deny to the House that I used the word suggested by the honourable member for Springvale. The words I used were "useless"——

The SPEAKER—Order! This is not the opportunity for a personal explanation. If the honourable member has a further point of order relating to the current proceedings of the House he is in order.

Mr JASPER—I suggest that a personal explanation should be in order on the implications that have been made while I was absent from the House.

The SPEAKER—Order! The honourable member has been here long enough to know the rules about personal explanations.

Mr JASPER—I seek the leave of the House to make the personal explanation and——

The SPEAKER—Order! I suggest that in accordance with the procedures adopted by this House over a long period the honourable member see me in my chambers forthwith and we can discuss the matter.

BUILDING SOCIETIES (PRUDENTIAL STANDARDS) BILL (No. 2)

Second reading

Debate resumed from 31 October; motion of Mr CRABB (Minister for Tourism).

Mrs WADE (Kew)—Honourable members have before them the Building Societies (Prudential Standards) Bill (No. 2). The Attorney-General appears to bring into this Chamber two varieties of Bills. He has one variety that is a Bill drafted for him by an expert committee such as the Supreme Court rules committee or the County Court rules committee, or by a group of professional people with expertise and experience in an area, and he produces what can be described as a reasonably professional Bill. He has a second type of Bill that honourable members have seen several examples of this session—Bills that are introduced and then withdrawn or substantially amended. These appear to be the Bills that are drafted on his instructions, the instructions of his advisers or, on some occasions, on the instructions of the Law Reform Commission.

These Bills from the Attorney-General himself, from his advisers or sometimes from the Law Reform Commission seem to follow a very similar pattern. They are introduced, subjected to enormous criticism from individuals and organisations and are eventually substantially amended as a result of these submissions, or they are withdrawn. This Bill seems to fall into the second category. The major reason for this is that the Attorney-General has failed to consult with the people who have the real expertise and experience in this area. I think there is a case for the Premier to speak to the Deputy Premier about the matter.

I heard the Premier on the radio this morning enthusiastically recommending consultation on all things. She should point out to the Deputy Premier the advantages of consultation. The Premier is out there consulting with community groups. I think

she describes herself as a community-based person. Unfortunately, while she is out there consulting, somebody else is back here at the office running the State.

Dr Napthine—The Trades Hall!

Mrs WADE—Is there any communication between the Premier and the people she has been consulting with and the person back here running the State? It is well known, as the honourable member for Portland pointed out, that that person is Mr John Halfpenny. The Opposition does not wish the Attorney-General to be out consulting quite as much as the Premier. It would like him to spend a bit of time in his office. I suggest to him that there is a middle way and I urge him to find it and get some consultation into the Attorney-General's Department, not just with Bills but also in the administration of his department.

This is the second time the House has had before it a Building Societies (Prudential Standards) Bill. The first Building Societies (Prudential Standards) Bill resulted in a large number of submissions from the building societies industry, from other non-banking financial institutions and from the Law Institute of Victoria and from other interested organisations. As a result of these submissions the Minister had in the vicinity of 30 pages of amendments for the Bill. He eventually decided it was too difficult to go ahead with it so he withdrew the No. 1 Bill and introduced the Bill we have before us this evening.

The second Bill is a marginal improvement on the first Bill. The Minister has had the advantage of submissions on the first Bill and he has no doubt taken at least some of those submissions into account. Nevertheless, I have had a number of complaints from people who have said they have had no meaningful consultation with the Attorney-General. The members of the Victorian Building Societies Association have been unable to see the Attorney-General. I have been told by a representative of the Law Institute of Victoria that it was disappointed its earlier comments on the first Bill have not been taken up in the second Bill. I have also had complaints from individual societies that have had difficulty contacting the Attorney-General.

It is unfortunate and I regret to say that it is typical of the Attorney-General because he is frightened to speak to experts. He does not like to take advice which might go against party lines or which might expose the party line as being nonsense. He prefers to take advice from his minders, which he is doing at the moment while I am speaking. He tends to become agitated if anyone suggests there is anything wrong with the advice he is getting. I have observed that over many years.

Earlier this year the Attorney-General rushed through Parliament the Building Co-operative Housing and Friendly Societies (Amendment) Bill. There was little consultation on that Bill. It was an inadequate Bill. The Opposition identified a number of problems with it, particularly the capital adequacy requirements and the proposed administration fund, and the validity of the criticism of the opposition parties is demonstrated by the fact that changes have been made to those proposals in this Bill. However not all the changes that are required have been incorporated in this Bill.

One aspect of the Bill that has received considerable publicity is the liquidity support scheme. There has apparently been a difference of opinion between the Premier and the Deputy Premier on the effect of the Bill. I do not know from where the Premier is getting her information. I refer to an article on the front page of the *Sunday Sun* of 28 October 1990 headed, "Anger over Kirner plan: Taxpayer Fund for Building Societies", which states:

> Joan Kirner is on a collision course with the Federal Treasurer and other States over moves to bail out ailing financial institutions.

> Under the Kirner plan, . . .

It is not the Kennan plan—

> . . . taxpayers money would be used to prop up building societies which got into trouble in Victoria.

The information in that article was confirmed by the Premier the next day, 29 October, and an article in the *Herald-Sun* of that day headed, "Kirner firm on societies plan" states:

> The Premier, Mrs Kirner, yesterday stood by her government's proposal to guarantee the liquidity of non-banking financial institutions . . .
>
> A confidential paper prepared by Federal and other State Treasuries argues there should be no government guarantees of any non-banking financial institutions.
>
> However, Mrs Kirner yesterday said the view expressed in the paper was not supported by her government.
>
> "That's the Federal government saying they're not going to guarantee building societies", she said.
>
> "That's their view and they're entitled to it".
>
> "I think it is a very important piece of legislation and it's very important that it goes through".

Members will appreciate that the Premier presumably did not have time to get back to her office to be properly briefed because as the Attorney-General said in the second-reading speech the government does not intend that the provisions of this Bill provide a commitment of government funded liquidity or other financial support.

The Bill gives the government the ability to guarantee borrowings to be used to support the liquidity of a building society but, equally, it gives the government the ability not to guarantee borrowing to be used to support the liquidity of a building society. If the Bill is passed the situation in practical terms will be exactly the same as it is at present. The government may choose to support liquidity and to guarantee borrowings for that purpose but, equally, it may choose not to do so, and that is what happened with the Farrow group: the government chose not to support the liquidity of the Farrow group.

Later, after the Farrow group had closed down, the government chose to support the liquidity of all other building societies by guaranteeing borrowings to support their liquidity. Just as it is at present, under the Bill it could be a matter of luck for depositors as to whether the Treasurer chooses to support their building society by providing borrowings to give liquidity support.

One thing is absolutely clear: the provisions of the Bill do not amount to a government guarantee for building societies. There are two aspects of the liquidity scheme that concern the Opposition. The Opposition believes to protect taxpayers the Building Societies Reserve Board, which will be set up to administer this scheme, and the Treasurer should not provide liquidity by way of borrowings unless the building society provides security to the board for those borrowings. Proposed section 25J to be inserted in the Building Societies Act by clause 5 provides that a building society that obtains financial accommodation may execute a guarantee for the due satisfaction of the amounts borrowed, and may give security for those amounts of the guarantee. I suggest to the Attorney-General that that is inappropriate. The provision should not state that a building society may execute a guarantee or may provide a security. The appropriate wording should be "shall" execute a guarantee and "shall" provide security so that the provision will provide that the building society "shall" execute the guarantee for the due satisfaction of the amounts borrowed, and "shall" give security for those amounts of the guarantee.

If the security is not required by the reserve board and the Treasurer, other building societies that are required to contribute to the liquidity fund and their depositors will

be at risk, as will the taxpayers of Victoria who could find themselves guaranteeing and paying up those borrowings just as they found themselves standing behind Pyramid and other Farrow group building societies. They could find themselves paying an additional 2 or 3 cents a litre for petrol. If a building society has no assets left to provide security for its borrowings for liquidity purposes, it should not receive liquidity support. In those circumstances it should be wound up. Liquidity support should be available only to solvent building societies.

The second aspect of concern about the liquidity support scheme is that there is a potential for the Treasurer to play favourites. He can decide that no support will be given as with Pyramid, or, as with other building societies, he can decide there will be support. The explanation that the Attorney-General has given for the difference in approach to the Farrow group and other building societies is that the Farrow group was not well run whereas the other societies are well run. It is clear that that cannot be the proper explanation for the failure to give liquidity support to the Farrow group and the subsequent decision to give it to other building societies, because when liquidity support was refused to the Farrow group in May the government had no reason to believe that the Farrow group was not well managed. In fact, in May it had received a report from Price Waterhouse which suggested that $100 million in liquidity support was required, and that that should be given.

If the $100 million liquidity support had been given in May, it may well be that the Farrow group would not have collapsed, no hardship would have been caused to depositors in Pyramid Building Society and a petrol tax would not have been levied on Victorian motorists. That is contrasted with the possibility of Victorian taxpayers having to find up to $1.4 billion to support the Farrow group.

The Bill promises more adequate supervision of building societies than has been the case. Through the Building Societies Reserve Board the government should have up-to-date knowledge at any time of the management and financial position of a building society to provide adequate security for borrowings should they be needed.

I ask the Attorney-General to confirm that security will be required from any building society taking borrowings from the liquidity support fund and that he will be prepared to make the necessary amendments to the relevant clause. Any building society that needs liquidity support should be able to get it if it has a good report from the reserve board and if it is able to provide security.

Mr Kennan interjected.

Mrs WADE—Apparently the Attorney-General has not understood what I am saying. I am saying he has promised more adequate supervision of building societies in the future. The Attorney-General has promised he will have up-to-date knowledge of what is happening and he will know whether a building society is observing prudential standards. In those circumstances, if a building society is able to provide security over its assets, there should be no problem in it getting liquidity support. That should be the test.

Mr Kennan interjected.

Mrs WADE—The test should be security over assets, not assets otherwise charged. The Attorney-General seems to be suffering from some confusion. I am talking about the future and he is asking me questions about how he should have behaved in May. I have already told him that, and I suggest he consults *Hansard* about it.

The Attorney-General should amend the Bill so there are clear requirements about this matter. It should not be a matter left to the total discretion of the Building Societies Reserve Board and the Treasurer whether a building society receives liquidity

support. There needs to be equity between building societies in the interests of taxpayers and the depositors of building societies. It is essential that this matter be sorted out before the Bill goes much farther. This is one of the most important issues in the Bill and it is crucial to the consideration of it.

Another point must be considered in conjunction with that matter. If it is made clear borrowings from the liquidity support fund are properly secured, there appears to be no problem about deposits with the fund being included as prime assets of a building society under proposed section 60A. Failure to recognise those assets as prime assets of a building society doubles the burden of the liquidity support fund on societies. It is unfair and it also casts doubt on the management and purpose of a liquidity support fund.

I shall comment on a second aspect of the Bill which is of concern to the Opposition: I refer to the cost of the legislative scheme. One of the features of the Bill is that it does not say too much about how building societies will be regulated in the future. Almost everything will be done by regulation or various other forms of administrative discretion.

The Bill is merely a framework for the administration and supervision of building societies which may or may not be adequate. Members of the House will have no way of knowing whether the Bill is effective. There is, however, one fact that is absolutely clear: building societies will bear the costs of the administration. The Opposition has no objection to that provided the costs are reasonable and the distribution of the burden between the building societies is fair. Honourable members do not know whether that is the case and cannot find out from the Bill.

If the costs are too high they will have an impact on the clients of building societies, both borrowers and depositors, who prefer to deal with such societies. They will lose if the costs of the administrative scheme are high because the costs to societies will be reflected in interest rates to both borrowers and lenders.

If the burden is not spread fairly between building societies, efficient societies may subsidise less efficient societies and that would not be in the best interests of rebuilding a stronger building society industry in Victoria. Over many years that industry has served a useful purpose. Many people in Victoria have a great loyalty to various building societies and prefer to deposit money with or borrow money from such groups rather than dealing with banks. Apart from that, it is likely that the level of services provided by banks has improved as a result of the competition provided by building societies.

Under the Bill building societies will have to pay three levies—three funds are established and each is supported by a levy on building societies. Each building society will contribute to the administration levy fund, which will pay the cost of administering the legislation.The Bill does not include the levy amount; honourable members are informed it could be a fixed amount, a percentage of total assets or both. There is no requirement that the levy be made on the same basis for each society, and that is extraordinary. It may not be the same amount for each society, but surely the levy should be made on an equitable basis.

The Bill gives no indication of the number of staff to be employed to administer the legislation. I refer the Attorney-General to a report by Mr John Brady, formerly of the Reserve Bank and now on the board of State Bank Victoria. He reported to the Victorian Building Societies Council on the administration of the Building Societies Act 1986. He found the registrar's office was not properly staffed and suggested between eight and ten people would be required to supervise building societies. KPMG Peat

Marwick has been employed by the Attorney-General to assist in drafting the Bill, and I have been informed that it is talking about 30 to 40 people to supervise the societies.

That is a great increase in the number, and I think some indication should be given as to exactly what sort of office is proposed. We do not know whether we are talking about people on a salary of $30 000 a year or people on a salary of $200 000 a year. My attention has been drawn to an advertisement for staff to oversee credit unions where it is suggested the highest salary might be in the vicinity of $200 000.

In addition to the administrative fund there is also a Building Societies General Reserve Fund which presently exists under the principal Act which is funded by levies on the societies. It is a solvency fund. If a building society is wound up the liquidator may make a claim on the fund, and in the past claims have been used to pay depositors in small societies which have failed. The Bill provides for that sort of payment to be made in the future.

It also provides for payments to be made to support mergers or takeovers of building societies. It is not clear whether any of the money that is now in the fund—and I understand there is about $27 million in the fund—is to be used to assist the Farrow group of building societies. That is something the Minister may like to comment on when he responds.

One aspect of this fund is a bit of a worry: I wonder whether it is still required now that there is a liquidity support fund. I wonder whether the fund is now superfluous. Even if it is required to perhaps back up building societies where there is some temporary problem, it does not seem necessary for it to have borrowing powers. There does not seem to be a need for the Building Societies General Reserve Fund to borrow to back up the solvency of building societies. This is of particular concern because these borrowings can also be government guaranteed. Again, I do not understand why the taxpayer is standing behind borrowings that are being made to support an insolvent building society.

I suggest to the Minister that this aspect of the general reserve fund should be reconsidered. If moneys were borrowed for this fund it is not a matter of concern to the taxpayer alone; it is also a matter of concern to other building societies because they would have to stand behind the borrowings and could be levied to make up an amount that was lost or paid out of the general reserve fund. This is one area where efficient, well-managed building societies would be supporting less efficient, less well-managed societies or even societies where somebody has behaved improperly. This will not contribute to a strong building society industry.

I have already referred to the third fund, which is the Building Societies Liquidity Support Fund. As I said earlier, the Opposition believes it is appropriate to provide liquidity support. Again, so far as the levy that is going to be imposed on the building societies for this fund is concerned there is no detail. The levy is new in this second version of the Bill; it was not included in the first version. It is in addition to deposits building societies are required to make with the fund. There is no limit on the levy and, again, there is no indication of how it is going to be set.

These matters should be made clear by the Minister and he should explain why he feels it is necessary for there to be a levy in addition to the deposits. He might also like to comment on the proposal that has been put forward by the Victorian Building Societies Association that there should be an overall limit on levies so they do not exceed a specified percentage, which the association has suggested should be .05 per cent of the total assets of the building society. It seems to me that it will be difficult to run a building society if one does not know what the possible top limit of the various levies may be from year to year.

So far as the administration levy is concerned it should also be made clear that the amount collected each year should be enough only for the reasonable costs of administration in that year. This could also be included in the Bill and there should be a provision that the levy can be paid in instalments if necessary. I note the government is taking a very firm view about instalment payments for bodies it funds. It has made it clear they should not get the funds they need to run services until those services are actually due to be provided, so that instead of handing out funds at the beginning of the year the government hands them out quarterly or monthly or at even shorter periods so there is no additional burden on the government in making the funds available before they are needed. Some arrangement like that should be made with building societies.

The Minister has accepted a proposal put forward by the Victorian Building Societies Association that the budget for the reserve board should be referred to him. It would be valuable to the Minister if at the time it was referred to him it was also referred to the advisory committee that is being established under the Bill, and which has industry representation, so that when he is considering the budget, the amount that is being budgeted for and the levy that will have to be imposed on the building societies, he will have input from the building societies. He will then know what their views are about the administration and he will have some idea of what the effects of the levy will be on the building societies.

As well as the administration levy, other levies should also be related to the likely costs to be incurred. They must be equitable between the societies so that each society does not necessarily pay the same amount but is assessed on the same basis.

Another major issue is the new provision regarding ownership of building societies. Clause 6 provides that a person must not own more than 10 per cent of shares in a building society. There is power to prescribe a different percentage which will then replace the 10 per cent. There is also a power to exempt a building society from the requirements of the section.

I understand that these ownership limits are a direct outcome of the Farrow group collapse. After the closure of the Farrow group building societies the Attorney-General discovered that they were owned by Mr Farrow and Mr Clarke and decided it was not a good thing to have a building society owned by two people. This was so notwithstanding the current provisions permit such ownership. That legislation was brought in by the government.

I understand the 10 per cent limit on shareholding ownership cannot be met by any building society currently operating in Victoria. There is no phasing-in period, which I believe was suggested by KPMG Peat Marwick in its report to the Minister. If this provision comes into operation, shareholders of building societies will be forced to sell some of their shareholdings if they own more than 10 per cent of the society in a market that is not favourable for the sale of shares in a building society.

The government inspected all the building societies following the closure of the Farrow group. The Attorney-General has assured the House that the building societies are operating appropriately and responsibly. If the government believes a 10 per cent limitation on shareholdings is appropriate for the future, perhaps it should consider existing societies to be a separate issue. There should be a grandfather clause or a clause that allows a phasing-in period for the new ownership provisions. The exemption provision in the Bill which provides that the Minister may exempt a building society is not sufficient because there are no guidelines or criteria to be followed.

I understand the Attorney-General has told some people that they will get exemptions and that he has told others that they will have to wait and see. That is not good

enough. We do not want to be under any misapprehension that the Minister will exempt societies that are friendly towards him or the government and perhaps not exempt societies that are not so friendly. The criteria should be set out in the Bill under which he will use the exemption power. The Opposition believes strongly that the Bill should also include a provision that the Minister give the reasons if he refuses an exemption.

The fourth concern of the opposition parties is that so much of the regulation under the Bill is left to subordinate instruments or to the discretion of the reserve board or the Minister. Decisions could be made under the Bill that could destroy a building society. It is a matter of concern not only to building societies but also to depositors that that could occur. Under clause 25A it is provided that if the Building Societies Reserve Board is of the opinion that a building society or its subsidiary is not complying with a provision of the Act or that the management systems of a building society or its subsidiary do not comply with the requirements of the Building Societies Reserve Board, the board may by notice direct the building society or its subsidiary to comply with the provision or requirement within the period specified in the notice.

It is of particular concern that the management systems of a building society may be subject to the Building Societies Reserve Board. It is not clear how those requirements will be set out or that the board will be the right group of persons to decide on management systems. There can be considerable disagreement about appropriate management systems and there is no right of appeal under the clause. That should be a matter of concern not only to the building societies but also to the Minister and his colleagues. It can be a safeguard for the government to have an opportunity for a decision of a statutory authority to be reviewed. No organisation can be right every time.

It has been suggested that some mistakes were made in the decisions affecting the Farrow group. I believe the Attorney-General should seriously consider whether it will be an advantage for him that decisions of the Building Societies Reserve Board should, in cases where building societies feel strongly that a decision is wrong, be open to public scrutiny. The Minister should consider this matter while the Bill is between here and another place. I shall be happy to discuss the matter with him. He should consider the matter from the point of view of the building societies, the depositors and also from his point of view and that of the government. The government cannot afford to have another collapse like Pyramid.

It is possible that the Habersberger inquiry might find that the Pyramid collapse would not have happened if the administration by the registrar's office had been more effective or if the decisions taken by the government had been better informed.

Mr Kennan interjected.

Mrs WADE—I suggest that it be the choice of the building society to take an appeal to the Administrative Appeals Tribunal or the Supreme Court. It would depend on the particular direction that had been given.

The four areas I have mentioned, together with the lack of consultation about the Bill and fears about the lack of consultation in the future are the major concerns of the industry. There are other significant problems in the Bill that I will raise as part of the overall consideration and some of which are more appropriately raised during the Committee stage.

Before I examine the Bill's deficiencies I indicate that the Opposition believes the Bill makes one major improvement in that it repeals the interest rate ceiling that has been imposed upon building societies. It is good that the government has made that change because that ceiling made it difficult for building societies to compete with other

financial institutions. The interest rate ceiling on building societies was the reason why they used their funds for commercial lending and that was counterproductive for those seeking home loans. It meant that funds did not go on home loans but were diverted to commercial lending. That was one of the outcomes that was obvious in the examination of the Farrow group. Funds were not going to home loans but were being diverted to other areas. The government now appreciates that situation and the Bill repeals that home loan interest rate ceiling.

I ask the Minister to comment on the time of the commencement of the repeal of the interest rate ceiling and what provisions it is his intention to tie this to in the Act. The Bill provides for its provisions to come into operation at different times. Honourable members are interested to know whether that ceiling will be lifted at the same time as the prudential standards provisions come into operation. That appears an appropriate time. It may be that the ceiling will be lifted earlier than that time.

The interest rate ceiling was part of a trade-off between the government and the building societies in negotiating the 1986 Act. This was made clear during the second-reading debate on that Bill when the government made various statements encouraging building societies to be more innovative. I have the *Hansard* report of debate in the Legislative Council of 19 March 1986. I know the Attorney-General is keen to have it known that it was not a Bill that he introduced but it was introduced by the then Minister of Housing, but the same second-reading speech was used. The speech made a number of points directed at ensuring that everyone understood that this was a new era for building societies and that building societies were going to be much more innovative. In his second-reading speech the Attorney-General said:

> The Bill will enable societies to develop a range of innovative products to attract funds from both investors and depositors—a most important consideration in today's highly competitive financial markets. In addition it will allow societies to lend and invest these funds in a number of ways not previously available to them.

The Attorney-General also said:

> The Bill will put into place a new Building Societies Act, developed after extensive consultation with the industry and other affected parties, and designed to enable societies to compete and develop in a deregulated financial system.

The Attorney-General told us that the objects of the Bill reflected the government's economic strategy for the development of Victoria. That is another sad story for Victoria's economic strategy.

In return for the relaxation of the investment rules the building societies apparently agreed that they would be prepared to have an interest rate ceiling. The government has done a 180-degree turn and has replaced deregulation with very much stricter regulation under this Bill. It has recognised that it cannot have it both ways and is repealing the interest rate ceiling. I am sure the honourable member for Wantirna has seen the light too and will now cease appearing on various radio programs requesting interest rate ceilings on home loans.

Some provisions of the Bill have a long history and some have been the subject of repeated recommendations to the government to take action since 1986, when the deficiencies of the current legislation became apparent. Recommendations have been made by the Victorian Building Societies Council, by various government officers and by individuals. Some of the provisions of the Bill are based on a recent report prepared for the Attorney-General by KPMG Peat Marwick.

In relation to repeated recommendations from the Victorian Building Societies Council and the working party established under that council, I would have to say that the

government's part in that has been a total lack of any interest or activity. It was not until the Farrow collapse that any action at all was taken.

The Attorney-General retained KPMG Peat Marwick to advise him on the regulation and supervision of non-bank financial institutions, which go beyond building societies and include friendly societies, credit unions and other financial organisations and cooperatives which are controlled by the State government.

With regard to building societies, KPMG Peat Marwick said in its report that a short-term fix to the current problem should be rejected in favour of a more comprehensive legislative change. On that basis there has been a quite interesting timetable. The Attorney-General first sought the advice of KPMG Peat Marwick on 6 July this year and that firm started work on 9 July. The firm provided the advice for the first Bill that was introduced on 28 August. During that time it looked not just at building societies but also at cooperative housing societies, friendly societies and credit unions. KPMG Peat Marwick looked not only at the Victorian position but also at the collapse of savings and loans institutions in the United States of America, at the Reserve Bank position, at legislation in other States and at building societies and credit unions in the United States of America, the United Kingdom and Hong Kong. In one and a half months it seems to have covered a very wide area.

One and a half months elapsed before we got the report which led to the No. 1 Bill. Some more time expired before the introduction of the No. 2 Bill. However, the No. 2 Bill does not incorporate all the recommendations of KPMG Peat Marwick, nor does it take into account all of the submissions from the Victorian Building Societies Association and other interested organisations. In fact, the No. 2 Bill retains most of the problems of the No. 1 Bill. Like the No. 1 Bill it appears to have been drafted in haste and has all the hallmarks of a short-term fix.

The current problems that are referred to by KPMG Peat Marwick must be the collapse of the Farrow group and the consequent runs on other non-bank financial institutions. One would have imagined that the first thought of the Attorney-General and KPMG Peat Marwick would be to look at what went wrong with the Farrow group and ensure that it was not repeated. Despite the fact that KPMG Peat Marwick went to the United States of America, to the United Kingdom and to Hong Kong the one thing it did not do was look at what happened to the Farrow group to see what went wrong there. I found that amazing. Representatives of KPMG Peat Marwick told me that at a briefing arranged by the Attorney-General at which the Attorney-General was present. When I left I wondered if perhaps I had got it wrong.

I subsequently noted in a report in the *Age* of 7 July 1990 that the team would absolutely not be investigating the Farrow group. The article also says:

> This is absolutely nothing to do with Farrow. We won't even be speaking to the Farrow societies.

It appears the legislation has been drafted without any consideration at all as to what went wrong with the Farrow group and what should and could have been done to ensure that the depositors of that group did not suffer the hardship they are now suffering.

I should have thought one would ask a number of questions: How did the collapse of the Farrow group come about? Could it have been prevented? Will this Bill provide appropriate regulation and supervision to prevent or deter any future collapses? Will the Bill promote a strong, viable building society industry? When one asks those questions and looks at the Bill to see whether it answers them, it does not seem that it does.

The first two questions were: how did the collapse of the Farrow group come about, and could it have been prevented? At this stage there are two explanations as to how

the collapse of the Farrow group came about. The first is the explanation that we all believed initially—that it was a result of a series of rumours which created a series of runs. Subsequently, well into July or August, we were given the explanation that there really was a black hole in the Farrow group and that was what caused the run. I will return to that matter later. The other reason given for the collapse is that there was a lack of liquidity support.

Mr KENNAN (Attorney-General)—On a point of order, Mr Acting Speaker, for the record I want to say that the honourable member for Kew well knows that all of those issues are currently being litigated in the Supreme Court. I do not think it is desirable that the matters are canvassed. The honourable member for Kew had already touched on the issue and I had not taken a point of order, but I do so now. I want it recorded that I am cognisant of the litigation and the House should be cognisant of the litigation. If the honourable member wants to proceed, she has already given her view about one of the issues which, according to newspaper reports, has been canvassed in the litigation. It is a matter for the honourable member for Kew. If she wants a full-scale debate and is seeking responses from me on the matters she has raised that are matters before the court, I shall have to consider my position, as to whether it is desirable that that proceeds. I am more than happy to reply to all the matters raised because, of course, I dispute some of the conclusions she has sought to put.

I put it on record that these are matters before the court, that the honourable member for Kew has raised them, and if she intends to continue it is a matter for her.

Mrs WADE (Kew)—Mr Acting Speaker, on the point of order, I was merely looking at the matters that have not been taken into account in drafting the Bill which might affect the judgment of honourable members in considering the Bill. I have not made and was not making any comments on matters which will be canvassed in the proceedings before the court other than to look at the Bill in the light of experience to see whether, on various explanations of what has happened, the Bill meets the requirements necessary for the regulation of building societies.

The ACTING SPEAKER (Mr McDonald)—Order! I shall rule on the point of order. The honourable member is aware legal action is currently taking place. So long as she is aware of that fact the Chair will continue to hear her.

Mrs WADE—Thank you, Mr Acting Speaker.

The second point I am coming to is that, as honourable members know as a matter of fact, there was lack of liquidity support for the Farrow group; had there been liquidity support the circumstances might have been different. In considering the Bill honourable members must ask: what has the Bill done about liquidity support that makes the situation now different from the situation in place when the Farrow group offices were closed?

In considering the Bill on both the points to which I have referred, that is, what is being done about a situation where there are rumours—and there can be no doubt, whatever the outcome of any legal proceedings, there were rumours about the Farrow group and there were runs on the Farrow group—the first point that must be considered is whether the Bill is doing anything to sort out that situation. KPMG Peat Marwick recommended an offence should be created by the new legislation. It would be the offence of starting a rumour intended to cause a run on a financial institution. Perhaps the Attorney-General has had difficulties with that proposition; it is not included in the Bill, so that aspect of the collapse of the Farrow group has not been covered by the provisions of the measure.

As I said earlier, no liquidity support was provided for the Farrow group, although liquidity support has been provided for every other building society in Victoria. I ask: will there be a different situation under the proposed legislation? I have suggested to the Attorney-General there should be a different situation. I have suggested amendments that could be made to the Bill so that all building societies will be in exactly the same situation and criteria can be established for judging whether liquidity support should be given to any building society.

The situation resulting from the provisions of the Bill will be exactly the same as that pertaining earlier this year: the government can choose to give liquidity support to one building society without applying any criteria and without giving any reasons for that decision. The government can choose also not to provide liquidity support to another building society. I do not know how depositors can have any certainty about the safety of their deposits in those circumstances.

The liquidity provisions in the Bill are not necessary because the government apparently already has a choice as to whether it provides liquidity support. I am surprised about the way liquidity support is given at present; honourable members might be interested in this matter. VicFin is providing liquidity support backed by a government guarantee.

I refer to the minutes of the meeting of the Victorian Building Societies Council held on 23 July 1990, which set out the basis on which liquidity support is given as follows:

> On 17 July 1990, the Director of Housing has given the Victorian Public Authorities Finance Agency (VicFin) an indemnity pursuant to section 26A (2) of the Housing Act 1983 in respect of certain amounts payable by the council to VicFin in connection with the funding of the liquidity support fund established pursuant to section 21A (1) of the Building Societies Act 1986.

It appears an indemnity is being given by the Director of Housing under section 26A of the Housing Act, a section that gives the director power to:

> . . . with the approval of the Treasurer, provide an indemnity in favour of any person, and in respect of any liability approved by the Director, whether or not that liability is incurred in the carrying out of the objects of this Act or in achieving its purposes.

The reference is to the Housing Act.

I was somewhat surprised to find that was the method of guarantee of liquidity support to building societies and that it is appropriate that support for building societies be provided under housing legislation. However, as with the proposed legislation it seems to be a matter of choice whether liquidity support is available to a particular building society. It should not be a matter for the Treasurer or the Director of Housing to provide liquidity support without considering any criteria.

In view of the House arrangements, I move:

> That the debate be now adjourned.

I seek leave to continue my speech when the Bill is next before the House.

Motion agreed to and debate adjourned.

Debate adjourned until next day.

Leave granted for Mrs WADE (Kew) to continue speech on resumption of debate.

"HANSARD" RECORD

The SPEAKER—Order! I advise the House further in respect of a point of order raised by the Deputy Leader of the National Party earlier this afternoon which related to proceedings this morning when the honourable member for Springvale raised a

point of order. My advice to the House early this afternoon was that the *Hansard* greens showed following the words "Mr MICALLEF (Springvale)" the words "On a further point of order, given the concern of the House" and it goes on with some other comments. I was invited to check the tape as to whether the *Hansard* record was in fact correct.

I asked the Chief Reporter of *Hansard* to check the tape and he advises me that the tape has me as Speaker saying, "The honourable member for Springvale on a further point of order" and the honourable member for Springvale then saying, "Thank you, Mr Speaker" and proceeding with his comments.

The Chief Reporter advises me that prior to my words, that is, the words of the Speaker, there was general uproar so that the Chief Reporter could not tell whether the honourable member for Springvale had said, "On a further point of order" as recorded on the *Hansard* greens.

ADJOURNMENT

Woodend Primary School—Vehicle LPG tanks—Oak Park railway station—Expenses of a former Minister for Transport—Preschool centres in Thomastown electorate—Non-payment of parking fines—Senior citizens clubrooms at Yarrawonga—Illegal food caterers

Mr ROPER (Treasurer)—I move:

That the House do now adjourn.

Mr REYNOLDS (Gisborne)—I raise a matter with the Minister for the Arts as the representative of the Minister for Education in the other House concerning problems at the Woodend Primary School. This school suffers from growing pains due to a rapidly growing community. The school is overcrowded and has cramped conditions. On the school site are four single-room portables and three Mod-5 relocatable classrooms, a total of ten additional classrooms on an asphalt area at the bottom of the school grounds which are adjacent to the Calder Highway. On the highway trucks are constantly changing gears either going up or coming down the hill and this creates a major noise problem which is much worse in the summer when the classrooms are so oppressive that the windows must be left open. With the windows closed the classrooms are oppressive, hot and stuffy.

The Loddon Campaspe education region accepts there is a noise problem and that the classrooms need to be resited. The school master plan has been drawn up, Buckland Street at the rear of the school has been closed permanently and the department has bought three building blocks on the other side of this school ground in Buckland Street.

The school council engaged the firm of Watson Moss Growcott Accoustics Pty Ltd to assess the noise problem. Using the Commonwealth Department of Housing and Construction accepted design sound levels it was found that the readings in the classrooms with open windows were some 7 to 9 decibels above the accepted level. There are peaks of even higher noise at 67 decibels and when the Minister says that peaks of 50 to 55 decibels are acceptable, these are exceeding the acceptable levels by 12 to 17 decibels.

I have written to the Minister because I believe he has his facts wrong. I raise the matter with him now so that he can look at the problem on his next trip up that way. I have been in the classrooms when the windows have been open and it is hard to hear what the teacher is saying. In fact it is difficult to hear oneself think! It is hard on the

pupils and it is even harder on the teachers and makes their working conditions most difficult.

Relocating these portables will not be an expensive exercise. They will be moved only 100 metres or so up the hill to another section of the school ground where the noise problem will not exist.

Considering that stages 1 and 2 of the rebuilding of that school have cost many thousands of dollars, the relocation of these classrooms is not a significant expense. The enrolment of the school was 445 pupils this year and is growing rapidly. I believe it is only a small amount to provide a huge relief for the pupils and staff at the Woodend Primary School because conditions are intolerable.

Mr MAUGHAN (Rodney)—I raise for the attention of the Minister for Labour the testing of automobile LPG tanks. Honourable members will appreciate that there is now a tremendous demand for conversion of vehicles from petrol to gas and therefore a tremendous demand for LPG tanks. The few established manufacturers are unable to meet the demand. A number of backyard manufacturers are now in the business of building these tanks which are being installed in vehicles.

I should like an assurance from the Minister that inspectors are testing the tanks. I am gravely concerned that tanks are being manufactured, sold and installed in motor cars without being properly tested. If that is so, we are simply waiting for a tragedy to occur. That would be a disaster not only for the people directly involved but also for the whole LPG industry. It would set back established manufacturers many years and would slow down what I believe to be a desirable rate of conversion from petrol to LPG fueled vehicles. I seek an assurance from the Minister that inspectors from his department are adequately inspecting all LPG tanks now on the market and being installed in motor cars.

Mr THOMSON (Pascoe Vale)—I raise for the attention of the Minister for Transport the situation of the Oak Park railway station. In May last year the Oak Park railway station was subject to a serious fire which burnt the main building. Since then it was subject to a second fire which burnt the area that was used by the newsagent for selling newspapers, magazines and so on.

In October last year and in May this year I wrote to successive transport Ministers directing their attention to the difficulties faced by commuters since the fires at the Oak Park railway station. The building has been boarded up but I believe it must still be regarded as being unsafe. It is extremely unsightly and has been subjected to a significant amount of graffiti and vandalism. It is extremely difficult for commuters to purchase tickets at the railway station and there are serious problems associated with that.

I have received replies from successive transport Ministers about the railway station, the most recent being in August this year from the current Minister for Transport, which states:

> While reconstruction of the station to its original condition is currently not possible, an assessment of the existing structure and station operating requirements is being undertaken. This assessment will determine how permanent office, staff facilities and a passenger waiting area can best be provided.

That response from the Minister also indicates that a closed-circuit television surveillance system will be installed during the 1990–91 financial year. That is good news but it does not get Oak Park railway station rebuilt. I ask the Minister to make himself available for a deputation from residents of the area who are interested in this issue. People from the Oak Park Neighbourhood Watch have contacted me on this

matter, as well as the Glenroy Lions Club, and I believe other parties may be interested as well.

In relation to the problems of the station, one of the difficulties that the government faces is that if the station is rebuilt there is a risk that it will simply be burnt again the following day and, because the government acts as its own insurer, it is a difficult area. There is a need for some community involvement and support for the station to be regarded as a public asset. I am aware that the Ministry of Transport has been encouraging community groups to adopt stations, as it were, and take an interest in the prevention and cleaning up of graffiti at those stations.

There have been some artwork murals painted at other stations and it seems to me there is some capacity to have that kind of community support for the Oak Park railway station. Groups like the Oak Park Neighbourhood Watch and Glenroy Lions Club have an interest. I have contacted the local schools, and students from the art classes may be interested in doing some artwork at the Oak Park station to restore the subway.

Mr Leigh interjected.

Mr THOMSON—I understand that the sort of artwork that is done in these cases does not involve the use of spray cans. The desire I have in raising this matter is to encourage community participation and involvement in restoring the Oak Park railway station and ensuring it is protected from vandalism in years to come.

Mr PESCOTT (Bennettswood)—The matter I wish to raise this evening is for the attention of the Treasurer, and in his absence, for the Minister for Community Services, who is at the table. It deals with expenses relating to the visit to Hong Kong early in August 1985 by the then Minister for Transport. It is something that the Treasurer ought to be able to deal with fairly easily because he was, in fact, then the Minister for Transport. I refer to his travel to Hong Kong for the Kowloon-Hong Kong light rail project.

The SPEAKER—Order! I inform the honourable member that he must relate his remarks to a matter of current and urgent concern.

Mr PESCOTT—Mr Speaker, this is a matter of current interest because it has only recently, through freedom of information, come to my attention that some of the expenses relating to that trip were not acquitted. Back in February 1986 there was a memorandum, of which I have a copy, from Mr Reiher, Director-General of Transport, saying:

> You have sought advice as to why three different amounts were indicated to the Department of Premier and Cabinet for the cost of your visit to Hong Kong from 31 July to 5 August 1985.

The memorandum goes on to summarise the three different amounts. There was a proposal that the cost would be $7564. There was a memorandum from the Ministry of Transport saying that it cost $8617, and another which said it was $8228. There was also a letter to a Mr Bickett of the Overseas Visits Committee from Mr Reiher on 12 February 1986, which concludes by saying:

> The failure to advise you at a much earlier date of the increase in costs of the visit and not reconciling the advance with the actual expenses, and the subsequent embarrassment to the Minister and the Premier is regretted.

What is clear from these documents is that there was a lot of examination at the time of the expenses of the then Minister for Transport in Hong Kong. After all those examinations had taken place, I have found in very recent days that, in fact, the Minister had spent $986.89 on a dinner the night before he left Hong Kong and that

that amount was not included in the figures which had been given to the Department of the Premier and Cabinet.

The issue I raise is not just that we have a Treasurer who is a proven overspender from that particular case but, rather, that he was involved in a cover-up of even further overspending for the expenses on that trip.

The document I have in my hand is from the Leighton-Metropolitan Transit joint venture and is addressed to Mr P. Riboni, the Chief General Manager, Finance, at the Met. It says:

> The attached AMEX print relates to the dinner hosted by the Minister on Saturday evening. The arrangement was that it would be held at the Regent and included in his hotel bill. We had to change the venue so I agreed to pick up the tab on my MTA card.
>
> Alan Reiher will arrange reimbursement to MTA.

Many questions arise from the document. I ask the Treasurer to explain to the Parliament and to the taxpayers, who paid for the dinner, who was at the dinner, whether the dinner was for the joint venture, and if so why was the Met asked to pay, why was the venue changed from the hotel, because food facilities were still available at the hotel, what were the reasons for the change, and why the cost is not on the Minister's AMEX card, because he paid his hotel bill with an AMEX card.

When such details are known I ask the Treasurer to say why the amount was not on his bill. Parliament deserves an explanation of why the expense was not put there in the first place when the government was adding up the Minister's expenses. Was Mrs Roper there, if she was in Hong Kong? Was this a reasonable expense for the government——

The SPEAKER—Order! The honourable member's time has expired.

Mr BATCHELOR (Thomastown)—The matter I direct to the attention of the Minister for Community Services concerns the effect on preschool centres and kindergartens in my electorate of decisions taken in this year's Budget. I acknowledge the extra facilities and services that have been made available by the government in my electorate, particularly the preschool centres and kindergartens. At present there are sixteen kindergartens in my electorate that provide some 900 places for four year olds. I am pleased to acknowledge the commencement next year of a new kindergarten which will operate in Centenary Drive, Mill Park and which will provide an additional 50 places for young children in the fast growing suburb of Mill Park.

On the other hand the Saturday morning sessions of two kindergartens will be eliminated because of Budget decisions, and I particularly direct the problems confronting those preschools to the attention of the Minister. Of the seventeen kindergartens that will operate in my electorate four offer 75 places—that is, they run three groups. Two of the three-group kindergartens hold the third session for the third group on a Saturday morning in their buildings—they are the preschools at The Stables in Childs Road and the Mill Park kindergarten in Mill Park Drive. As the Minister and the parents committees are aware there will not be sufficient funds to hold Saturday morning sessions next year.

Two other preschools in my electorate operate three groups, which are maintained by having the third session operate at another location. I ask the Minister to see whether there is any way that type of operation could be extended so that such sessions could be offered by those preschools that will have their Saturday morning sessions eliminated.

I have had constructive discussions with the parents committees at both The Stables and the Mill Park preschool centres. Both organisations are prepared to look at some

arrangement whereby the third session for the third group is held at another location. The community experience at the other two kindergartens is to have the third sessions for the third groups in another location; consequently, some people are prepared to go to the trouble of having a round trip of more than 8 kilometres from the kindergarten in Roycroft Avenue, Mill Park to Oakbrooke kindergarten in Epping.

The parents in my electorate are appreciative of the services offered and are prepared to play their part, and contribute a little extra by driving their children quite a long distance. An 8-kilometre trip through the inner suburban areas would cover a number of suburbs.

I pay tribute to the parents committees. They take their responsibilities seriously; they conduct their preschools in a very creative way. They accept their financial responsibilities.

The Minister should take those factors into account in determining whether there is a way to achieve the objective of delivering the services to the children in the areas of greatest need.

Mr LEIGH (Malvern)—The matter I direct to the attention of the Minister for Police and Emergency Services concerns the Minister's claim that he needs new legislation for the collection of parking fines as issued through the courts.

The House will be aware of the case of Mr Gregory Dzuma who cost the Victorian taxpayers $13 000 and spent two days in gaol, again at the taxpayers expense, for the non-payment of fines. The Minister said that there was a loophole in the legislation that enabled this gentleman to get away with not paying his fines; consequently, the Minister intends to close the loophole. Victoria appears to have a Minister for Police and Emergency Services who is somewhat incompetent. On 30 May 1989 the responsible Minister—the then Minister for Transport, the present Attorney-General—referred to statutory rule No. 119, which states that for the non-payment of fines:

> . . . the authority . . .

which is the Roads Corporation—

> . . . may suspend the driver licence or permit of the person until the authority is satisfied that the sum has been paid or satisfactory arrangements have been made for its payment.

That relates to the non-payment of parking or traffic offence infringements.

For more than one year, the Sheriff's Office has been responsible for the collection of those fines. That office writes to the Roads Corporation which then writes to the individual; the offender either pays the fine or loses his licence. The Ministry is responsible for the outstanding backlog of fines. Either someone in the Ministry, under the Minister's responsibility, does not know the rules or is incompetent. Consequently, Mr Dzuma went to gaol. He got out of paying the $13 000 in fines and the taxpayers footed the bill for his rest and recreation in something like the "Barwon Hilton", or wherever. The Minister for Police and Emergency Services appears to be somewhat incompetent. I ask him to investigate his Ministry to ascertain who is responsible for allowing this incident to occur.

As an example of the amount of outstanding fines, between July and September this year Victoria collected $51 million in parking fines for 6207 offences. The possibility exists that millions of dollars in parking fines are not being paid because of the inability of the Ministry to collect the fines.

I ask the Minister to have his Ministry approach the Roads Corporation to implement the prescribed procedure, and that he returns here and informs the House how much

money has so far been lost because of the non-payment of the fines, and how much is outstanding in unpaid fines.

I spoke to the Sheriff's Office and was told it had had no problems with this arrangement and was quite complimentary to the Roads Corporation. It seems to me at a time when the Victorian government is destitute in respect of the collection of money, and that it does not have any, here is an opportunity to collect some form of funds. If one took the example of between July and September and said there was 10 per cent of fines not being collected through incompetence, that potentially would stand at something like $5.1 million. Clearly one is talking about a large amount of money. I ask that the Minister for Police and Emergency Services urgently investigate the matter.

Mr JASPER (Murray Valley)—I refer the Minister for Community Services to an issue that has been raised in the autumn session of Parliament and which has been a matter of correspondence between the Minister and me. It relates to the provision of funding through the home and community care program for the redevelopment of the senior citizen clubrooms at Yarrawonga.

The Minister will be aware that there has been a reduction in capital funding provided for projects across Victoria in the past twelve months. In correspondence the Minister indicated that she was aware there were two major projects for funding in north-eastern Victoria: a project being developed by the Uniting Church in Australia at Wangaratta; and the project that had been put forward by the Shire of Yarrawonga for the senior citizens. In Yarrawonga there has been a huge increase in the number of people who are involved in the senior citizen club. A couple of years ago there was a membership of approximately 35; now there has been work by a new committee—particularly the president of the organisation—and current membership is between 150 and 160.

There is some difficulty housing members in the premises at Yarrawonga and being able to retain those members by providing appropriate entertainment. Much of the equipment has to be stored outside the building, in the kitchen or in the toilet area while the members undertake particular activities on certain days. It has become a desperate situation. The Shire of Yarrawonga has supported this group very strongly. It has a high priority for funding and redevelopment that will cost approximately $100 000. There is a desperate need and I suggest the Minister would be aware of the need to provide facilities for elderly citizens at an appropriate level across Victoria.

It has been recognised that it does have an extremely high priority within the region. The Minister indicated in correspondence that I have received from the appropriate Federal Minister that it would be funded in the 1990–91 financial year, but it now appears the funding may not be available this financial year. The president of the organisation at Yarrawonga spoke to me a week ago and said he is losing members because people are not interested in coming along if they cannot be involved in activities when there is not the room for them to be entertained and satisfactorily housed within that building.

I seek from the Minister for Community Services an assurance that she will investigate this matter and undertake to see that funding is made available this financial year, or that there is the assurance that it will be provided as soon as possible. I invite the Minister, if she is up in north-eastern Victoria—in fact, I invite her——

The SPEAKER—Order! The honourable member can only raise one matter.

Mr JASPER—It is the same issue, Mr Speaker. I invite her to visit Yarrawonga and talk to these people because they believe if they could speak to the Minister and she could see the conditions they are operating under at the senior citizens clubrooms

she would be assured they need to have this facility as soon as possible. I seek the Minister's investigation, assurance and assistance with funding.

Mr SEITZ (Keilor)—The matter I direct to the attention of the Minister for Health, which I ask the Minister for Community Services to pass on to her, relates to illegal food caterers, people operating spit roasts and so on, who are not registered to handle food.

The issue has been raised by the Bulla City Council—in particular, by Mr Bugeja—who has asked that the matter be examined by the government so that consumers know when hiring people as caterers, particularly those who cater for open-air events, that they are registered and have an understanding of or training in the preparation and handling of food.

Mr SPYKER (Minister for Transport)—The honourable member for Pascoe Vale raised the condition of the Oak Park railway station following the fires which damaged the station master's and ticketing offices and the temporary renovations that have been made. The honourable member asked that I receive a representation from his local community and I am happy to meet with them.

As has occurred in other areas it may be appropriate for the local community to adopt that station so that they can take pride in it and establish some permanent facilities at the station. I shall arrange, through my departmental officers, to receive a deputation as soon as possible, as requested by the honourable member.

Mrs SETCHES (Minister for Community Services)—The honourable member for Gisborne raised a matter relating to the Woodend Primary School for the attention of the Minister for Education in another place and I shall relay that matter to the Minister. Although I am not familiar with the matter raised, the situation warrants immediate attention.

The honourable member for Rodney raised a matter for the attention of the Minister for Labour regarding the testing of automotive liquefied petroleum gas tanks, especially as there has been an increase in the conversion to LPG because of the recent increase in the cost of petrol. I shall relay that matter to the Minister.

The honourable member for Bennettswood raised for the attention of the Treasurer a trip he undertook as Minister for Transport in 1985. I shall relay that issue to the Minister.

The honourable member for Thomastown raised the matter of kindergartens in his electorate, particularly in the City of Whittlesea. He expressed concern about the Saturday morning session provided for children in that area who do not have access to the full program that is available to children who attend four sessions a week. The honourable member acknowledged that a new kindergarten is operating in Centenary Drive, Mill Park, and that two full-time visiting teachers and one early intervention program operate out of that kindergarten. I undertake to receive a deputation from the parents of the children concerned.

The honourable member also mentioned the Stables, Mill Park and Greenbrook kindergartens. In the settlement of the dispute with the Kindergarten Association of Victoria there was an understanding by the association to work constructively with the department and local community groups to see how we may offer a third session on a Monday to Friday basis, and I shall be pleased to meet with those parents to try to work through a process so that young children in the Whittlesea area have the same opportunities as other children.

The honourable member for Malvern raised a matter for the Minister for Police and Emergency Services regarding the collection of fines, and I will relay that to the Minister.

The honourable member for Murray Valley raised a matter for my attention as Minister for Community Services regarding the home and community care (HACC) program and the request by the senior citizens centre at Yarrawonga for a redevelopment capital grant of $100 000. The honourable member for Murray Valley outlined the needs of the centre at Yarrawonga and asked that I see what I might be able to do about it. He is right in one respect—that the HACC program has been of immense benefit to local communities in redeveloping senior citizens centres, and this year, with the local government contribution, the program is worth $134 million. It has received an increase of 153 per cent in funding over the past four years.

Unfortunately, even with this great development the number of requests outstrip the amount of funds we have; however, there will be an opportunity again for the senior citizens centre at Yarrawonga to make a further application for capital funding later, and I note the honourable member's invitation to come up to the area and have a look at the centre, and that may happen at that stage.

The honourable member for Keilor raised a matter for the Minister for Health in another place concerning food handling requirements and the lack of regulations regarding spit roast caterers. I will relay that query to the Minister in another place.

Motion agreed to.

House adjourned 7.17 p.m.

Thursday, 15 November 1990

The SPEAKER (Hon. Ken Coghill) took the chair at 10.34 a.m. and read the prayer.

PHOTOGRAPHING OF PROCEEDINGS

The SPEAKER—Order! I advise the House that I have approved a request by the *Sunday Age* newspaper to take still photographs of question time today. No additional lighting or flashlights will be used.

Honourable members interjecting.

The SPEAKER—Order! I advise the honourable member for Burwood that he is as much bound by Standing Order No. 107 as anyone else.

QUESTIONS WITHOUT NOTICE

LOY YANG B POWER STATION

Mr BROWN (Leader of the Opposition)—I refer the Premier to reports of a proposal that the government intends to sell the Loy Yang B power station and ask: does the Premier rule out the sale of the Loy Yang B power station before the next State election?

Ms KIRNER (Premier)—I know it is extraordinarily difficult for the Opposition to get any economic policies together. Yesterday clearly demonstrated that as many other days in this Parliament have done. As I said yesterday the State Electricity Commission (SEC) has done an excellent job in examining its productivity, increasing productivity and looking towards the future. It sets the example for many other off-Budget public sector agencies in Australia, and has made a significant contribution towards making public sector productivity come out ahead of private sector productivity in the last twelve months. There is no proposal before the government that proposes what the SEC had to say or was reported to have said in the papers this morning.

Mr McNAMARA (Leader of the National Party)—Will the Premier explain why State Electricity Commission documents concerning the sale of the Loy Yang B power station indicate that the government has approved the sale?

Ms KIRNER (Premier)—I find it interesting that the Opposition has to rely on newspaper reports for its questions.

Honourable members interjecting.

The SPEAKER—Order! Question time can proceed only if questions and answers can be clearly heard. The honourable member for Doncaster in particular is making it difficult to hear with his disorderly interjections. I ask him to remain silent.

Ms KIRNER—The government makes the decisions on economic policy, not the newspapers or the SEC.

IMMIGRATION OUTLOOK CONFERENCE

Mr SEITZ (Keilor)—In light of the national immigration conference being held in Melbourne this week will the Premier inform the House of the steps being taken by the Victorian government to further the support given to immigration and migrants rights in Victoria and Australia?

Ms KIRNER (Premier)—I take this opportunity of welcoming the national Immigration Outlook Conference to Victoria and congratulate the organisers on the excellent program that started yesterday and concludes tomorrow. The conference has given the Prime Minister and other Parliamentary Leaders the opportunity of stating their views on a most important issue for Australia and Victoria, and will give me and the Premier of New South Wales, Nick Greiner, the opportunity to make our policy statements tomorrow. Victoria supports the present size and composition of the immigration intake and welcomes the transformation of Victoria into a multicultural society.

I am pleased the visionary speech given last evening by the Prime Minister on multiculturalism indicated clearly where the Federal and State Labor governments are going on immigration, which is more than can be said for either the State or Federal Opposition, which clearly still want it both ways. That might have something to do with the fact that they have to operate in coalition, and all honourable members know how enlightening the National Party is on immigration!

To its credit, at least the Federal Opposition has a policy on ethnic affairs and multiculturalism. Does the State Opposition have such a policy? It has no policy; it has no policy document. All the State Opposition has is a one-liner saying it will abolish the Ethnic Affairs Commission. Most policies of the Opposition are either vacuums or one-liners.

Mr DELZOPPO (Narracan)—On a point of order, Mr Speaker, I direct your attention to Standing Order No. 127, which prevents a Minister or anyone else in the House from debating the question. I put it to you, Sir, that the Premier is debating the question, and I ask you to bring her back to order.

The SPEAKER—Order! The question asked by the honourable member for Keilor related to the policy of the Victorian government. As such, it is difficult to relate the Premier's remarks to the policies that may or may not be followed by others. I ask the Premier to confine her remarks to matters of government policy.

Ms KIRNER (Premier)—I could add that Opposition policies are made up of vacuums, one-liners and points of order.

Mr Leigh—It's like being savaged by a dead rooster!

Ms KIRNER—You ought to know! Have you ever seen a better example of a dead rooster than the member for Malvern? I don't know about the rooster, but dead anyway!

The Ethnic Affairs Commission remains central to government policy. It is a total misreading of the commission to suggest it merely issues grants. It enables ethnic communities, represented by persons nominated by themselves and then chosen by the Minister, to participate in crucial decision making about ethnic affairs in Victoria. It is extraordinary for the Opposition to propose in its one-line policy to knock off the participation of ethnic groups in decision making.

A number of important policies and programs come from the Ethnic Affairs Commission. The government has improved the processes for the recognition of qualifications of overseas people and has introduced the teaching of English on the job in the public sector as part of its contribution to the migrant work force. Victoria has one of the best bilingual information services in Australia and, more recently, the government has started to improve access to those services at the local level. The government has also given funds to ethnic organisations to provide services for their own people, particularly the elderly.

The Ethnic Affairs Commission is not simply about funding; it is about a concept that ethnic people who have come to Australia and Victoria at the rate of 36 000 new settlers a year are entitled to have equal rights and to make an equal contribution in our society.

LOY YANG B POWER STATION

Mr BROWN (Leader of the Opposition)—In light of the Premier's refusal to rule out the possible sale of the Loy Yang B power station, I ask whether the Premier will undertake to provide full details to the Parliament and the people of Victoria when the sale proceeds.

The SPEAKER—Order! It appears to the Chair that the question posed by the Leader of the Opposition is hypothetical in that it presupposes a decision to be made by the government. I invite the Leader of the Opposition to rephrase his question.

Mr BROWN—In light of the Premier's refusal to rule out the possible sale of the Loy Yang B power station I ask her to indicate, at such time as any sale proceeds, whether it would be by open public tender and whether all details before and after any future sale would be provided to the Parliament and thereby the people of Victoria.

The SPEAKER—Order! I understand the attempt of the Leader of the Opposition to rephrase the question, but it still appears to the Chair to be a hypothetical question. I give the Leader of the Opposition a further opportunity to rephrase his question in such a manner that it would not be hypothetical.

Mr BROWN—I ask the Premier whether she will give an unequivocal commitment that the government will not sell the Loy Yang B power station prior to the next State election.

The SPEAKER—Order! The rephrased question by the Leader of the Opposition appears to the Chair to be identical to the earlier questions in its effect and the information it seeks. Therefore, it is out of order.

CONSTRUCTION INDUSTRY LONG SERVICE LEAVE FUND

Mrs WILSON (Dandenong North)—I ask whether the Minister for Labour has had examined the level of long service leave levy collected from the building industry. If so, will he inform the House of the information he has on this matter?

Mr POPE (Minister for Labour)—As reported to the House in December 1989, the percentage of payroll paid to the Construction Industry Long Service Leave Board by building employers was 2 per cent. Due to the management of that fund the government was able to reduce the percentage of payroll from 2 per cent to 1 per cent for the purposes of the Construction Industry Long Service Leave Fund. Following advice from the board and the actuary, who both indicated the high level of solvency of the board, we are further reducing the amount to be paid by the building employers in this State to 0.5 per cent, halving the reduced figure of December last year. In December 1989 the levy was 1 per cent and that is being halved again to 0.5 per cent, which means that $20 million will go back to the industry rather than being taken out by way of the levy remaining at the earlier 2 per cent level. Obviously that will have a great benefit to the industry in so far as it is $20 million better off than it was in December 1989, with respect to the payroll levy being only 0.5 per cent.

The actuary reported that despite the reduction of the contribution rate in 1989 the asset liability ratio has increased from 165 per cent to 170 per cent in the 1989–90 financial year. This has been brought about because of the strong investment

performance with the rate of return bringing in approximately 15.66 per cent. Obviously that compares favourably with the top performers in pool fund management in this State. Obviously there has been a reduction in real terms of some 5 per cent in the cost of administering the scheme.

I am sure the building industry will be pleased that we have again halved the levy to 0.5 per cent. It is another financial success in this area.

POWER SUPPLY THREAT

Mr GUDE (Hawthorn)—I ask the Premier: despite the threats of power supply stoppages being made against Hoechst Australia Ltd by the Trades Hall Council and in view of the fact that that organisation has self-powered generation and the threat by the THC can affect only innocent companies and employees, what steps do she and her government intend to take to guarantee and protect Victoria's industrial and domestic power supply?

Ms KIRNER (Premier)—This is yet another example of questions from the Opposition—the honourable member for Hawthorn usually knows better on industrial disputes—relying on newspaper reports about talk; it is just that—talk! There is talk of industrial action in the newspapers. Power unions are said to support the striking Hoechst workers and it is just that—talk!

The Secretary of the Trades Hall Council is not promoting such industrial action. Talks are continuing—the real talks, the important talks and not the kind of speculation that you people love to run—and are in fact continuing in the Australian Industrial Relations Commission. I trust, as I am sure all members of the community do, that the Hoechst dispute will be resolved in that forum in the near future. It is time to resolve that dispute. It is now in the hands of the Industrial Relations Commission. We, and I hope all other parties, will accept the decision of the umpire. I want a solution to that dispute and so do other people. The actions that were taken by the Minister for Labour in talking to the the unions on that supposed threat to cut off electricity supplies have, in fact, borne fruit.

PUBLIC SECTOR FOREIGN EXCHANGE EXPOSURE

Mr J. F. McGRATH (Warrnambool)—I refer the Treasurer to the government's claim in the Budget Papers that the foreign exchange exposure of the public sector was eliminated by 30 June 1990 and I ask: how does the Treasurer explain the fact that the Accident Compensation Commission has sustained losses, including foreign currency losses totalling $15.9 million in the September quarter?

Mr ROPER (Treasurer)—It is interesting that the honourable member for Warrnambool has not directed the attention of the House to the significant profitability of the commission over the past twelve months. The reality is that the commission, as part of its overall financial arrangements, has shown an increase I believe, in the order of $600 million in profit this financial year. They have done that through a whole range of measures, from better administration through to a range of investments, in a wide variety of ways.

Mr J. F. McGRATH (Warrnambool)—On a point of order, Mr Speaker, the question was specific and talked about foreign exchange exposure. I did not call for a Ministerial statement on WorkCare; I called for an answer on foreign exchange exposure. The question was specific—the Minister has not dealt with the question at all. I ask you, Mr Speaker, to rule that his answer is irrelevant.

The SPEAKER—Order! On the point of order, the honourable member for Warrnambool has raised the relevance of the Treasurer's reply to a question relating to the foreign exchange exposure of a certain public authority. In his reply the Treasurer has commented on the manner in which the authority in question has been managed. I ask the Treasurer to relate his comments to the question asked by the honourable member. At this stage I do not uphold the point of order but remind the Treasurer that his remarks must be relevant to the question.

Mr ROPER (Treasurer)—I am a bit confused about the point of order because I thought I was answering a question on the Transport Accident Commission (TAC) and the honourable member for Warrnambool mentioned WorkCare. I will have to look at both annual reports to try to find out which authority he is dealing with. I will deal with both of them.

Firstly, one would have to say the TACs performance over the past twelve months has been splendid. Secondly, as it may be WorkCare we are talking about——

The SPEAKER—Order! The level of audible conversation is making it extremely difficult to hear the reply of the Treasurer. I ask all honourable members to keep the level of conversation low and not to interject, so that the Treasurer's reply may be heard.

Mr ROPER—Just in case it was actually the Accident Compensation Commission (ACC) and WorkCare the honourable member was asking about, I should point out that its performance over the past twelve months has also been much improved and its financial position has improved significantly. This has been achieved by a combination of better administration and appropriate investment arrangements, just as the Minister for Labour mentioned earlier in relation to the construction industry, where the rate of return was over 15 per cent.

Mr MAUGHAN (Rodney)—On a point of order, Mr Speaker, the question was quite specific—it referred to foreign currency losses! So far the Treasurer has not even mentioned foreign currency. I ask you to bring him back to order so that his answer is relevant.

The SPEAKER—Order! The point of order raised by the honourable member for Rodney is similar to the point of order on which I recently ruled. I remind the Treasurer that he must relate his remarks to the specific issues raised in the question and advise him that it is important for the conduct of question time that those longstanding rules applying to questions asked and answers by Ministers be observed. At this stage I do not uphold the point of order but remind the Treasurer that his remarks must relate to the matter raised in the question.

Mr ROPER (Treasurer)—I shall examine the accounts of both the ACC and the TAC and advise the honourable member for Warrnambool of the numerous areas where those authorities have done phenomenally well over the past twelve months. It is very important that this provides an opportunity for Parliament to become aware of the great success of the ACC and the TAC over the past twelve months.

CITRUS GROWER CRISIS

Mr KENNEDY (Bendigo West)—In view of the difficulties facing Victorian citrus growers as a result of world price trends, will the Minister for Agriculture and Rural Affairs inform the House of the steps he is taking to protect these growers from unfair market pressures?

Mr ROWE (Minister for Agriculture and Rural Affairs)—Honourable members would know that the world citrus price collapsed late in October as a result of the

extreme price volatility on the New York futures market for citrus concentrate and over-production, particularly in Brazil.

I was in Mildura on the day after the fall in the price and I spoke to citrus leaders and immediately made contact with the Federal Minister for Primary Industries and Energy calling on him to take action with respect to this important industry in Australia. The Victorian government supports the Federal government's actions to bring about reduced tariffs worldwide because that is to the advantage of the extensive agricultural industries in this State, particularly the pastoral-based industries and grain and dairying. However, we believe strongly we should not subject some of the smaller industries, and in particular the horticultural industries, to dumping.

What is occurring at the moment, especially in relation to citrus, canned fruits and the processed potato industry is that there is evidence, in our view, that the product is being landed in Australia at less than the cost of production. This price volatility would devastate many of these small industries including the citrus industry. It takes up to seven years for the industry to become established and we should not allow this short-term volatility to impact on an important industry in this country.

As a result of representation the Federal Minister for Primary Industries and Energy said to me this week that he is prepared to come to Melbourne to talk with the Minister for agriculture from South Australia, my colleague from New South Wales and me to look at short-term assistance to prevent the continuation of this undue competition in the citrus industry wiping out our industry in Australia. He recognises it is important to give short-term assistance and that will not impact on the negotiations occurring between the Federal government and our other trading partners with respect to the GATT round of negotiations.

Importantly an additional area of activity about which the Victorian government can take action relates to labelling. Currently imported Brazilian concentrate is brought into this country. It is manufactured by the addition of water and then labelled "Product of Australia". That is an outrageous situation. It is certainly not in the interests of primary producers in this country nor in the interests of Victorian and Australian consumers.

Negotiations will occur tomorrow with my counterparts from other States, the Minister for Health and my Federal counterpart. We believe it is appropriate to change the labelling laws to make it clear that where there is imported raw product that that is shown in relation to the manufactured product. If it is made up of product that is imported—and in this country there is $2 billion worth of imported food—that should be clearly shown on the cans and the produce. That is an important ingredient in protecting primary producers and making sure that Australian consumers can choose products that support our primary producers.

COMMUNITY SERVICES VICTORIA MEMORANDUM

Mr RICHARDSON (Forest Hill)—I ask the Minister for Community Services whether it is a fact——

Honourable members interjecting.

The SPEAKER—Order! I ask the Leader of the Opposition and the Attorney-General to remain silent. I ask the House to come to order so that the honourable member can ask his question.

Mr RICHARDSON—I ask the Minister for Community Services whether it is a fact that on 13 September Community Services Victoria sent a memorandum to all Labor Party members of Parliament providing advice on how to handle the political

difficulties caused by the government's decision to reduce funding for various types of kindergartens; and if so, will the Minister explain why this activity was carried out by a department of the Public Service rather than by the Labor Party secretariat?

Mrs SETCHES (Minister for Community Services)—I thank the honourable member for his question because he again allows me to raise in the House the matter of kindergartens from another point of view. The information that went out was a question and answer document that threw a great deal of light on the very good record of this government in providing kindergarten experience for four year olds in Victoria. Some 97 per cent of Victorian four year olds receive kindergarten experience, and 90 per cent of the money for that is paid from the public purse, which, as the honourable member will know, is very different from what happens in New South Wales—and I shall tell him about that again.

The New South Wales government provides from the public purse barely 50 per cent of the funds needed to give kindergarten experience to New South Wales four year olds. The fact that the honourable member has raised the matter in the House means that his agenda for reducing from $64 million the funding that is provided for kindergarten services in Victoria is alive and well.

Honourable members interjecting.

The SPEAKER—Order! I ask the House to come to order. I advise the Minister that if the information she is providing is relevant to the document it is in order for her to make the comments she is making; but if it is not, she will be out of order.

Mrs SETCHES—There is information available on the Budget cuts and the changes that have been made in community services on a range of programs. I shall send that to the honourable member so that he will be aware of it.

Mr RICHARDSON (Forest Hill)—On a point of order, Mr Speaker, the question was quite specific. It referred to a document that was sent exclusively to all Labor Party members of Parliament on September 13 and it provided advice on how to handle the political difficulties created by government decisions.

My question asked whether this occurred and, if so, why this political activity was carried out by a department of the Public Service rather than by the Labor Party secretariat. The Minister has not addressed the question at all. It is nonsensical for the Minister to talk about a secret agenda and nonsensical for her to talk about what may be happening in New South Wales when none of those matters has anything to do with the question I asked, which specifically relates to the misuse of public funds by this Minister.

The SPEAKER—Order! The point of order raised by the honourable member for Forest Hill relates to the relevance of the Minister's reply to the question. As I have said in earlier comments the Minister may relate further information to the House if it is relevant both to the document and to the question that has been asked.

I ask the Minister for Community Services to indicate in any further comments in reply the relevance of the information that she has been providing to the question that was raised and to confine her remarks to matters that are relevant to the question.

Mrs SETCHES (Minister for Community Services)—There has been very limited interest shown in this matter by the honourable member opposite. He is concerned that the dispute was resolved amicably last Friday. I will examine what information has gone out and put him on the mailing list.

PETITIONS

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

Preschool children's services

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

The humble petition of the undersigned citizens of the State of Victoria sheweth objection to the decision made in the August State Budget to cut funding for the provision of some preschool children's services.

Your petitioners therefore pray that alternative means of savings be found without cutting the provision of children's services.

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

By Mr Kennedy (10 signatures)

Desexing of cats and dogs

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

The humble petition of the undersigned citizens of the State of Victoria sheweth that members of the animal welfare organisations and other community members are concerned at the number of stray cats and dogs which have to be cared for and destroyed by animal welfare services.

Your petitioners therefore pray:

that the government of Victoria acknowledge the work of accredited animal welfare organisations by improving the level of funding and thus enabling them to provide an adequate service to the community; and

that the government enact a law to ensure that all cats and dogs, other than those registered for breeding purposes, are desexed.

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

By Mrs Barker (573 signatures)

Eastern Freeway extension

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

The humble petition of the undersigned citizens of the State of Victoria sheweth their great concern.

Your petitioners pray that the Victorian government extend the Eastern Freeway to Ringwood as a full freeway.

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

By Mr Perton (221 signatures)

Native forests in Victoria

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

The humble petition of the undersigned citizens of the State of Victoria respectfully shows that although half Australia's original forests are gone, Victoria has not yet stopped clearing remnant native vegetation and deforestation causes erosion and salinity.

Your petitioners therefore pray that permission to clear-fell native forests in Victoria ceases immediately.

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

By Mr Dickinson (24 signatures)

Citizen advocacy program funding

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

Receive the humble petition of the undersigned citizens of Victoria which relates to the provision of funding for eight citizen advocacy programs in Victoria for people who have an intellectual disability.

Your petitioners request that the House take action to ensure that the availability of funding for all citizen advocacy programs be restored to its former level so that the quality of life for people with an intellectual disability who are involved in those programs can be maintained and other people who would benefit from the support of such programs will have the opportunity to have access to ordinary community life.

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

By Mrs Hirsh (141 signatures)

Laid on table.

STATE BANK (SUCCESSION OF COMMONWEALTH BANK) BILL

Mr ROPER (Treasurer) presented copy of exhibits A to K relating to the agreement for the merger of State Bank of Victoria and Commonwealth Bank of Australia.

Laid on table.

PAPERS

Laid on table by Clerk:

Constitution Act Amendment Act 1958—Report on the Thomastown District By-Election, 3 February 1990.

Land Conservation Council—Report for the year 1989-90.

Law Reform Commission—Report for the year 1989-90.

Liquor Licensing Commission—Report for the year 1989-90.

Martial Arts Board—Report for the year 1989-90.

Premier and Cabinet Department—Report for the year 1989-90.

Statutory Rules under the following Acts:

Chiropractors and Osteopaths Act 1978—SR No. 307.

Conservation, Forests and Lands Act 1987—SR No. 300.

Country Fire Authority Act 1958—SR No. 309.

Dental Technicians Act 1972—SR No. 308.

Public Service Act 1974—SR No. 311.

Religious Successory and Charitable Trusts Act 1958—SR No. 302.

Valuation of Land Act 1960—SR No. 310.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Construction Industry Training Levy Bill

Public Service (Industrial Functions) Bill

GRIEVANCES

The SPEAKER—Order! The question is:

That grievances be noted.

Mr GUDE (Hawthorn)—The matter I raise relates to probably the most important issue in the State at the moment, the industrial disputation existing in Victoria, in particular, the matter relating to Hoechst that has now run for eleven weeks. This dispute is a violent one, it is illegal and ugly and a threat to democracy. It is a dispute about naked union power, nothing more and nothing less. It is about the power of union officialdom to dictate the rules and to manipulate employers and abuse the Industrial Relations Commission and its processes, and so far as they have been able, to manipulate the media.

If there were ever any doubts about that one needs to go no further than the editorial in the *Herald-Sun* of 25 October, and I will quote some of that editorial into the Parliamentary record because it is important:

> Some Victorians have clung to the belief that evidence of an unholy alliance between Lygon Street and Spring Street was largely circumstantial. Now solid proof is out: Joan Kirner's actions in the Hoechst dispute prove beyond reasonable doubt this State is run by a Premier who is a tool of the socialist left and a servant of the Trades Hall Council.
>
> It's bad enough that Trades Hall Council Secretary John Halfpenny dealt our basic freedom of speech a body-blow by involving union muscle to prevent publication in the newspaper yesterday of an advertisement he didn't like. It's worse that Mrs Kirner gave him tacit support. Despite the Australian Journalists Association's peculiar view that opinions expressed in advertising are less sacred than those aired in editorial columns . . .

Further on the editorial states:

> Suspicion about the existence of a Halfpenny-Kirner junta acquired substance when the Premier went cap-in-hand to the THC and came away with her Budget modified. Any remaining doubts have been dispelled by her very selective approach to the Hoechst dispute.

This dispute is an ugly one. It is ugly because of the tacit—or rather, open—support that it has been given by the Premier of this State. There is involved in the dispute a very nasty secondary boycott action that affects companies known as Fred's Transport and Westgate Transport Industries.

On 2 November the Supreme Court found in favour of Fred's Transport and ordered that the Transport Workers Union lift the bans. The very fact that in the process of that action we have seen bars of iron, sticks and heavy pieces of timber used on a picket line is bad enough; but the fact that because of the circumstances there have on occasions been insufficient police to control the outbreak of violence on the picket line and the fact that our own Victorian police have been the victims of these thugs is to be abhorred by any decent Victorian.

Not once have we heard in Parliament or in the media any defence by the government of its own police. Not once have we seen the government giving the police the sort of support they deserve. Not once has it given them the authority to deal with these thugs who are part and parcel of industrial relations in the State at present.

The Premier has supported the picket line. She has donated to the cause and, by her non-action, she has supported the Halfpenny banning of the advertisement in the newspapers. She has described a highly respected multinational company, a big Australian employer—the Hoechst chemical company—as the enemy of the Labor Party, despite the denials in Parliament yesterday during question time—not conducted very efficiently or with any sense of conviction. An article by Brett Wright on page 5 of the *Sunday Herald* of 26 October states:

> The Hoechst chemical company is "the true enemy of the Labor Party," according to the Premier.
>
> Mrs Kirner's scathing attack on the strike-bound Altona-based chemical manufacturer came during a speech to a Labor Party fundraising function on Friday night.
>
> She said "conservative regimes like the one operating at Hoechst" would "turn people against people, and change the basis of our society to one of first and second class citizens in an environment which is ruled totally by profit and not by rights".

Yesterday in question time the Premier either deliberately or innocently misled the House——

The SPEAKER—Order! The honourable member is out of order in making any such reflection. If he wishes to make such a reflection he should do so by substantive motion.

Mr GUDE—Yesterday the Premier gave a totally different picture in answer to this question. There are two alternatives to explain the situation. The first is that what was said in Parliament yesterday was correct and the article that Brett Wright wrote in the *Sunday Herald* was a lie, and if it was a lie perhaps that ought to be brought to the attention of the Australian Press Council.

If it is a lie, Mr Wright has a wonderful capacity to twist words to get them right. The article does not give selective quotes; it contains a series of quotations and Mr Wright obviously has his facts right. The people of Victoria will judge who is telling the truth. They will judge whether the article is correct or whether what was said in this House yesterday was accurate. For my part, I regret that I am inclined to rely on the article in the newspaper.

Police in the State have been assaulted, they have complained of lack of manpower and they have identified "rent-a-thugs" on the picket line. They have identified people who are involved in the Leightons picket line in St Kilda Road and the dispute at L. M. Erricsson Pty Ltd at Broadmeadows. They have identified the same people using high-powered slingshots to put pieces of steel through plate glass windows which have shattered over employees trying to construct buildings. That has occurred at a site where, on one occasion, it was necessary to have more than 60 police available to protect workers.

Where is the State going? What has happened to propriety, decency and integrity? What is the government of the day doing when it should be standing behind decent people? Its members are running to Lygon Street as fast as their tiny toes will carry them and giving money to support the cause.

During the course of the dispute union claims have been proved to be false. Each time the Trades Hall Council has been asked to provide medical evidence of the problems at the plant, it has not and it cannot. On not one occasion has Dr Yossie Berger or Mr Halfpenny produced any evidence. On the other hand, the company has been prepared not only to put its case forward but also to go a step further and hold an inquiry that it is prepared to act upon if necessary.

The company is concerned about the health and safety of the people working in its plant, as are the Liberal and National parties. I am sure the Minister for Labour is also

concerned about the health and safety of employees. However, does it take eleven weeks, a strike that has spread to the rest of the Altona petrochemical complex and a threat to power supplies to get a bit of rationality and sensibility in the debate? It should not and it would not have if the negotiations had been carried out correctly between the company and the individuals at the workplace.

The entitlements of employees at the workplace have been eroded. The dispute has been taken out of their hands and they have been manipulated by the power-crazed Secretary of the Trades Hall Council. He is on a massive ego trip and should not hold the office he does. He is letting down thousands and thousands of Victorian workers and he certainly is letting down the people of Victoria.

As I said, bans have been imposed on the Altona petrochemical complex, including BASF Australia Ltd, Dow Chemical (Aust.) Ltd and a range of other companies. Those companies have been the subject of stupid intimidation by the Secretary of the Trades Hall Council and others. Power unions are now threatening to strike and hurt all Victorians.

In answer to a question I asked earlier today, the Premier said talk of a strike was only paper talk. Trish Caswell, the Principal Industrial Officer of the Trades Hall Council, who has the responsibility for dealing with industrial disputes within the power industry in the Latrobe Valley, made those comments that appeared at page 1 of today's *Herald-Sun*. It is not paper talk; the statements have been made by one of the most senior officials of the Trades Hall Council. Trish Caswell is a very able person; I know her personally and have worked with her. She is not given to flights of fancy and what she said is coming from a person who has a mission and who has been given a job to do. She is carrying it through, and I do not criticise her for that.

Victorians are seeing the very worst of John Halfpenny. He has lost control of the dispute within the complex and he has certainly lost control of the dispute at Hoechst. I wonder how in control of himself he is at this time.

The bans are ineffective; that is the reality. People are crossing the picket line. Halfpenny is finished! There were ten more workers who crossed the picket line today; 44 strikers are now back at work. The plant is running at near full production. The bans are ineffective. The strikers not only do not have their hearts in the strike, but also they are sickened at the way they are being manipulated. They do not want the shop steward back at all. Hoechst Australia Ltd is almost at full production. It has its own power generation.

I shall inform the House about some other yet unreported incidents that have come to my attention. Yesterday at the Altona High School and in the streets of that area, a document was being distributed by the Spartacist League/Australia, Section of the International Communist League (Fourth Internationalist). I am prepared to table the document. It had the headline, "Hoechst strike—we need to win this one! Spread the strike! Smash accord restructuring!" This is the sort of rubbish that has been printed and is being handed out at the school:

> Workers at the Hoechst chemical plant in the Melbourne suburb of Altona are now in their eleventh week on strike. The strike began over the sacking of AMWU shop steward and union health and safety officer Helmut Gries for revealing to a *60 Minutes* reporter...
>
> The stakes in this strike go far beyond the safety issue. Hawke is heading the country into a war for big oil and the American alliance. Big oil, in the form of Esso's parent company, Exxon, owns the Altona Petrochemical Company, which supplies the other plants in the complex. The country is in the grip of a deep economic recession and Victoria has been hard hit...

They have got that right:

> ... with thousands of jobs already gone. Teachers, railworkers, employees of the government-owned enterprises slated for "privatisation" are facing massive job losses at the hands of the Kirner government. In September the car plants shut down for a week.

They have also got all that right:

> The battle has been joined at Hoechst, and we need to win this one!

These are the most extreme elements that exist within the union movement. Let us not forget that Mr Halfpenny played a former role as a member of the Communist Party in this country. People will not accept that this information was distributed without his knowledge or advice. Of course it was not. The article continues:

> The Hoechst strike is a popular focus for union discontent... Let the workers shut it down, by occupying the plants. Mass picket lines need to be built to defend the occupation, making sure that nothing goes in or out except shift changes and food and other essential provisions for the occupiers. The strike must be spread.

It has spread. Today it has spread to the Latrobe Valley. The Electrical Trades Union of Australia in the Latrobe Valley is on strike over award restructuring. The article continues:

> Hoechst is a German company, one of the successor firms of the notorious IG Farben empire built on the slave-labour economy attached to the extermination camps of Hitler's Third Reich and manufacturer of the Zyklon B gas used in the gas chambers.

This is the sort of rubbish that has been distributed through government schools.

Mr Micallef—Censorship!

Mr GUDE—I would not let that happen; under no circumstances. We have got the worst situation occurring and this material being distributed in the schools of this State.

On Tuesday, following the mass meeting at the complex, Hoechst employees said to John Turley, their AWU organiser, "We want to vote on whether we will continue to be part of this strike or go back to work. We want to have a vote to go back to work". There were 50 employees of the AWU who made that request of John Turley but he refused to let them vote. He refused to let them go back to work although they wanted to go back.

The honourable member for Springvale talked about democracy and the rights of the people. He is happy about the communist document that has been distributed throughout government schools, but when workers who are on strike are being denied employment and their wages to support their families because they are not allowed to vote on going back to work, he says they should not do that. They are being denied that right.

Mr Micallef—Who says that he says that?

Mr GUDE—Earlier this week BASF Austrralia Ltd had visiting its organisation German officials who came to consider a multimillion dollar investment upgrade. The dispute at Hoechst may well have jeopardised that investment entirely.

Today's *Herald-Sun* contains an interesting article, from which it appears members of the government do not speak to each other. An article on page 4 refers to an answer of the Premier given in response to a question I asked yesterday. The Premier is reported as having said the investment at risk at Altona was some $50 million. On the next page, reference is made to Mr White, the Minister responsible for economic planning in this State, who has indicated in a letter to the Commonwealth government that at risk is:

> ... over $600 million planned investment in the petrochemical industry in Victoria ...

One must ask whether the Premier deliberately understated the extent of the financial loss to the State when she was asked the question.

Mr Coleman interjected.

Mr GUDE—Or did she, as the honourable member for Syndal suggests, just not know? Do the Ministers of this government just not speak to each other?

The situation is totally unbelievable! The Kirner–Halfpenny partnership has this dispute and the public wrath at an all-time high level. Victoria's community will never forget or forgive the Premier for her role in this dispute; the people of Victoria will never forget or forgive John Halfpenny for his role.

I warn the Premier that if she sits on her hands and allows other power workers and other key workers to continue the dispute and to beat it up, and allows people to deny access to work and allows picket lines to be maintained and "rent-a-thug" organisations to continue the violence, Victorians will see blood on the streets and the blood will be on the hands of the Premier; the blood will be on the hands of the Secretary of the Trades Hall Council.

It is significant that the Prime Minister is silent; Bill Kelty is silent; Crean cannot be found—the Minister for Labour at the table is irrelevant—the Minister for Police and Emergency Services will not back his own Police Force——

Mr Sandon—What rubbish!

Mr GUDE—The Premier has sold us all out! The Premier has sold out each and every Victorian, down to the last person in this State, in the shabby arrangement that can be seen in Victoria.

Mr Speaker, I cannot find adequate words to express my dismay, my concern, and my disgust at the process of disputation in this State, the amount of physical violence that exists in industry, the total disregard for law and order, the apparent abuse, and the way some sections of union officialdom seek to put themselves above the law, when the vast majority of decent unionists do not want to have a bar of it. All they want is to go back to work and they are not allowed to do that.

If that is the sort of democracy the honourable member for Springvale stands for, I do not give him much chance of being re-elected at the next State election. He will go the way of the government; they will all go out!

The SPEAKER—Order! The Minister for Labour.

Mr J. F. McGRATH (Warrnambool)—On a point of order, Mr Speaker, it is my understanding that the grievance debate provides an opportunity for members of the opposition parties and government backbenchers to raise issues they do not have the opportunity of raising at other times. If Ministers wish to reject or argue against arguments put by honourable members on this side of the House they have ample opportunity to do so through various methods, whether by way of press release by the media unit, or by answering questions without notice, during which time they can respond to the dorothy dixer questions put to them. Given that this is the only grievance debate we will have this sessional period, if we are going to allow Ministers to participate in the grievance debate we will deny many backbenchers on both sides of the House the opportunity of doing so, not to mention that it is my turn.

I ask you, Sir, to give a ruling that the Minister use other methods to refute the arguments, if that is what he wishes to do, of the honourable member for Hawthorn and leave backbench members on both sides of the House the opportunity to participate in the grievance debate.

The SPEAKER—Order! The grievance debate is provided for in Standing Order No. 59, which enables any member, Minister or otherwise, to address the House. It has long been the practice of the House, certainly throughout my period as a member,

that where serious matters are raised affecting a Minister's portfolio in the course of the grievance debate, the Minister concerned is given the opportunity to respond to them. I intend to uphold and continue that practice. There is no point of order.

Mr COLEMAN (Syndal)—On a further point of order, Mr Speaker, it would appear from the way in which members are called to speak in this Chamber that the call would naturally have gone to a member of the corner party. In the context of the ruling you have given, does that mean that the Opposition and the government will have to share turns in the grievance debate, or will the third party—the National Party—be given a turn on this side of the House on a two-for-one basis, as has normally been the case in the grievance debate?

The SPEAKER—Order! As indicated to the National Party previously, the rotation which I intend to apply in the grievance debate is the same rotation as applies in question time, with the qualification that in respect of serious matters affecting a Minister's portfolio——

Mr E. R. Smith—That's unbelievable.

The SPEAKER—Order! If the honourable member wishes to reflect on the Chair, he does so at his peril.

I intend to uphold and continue the practice which has long been established in this House: that where a serious matter affecting a Minister's portfolio has been raised, that Minister has the opportunity to have the next call to respond to the matter.

Mr ROSS-EDWARDS (Shepparton)—On a further point of order, Mr Speaker, you made the comment that this practice has been notified to the National Party. Are you suggesting that the message I got a few minutes ago that the Minister would speak next was the notification, or have you formally given that notification to the leadership of the party?

The SPEAKER—Order! I was approached yesterday by the Deputy Leader of the National Party, who is the Leader in the House for the National Party, and advised him as I have now advised the House.

Mr MACLELLAN (Berwick)—On a point of order, Mr Speaker, I point out to you that your ruling is both novel and previously unheard of—that Ministers are to have the opportunity of a sort of preferential call in the event of something interesting being raised by some other person in the course of the grievance debate which you as the Chair might regard as being controversial, substantive, or whatever it might be to attract your attention.

The assumption you seem to make, Mr Speaker, is that no government backbench member will ever raise anything which is critical, substantive or interesting or falls into the categories which might attract your attention, because how are you going to give preference to a Minister to answer something raised from the backbench of the government? The answer is that you cannot do that, can you, Sir? You have not taken that into account in the novelty of your ruling, and the novelty of your ruling therefore appears to be directed at the issues raised from the Opposition side of the House rather than issues raised in the course of the grievance debate.

You have now drawn a clear distinction between matters which are raised by the National Party or the Liberal Party—and on which you, Mr Speaker, will then give Ministers an opportunity to respond—and matters which may be raised from the government backbench and about which, under those circumstances, I presume you are not going to give Ministers the opportunity to respond.

If some member of the government backbench happens to be on his feet and raises a matter of critical importance to the State and to the government, are you then going to give the Minister the chance to stand up next and respond to it? This is something which, I suggest, deserves careful thought before you make your ex gratia or ex cathedra statements, Mr Speaker, completely rewriting the rules—and completely rewriting the rules is what you are doing, Mr Speaker. I put to you that it deserves more careful thought and a second ruling at your leisure at a later time.

The SPEAKER—Order! On the point of order, there is nothing novel or innovative in upholding the practice that has been observed by the House over a very long period. There is no point of order.

Mr Ross-Edwards—It has not been over a long period, it happened today for the first time.

Mr Maclellan—A disgrace.

Mr POPE (Minister for Labour)—What the House has heard from the honourable member for Hawthorn in his ranting and raving on the Hoechst Australia Ltd dispute, because he believes there may be some political capital he can make out of his misinformation, are pure inaccuracies. We have heard him quote from the Spartacist League document as though it holds credibility with someone—it holds no credibility with anyone. In 20 minutes the honourable member for Hawthorn uttered not one word of how he believes the dispute should be resolved. All we got were quotations taken from the *Herald-Sun* and from the Spartacist League, mixed with some misrepresentation and misinformation about the dispute.

At the start he said the dispute was one of the biggest issues in the State because of the manipulation of this and that, including the "commission"—and that was the only word he used about manipulation; he told us nothing more about that manipulation. I intend to go through some of the chronology of the dispute and to explain exactly where it is and where it should go, rather than the political grandstanding and claptrap we heard from members opposite.

The issue about Hoechst and the involvement of the government goes back to 18 June. On that date a Department of Labour occupational hygienist and an occupational health and safety inspector were asked to go to Hoechst to speak to management and unions about the issue of the handling of dichlorobenzidine (DCB) within that pigmentation plant.

At that meeting the occupational hygienist and the inspector were asked for their opinion about what should be done. They returned on the following day, 19 June, at which time there was a provisional improvement notice applied, and they upheld that improvement notice. The matter went to discussions with management and unions as to how the issue of DCBs should be handled until such time as a self-contained tipper unit was put in place in that pigmentation plant.

In the meantime the workers were disgruntled about the handling of DCBs to the point where there was a breach of security at the plant when Mr Helmut Gries assisted a journalist from the *60 Minutes* program to get into the plant to look at that pigmentation process.

What occurred from that was the sacking of Helmut Gries on 20 August, and the metal workers went on strike. Because of the problems caused by the metal workers being out, the Australian Workers Union decided the best action for it was to adopt a position whereby its members took annual leave; at the conclusion of their annual leave, they went on strike. In September Health Department Victoria came into the

Hoechst plant to look at the handling of DCBs and the conditions they had placed on their warrants about the way DCBs should be handled.

The warrants for the handling of DCBs within that pigmentation plant were revoked because of the potential dangers to the workers at that plant. That revocation still stands. Hoechst has since installed a self-contained tipper unit so that the process is now automatic and workers do not have to handle DCBs. That new process should remove that issue as an occupational health and safety problem at the plant.

Three issues need to be resolved. The first is the sacking of Helmut Gries on 20 August; the second is the occupational health and safety issue; and the third is the sacking of 74 metal workers, which needs some explanation.

On 17 October I organised a meeting between Hoechst, the trade union movement and representatives of the Department of Labour which took place in my office. We believed then that a resolution of those issues could be reached with the tacit approval of all parties. Unfortunately, the agreement was not in place, certainly not with Hoechst management, because on the following day the company sacked 74 employees.

Deputy President Polites of the Australian Industrial Relations Commission called a compulsory conference at 2.30 p.m. on 23 October and on the same day Hoechst attempted to place an advertisement in the *Age* and the *Herald-Sun* seeking replacements for those sacked 74 workers, also indicating that they would have to cross a picket line. I stated at that time that that action by Hoechst management of attempting to place an advertisement in the major newspapers at the same time as the deputy president had called a compulsory conference was inflammatory. I stand by that position. Not only that: the honourable member for Hawthorn was keen to put on the record editorial comment condemning my position, but he did not read out an editorial from the *Age* that said exactly the same thing as I said then—that Hoechst's actions were inflammatory.

The honourable member for Hawthorn referred to the basic right of freedom of speech in restricting advertisements being placed in newspapers but then referred to the fact that he would ban pamphlets prepared by the Spartacist League being sent to schools. No-one has any truck with the Spartacist League but surely the honourable member is being hypocritical.

The *Herald-Sun* organisation expressed outrage at my saying that the action of Hoechst management in attempting to place an advertisement in that newspaper at that particular time was inflammatory, or tried to lock me into the position of being in league with John Halfpenny and supporting the unions. The same organisation refused to accept an advertisement placed in its papers by the *Sunday Observer* advertising its last edition; so much for the hypocrisy of that organisation!

I have always said that the placing of that advertisement in newspapers on the same day as a compulsory conference of the Australian Industrial Relations Commission was inflammatory. The issue is not whether an advertisement in newspapers should or should not be stopped by a union. I never made any such statement, irrespective of what is said in the editorials of the *Herald-Sun*.

Mr Ross-Edwards interjected.

Mr POPE—That is your answer to the problem—to go to the courts. The honourable member for Hawthorn referred to the Premier having meetings with John Halfpenny and said that John Halfpenny changed the Budget. I attended those meetings and I cannot remember any issue being put forward that would have changed the Budget one iota.

The honourable member also did not mention, as the *Herald-Sun* article did not mention, that the Premier also met with the employers and employer bodies as well.

The honourable member also referred to statements supposedly made at a Labor Party function, which were adequately answered by the Premier. I will not give them credibility by going into the matter any further than the Premier did the other day in this House. It is absolute nonsense for the honourable member for Hawthorn to give us a 20-minute dissertation about the outrage of himself and his colleagues on this issue.

I also deplore the violence on the picket line and I have said that in this House before, too! We did not hear one iota from the honourable member for Hawthorn on how to solve the dispute because he does not have a clue and has never been able to solve a dispute in his life. The only ones involved in trying to resolve the dispute are the State government and the Australian Industrial Relations Commission.

What is the purpose of those meetings when we have had two entrenched positions? The trade union movement says that Gries has to be reinstated. It says it will not accept any other resolution. The management at Hoechst say they will not accept any other position than the man never working there again. The employer-employee relationship has broken down. I have said that publicly. I do not believe Mr Gries should or could go back to Hoechst. However, one other issue has not been covered by the honourable member for Hawthorn or anyone opposite, and that is—getting back to freedom of speech—the opportunity for that man to have his day in court by going to arbitration.

Management at Hoechst and others have told me that one of the worst breaches according to that company is the breach of security. They have told me that a person who breaches security in West Germany is immediately thrown out of the gate. That is probably correct. However they did not say that in West Germany the man or woman thrown out the gate for breach of security has the right under industrial law in that country to have an appeal heard. That is all I am saying should occur—that Helmut Gries should have his day in court. The employer-employee relationship has broken down but he should still have that day in court.

Honourable members interjecting.

The SPEAKER—Order! The honourable member for Hawthorn has had his opportunity and made his contribution, and was heard with relatively good decorum in the House. I suggest that he give the Minister the opportunity of replying without interruption rather than leading a barrage of interjection.

Mr POPE—That is what we have said time and again.

Honourable members interjecting.

The SPEAKER—Order! The Minister for Police and Emergency Services is just as bound by the Standing Orders as any other member. I advise the honourable member for Ballarat North that he is similarly bound by the provisions of the Standing Orders and ask him to remain silent.

Mr POPE—All we have heard from the honourable member from Hawthorn is misinformation and misrepresentation of not only myself and the Premier but also the Minister for Police and Emergency Services. Not once has the Minister for Police and Emergency Services criticised or condemned the policemen on that picket line. They have had a difficult job and, as he said in this House, the problems on that picket line concerned not necessarily the workers just dismissed by Hoechst or those who went out on strike at Hoechst but also other people who were uninvited and who were thrown off the picket line by the police after being pinpointed by the workers at

Hoechst. The Minister for Police and Emergency Services has done nothing but support his policemen on that picket line, and he continues to do that.

Honourable members interjecting.

The SPEAKER—Order! The attempts of honourable members to turn the Minister's contribution into a shouting match do nothing for the standing of the House. I advise the honourable members for Syndal and Hawthorn that if they leave the Chair with no choice but to take action against them that action will be taken.

Mr POPE—What happens when one starts telling the truth is amazing! All the Opposition is on about is political grandstanding and making capital out of the dispute, which is not helping one iota. The Opposition does not have a clue about how to resolve the dispute. In his 20-minute speech the honourable member for Hawthorn mentioned not one word about how to resolve the dispute.

There is only one way to resolve it, and that is with the parties sitting around the table and accepting that the employer–employee relationship has broken down. The only recourse is to allow Deputy President Polites to arbitrate on the issue as provided for in State legislation relating to unfair dismissals, the same as is provided in West Germany, irrespective of what the breach was, including a breach of security. The parties still have the right of their day in court, and that is what should occur with this dispute.

As I have said publicly and in this speech, the employer–employee relationship has broken down. That is not to say the matter should not go through the proper processes of arbitration. If the management does not offer a voluntary redundancy package to the 74 workers, if those who do not accept the voluntary redundancy are not reinstated at their present classification and salary, if the union does not accept that there must be a continuation of the restructuring within the plant and if the parties do not totally embrace the occupational health and safety agreement put in place on Monday and agreed to in principle by the parties, the dispute will be ongoing. It is not to the advantage of either party or anyone in the community for the Opposition to grandstand without putting forward a suggestion for resolution.

Let us go through the issues. With respect to the unions, management and Mr Helmut Gries, I have outlined the fact that the position is entrenched on both sides. In discussing that with Mr Michael Pont, Mr Charles Brass, Mr Frank Cherry and Mr John Halfpenny in my office last Monday it was obvious that the position was absolutely inflexible. That is why I am saying Deputy President Polites has to be given the opportunity of arbitrating on the issue. Mr Pont has told me that under no circumstances will he accept arbitration, the position that exists in West Germany, or that the man should have his day in court.

With regard to the 74 workers involved, it is true that both parties have come closer to resolving the issue and to some degree it depends on the restructuring of the plant. The government has assisted in daily discussions with both parties, but I do not have to announce the discussions or what they concerned in the House. It would not go anywhere except straight into the press and become part of the political grandstanding exercise of the Opposition rather than going towards a resolution of the dispute. Mr Pont has told me that the Deputy Leader of the Opposition got in touch with him and that the Leader of the Opposition got in touch with him. He obliged the Leader of the National Party by dropping in and speaking with him on Tuesday. Mr Pont told me about those discussions. He has knocked back the many offers he has received from political parties opposite and other forces who are trying to escalate the dispute and keep it going because they believe there is political capital in it.

The honourable member for Hawthorn did not mention one word about resolution because he wants the dispute to continue. He wants the dispute to go on because he

believes it is to the political benefit of the parties opposite, irrespective of the hurt it is causing not only to Hoechst but also to the workers at the complex.

The Premier has spoken to all the companies at the complex. We met with all the companies last Saturday. At that meeting and in writing since that time the Premier was congratulated by the companies for her intervention in trying to assist the situation with respect to the Altona petrochemical complex. The government is addressing the situation in the only way possible and is trying to get the parties together. The government does not stand up in this House with a lot of claptrap about the Spartacist League and other statements without saying one word about how to resolve the dispute. The honourable member for Hawthorn is a disgrace.

Mr COLEMAN (Syndal)—What an outburst—the man really does want a Mogadon! I raise a matter concerning the administration of water and sewerage in Victoria which is a further area of abrogration of responsibility on the part of the government. The Water and Sewerage Authorities (Restructuring) Act was introduced into the House as a result of work done by the Public Bodies Review Committee. In its preamble it says:

> An Act to provide for the restructuring of Victoria's urban water and sewerage authorities, to empower the creation of water boards capable of supplying both water and sewerage services, to enable the transfer to municipalities of the functions of certain water and sewerage authorities, to make consequential amendments to various Acts and for other purposes.

Section 6 outlines the objectives of the successor bodies it creates, and provides:

> 6. (1) Subject to sub-section (2), the objectives to be pursued by every water board and by every municipal council in exercising the powers, functions, discretions and authorities conferred on it by or under this Act shall include some or all of the following:
>
> (*a*) To secure the provision of a supply of water that is adequate in quality and quantity to meet the needs of the community served by the water board or municipal council (as the case may be);
>
> (*b*) To effectively and efficiently manage water resources in harmony with regional and local land use planning, environmental planning, social planning and resources development strategies;
>
> (*c*) To provide waste water treatment facilities and to develop, where appropriate, the re-cycling and re-use of waste waters;
>
> (*d*) To identify community needs with respect to water and sewerage services and to set priorities for the management and preservation of regional and local water resources;

It sets a number of other objectives in paragraphs (*e*) to (*h*).

Consequent upon the restructure which followed the promulgation of that Act, thirteen communities in Victoria are currently prevented from meeting the obligations of the Act through the incapacity of the government to meet its funding obligations. Those authorities are spread across Victoria and involve communities of various sizes. I shall deal later with three of them specifically. The major problem areas are: the water and sewerage activities of the Shire of Ballan; Daylesford Water Board; Woodend Water Board; Murchison Water Board; Shire of Narracan water and sewerage activities; Sunbury Water Board; Broadford Water Board; Shire of Kilmore water and sewerage activities; Yackandandah Water Board; Chiltern Water Board; Bright Water Board; Emerald and District Water Board; and the Mallacoota Water Board.

Those communities are in difficulty because the government has reneged on a clear commitment arising from the restructuring process embodied in the Water and Sewerage Authorities (Restructuring) Act. The system put in place enabled those authorities to draw comfort from meeting the requirements of the Act and provided an opportunity for them to meet the community expectations and environmental needs of the various areas with government support.

On 10 June 1987 the then Minister for Water Resources announced a reform package of financial assistance for the water industry which arose from early negotiations for a restructured Water Act. A commitment had been made to phase out the revenue subsidy scheme within five years from 1 July 1988—no new works commenced after that date would be eligible for revenue subsidies or grants under that formula. A subsidy was provided by the government for a five-year period and was to be phased out at the end of the 1992–93 financial year. The authorities I mentioned had all structured their capital works projects and budgets for the ensuing five years on the basis that the subsidy would continue. It is clear the government has reneged on its undertaking and the thirteen water boards across Victoria are in diabolical trouble. Some will become technically bankrupt early next year.

The notion that the revenue subsidy would continue was completely blown apart by a letter forwarded to the thirteen authorities on 14 September this year by the Minister for Conservation and Environment. The letter reads in part:

> In June 1987, the then Minister for Water Resources advised you of the government's decision to phase out interim revenue subsidies in the non-metropolitan urban water sector over a period of five years.

That is a restatement of the government's commitment. The letter continues:

> This decision followed some years of review by the government of financial assistance to the water sector. Extensive consultation with the industry preceded the government's decision and resulted in general acceptance that the revenue subsidy scheme was wasteful, inefficient and poorly targeted in relation to the real needs of the industry.

That statement is disputed by those authorities, which were going about their function of ensuring that the communities they were serving were provided with adequate water and sewerage facilities. The letter continues:

> Since that time, authorities in receipt of revenue subsidy and the Department of Water Resources, now Conservation and Environment, have been almost continually working through options to ensure that the cessation of subsidy will not cause significant rate increases to ratepayers and that efficient, effective services are available to consumers. While much has been achieved in restructuring in terms of economies of scale and improvements in water quality and environmental discharges, it is clear that a small number of authorities, including your own—

The letter was written to the Shire of Ballan, but letters to the other bodies were couched in the same terms—

> . . . will not be able to manage these objectives by 1992–93 (the final year of phase-out) within their own resources.

That disregards the fact that some of the authorities were not even given the opportunity to prove that, given that in some instances they have been carrying the government by way of a significant amount of unpaid revenue subsidy for some time.

The final paragraph of the letter reads:

> Following our recent meeting, I am aware of the work undertaken so far regarding a possible merger with the Geelong and District Water Board. Given the above policy initiative, the shire needs to review its own position and the offer made by Geelong. I have asked my director-general to arrange for a departmental officer to contact you shortly in this regard.

In most instances that meeting has not occurred. Suffice it to say that in some of those situations considerable hardship is being experienced.

I am aware of the Premier's trip to Brisbane to argue the case for restructuring or assisting the infrastructure needed for urban growth and I wish to outline briefly the case of three authorities at Daylesford, Ballan and Broadford which would fall within the infrastructure arguments, are all a similar short distance from Melbourne and are all experiencing urban growth. Two of the areas also have significant tourism activity.

The Minister has so far declined to meet a deputation from Daylesford although a request was made on 1 October. Over the years the government had considerable discussion with the Daylesford Water Board about the joint construction of a sewerage scheme over a ten-year period and at a final cost of $11.52 million.

The scheme was completed in 1988. The board's ratepayers could not afford to fund the original proposed cost, let alone the final bill for the scheme. That was recognised by the people of Daylesford and Hepburn who in 1983 demanded that design work on the scheme cease. However, the scheme was continued because of an assurance given by the Minister, the Honourable David White, that future funding support would be available.

The financing of the scheme was and still is primarily dependent upon government assistance for a considerable amount of money. The government is asking Daylesford and Hepburn to bear the cost of the scheme notwithstanding the local community's apprehension about financing it and the government providing that comfort statement that future funding would be available. Some two years after the scheme has been completed there has been no resolution of the funding problem.

The board's present financial problem has been created by the government's announcement of a planned withdrawal of the present revenue subsidy system in 1992–93. The only way the board could cope with the withdrawal of that subsidy, with no capital injection, would be by raising sewerage rates to more than $1100 per assessment. That level of rating is unacceptable to both the board and the government. The impact of the government's decision on the withdrawal of the revenue subsidy would create a significant cost to the ratepayers in that area. The board already has a deficit of some $9.9 million and it is unable to service that unless the government honours the commitment that it gave for this revenue subsidy to continue up to 1992–93.

The government is suggesting that if the board is unable to fund its scheme without the revenue subsidy it should in some way amalgamate with another authority. The government has suggested that the Daylesford Water Board should amalgamate with the Ballarat Water Board but the government overlooked the fact that Daylesford's water is from within the catchment of the Loddon River and Ballarat's water is from a completely different catchment. To amalgamate would mean a water transfer across catchments and if that were to happen one water board would be the loser.

The obligation of the Shire of Ballan's water and sewerage undertaking arose from the Water and Sewerage Authorities (Restructuring) Act that drew together the activities of the Blackwood and Gordon water districts, the Mount Egerton water district and the Ballan sewerage district into one authority. In Ballan's case there is a shortfall in funding and revenue has not been provided. The ratepayers in that area are being asked to carry part of the funding costs for the water and sewerage activity.

In Daylesford's case a significant amount of money should be paid by the government to ensure that that authority exists and the same occurs with Ballan which is a debtor to this government. The government should at least pay the revenue subsidy it undertook to pay but, more broadly, it should acknowledge that it made a commitment and these bodies restructured their operations on the basis that government support would be forthcoming.

The other authority to which I refer is the Broadford Water Board. Broadford is regarded as a potential growth area and the board has set a target of providing services for 20 000 residents. Significant infrastructure is needed to ensure that sufficient water and sewerage facilities will be available for that population growth. Broadford has an amount of $780 000 owing in unpaid revenue subsidies: an outstanding instalment of $274 377 for 1988–89 and two instalments of $258 250 for 1989–90.

Clearly the residents of Broadford are finding out that the government is not prepared to meet its obligations. Many of the residents of that municipality will not have access to water and sewerage facilities but collectively they will have to pay for the government's withdrawal of revenue subsidy. The whole of the community is being asked to bear the cost of the breakdown of the government's undertaking.

On 4 October the Broadford Water Board received a letter from the Department of Conservation and Environment written by Mr Ray Beaton, Team Leader, Special Projects, which states:

> The business plan submitted by your authority has been analysed in relation to its projected works program and financial position. The estimates for 1990–91 have now been approved and your authority may strike its rates.
>
> Authorities are advised to strike their rates prior to 1 November 1990. This will ensure that they avoid any complications which may arise if rates are struck this year under the Water Act 1989, which become effective on this date and which will shift the liability for tariffs and fees from occupiers to owners.

The business plan for 1990–91 was based on a letter sent to the Water Board on 7 June 1990 by Mr David Downie, Deputy Director-General of Water Resources, which states:

> Thank you for your letter of 22 December 1989 addressed to the previous Minister, the Honourable R. W. Walsh, concerning Broadford's rate levels. The Honourable Steve Crabb, the new Minister for the Department of Conservation and Environment, has asked me to respond on his behalf and note that he too believes that Broadford ratepayers should not have to face exorbitant rate levels for the provision of water and sewerage services.
>
> For this reason the government in 1989–90 will be providing Broadford Water Board a level of subsidy which is one of the highest for any water authority in the State.

The government has not honoured that statement made in June this year because the outstanding revenue subsidy for Broadford is $780 000.

The water and sewerage authorities restructure, which the government put in place and in which the Minister may have had a hand when he was a member of the Public Bodies Review Committee, is being jeopardised by the government withholding funds, as is apparent in the case of the three authorities I have instanced. There are thirteen smaller authorities in this State and all experience the same problems. The government is seeking to further amalgamate water and sewerage authorities, and is hoping that by starving those authorities of funds it will achieve its objective—a completely unsatisfactory way of trying to carry out government functions.

The commitments were to continue over five years, with the aim of being realised by the end of 1992–93. But this government has fallen for the trap of trying to shift its commitments ahead of itself. The government obviously expected to lose the 1988 election, because these commitments have caught it out. The government should state publicly what it is now prepared to do for these authorities.

Mr J. F. McGRATH (Warrnambool)—The matter I raise concerns the operations of the Public Transport Corporation, particularly its re-entry into the freight market, which is currently almost the total preserve of private road contractors. In doing so I shall give the House two examples of freight carriers in my electorate who have been substantially affected by the policies of the corporation.

The first annual report of the Public Transport Corporation was released recently. An examination of the report shows that there has been no change in the management and direction of the corporation, despite the government's financial mismanagement having been the focus of continual media reports and editorials. The corporation's debt rose by another $200 million in the past financial year, which means that it now

has an accumulated deficit of some $3300 million—$3.3 billion! The Public Transport Corporation continues to lose ground, which is of significant concern.

Mr Gavin interjected.

Mr J. F. McGRATH—By interjection the honourable member for Coburg said, "We'll close a country railway line". That attitude is typical of government backbenchers. If he were consistent the honourable member would support the introduction of the user pays principle for public transport users in the metropolitan area.

By and large the corporation's accumulated deficit of $3.3 billion has been caused by losses incurred in the running of the metropolitan railway system. If the honourable member for Coburg were prepared to support the introduction of the user pays principle——

Mr Gavin interjected.

The ACTING SPEAKER (Mr Shell)—Order! The honourable member for Coburg will have his opportunity.

Mr Coleman—He can't help himself.

The ACTING SPEAKER—Order! The honourable member for Syndal has had his opportunity. The honourable member for Warrnambool should be allowed to continue without assistance.

Mr J. F. McGRATH—In an attempt to address the massive losses the Ministry of Transport proposed to shed 2000 corporation jobs. Indications are that only 790 positions have been lost from the Ministry, and they have been lost only as a result of natural attrition and redundancies. We now know that the Ministry cannot shed more jobs because it does not have the money.

A train driver in my electorate, who has given 36 years service to Victoria's railways—obviously not all of them to the Public Transport Corporation—has been described as unfit to drive a train by a corporation doctor and has received supporting evidence to that effect from an Epworth Hospital specialist; yet the government will not make him redundant because it cannot—it does not have the money to pay out even one driver. That is deplorable and shows the poor financial state of our public transport system.

Most of the losses in the system can be traced back to the metropolitan system. Passenger patronage on rural train services has increased by 4.1 per cent in the past year, but by only 2.4 per cent——

Mr Gavin interjected.

Mr J. F. McGRATH—I gratefully take up the interjection by the honourable member for Coburg, who said that rural services are heavily subsidised——

The ACTING SPEKER—Order! Interjections are disorderly. The honourable member for Warrnambool should ignore the interjections.

Mr J. F. McGRATH—I accept your guidance, Mr Acting Speaker, but it is difficult to ignore interjections that are inaccurate and misleading. The subsidy for country rail passenger services is significantly less than that given to the metropolitan transport system. The interjection by the honourable member is yet another example of the government's ignorance of what is happening to the State's transport system. One or two trains a day into and out of various regional centres is a good service. I frequently travel on the train, and I have never resiled from acknowledging what a good service it is.

The V/Line arm of the Public Transport Corporation is trying to revive its freight operations. Before being elected to the House I operated a small business in Warrnambool and extensively used VicRail to move my goods. But because of the abysmal performance of VicRail over a number of years I, like many other Victorian producers and consumers, gave my freight business to operators on the private road network, who were reliable, economical and efficient. That is but one example of how the government has failed to do anything about the inefficiencies in the transport system. The Ministry has been unable to deal with the problems posed by the shedding of 2000 jobs, which the government has described as surplus—nor can the government deal with other glaring inefficiencies in the system.

As you would know, Mr Acting Speaker, there are three trains into and out of Warrnambool each day; yet it is typical of the government that it cannot provide a fast freight service on those trains. Instead goods from Warrnambool to Melbourne and back have to travel on, for example, brand new 22-wheel Volvo rigs which, in travelling up and down the highway, create traffic hazards for motorists. Recently the Minister for Police and Emergency Services announced that one of his priorities is to improve road safety, yet here we are spending millions of dollars putting more trucks on our roads.

That is the very basis of what I want to talk to the House about today. It has gone out with the extravagant award structure that has existed in the Public Service and tried to compete with the private sector. The only way it can compete is to continually come up with an accumulated deficit exceeding $3 billion that is funded by the taxpayers of Victoria.

The inefficient operation of V/Line's freight service in and out of Warrnambool and Portland is funded by people such as Phillip Kelly Transports Pty Ltd and Ryan's Removals Pty Ltd. Those two firms have been providing an efficient and effective freight service over a long period. They are efficient operators. Phillip Kelly Transports Pty Ltd has been in business for about twenty years and Ryan's Removals Pty Ltd has been in business about 35 years. They have stood the test of time. They say that their prices and costings have been cut by more than half by V/Line just to get the business.

If one looks at the basic costing of shipping wool from Portland to Melbourne and looks at what is left at the end—this is provided one takes into account wages, payroll tax, retail taxes and associated costs such as vehicles being 100 per cent efficient and loaded on both outward and inward journeys, and efficient fuel and tyre economy—there is a very small surplus. V/Line carries less than the gross legal weight carried by private contractors so its operating costs are higher. It also backloads and argues that that is why it does it.

No-one can explain to me why so many V/Line trucks travel up and down the road partially laden or empty. The reason it can do so is because its costings are different from the private sector. It keeps going back to the taxpayers saying it has made a loss again, and says, "This year we lost only $200 million; give us another $200 million". The two firms I have mentioned, like transport freighters in the private sector around Victoria, are sick to the back teeth. Not only are they competing with V/Line for the freight business—they are happy to do that on an open playing field—but through their taxes they are underwriting V/Line's losses, and that is an iniquitous situation.

If the government wants to get into the open tendering system it is time it got serious about it and competed on a level playing field. Any profits that might exist within the rail freight system in Victoria are a result of the government's monopoly—and I emphasise the word "monopoly"—on carrying grain freight. The Opposition knows the government is not prepared to go into open tender on carrying grain freight because it is making the government a big dollar. The grain growers, farmers and

producers of Victoria are paying more for the cartage of their grain and they, too, are underwriting the V/Line transport system and are responsible for keeping these orange trucks flying up and down the road at a massive loss that sees an accumulated deficit of $3.3 billion. It is deplorable that the government wants to go into an area of activity that has been efficiently serviced by the private sector. If the government wishes to be involved in freight it has the system there in rail—the capital investment is in the ground.

The government does not own the rolling stock, and honourable members have heard enough about that in recent days. That is owned by a whole plethora of people including a $12 "shelf company" in New South Wales. The reality is the infrastructure is there. If it cannot operate efficiently within the established infrastructure it should not get into private sector road transport that it knows nothing about. It is clearly evident that that is what this government has done; it has gone down a path of road transport where it has no expertise or experience to draw on. It is an absolute financial disaster and is one of the many issues that is affecting people throughout country Victoria.

It is interesting to reflect on the annual report of the Public Transport Corporation where the chief executive, Mr Stoney, said scratch tickets were a failure and the financial targets were not met. His comments were very pessimistic and negative. He said the patronage gained over the previous five years had been lost and public support of the Public Transport Corporation was at its lowest level in six or eight years. That is an absolute indictment of the government.

Mr Gavin interjected.

Mr J. F. McGRATH—It never lost $200 million a year in the Liberals time. The estimated annual accrued loss is $3.3 billion. Mr Stoney is saying that even though there is a loss of $3.3 billion and there is failing public support the Public Transport Corporation continually calls on the taxpayers of Victoria to pick up the pieces.

One can go on and talk about the other inefficiencies in the public transport system. There is no greater example of disparity between efficiency and the cost of operation than that of private bus operators compared with the Met. The former Minister for Transport, now the Attorney-General, took the private bus operators head on, whatever his reason might have been. But he buried his head in the sand in true ostrich style and completely ignored the statistical data that revealed clearly that the private bus operators had provided a very good example that the government should be keen to follow and tap into to find out what part of the private operations the government could superimpose on its own operations.

If one looks at some of the industrial relations areas—and the Minister for Labour is sitting at the table—one could find significant improvement in the efficiency of the Met system and in the level of service that is available. But, for some reason the former Minister for Transport was hell bent on destroying the private bus operators—what his personal vendetta was I do not know. That action has done him no credit in the eyes of the bus operators or the public of Victoria because the public were the pawns in the game he played. There were on-again off-again talks and contracts, and he was not prepared to learn about the importance of private enterprise working alongside government—not under government—as part of Victoria, the once great State and centre of capital investment. Unfortunately that is dwindling very quickly.

There is a whole range of other government services that, under policy and direction decisions, are having a significant impact on country people, such as the movement of officers from rural and regional centres into the larger urban centres. The former Ministry for Planning and Environment, for example, moved its office from

Warrnambool to Geelong and created enormous problems for the large area of land that needed to be serviced by the Ministry, without any thought for the effect it would have on the taxpayers of Victoria who are serviced by that network.

In relation to the Rural Water Commission the honourable member for Syndal talked about the problem in the delivery of water services and the efficiency of the system, and certainly the withdrawal of services provided by the commission has denied people in rural and regional Victoria access to services they pay for through their taxes.

In the area of roads, one has only to drive through country Victoria, as you would know, Mr Acting Speaker, to see that country roads are disintegrating before our very eyes. Municipalities are now telling us that they are on a 600-year reconstruction cycle. That is absolutely disgraceful, yet nothing is being done about it; the government and the Minister for Transport are absolutely silent.

The government has turned its back on country Victoria. It has shown country Victoria that it is not interested in what happens out there, but the people of metropolitan Victoria will join with those of country Victoria at the next election and tell the government what they think of its policies.

Mr GAVIN (Coburg)—I wish to grieve about a book in the Parliamentary Library written by a prominent ex-Parliamentarian and ex-Premier of this State. The book is written by Mr Lindsay Thompson and is entitled *I Remember*—and the book is wrong. It demonstrates quite clearly that Mr Thompson's memory is defective, and that is something I shall now prove. I shall read the section that is totally inaccurate and read a document which demonstrates that inaccuracy. The relevant chapter is headed "Liberalism in the Seventies", and reading out parts of the book is very informative because it gives us some idea of what a Liberal government would be like if we ever have one again in this State.

Mr J. F. McGrath—It's coming; just get ready for it!

Mr GAVIN—Well, it will be horrendous if it is anything like what I am about to show. In the chapter on "Liberalism in the Seventies" Mr Thompson says this about the land deals:

> The land purchases of the Housing Commission, which were to produce so many front page headlines in 1977 and later years, were made at Pakenham, Sunbury and Melton in the early 1970s. As mentioned earlier, they were undertaken in a strange era, when it was regarded as a sign of administrative inefficiency if Commonwealth grant money to the States was not spent promptly or if there were still funds from this source left at the end of the financial year.

The next part is more important:

> Rumours about impropriety in relation to these purchases started to circulate in 1974 and the government appointed a senior police officer, Assistant Commissioner Crowley, to make inquiries. His report suggested that there was no cause for concern and recommended no further action be taken.

Mr Ross-Edwards—We know it. It was the Crowley report.

Mr GAVIN—There were two Crowley reports, and perhaps we ought to read the one that was marked "Personal and Confidential" first because this is the more cynical document that demonstrates how inaccurate Lindsay Thompson's comments in his book were.

I shall turn now to the document made public at the time to demonstrate the difference between the two documents. The first one is dated 6 September 1974 and marked

"Personal and Confidential" and is addressed to Mr Rossiter, who was the Chief Secretary at that time. It states:

> To thoroughly investigate this matter would take a strong team of detectives a very long time, possibly 6 to 12 months.
>
> There are a number of people involved who have followed the accepted practice of using several different companies to disguise their land buying and land developing.

This next paragraph is the interesting one:

> A not very honest group of journalists is waiting to reopen this matter and the discovery that police are investigating would give integrity to their earlier allegations.

I hope journalists today are a lot more honest than they were at that time; I hope they have improved immensely. The report continues—

> Personally, and with the greatest respect—

and he underlines the next part:

> I think it is a matter for concern that the two main profiteers (Cooke and Leeke) "formed" a committee, apparently of two (themselves) to conduct Mr Hunt's election campaign and apparently out of their own pocket paid for the full-time services of Mr Stokes whom they hired and who was located in the local government offices during the campaign.

Mr Ross-Edwards—This is not new.

Mr GAVIN—But it is different to what he said in his book.

Mr Ross-Edwards—Mr Deputy Speaker, I direct your attention to the state of the House.

Quorum formed.

Mr GAVIN—I was reading from a copy of a document that demonstrates that what the former Premier said about land deals in his book was totally inaccurate, and this seems to upset the former Leader of the National Party. The document is from Mr W. D. Crowley, who was the Assistant Commissioner of Police (Crime), who headed the document "Personal and Confidential". I will read the paragraph again:

> Personally, and with the greatest respect, I think it is a matter for concern that the two main profiteers (Cooke and Leeke) "formed" a committee, apparently of two (themselves) to conduct Mr Hunt's election campaign and apparently out of their own pocket paid for the full-time services of Mr Stokes—

That is a Mr Alan Stokes who was a public relations consultant employed full time in the Local Government Department—

> whom they hired and who was located in the local government offices during the campaign. There is little doubt that Ben Hills of the *Age* and his cohorts will write some nasty stuff about this if they find out.

That is a cynical comment from an Assistant Commissioner of Police—that Mr Ben Hills of the *Age* and his cohorts would write some nasty stuff about this if they found out the truth about the government of the day!

Mr Richardson interjected.

Mr GAVIN—It is quite contrary to what your former Leader said in his book. That is why I am reading it. Mr Lindsay Thompson did not know about it. The report continues:

> My brother-in-law (Mr H. P. Lavery) owns 1100 acres (shown as the Staughton property on the map) on the south side of the highway. He is a person of complete integrity and can be trusted implicitly. He tells me that all the decent land owners near Melton say this deal was crook and that the valuation was falsely inflated.

> My brother (N. G. Cowley of Hillrise Estates) is one of Victoria's biggest land developers and owns land near Melton, Keilor and elsewhere. He has said for some considerable time that this deal was facilitated by the leaking of confidential information.

This is disgraceful. Confidential information was given to the developers to help them make purchases. He says:

> I suggest that I go ahead and interview Cooke who will certainly not admit being involved in corruption.

Mr RICHARDSON (Forest Hill)—On a point of order, Mr Deputy Speaker, the record should show that the honourable member for Coburg has commenced giggling and has had to be helped by being given some water. He is reverting to the giggling speeches of old.

The DEPUTY SPEAKER (Mr Norris)—Order! There is no point of order.

Mr GAVIN (Coburg)—This the most cycnical comment that can be made by a police officer:

> I suggest that I go ahead and interview Cooke who will certainly not admit being involved in corruption.

Obviously, no-one being interviewed by the police would admit to being involved in corruption. He goes on:

> If he does not cooperate I suggest we call it a day—but—
>
> (1) try to ensure valuations are more accurate; and
>
> (2) leakages do not occur.

The private document is a complete whitewash. However a public document was released at the time; that six-page document had a similar conclusion but one more palatable for public consumption. It states:

> The inquiry can be taken no further at present. Indeed any extension of the inquiry at this stage would almost certainly extend current rumours and play into the hands of journalists and others who have recently been asking for further inquiries.

That is a cynical comment, but it is dressed up to help the government of the day.

The private and confidential letters show how the police covered up matters in a way comparable with how the National Party operated in Queensland. The private documents show the whole matter was whitewashed and indicate how the government was worried journalists would write stories about the "nasty stuff".

I ask the Minister for Police and Emergency Services to set up processes so that any future police Ministers of a possible Liberal–National government do not indulge in the practices adopted in the 1970s. It is worth making that point because Mr Lindsay Thompson is held in higher regard than current members of the Opposition, who all have lots of clouds over their heads.

Mr Ross-Edwards—Mr Deputy Speaker, I direct your attention to the state of the House.

Quorum formed.

Mr GAVIN—I was making the point that the Minister for Police and Emergency Services should ensure that future Liberal–National government police Ministers do not indulge in the sort of practices adopted in the 1970s when police officers were used to write politically flavoured documents to assist the government of the day.

The spokesman for the coalition on police matters is the Leader of the National Party and he is a known supporter of Sir Joh Bjelke-Petersen and his former government. As all honourable members know, Sir Joh has been charged with a number of corruption offences, two of his former Ministers are now serving time in gaol and a

few more will probably have to do the same. The coalition is an amalgamation of the 1970s-type Liberals and the Queensland National Party types. A coalition would combine the excesses of both those governments.

The book written by Lindsay Thompson should be read by all members of Parliament, but they should be well aware that it is totally inaccurate in relation to the land deals. Lindsay Thompson should rewrite his book because his memory is defective. As I have shown through reading from a personal and confidential letter, Lindsay Thompson's account of the land deals is inaccurate, and a more apt name for his book would be "A Time To Forget".

Sitting suspended 12.57 p.m. until 2.2 p.m.

Mr LEA (Sandringham)—I grieve about the quality of teacher training in Australia and in this State. The Dawkins report of May 1988 *Strengthening Australia's Schools* says:

> The quality of teaching is central to the quality of our schools . . . we must examine means of improving the initial and ongoing training of teachers to meet the demands of a changing educational, economic and social environment.

A lot has been written in the press recently about teachers. An editorial of the *Age* of 7 February says that "teacher quality needs improving" and that a national report on teacher quality has confirmed what teachers already knew: all is not well in the classroom. The editorial discusses reasons why this is so and concludes that a lack of career structure, ongoing problems with discipline and teacher welfare are some of the difficulties.

A review of recent headlines in the press include: "Teachers not taught to teach", *Australian*, 19 May; "Teachers short on basics", *Australian*, 19 May; "Teacher training gets a troubling report", *Age*, 19 May; "Call to boost class maths and science", *Herald*, 11 January; and "Teaching revamp gets flying start", *Sun*, 8 February. Teachers have been the subject of much debate in the press and in the community.

I shall examine some of the issues relating to teacher training. Sadly fewer post-year 12 students choose teaching as a career. Teaching is a wonderful career; it has much to offer. It has been well served by the current teachers for a long period. In the early 1950s a bond scheme enabled many people from the lower socioeconomic group to go into teaching and to be paid for doing so, In fact, New South Wales has recently introduced a system of payment for teachers in training, which will allow those who want to get into teaching to receive some reward.

There were problems with the bond scheme that I will not go into today but having no bond scheme is even worse. As a result, as professionals, teachers tend to have a low status because of their poor pay and conditions. The quality of teacher training is not as strong as it used to be.

The career structure for teachers is a problem. Large numbers of teachers in their 40s have reached the top and can go no further in their careers and there is no opportunity for transfer within the system. The situation looks grim for young teachers.

The declining numbers in schools, particularly in secondary schools, and the lack of senior positions as well as an inadequate career structure, are inhibiting teacher quality in the trainees. The government has worked against the leadership of principals and senior school administrators. They have been tied to complicated staffing methods implemented by local committees that are linked to the Ministry. Strong leadership is needed in the schools. We need school councils and school principals to take responsibility for leading and running their schools. It would give more support to

new teachers coming into the system to have someone whom they can respect and rely upon when striving for promotion.

Teaching has a poor image because of the lack of discipline in schools and linked problems such as teacher welfare and WorkCare. This trilogy has brought about what is occurring in classrooms today. Many principals are not in command of their schools and many teachers are not in command of their classrooms. Because there is an inadequate discipline procedure many teachers are on WorkCare and more are expected to be in the future. Fewer teachers are on WorkCare in the independent schools. In that system there appears to be more work satisfaction and clearer definitions of aims and guidelines, with the result of fewer teachers suffering ill health.

In the United Kingdom, an endeavour is being made to link subject teaching with teacher training so that an anomaly such as a lack of subject coordination is eliminated. Approximately eight years ago my niece tried to get into teaching with psychology and philosophy as her two major subjects. She was not accepted because at that time those subjects were not part of the year 11 and year 12 curricula. It is important that trainees undertake method training and study academic areas of subjects which are available for teaching in schools. These areas have not been coordinated in relation to subject demand and teacher training.

After the second world war, primary teacher colleges were set up in Ballarat, Bendigo, Geelong, Coburg, Frankston and so on. They provided teacher training for the State. Once the State abdicated that role the reliability of the teacher training system to meet the demand of the teaching requirements faded and now we have this problem. Pay and conditions are also low in the United Kingdom. There is a need to relate training to theory and practice. A university degree with a Diploma of Education and only two or three weeks experience in schools on a teacher-training round is inadequate preparation for teachers.

What is needed is for part of the education training week to be in the school. This was the process that applied at the former Technical Teachers College, now the Hawthorn Institute of Education. There was a block release, with two days at the college and three days in a school. The trainee teacher was part of the staff, took a form, taught regular classes and had a really worthwhile educational experience. I believe teacher training should head more down that path.

A very famous and much publicised document entitled "A Nation at Risk" published in the United States of America in 1983 highlighted the need for Americans to lift their educational quality. A National Board for Professional Teaching Standards was set up as a result of that report. I think the Americans have made a very real attempt to challenge the nation to lift its educational standards. Australia stands in that situation today; the nation and this State must lift themselves. The key to future development is not just in economics but is more in education, to provide the educated young men and women to come out of universities and into teaching and inspire the next generation of young people into the 21st century.

I refer to a report of the Organisation for Economic Cooperation and Development entitled "OECD Schools and Quality". The report found that the 24 OECD countries had a poor quality of recruits overall and that too many good teachers were leaving teaching. One has only to see teachers in their 40s today—my wife is one who has had 24 years of teaching and is virtually bowed down with the workload, disciplinary problems as a senior teacher, and curriculum change with the VCE, a horrendous workload for teachers—leaving the industry. A Bill currently before the House dealing with voluntary superannuation for the Public Service will encourage more qualified and experienced senior people to leave teaching. It is false economy in the sense that a bit of money may be saved but the State will lose a lot of its teaching talent.

The OECD report focused on the status of teachers. I believe the essence of teaching today lies in the problem of recruiting young people into teaching. Teaching has a low image and much good could be done if the government promoted the good things about teaching with articles and advertisements on television and in newspapers, lifting the status of good teachers and promoting them. It would be worth spending more money on that to show the good side of teaching. Too many of the comments in the press and too many community attitudes are negative. The present government and any subsequent government must try to develop a good teacher image through the people who are teaching well and contributing to the system.

I refer to the participation of teachers in teacher training. There is no better resource than the teachers themselves; not just in the internship system where trainees come into the school, and are looked after by a subject teacher, but by asking the subject teachers to participate in the special method, in the subject area and in the general method areas of teacher training. I think more could be done in this way and teachers would be willing to contribute, along with institutions, colleges and universities.

Teachers have become inadequate because of the increasing demands of participating in groups, changes to curriculum, participation in disciplinary processes and coordination and pastoral care areas. To digress for a moment, when I entered teaching in 1958 I had 30 periods plus 2 of sport and no extra duties whatever, except to coach the soccer and cricket teams. However the average class size was 48. I had no curriculum, education or extra duties; there were no staff meetings; the principal of the day put notices on the staff notice board and that was that. Today there is a plethora of staff meetings, education meetings, heads of department meetings, pastoral care meetings; all of these meetings go on within the school and outside the school.

Mr Maclellan interjected.

Mr LEA—That is right. I believe a lot of teachers are not involved with stop-work meetings. The honourable member for Berwick would be aware that only 30 per cent went out on the recent stop-work meeting there.

That is one of the factors, but the overwhelming number of teachers today are participating in these areas and are very much involved. Any teacher or anyone who has been a teacher in the past ten years would be aware of the heavy load of extra duties in relation to teaching. It makes it hard to recruit because people say to their children and their friends that the last thing one would want to be is a teacher. We must look at some way of raising the status of teachers and improving teacher quality.

The New South Wales government has provided a strong lead. It is providing training inducements for people to go into teaching and is targeting areas where teachers are known to be in short supply. I think that has a lot of merit, particularly at the end of the graduate period as one goes into secondary education at the Diploma of Education stage. There is no reason why we cannot adopt that and, as I said before, there should be some coordination of teacher faculties.

With regard to the effect of maternity leave on teacher training, it is very hard to predict what will happen. The first people are expected to return from the seven-year maternity leave period in 1991 and it will make it very difficult in the future to predict where the Ministry is going. The Ministry should have analysed the potential numbers returning from maternity leave but it has made no effort to do so. People returning from maternity leave have a right to go back to their own schools and that will create problems of transfer.

I refer to a couple of issues in determining teacher quality. I believe coordination of the tertiary sector in the provision of teachers is necessary. I have had the advantage of sitting on teacher selection panels at secondary, technical and TAFE levels over a

number of years and the quality of teacher training in the institutions varies. Teachers in some institutions were poorly prepared—so poorly prepared that they did not appear to be able even to take the initiative to instruct students to go into a classroom when asked the question, "What would you do prior to a form of students coming for a class lesson?" I found that staggering. Other institutions were very good, with a general method of teaching, and obviously the trainees had an excellent chance of success.

The initial period of appointment has to be looked at closely. More teachers are lost in the first year or two because of inadequate orientation; they decide against teaching as a career and because there is no bonding they leave. There is no career structure and there is no incentive. To rectify this their workload could be lightened in the first year; they could be linked with a teacher on staff who would have the sole responsibility for their development and for watching, monitoring and assisting them. I have seen too many young teachers leave teaching because of inadequate support at that level. I have had many student teachers go through my hands and have been just as guilty. They are trained, they come to the schools and one tends to leave them to be independent. Often they suffer in silence, find the going too hard, and leave. The opportunities are wasted if people are not helped as much as they can be during their early teaching careers. In order to maximise on the available teachers, one idea floated has been that an internship should be created, lasting six to twelve months. The teaching load of the first-year teacher would be reduced during that first year; someone else would need to be freed up to help the teacher and monitor the work being done. The scheme would cost money and involve time but in the long term—given the difficulty of maintaining discipline and coping with the teaching load—such a system would help to lessen the number of promising young people who are vanishing from the teaching system.

Currently Victoria is losing teachers at the top because senior staff are choosing voluntary retirement because they are worn out. Senior teachers are tired, having made significant contributions over the time of their teaching careers. Young teachers also are leaving the system and consideration must be given to that end of the teaching scale as well.

An inquiry should be undertaken into teacher training in Victoria so the universities and colleges can consider what they are doing; they can look at the courses offered. Consideration should be given to the staffing of schools by young teachers. They should have no more than two periods allocated to them as first year assistants.

The problems associated with teacher training and the quality of that training should be considered so that this crucial and integral part of the future development of this State and Australia can be developed.

Mr MACLELLAN (Berwick)—Mr Deputy Speaker, I direct your attention to the fact that you resumed the Chair after lunch when only ten members were in the Chamber. As the Standing Orders of the House require a quorum to be present for you to start the proceedings, I inquire by what authority you take the Chair and commence proceedings after a luncheon or dinner break—in this case a luncheon break—without sufficient members being present in the House to form a quorum; has there been some unofficial or secret decision by you and the Speaker to ignore the Standing Orders of the House and the Constitution?

The DEPUTY SPEAKER (Mr Norris)—Order! I assure the honourable member for Berwick no secret decision has been made by anybody. The normal practice is that the Speaker, the Deputy Speaker or the Acting Speaker waits in the corridor; the Sergeant-at-Arms or one of the Clerks informs that person a quorum is present and

then he or she enters the Chamber and commences proceedings. That is what was done today.

Mrs HIRSH (Wantirna)—Today I wish to grieve about a matter brought to my attention by the St Albans North Environmental Action Group. Mr Harry Sommers has written to me on behalf of the group. His letter refers to a problem that has arisen about a Cr Zukanovic who is attempting to intimidate and discredit women members of the action group and to put them off appealing to the Administrative Appeals Tribunal (AAT).

When the action group, which comprises both male and female members, signalled its members intention of appealing to the AAT against the establishment of a bakery in their residential area, Cr Zukanovic—who happens to own the freehold of the property on which the bakery was to be established—made a series of vicious attacks on the group, singling out the women for particularly severe sexist remarks. His comments were reported in the local newspaper. He said:

> "They're just full-time whingers . . .
>
> I think they're just bored housewives. I think their sex lives should improve . . .

The president of the residents group was appalled by the remarks and demanded a public apology from Cr Zukanovic. He asked that other councillors and the mayor condemn him for the comments made. Apparently Cr Zukanovic has refused to apologise. He is reported in the local media as having said he stood by his comments. The *Keilor Messenger* of 11 September reports him as saying:

> "I'm glad I've said it" . . .
>
> "They won't get an apology out of me. As far as I'm concerned I would like to have said a lot more but you (the Messenger) wouldn't have printed it."

The response of the mayor was that the issue was not the responsibility of the council, it was not a problem of the councillors and they should not be involved in what he termed "civil matters". He said also the residents and Cr Zukanovic would have to find their own means of resolving the issue.

Local residents have written to me because of my involvement in the caucus women's affairs committee. They have asked me what action I can take or advise them to take in support of the rights of the group to play a role in the planning process as set down by the law, without women being subjected to serious and savage sexist attacks.

In his letter to me, Mr Harry Sommers, the president of the environmental action group says:

> . . . one of our ward councillors has attacked us savagely, particularly focusing on the role played by women, in pursuing their rights. We believe that sexist attitude belongs to a bygone era where women were treated as mere chattels. Perhaps of equal significance, we are being discouraged, rather than encouraged, from contributing to our community, which is our right (this is often hard to achieve in a very multicultural area such as ours). Should this attitude prevail, the democratic rights of all citizens . . .

Mr COLEMAN (Syndal)—On a point of order, Mr Deputy Speaker, the honourable member for Wantirna is quoting from two sheets of paper, one of which she claims to be a letter from a spokesperson for the action group. The other probably consists of copious notes—to use the Parliamentary term. Is the honourable member prepared to make available the two sheets of paper so honourable members can be assured what is being quoted is actually the correspondence to which she refers?

Mrs HIRSH (Wantirna)—I shall be extremely happy to make a copy of the letter available. The reason I have two sheets of paper is that I put highlighter on the letter, it has covered up the printing and I have had some difficulty in reading it, so I copied

the quote onto a second sheet of paper. The honourable member for Syndal is welcome to have a copy of the letter.

Mr Coleman—Don't give it to me; give it to the House.

Mrs HIRSH—I shall make it available to anyone who wants it. The letter should be circulated as an example of the disgraceful behaviour that goes on in some councils and it should not continue.

When I was interrupted by the honourable member for Syndal I was quoting from a letter I have received from Mr Harry Sommers. He refers to the rights of women as well as men to participate in the democratic process and to contribute to their communities. In the letter from which I was quoting he says:

> Should this attitude prevail, the democratic rights of all citizens may well be in danger of being eroded.

Mr Maclellan—Why doesn't the local member do something about it?

Mrs HIRSH—Mr Sommers suggests——

Mr Maclellan—Why doesn't the local member do something?

Mrs HIRSH—I continue with the issue which, as I said, has been brought to my attention because of my involvement in the women's affairs committee. I have been asked by the group to do something about it. They have asked me to deal with the particular sexist comments.

Mr Maclellan—Why doesn't the local member do something about it?

Mrs HIRSH—Mr Sommers is correct: the habit of attempting to incriminate and discredit and to discourage women from virtually doing anything in public life is extremely widespread. Even this morning in this place we witnessed an example of similar verbal harassment, an attempt to discredit the role of women in our community.

This morning three government members were engaged in a brief discussion. What was unusual was that the three members happened to be women. That of course would go totally against the grain of the conservatives opposite and the honourable member for Shepparton and other members of the National Party apparently thought it fairly strange. Upon seeing three women in discussion in the House, the honourable member for Shepparton remarked, "Having a mothers club meeting, are we?" Like the comments made by Cr Zukanovic, the honourable member for Shepparton's remarks attempted to denigrate and put down any public affairs action that might have been engaged in by women.

In this place we are expected to tolerate offensive remarks from time to time. However, it is a pity that this happens. Those of us in public positions, men and women, should by our behaviour be setting an example to the rest of the community and we should encourage women in our community to participate in all processes of government, from local government through to State government and into the Commonwealth forum.

The women in the St Albans North Environmental Action Group feel somewhat reticent about going on with their appeal to the Administrative Appeals Tribunal because of the sort of remarks that have been made about them by Cr Zukanovic. His remarks were sexist remarks about their personal lives that are offensive to them and because they are women who are not often involved in public affairs they feel uncomfortable about having these remarks published in the newspaper.

Similarly with regard to the remarks made by the honourable member for Shepparton, although they will not affect the performance of women Parliamentarians—we are obliged to mix with all types in this place—they are designed

to both trivialise and discredit wonderful work done by women's groups in this country. Those groups in the past were mothers clubs and groups of women who worked hard for the advancement of a number of areas of our society. The participation of women in our society is becoming more common and more important. Women in action groups across the State are having more effect on decisions made at a number of levels.

Another example of these sorts of denigrating remarks that people make to try to put women off protesting publicly have been made to Mrs Jane Harvey of the Democratic Canine Foundation by Mr Crowley, the Chairman of the Kennel Control Council. Apparently no women have been appointed to the council for the past 50 years so Mrs Harvey and her fellow members took the Kennel Control Council to the Equal Opportunity Board. At a hearing, Mr Crowley said, "How old are you, Mrs Harvey?" He then said, "Both my wives went really funny when they were 52". He said, "You are menopausal, aren't you?" Mrs Harvey found that remark insulting, offensive, sexist and singularly discomforting.

Another remark made at a similar time to Mrs Harvey was a threat to suspend her by certain organs, the mammary organs—I shall not say what was actually said because Mrs Harvey would probably prefer me not to. However, another sexist and unpleasant threat was made to her. I hope Mrs Harvey wins her battle against the Kennel Control Council and I hope the St Albans North Environmental Action Group wins its battle with Cr Zukanovic and elicits an apology from him for his remarks and a commitment by the St Albans council not to make any more sexist and vicious remarks that discredit women and their role in society.

I also hope the St Albans North Environmental Action Group writes to the Commissioner for Equal Opportunity asking her to consider Cr Zukanovic's remarks and his totally unrepentant attitude along with the disinterest of the local council. I encourage the group to continue its action. I speak particularly to the women in the group who have been subjected to the vicious sexist attack by the councillor. I hope they do not withdraw from their action, that they stay in with the rest of the group and take whatever action is required without fear of being intimidated further by Cr Zukanovic.

There are many examples of this sometimes subtle, sometimes less subtle, verbal sexist abuse of women. We should be careful about what we say and I hope that honourable members in this place, including the honourable member for Shepparton, will consider carefully the sorts of remarks they make about women members so that an example will be set to local government and to the general community regarding the importance of women in public life in this State and this country.

Mr COLEMAN (Syndal)—On a point of order, Mr Deputy Speaker, the honourable member for Wantirna offered to make available to the House two documents. Before we proceed I hope that those documents are made available.

The DEPUTY SPEAKER (Mr Norris)—Order! The honourable member for Wantirna is happy to make those documents available.

Mr HEFFERNAN (Ivanhoe)—I should like to focus my grievance on the tremendous frustration in the private sector with the interference of the trade union movement and the lack of the government's strong action in overcoming a major cost problem within the Port of Melbourne Authority and the helping of our export market.

No doubt, Mr Deputy Speaker, you are fully aware that the restructure of ports is extremely important to the future viability of this country. If we cannot reform our waterfront, we might as well face the fact that we will not be competitive on the

overseas market and, in turn, will create pressure on the role this State plays in the export market of this country.

As has been pointed out by the Business Council of Australia, inefficient wharf practices at this stage are costing Australian taxpayers $1 billion a year. We can no longer afford the luxury of standing around and putting up with this sort of inefficiency.

If we implemented the recommendations on the restructure of our wharf facilities, the estimated increase in the gross domestic product would be somewhere in the order of $250 million to $500 million. The current level of cost inefficiencies in our ports is staggering to the private sector and is unacceptable because it affects Australia's competitiveness in this market.

As an illustration of Australia's position compared with the rest of the world, I point out that in real terms it is cheaper to send a tractor to New Zealand via Japan than to send the same tractor across the Tasman Sea. What an absolute disgrace! I shall outline to the House what action the trade union movement has taken to stop the achievement of efficiencies that are so important in this area. At present handling costs in Australia are $14 a tonne, compared with $1.70 a tonne in the United Kingdom and $2.50 a tonne in the United States of America. That is another indication of the tremendous distance Australia has yet to go.

State and Federal governments talk a lot of rhetoric in reference to the cause of reform, but they do not deliver the goods. There are continually government reports on what is required, and yet no action is taken. Unions pledge support for restructuring of the workplace and an increase in efficiencies. Newspaper articles continually report on how the unions are negotiating. Governments and unions say they are committed to the process of reform, but one has to ask: are they willing to do it?

In this State the reality of reform is quite different from rhetoric. In Melbourne we have the worst and most costly port facilities in the country. During my contribution to this debate I shall show that we will never achieve anything if we continue in the direction that is currently being taken. The Port of Melbourne Authority has actively tried to institute a change and reduce expenditure and costs on the wharves. Unions—through the leader of the Trades Hall Council and leader of this government, as he seems to be—have actively sabotaged the reform process that the Port of Melbourne Authority was trying to implement.

I shall refer to information obtained through freedom of information requests to demonstrate the truth of these statements. The recent decision by the government to build new facilities at the Dudley Street site is a classic case in point. This is the matter I wish to highlight today. According to the documents I have, the Port of Melbourne Authority board saw no justification for building a slipway facility at the Dudley Street site. This was in reference to the recommendations made about the practicability of making the ports far more efficient by amalgamating the Williamstown and Dudley Street docklands and thereby cutting overall costs. I refer the House to some documents. The first is a report from the authority which states:

> A new slipway structure would service eight vessels in the 50T–400T range. Vessels in this range are MV Commissioner, two tugs, two grab dredges, one pile barge and two dumb hopper barges. Based on biennial slipping of these vessels and historically 2–3 emergency breakdowns per annum which also require slipping, the cost to provide the slipping, external below water line and marine survey work using PMA in-house painters/dockers and shipwrights is estimated to be $144 000 per annum.

Therefore, for use of the facilities on three occasions a year, the cost is estimated to be $144 000 a year. The report continues:

> The Port of Geelong operate a facility known as "Rippleside" which has the capacity to slip vessels up to 1000T.

That was the recommendation of the Port of Melbourne Authority. That facility is available in Geelong. The report also indicates that the larger vessels within the Port of Melbourne Authority could be referred to Geelong. It was at this point, when we thought we might at long last have some efficiency in our ports, that the negative syndrome set in. The trade union saw that 49 jobs could be lost, and also the potential for redundancy packages. I accept that. But there was no way known John Halfpenny would let this facility go to Geelong, something that I believe would be far more beneficial, particularly in view of the current economic problems at Geelong. Therefore, Mr Halfpenny slowly, step by step, achieved a reversal of the decision of the Port of Melbourne Authority.

In another document dated 22 December, Mr P. M. Rocke, Chairman of the Port of Melbourne Authority, wrote a "Dear John" letter to Mr Halfpenny stating:

> With respect to the proposed amalgamation of the workshops, the board was most concerned to learn of the increased cost of the project which escalated from $5.5 million as reported by the working group compared with the tendered price in excess of $10 million. With specific reference to the construction of the slipway there is no apparent justification for the expenditure of $3 million.

He is referring to the proposed slipway at the Dudley Street site, bearing in mind that the same facility would be available not only at Geelong but also in Melbourne.

I refer now to Mr Halfpenny's reply to that letter. In a letter dated 3 January, Mr Halfpenny said:

> VTHC and union support for an amalgamated workshop has been, and remains, dependent on any new ship repair facility including the construction of a slipway.

Therefore, on 3 January Mr Halfpenny issued an ultimatum that the slipway must remain part of the proposal at an additional cost of $3 million. The letter continues:

> We cannot support any decision which we believe is detrimental to the infrastructure of the port and not in the long-term interests of port workers.

The State government and the trade union movement have been saying that reform is under way. The Federal government has issued a lot of rhetoric about reform, and Bob Hawke has been travelling around the country saying, "We have reform". However, on the important issue of the Port of Melbourne and the reform of Melbourne's ports which would enable this State to save money and help exporters, the strong arm of John Halfpenny appears and he says that is not on.

One would expect that the next letter from the Port of Melbourne Authority, which is accountable to the Minister and is a separate authority, would respond to Mr Halfpenny's letter by saying, "We accept that the government must have these cost saving facilities proceeded with and will not accept your proposal", but that expectation is wrong.

The next letter from Mr Rocke, addressed to "Dear John" again, states:

> In my previous letter I indicated the concerns of the board in seeking efficient use of existing port facilities throughout Victoria and avoiding investment in superfluous facilities. From a PMA perspective the expenditure of in excess of $3 million for construction of a slipway cannot be justified at this time.

Therefore, on 8 January the Chairman of the Port of Melbourne Authority, Mr Peter Rocke, replied to Mr Halfpenny that the board would not accept that decision. Things seemed to change from the time the matter reached the department to the time the recommendation was made to the Cabinet and the government, which was that Victoria should proceed down the track of productivity gains while saving $3 million.

One would assume that because only the government has the right to govern it would have written back to Mr Halfpenny and said, "The government is concerned to govern for the people of Victoria and the State. Your position is to look after the trade union

movement, and the government accepts that, but you have no right to tell a duly elected government what money should be spent, where it should be spent and how it should be spent". All seemed to be quiet on the western front. But all of a sudden, on 23 March, a memorandum was sent from the Deputy Director-General of Transport to John King, the Director-General of Transport, and Jim Kennan, the then Minister for Transport, about the amalgamated workshop project. Cost saving procedures had supposedly been put in place by the government acting on behalf of the people of Victoria. But this memorandum causes me to ask who is the government: is John Halfpenny the government?

Honourable members interjecting.

Mr HEFFERNAN—That is the effect of the memorandum from the Deputy Director-General of Transport:

> This is to advise that the General Manager of the Port of Melbourne Authority late last night signed the contract for the amalgamated workshops project (including the provision of a slipway) —

That is the $3 million slipway. It is obvious the government succumbed to the so-called recommendation of a person who is not the slightest bit interested in what is good for the State.

A Minister and a government elected by the people to represent them succumbed to pressure from a person to whom the people of Victoria have given no power. It is John Halfpenny who is now calling the shots—and what is going on is horrific. I shall quote from a Port of Melbourne Authority board paper dated 28 February, which says:

> Realistically there is no justification to build a modern slipway at either Dudley Street or Williamstown, and if this facility was deleted the PMA could save approximately $3 million at either site.

Only $3 million? One can only imagine how much John Halfpenny has earned. He has never been in business in his life, yet he has the cheek to dictate to the government. What he is doing is worrying me. The board paper also says———

Mr Seitz interjected.

Mr HEFFERNAN—He's another former trade union man; he's another one who's lived off them. When he loses his seat he will not get it easy in the big wide world. As I said, the board paper says—

Mr A. J. SHEEHAN (Minister for Housing and Construction)—On a point of order, Mr Deputy Speaker, in the honourable member's attack on the role of the trade unions frequent mention is being made of the role of John Halfpenny, whom the honourable member for Ivanhoe is vilifying. This raises the important issue of the rights of individuals and the rights of members of Parliament.

Although honourable members are protected by Parliamentary privilege, as they should be, at some stage the point is reached where members must recognise that the rights they have also carry responsibilities. Society does not give honourable members the right continually to vilify individuals who are going about their business lawfully and properly. Whether the honourable member agrees or disagrees with those actions is one thing; nevertheless he has a responsibility to respect the right of a person to go about his business in a law-abiding and proper way.

At some stage the Speaker or Deputy Speaker should intervene to protect the rights of citizens going about their jobs. I know full well how strongly members on the other side of the House would react if government members were to vilify daily members of the Victorian business community.

Mr COLEMAN (Syndal)—On the point of order, Mr Deputy Speaker, one of the advantages of the grievance debate is that it allows honourable members, particularly members of the backbench, to raise issues that cannot normally be raised during the usual business of the House.

The honourable member for Ivanhoe is referring to the way the decisions of the Port of Melbourne Authority are being influenced by outside forces. The authority is a properly constituted body whose responsibilities, the honourable member claims, are being interfered with by outsiders, a point he is trying to make in what should be an open debate. What the honourable member has canvassed is well within the bounds of the guidelines for a grievance debate, and he should be allowed to continue.

The DEPUTY SPEAKER—Order! I do not uphold the point of order. Although the Minister may find the honourable member's remarks distasteful, I believe the comments made by the honourable member for Ivanhoe fall within the guidelines of the Standing Orders.

Mr HEFFERNAN (Ivanhoe)—I have not plucked this information out of thin air; it has been gained under freedom of information provisions. That being the case I should be given the chance to make these remarks. If the information had not been in a letter signed by John Halfpenny, fair enough. But John Halfpenny has taken a particular course of action and I have the right to comment on it because I represent the taxpayers of this State, just as Mr Halfpenny represents the unions. He has no right to interfere with the processes of government; and letters on file at the Port of Melbourne Authority show that he has interfered with decisions made by the authority's board.

It is about time someone said to Mr Halfpenny, "Hands off!" This State must take action to get itself going. I have the right to come in here and point out how the business sector is suffering because of what is happening in our ports. One authority has attempted to take the appropriate action, but one person has put his hands across the table of Parliament and across the table of the Cabinet and said that is not on. That is what is written in the documents I have, which I will produce later. There is no doubt at all that Mr Halfpenny has interfered with the decision making of the authority—and if honourable members on the other side wish to move for an extension of time, I can keep going!

It is obvious that the information I have shows that attempts being made to improve the efficiency of the State have been stopped. The people of Victoria are sick to death of the superfluous spending of taxpayers money and demand action to have it stopped.

The DEPUTY SPEAKER—Order! The honourable member's time has expired.

Mr COLEMAN (Syndal)—On a point of order, Mr Speaker, during her speech the honourable member for Wantirna quoted from two pieces of paper that she agreed to have tabled. One of the pieces of paper that has been tabled is clearly a letter from Mr Harry Sommers, a spokesperson for the St Albans North Environment Action Group, which is five paragraphs long and which, as the honourable member for Wantirna rightly pointed out, has been defaced by a marker pen, making it impossible to read the comments contained in the second paragraph.

In the course of her dissertation, the honourable member for Wantirna quoted verbatim the second paragraph, not from the letter but from notes that she had. The second piece of paper supplied is actually an extract from the *Keilor Messenger*. The documents that I sought to have tabled were the letter and the piece of paper from which she was quoting, which actually had the relevant paragraph on it.

Quite clearly, *Hansard* will show that she was able to read into debate the contents of the second paragraph. It is impossible to read and understand the second paragraph of the copy that has been supplied. The second piece of paper—the extract from the *Keilor Messenger*—is not related to the comments she made or to the source of the material to which she referred.

On that basis, I request that at the appropriate time the honourable member for Wantirna produce to the House the piece of paper which contains the contents of the second paragraph of the letter from the St Albans North Environmental Action Group, which is what I sought to have tabled.

The DEPUTY SPEAKER—Order! The original letter has been handed to the Clerk. The photocopy version may not be as clear as the original even though the original is not very clear. I think the honourable member may have a better chance of deciphering the original. The problem has been caused by the marker pen.

Mr W. D. McGRATH (Lowan)—A number of matters have arisen concerning government backbenchers and I wish to raise my concerns about them. The first relates to the point of order taken by the Minister for Housing and Construction. He was very critical of the honourable member for Ivanhoe, claiming that he was making a personal attack on the leader of a trade union. I shall not defend either party but I wish to put the matter into perspective.

The House should remember the attack made on Mr Beitzel by the Minister for Conservation and Environment.

Mr Micallef—Day after day, week after week.

Mr W. D. McGRATH—Also, what the Attorney-General has said in this place about Mr Farrow. I do not defend either. However, my argument becomes obvious when related to the comments the Attorney-General made because they will not be repeated outside Parliament. It is that simple. Government members use Parliamentary privilege to make comments but are not prepared to make those comments outside Parliament. Any comment made by the honourable member for Ivanhoe could have been made on the front steps of Parliament House, and he would not suffer legal action, but I do not suggest for 1 minute that the comments made by the Minister for Conservation and Environment or the Attorney-General could be made on the front steps without their facing legal action. I ask the House to bear those comments in mind when deliberating on matters of criticism against either side of the House.

The other matter concerns the honourable member for Wantirna. She raised the issue of discrimination against women in this place. I suggest that her comment is one that incites discrimination against women.

Mrs Hirsh—That is nonsense.

Mr W. D. McGRATH—Such a comment in Parliament incites discrimination between men and women. Neither I nor my colleagues have ever tried to discriminate between the sexes in this place. Because such issues are raised, the honourable member highlighted the fact that she believes discrimination is taking place.

Mrs Hirsh—Of course I do!

Mr W. D. McGRATH—The honourable member for Wantirna also had a swipe at the former Leader of the National Party, the honourable member for Shepparton.

Mr Coleman—More than a bit of a swipe!

Mr W. D. McGRATH—It was about remarks he made. As the honourable member for Syndal has said, the remarks were derogatory as they applied to the honourable

member for Shepparton. That interjection is from a man who listened to the full debate. I remind the House that when the honourable member for Shepparton was the Leader of the National Party he saw the election for the first time of a woman to the presidency of any political party; namely, the Victorian branch of the National Party.

Mr Coleman—And supported her!

Mr W. D. McGRATH—That is a very important point—he totally supported her. He saw the lady go on to be elected as the first female Federal President of the National Party. There can be no stronger commitment from any person; the honourable member for Shepparton does not discriminate against women because he has been prepared to support that lady in her pursuit to lead a political party at both the State and Federal levels.

I do not wish to hear any of that nonsense about discrimination in this place. We have equal rights in this place; we are equal. The only way anyone can introduce discrimination here is by making over-sensitive remarks to the House. Any highlighting of discrimination in an equal society will only provoke an unequal society. I strongly emphasise that point.

The matters about which I wish to grieve relate to changes in government policy. The first is the government's decision to lift the business franchise fee on petrol from 7.8 per cent to 11 per cent, which was the subject of recent legislation. When that Bill was introduced at the end of August the wholesale price of petrol on which the business franchise fee is based was about 58 cents a litre. Subsequently, because of the Gulf crisis, the wholesale price of petrol in Victoria has increased to about 79 cents a litre; and because it is a growth tax, an enormous amount of additional revenue had come into government coffers.

The government said one of the purposes of the legislation was to apply an approximate 1.7 cents a litre levy, as it was anticipated at the time, to give comfort to Pyramid Building Society depositors who had been given a letter of comfort by the then Treasurer, Mr Jolly, and the then Attorney-General, Mr McCutcheon, when concern was expressed in February about the viability of Pyramid.

The government made the decision to raise the petrol price by approximately 1.7 cents a litre. The government is now receiving about 3.5 cents to 4 cents a litre because of the escalation in petrol prices, and because the levy is a growth tax. That money is going into consolidated revenue from where it is paid into a trust fund to service Pyramid depositors. However, that is not the problem that I wish to raise.

My concern is about the differential in petrol prices on the Victorian–South Australian border. Before the tax was applied, the price difference at the border was about 1 or 2 cents a litre; and it balanced out at different locations. However, the increase in petrol prices on the Victorian side of the border has led to differences in petrol prices at the bowser of between 5 and 8 cents a litre on either side of the border.

Consequently, any motorist using the Western Highway travelling from Melbourne to Adelaide is going to fill his tanks at Bordertown, whether coming into the State from Adelaide or going out of the State to Adelaide. It is bringing about enormous financial hardship to service stations in that area, particularly around Nhill and Kaniva near the South Australian border. The same situation would apply in the south west of Victoria around Portland and Hamilton going over the border to Mount Gambier and to Adelaide.

Mr Seitz—Top country!

Mr W. D. McGRATH—Just because it is top country will not allow the service station owners to live if they cannot sell petrol on an equal footing because there is an enormous imbalance in fuel prices.

I highlight to the government, particularly the Minister for Prices, that there is a big problem with the difference in fuel prices. Distributors distribute fuel to the surrounding farming communities and I know of some farmers who are now buying from the South Australian distributors and the local Victorian distributors are missing out. Three or four years ago a Victorian distributor on the South Australian border tried to compete and sold fuel without imposing——

Mr Seitz interjected.

Mr W. D. McGRATH—That is right. He sold his fuel to the farmers at a discounted price, and did not pay his stamp duty fees. The Stamp Duties Office caught up with him and he subsequently had to find $120 000. What he did was illegal, and one cannot support somebody who is acting illegally, but he was being put out of business by competition from over the border. I have written to the Minister for Prices and asked him to look at this emerging problem that is going to put many people out of business. It is a significant problem to those people.

I am glad to see the Minister for Agriculture and Rural Affairs has come into the House because the matter I am about to refer to relates to a direction he took in the past couple of weeks without industry consultation relating to increases in the abattoir licence fees. In some cases they have increased from around $300 to $400 up to as high as $5000—that is an increase of 1500 per cent.

I am concerned that the Minister circumvented the legislation by securing a Premier's certificate to put these licence fees in place. The normal procedure followed is that there is a regulatory impact statement called for to assess whether the fees are applicable. But, no, the Minister, in consultation with the Premier, has gone around that process and put these fees in place. It is totally outrageous to bring about a change in an annual fee in that way.

The licence fee is an annual fee and there must have been quite a period leading up to the need to increase the charges when he could have sought a regulatory impact statement and had dialogue with the industry. Admittedly, the Minister has now called for a working party to ascertain whether those fees are going to bring about full cost recovery.

The abattoir operators say they are prepared to accept full cost recovery. Why were people not told that the applicable fee was for full cost recovery before the Minister imposed the increase? The government needed to get its hands on that money first and put it into consolidated revenue, and there is no guarantee the Minister is going to get it back for any purpose.

Mr Rowe interjected.

Mr W. D. McGRATH—The Minister for Agriculture and Rural Affairs has let down primary industry and agriculture in Victoria. He may claim he is going to be the Premier of country Victoria, but when he gets his chance to take the catch for them he drops the ball. The Minister seems to be very sensitive on this issue. It is not often the Minister gets around to interjecting or even coming into the House; at least he is here and interjecting. This issue is hitting a raw nerve with the Minister. I am glad it is hitting a raw nerve with him because it was cowardly to attack the abattoir operators in this State by increasing licence fees by 1500 per cent.

A regulatory impact statement examines the operations. By using a Premier's certificate the Minister is flouting its intention. To have a regulation passed with a Premier's

certificate it has to be—and these words come from the subordinate legislation—"in the public interest". I suggest to the Minister that there was no great immediacy about having these fees put in place; he could have worked through them if he wanted to achieve this goal from around about last May, June and July leading up to this particular time. No, he wanted to drop a bombshell on the meat industry.

The industry has had no support from this State government or from the Federal government. It was told when consideration of the meat inspection fees were before Parliament that there would be a 50 per cent cost recovery. Victoria handed it over—Mr Walker the previous Minister was there—to the Commonwealth and said, "There's no fear about this; there will be no further increases in this 50 per cent commitment". Now there is 100 per cent cost recovery on meat inspection fees.

Mr Rowe interjected.

Mr W. D. McGRATH—The Minister for Agriculture and Rural Affairs under the legislation has the power to bring it back under Victoria's control and show the lead and that he is fighting for the meat industry in this State. There are no press releases coming out about something positive. He has the opportunity to show a lead and say, "Yes, I am on the side of the meat industry, the farmers, the abattoir operators and the union workers. I will bring those meat inspection fees back under the control of the Victorian government if they are going to adopt 100 per cent cost recovery". There is not one word or whimper from the Minister on this subject.

The Opposition must hound the Minister about the increase in meat inspection and abattoir licensing fees because he appears to be dense on this issue and we need to keep it in the public forum until he picks up the ball and runs with it.

I have directed the matter to the Minister's attention and I am glad he is in the House to hear my speech. I hope he takes my remarks on board and does something positive for the rural industry and, in particular, the meat industry.

Mr Rowe interjected.

Mr W. D. McGRATH—I certainly do not recommend an increase in the licensing fees. Perhaps the Minister could do something about Wally Curran's involvement in the meat industry. The meat industry is not just about producers; it is a service industry that provides a good quality product for the community, so it is only natural that the whole community should bear the cost of meat inspection fees.

Mr Rowe—Does the Liberal Party agree with that?

Mr W. D. McGRATH—I believe the Liberal Party would support a reasonable position such as that, and I ask the Minister to take my comments on board.

Mr COLEMAN (Syndal)—On a point of order, Mr Deputy Speaker, during the contribution of the honourable member for Wantirna I raised a point of order regarding documents she had tabled. I understand the honourable member has provided the House with an extract from the material to which she was referring. Although the paragraph that was extracted from the letter to which she was referring has been tabled, the piece of paper I sought to have tabled which contained that paragraph, which was part of the letter from the St Albans North Environmental Action Group, contains other information and the extract that has been tabled does not contain all that material.

If material is requested to be tabled that material ought to be tabled in its entirety and not just select pieces of paper; otherwise the intention of the tabling arrangements would not be met. I hope the honourable member for Wantirna will table all the documents from which she was quoting.

The DEPUTY SPEAKER—Order! I have noted the honourable member's remarks. I shall take up the matter with the honourable member for Wantirna and I assure the honourable member for Syndal that he will get a response.

Mr SEITZ (Keilor)—The matter that I grieve about today relates to the press release of the Minister for Transport indicating that agreement has been reached with the Bus Proprietors Association on the operation of private bus companies in Victoria.

I congratulate the Minister for his success in undertaking a difficult task, because he has persuaded the association to be serious about the public transport needs of the community and to appreciate that we have a dual public transport system—private and public sector operators. It is of absolute importance that honourable members on both sides of the Chamber encourage the development and cementing of the relationship between these two transport sectors for the ultimate benefit of the community.

Public transport involves all sectors of the community. It is not a single issue such as one affecting teachers, nurses or the business community. Everyone in the community requires some form of public transport at different times in their lives. Children need transport to get to school and to go to sporting activities. Adults need public transport if their cars break down or to travel to their work so that they are not cluttering up the roads with private cars and creating more pollution. I am a strong supporter of sharing private vehicles for those people who feel they must use them.

Since the Labor Party has been in power it has increased the subsidy to private bus operators to $107 million, a significant amount, so they can provide a bus service. Members of the Bus Proprietors Association have gone to court over their disagreement with the government and have disregarded the needs of the community. I am glad this issue is now over and that private bus operators have agreed to sign a seven-year agreement with the government to provide a reliable bus service.

The agreement will affect my electorate, because the Ansair bus company, which is sited in my electorate, builds buses and coaches. Part of the agreement refers to bus replacement, so that provision will assist that company and its workers because we must keep up with new technology and ensure that industry stays in this State. The agreement will give support to companies like Ansair which specialises in providing buses used for public transport, which are of different construction from the larger interstate coaches.

I again commend the Minister and the Bus Proprietors Association and I hope the agreement means that the service provided to consumers will be improved.

The Bus Proprietors Association was stubborn in the dispute with the government, which was due in part to the succour given by the Opposition. The government was determined to alter certain bus routes because of the movement in the population and new developments that have taken place.

Mr Coleman interjected.

Mr SEITZ—I did not intend to take up the full time allocated, but if the honourable member keeps interjecting I shall take up my full time.

As I have pointed out, bus routes are forever changing just as society changes. Streets and centres grow, and this means changing needs in those areas. The fact is of great importance to the people I represent in Keilor, which is a growth area with changing needs.

I urge the government to think about the possibility of introducing smaller buses for developing areas where the streets are often too narrow for big buses, particularly in

areas where there are many courts. The buses could go into the estates and take people to bus terminals with an express runway into the city or work centres where the bulk of the community works.

Opposition members have been interjecting about these comments but when some of their predecessors were in government I was able to convince their Minister of Transport at the time to introduce a smaller bus in the electorate I represent. It was referred to as a phone-a-bus. It was a small 22-seater with a two-way radio control and potential passengers could ring up from their housing estates and be transferred to the railway station. The bus ran every hour. The bus would not move in a fixed route but would pick people up from outside their houses or from convenient locations nearby such as at the end of their court and they were transported to the St Albans railway station. The concept worked extremely well at that time in the developing area which did not warrant a big bus.

Mr Coleman—Is it still running?

Mr SEITZ—The project was cut out under the previous government as the subdivision developed and the patronage increased. Now the children in the area have grown up and bought their own cars and that type of transport is not required any more. However, it is a commendable service and it is similar to the community bus services running now in some suburbs.

The issue of community buses is important because although the bus proprietors need to know that their futures are secure—and the seven-year agreement will do this—there is still a need to maintain a decent service to the community as well as economic efficiency. It is no use the bus proprietors saying, "There was a Cobb & Co. bus run by my great-grandfather in this area for years so we will keep that running" when there is no need for it. That is not the right attitude.

The provision of subsidies to bus proprietors is a subject of which the public is not really aware. Throughout their campaign the bus operators wanted to get their hands on a bigger share of the taxpayers dollar and that is what it was all about. From their point of view the dispute was never about providing a service to the community, it was just about getting more of the taxpayers money into their pockets. If they were really concerned about providing a service to the public they would not have stopped running the bus services as they did at one stage and they would not have tried to blackmail and frighten people by cutting out services.

I should add that the bus proprietors were aided and abetted in that scaremongering campaign of doom and gloom by the Opposition. The Opposition took this tack rather than pointing out to the people that the added expense would come out of the pockets of Victorians.

I am pleased to say that the Minister for Transport has been able to achieve economic efficiency with the concept of the seven-year contract and I ask the private bus operators, as quickly as possible, to sign the contracts so that we can get back to providing the service the community deserves. Some proprietors are still trying to wriggle out of the agreements. They are confidential contracts between each individual company and the government, and I urge the Opposition and all bus proprietors to support the contracts.

The integration of the private bus system with the public transport system is of vital importance so that a bus arrives at a station at the same time as a train arrives. It should not happen that a train arrives shortly after the bus has gone or the other way round; it should be an integrated timetable to provide confidence in our public transport service.

Many young people will be leaving school at the end of the year and seeking jobs. They should be able to rely on the public transport system for attending further education institutions or getting to work. They should not be forced to spend their first few dollars earned on a car and thereafter use private transport, creating more pollution which we are trying to avoid, particularly in the inner suburbs.

I ask all honourable members to support this issue because public transport affects all members of society; it cannot be viewed in isolation. Young or old, everybody needs public transport at one time or another.

Now that the principal agreement has been formed and we have reached the stage of presenting seven-year contracts, it is important that the private contractors sign them. They are all confidential contracts, being a business agreement between the government and the bus proprietors.

Mr PESCOTT (Bennettswood)—That episode about private bus companies has shown that there is a lot of wastage and difficulty in the public transport sector. I shall now move on to another problem in the area of storage of documents within the Ministry of Education.

I am pleased to see that the Minister for Property and Services is present because his department has just completed a report, which is very detailed, on the accommodation of documents within the Ministry of Education.

The Minister has probably read the document, and I am sure he was alarmed at the wastage within the Ministry during the current Premier's time as Minister for Education. According to the report the Ministry has "voluminous holdings", approximately 9 shelf kilometres of low-use current records, unsentenced and sentenced records and archival records which are kept in four areas belonging to the Ministry of Education. Those areas include the Rialto building, one of the most expensive buildings for rent in the State, a storage area in Fawkner, one in Treasury Place and other storage areas in metropolitan regional offices.

The report states that some years ago the Ministry of Education approached the Public Record Office and that office was unable to carry out its obligations in providing appropriate disposal, archiving and secondary storage of material because of lack of resources.

Accompanying the report is a series of photographs, which I have seen. Unfortunately, I do not have the original photographs but I do have photocopies of them. They show a range of storage areas within the Ministry, including an area in the Rialto building in which row upon row of documents are stored at great expense. The storage area at the Rialto building is reasonably neat, but the photographs of the storage areas at Treasury Place show an unbelievable mess with boxes piled on top of other boxes.

In recent years it has been impossible to retrieve or use records of the Ministry for any purpose because the government, particularly during the Premier's reign as the Minister for Education, has neglected this area. It is an indictment of the Premier that she allowed a basic function of the Ministry of which she was in charge to get into the situation described in the report.

Parts of the report describe the difficulties encountered when the Department of Property and Services finally went to consider the storage problems. I shall quote from the report:

> Poor management and neglect of these records over time, as well as a lack of support staff to process, index and handle active and non-active records, had led to a huge backlog of unprocessed records being held by the Ministry at the time of its initial approach to the Public Record Office. The Ministry's vaults at 2 Treasury Place had been filled for some time.

Those vaults are included in the photographs to which I referred and are an unbelievable indictment of the Ministry of Education. The report continues:

> The Public Record Office, due to its own lack of facilities, staff and funding, was unable to fulfil the Ministry's request. As a result, in February 1988, the Lynch Street Primary School, Fawkner, was occupied as the Fawkner storage area taking in approximately 4 kilometres of records.

The Ministry of Education was unable to cope with a basic function of any Ministry. Instead of coping with the situation, the Ministry dumped documents in another building. While that was being done, the Ministry also proceeded to fill up the Rialto building.

As I said earlier, the Rialto building is one of the most expensive buildings to rent in this State. According to the report, it is estimated that between 1 and 1.5 kilometres of records could be removed from that building because they are either inactive or low-use current records. The total rental for the floors taken up in storing documents is $2.4 million a year. Of all the records in that storage area, some of them are useful and should stay there. However, the inactive records and the low-use current records should be moved. According to the report, if those documents were moved approximately $300 000 a year would be saved.

The report refers to metropolitan regional offices, the Fawkner storage area, the Treasury vaults and documents stored at the premises of the Victorian Curriculum and Assessment Board at 582 St Kilda Road. The savings of $300 000 that can be made at the Rialto building are miniscule compared to the savings that can be achieved and could have been achieved in previous years.

The report contains many figures, and it states that over three years one of the preferred options in the report would save $1.1 million. If that is projected backwards, one could effectively argue that if that preferred option had been taken three years ago, the State would have already saved $1.1 million. Over ten years, another of the preferred options would save $1.4 million. That is an enormous indictment of government.

In addition to the figures I have quoted, the report contains a summary of issues relating to the way the poor storage of documents affects the running of the Ministry of Education. As I said, the current Premier was the Minister for Education when this was occurring. She spent all her time running around trying to sell the Victorian certificate of education and the politics involved with it instead of actually running her Ministry. It does not augur well for the State that the Premier was unable to properly manager her former Ministry.

The summary of the report refers to such things as the lack of appropriate and rigorous records management throughout the Ministry. One of the basic requirements of a Ministry is a proper record of what it is doing. The report talks about disused school buildings being used for the storage of records, stores and heavy equipment. One can guess that those buildings are in a state of disrepair because almost all schools in Victoria are in dire need of additional funds for maintenance purposes.

The report refers to repeated relocation of stored bulk materials from one inappropriate location to another. Honourable members should consider the wastage in moving one set of low-use documents to another location simply to keep ahead of the problem. As I said, that type of activity was going on when the Premier was the Minister for Education.

The report also refers to highly paid administrative staff being used to carry out basic clerical, relocation and repository work. It talks of inefficient and costly office practices with staff spending hours searching for specific records stored in temporary secondary storage. The report refers to people queueing at limited access points to compactuses

for which registry office functions had been abolished. Reorganisation was going on within the Ministry to try to make it more efficient, but in the end it made it more inefficient because basic functions were not being carried out.

The report refers to inexperienced and unqualified staff in various areas developing individual archival procedures.The report covers a whole range of matters. A great deal of stress is being experienced by staff who are expected to deal with situations which are overwhelming in their complexity. There is a lack of resources, time, defined limits and senior support. All these things are listed in the document which describes an important area in the way the Ministry of Education has been run in recent years.

It also mentions many of the buildings being used as storage areas or dumping grounds which could be sold. The Minister for Property and Services is in charge of an assets disposal program to try to get back some of the assets the government has had so it can use the assets, or so we are told, for developing other areas in the State. While it is busy selling off some parts of the State there are others it could get hold of to sell but it has not understood that and not located them because they are full of records, many of which could be thrown out. This could be achieved in this Ministry and in all other Ministries if the Department of Property and Services had enough resources to give the appropriate advice, which is its role in the public sector.

There is a very serious area in the department which the Minister says he has been addressing——

Mr Baker—You're a week late!

Mr PESCOTT—The Minister says I am a week late. I say he is many many weeks, if not years, too early in getting rid of the former Keeper of Public Records who was sacked recently against the recommendation of the Public Service Board. The board had a review in August this year. I have the review document here, and it says the existing structure should be retained. On the advice of some apparatchik in his Ministry the Minister sacked the most senior archival man in the country, who had a great record. He has been kept, but he has a different function. He has just had his colours stripped from him. Why? He was trying to do his job with integrity, and he kept asking the government for documents to be retained or retrieved—documents which were needed as records of the history of the State—but some of these documents have disappeared. We are still waiting for the government to confirm that Cabinet documents dating back beyond 1954 are still in existence. The documents have been seen since the government came to power, but have not been seen in recent times.

Mr Baker—They were destroyed by Liberal governments!

Mr PESCOTT—The Opposition has proof that the Cabinet records have been seen since the government came to office. We can bring the people who have seen them before the Bar of the House and they can state on oath that they have seen these documents but they have been destroyed by an incompetent government which has been in power now for eight years.

The Minister for Property and Services should do all he can to educate the new Minister for Education to ensure the record-keeping system within the Ministry of Education improves so it can dispose of the enormous wastage that is going on at the high-rent Rialto Towers building. It keeps kilometres of documents that could be thrown out. There are vaults below Treasury Place which are full of documents nobody has time to look at and which are badly kept. Some of them may be very important for particular Ministries, but nobody knows because nobody has been able to get the system straight. It is a shame and a disaster.

It is a matter that will cause the government to hang its head in shame when the coalition becomes the government and tries to fix the mess. The coalition government will have to fix not only the financial mess we all know about but also the mess relating to the management systems that have been put in place. It will be the mess which is typified by a Ministry run so badly by the current Premier that the basic functions of keeping records were allowed to slide into an abyss.

Mrs GARBUTT (Greensborough)—The matter I wish to mention concerns the experiences and problems of young people at work. In particular I would like to refer to young students who undertake holiday jobs as casuals or work part time on weekends or after school as well as some young people in their first full-time jobs.

For the past few months I have been working with a task force set up by the Minister for Labour. The members of the task force have talked to many young people through phone-ins, where they were encouraged to ring and talk about their experiences at work. I also attended a forum organised by the Youth Policy Development Council. Young people were invited in and spent a day discussing their experiences at work and the task force has conducted workshops. All these young people were also school students, so their jobs were part time. The task force members have met other young people as well.

Overwhelmingly, young people are saying they are not getting a fair go at work and that their experiences in the world of employment are very bad. Their problems are not being addressed and they do not know how to address them. One of the best ways of understanding what sorts of experiences young people are having is to listen to their stories. I should like to relate to the House a few of the many stories—some of them horror stories—that young people have told us about their first experience in the world of work.

Firstly, there was a young woman working in an ice-cream shop as a part-time casual. She fell at work and hurt her back quite badly but was made to keep working. She left early and was subsequently docked her wages. The injury was not recorded, obviously breaking the WorkCare requirements. She was not always paid for all the hours she worked; in other words, she was asked to stay back a little longer if the shop was busy and did not receive extra money for that. She was finally fired when she attempted to join a union.

Another young woman told us she worked as a kitchen hand in a catering and carvery establishment. She was paid $3.97 per hour. She ended up with severe repetitive strain injury from chopping fruit salad all day. This has done permanent damage to her tendons. She has come out of this a bit wiser, but will live with that injury for the rest of her life. She was paid $42 for 12-hour shifts. The staff were given incentives to lie to the health inspectors. When the girl finally asked about her award rights, she was soundly abused. Her mother rang Wageline at the Department of Labour to obtain the information, but the girl was fired when she told her employer what her correct award wage should be.

A young man who worked for a developer was paid $8 an hour. He was paid extra to hide from the union representatives. He was asked to knock out walls that contained live wires. It is obvious why his employer wanted him to hide from the union representatives. He was also working directly under roof tilers. No-one should have to tolerate those sorts of working conditions. The young man was asked to lift excessive weights, some his own body weight, and he was shown the incorrect way to do so. He did not receive any advice about wages or any other information that would help him to come to terms with his working conditions.

A young man working at a supermarket for more than two years was given a fork-lift to lift goods. However, he did not have a licence to operate this large piece of equipment.

Those are the sorts of experiences that some young people have suffered. The jobs were mainly casual or part-time jobs; they were not jobs that the young people regarded as careers. It is just as well because they were a poor introduction to the work force. Those experiences will stay with these young people for the rest of their lives. The case of the young girl with a permanent injury is of concern because she will suffer as a result of that injury for the rest of her life.

The problems that young people have suffered in their introduction to the work force include: the non-payment of wages, particularly overtime; late payment of wages, such as wages being held up for five weeks; and excessive responsibility. We were told about young people who were left alone in charge of shops at night. Young people were forced to work long shifts of 10 or 12 hours at a time even though they had to go to school the next day. We were given many examples of unsafe working conditions and health hazards in the workplace with no training being provided to these young people. Young people suffered various harassments such as bullying, the denial of information about their rights and entitlements, sexual harassment, and of apprentices being pushed around by senior staff.

We were told about scams that were practised on young people who were looking for apprenticeships. One girl who wanted a hairdressing apprenticeship was interviewed by a manager of a hairdressing salon who encouraged her to do a couple of days work to find out whether she was suitable and perhaps she would be offered an apprenticeship. The young girl put in a full day on Friday, including late at night and a full day on Saturday. She was then told she was not suitable and that employment for those two days was only a trial and that she would not be paid. The girl's mother subsequently made inquiries about the girl's rights. She told me about the situation and she then found that the salon had had a procession of young women through the salon on the same story but no apprenticeship had been given. That was a great way for a salon to obtain free labour!

Other scams include training courses where young people were encouraged at the end of their training to go out to work to get experience. One young man who had completed a computer training course rang to obtain information because he had been working for three weeks full-time, doing productive work, but had received no pay. It was a requirement of the training course that he undertake that work or he would not be helped to find a job. That is a disgraceful exploitation of young people who are eager to get training and find work.

The Department of Labour's figures confirm the stories that these young people tell. We know that young people do not report their injuries and problems in the same way as adults do because they are not aware of their rights, the employer's responsibilities and where they can go for help. The occupational health and safety figures show that young workers report a high proportion of certain types of injuries, particularly cuts, lacerations, contusions and crushings. They also report non-compliance with award conditions at a greater rate than do adults. There is some incidental evidence to support that view.

When the youth Wageline was established at Christmas-time last year, the Minister promoted the service. It was a quiet time of the year for the reporting of these incidents but more than 900 calls were received in three weeks. Similarly, during the young workers' phone-in in June this year more than 1000 calls were received from young people in three days. The majority wanted information about rates of pay and award conditions but others also reported health and safety problems, harassment and problems with apprenticeships and training courses. Approximately 35 per cent of calls were from young people from country regions. Obviously problems occur throughout Victoria; they are not confined to the city.

Last year, Job Watch, an independent organisation specialising in the problems associated with employment, undertook a major survey using a questionnaire at two Melbourne schools on the problems of the young at work. Some of the major findings were: most young people have some experience of paid employment before they leave school; 42 per cent of year 7 students have worked at some time for pay; and 75 per cent of years 11 and 12 students have undertaken some form of paid work. This is not a problem that is isolated to a few young people who are motivated to get part-time jobs; it is a problem common to nearly every schoolchild in the State.

Those experiences are a poor introduction to the work force for young people. Most disturbing and probably fundamental to the whole problem was the finding by Job Watch that most students knew little about what their wages should be. If they had problems they did not know where to obtain information that might help them and even if they did have that information they did not know what to do with it. Most students knew nothing about unions or about awards, and few knew anything about WorkCare. They did not know about the requirement that injuries be reported and most students knew nothing about the Department of Labour.

On receiving that report the Minister for Labour established the Young Workers Task Force, which I now chair. It was an attempt to bring together a range of people involved with young workers, including representatives from the Ministry of Education, the Department of Labour, the Victorian Employers Federation, the Victorian Trades Hall Council and the Youth Policy Development Council. We have been trying to work this out in a cooperative way, keeping in mind the rights and needs of young workers and trying to coordinate our work so that each knows what the other is doing and is able to contribute to the understanding of the problem and the solutions to it.

One of the main focuses of the work must be to get more information to young people and the task force has already undertaken some major activities to emphasise that point. A video on the industrial rights of young people will be launched tomorrow. The aim is for the video to be distributed throughout schools. In an interesting and entertaining form it shows some of the problems that, in this case, a young man faces and the various ways he can go about getting information to assist him to overcome the problems. The video will be followed by some classroom resource material for use by teachers with the video. Those materials will be distributed throughout schools.

The task force has undertaken a number of significant activities, including the development of curriculum support materials for students in years 7 to 9. The task force has agreed that the materials need to reach young people well before senior high school. By that time most young people have experienced work and we know that many of them will have experienced problems.

A number of other agencies have been working in the same area and developing programs in association with members of the task force. These have included Project School Industry which is funded jointly by the Youth Guarantee and the Ministry of Education. A union kit has been developed for distribution to schools next year which will help students to understand the role of students in the workplace.

The Victorian Occupational Health and Safety Commission has authorised the development of curriculum material about work for the new Victorian certificate of education. The Ministry of Education has been incorporating basic union information into the Job and Course Explorer which is a computer program young people use to get information about various jobs and courses. *Pursuit* magazine, which goes to all schools, has undertaken to produce a range of regular articles next year focusing on young people's industrial rights. In addition a pamplet on school holiday jobs was distributed last year in association with Job Watch. The pamplet has been updated and will be distributed again tomorrrow at the launch of the video.

Earlier this year the task force produced a poster featuring Kate Ceberano, a popular young singer, advocating youth Wageline, which young people can use to get information. The producers of the television program *A Country Practice* have been holding discussions with the task force and are interested in using the issue in some of their productions next year. A range of initiatives have been undertaken by the task force and its individual members with the express intention of getting information across to young people to assist them to understand their rights and entitlements in this area and how to exercise them.

In the long run the task force will report to the Minister for Labour with long-term strategies his department can put into place to help overcome the problems that have been identified. Obviously young people need to be told they can get a fair go—they just have to know where to find help, where to go for advice and how to exercise their rights.

I stress that the Victorian Employers Federation has been an important member of the task force. The VEF representative has worked on the various projects and recognises the need for young people to be given a fair go at work. Employers that do not give young people a fair go underpay them, or do not pay them overtime, enforce safety standards or have proper training procedures and so on, disadvantage other employers who follow the letter of the law and incur costs in so doing. It has been a cooperative and so far a very effective approach, keeping in mind the needs of young people.

Mr TANNER (Caulfield)—I grieve about the role of this Parliament and the way it has been degraded over the past eight years. I know that the role of Parliament since the advent of party politics has not soared to the heights it did before the institution of political parties, and that these days individuals do not have the ability and freedom of action and expression that individuals had in prior years.

Mr Roper interjected.

Mr TANNER—I take up the interjection of the Treasurer and grieve in particular at his action yesterday when in his second-reading speech on the State Bank (Succession of Commonwealth Bank) Bill he attempted to give the Opposition one week in which to consider the Bill before debate on it is resumed. By such a proposal the Treasurer was, in effect, again degrading the institution of Parliament and, in particular, this House. In effect he was again emphasising the power of the executive over the legislature.

As the Treasurer has pointed out, there are not many members in the House at the moment. One of the consequences of his action yesterday in introducing that Bill—although thankfully he relented after argument and allowed two weeks delay before debate is to be resumed—has been that this afternoon members of the coalition parties have been immersed in meetings to consider the Bill and whether it should pass the Parliament. As honourable members will be aware, the Bill deals with the greatest single financial disaster that has befallen Victoria in its history. The Bill is an attempt to partly overcome the $2700 million debt that has been built up as a result of the State Bank–Tricontinental fiasco. The Treasurer may also refer to the back benches behind him, which are virtually empty again today. They have been virtually empty from the day this government was elected. Unfortunately, Mr Speaker, your breaking with precedent and refusing to call quorums has only encouraged government members——

The SPEAKER—Order! The honourable member for Caulfield should not reflect on the Chair or rulings of the Chair.

Mr TANNER—I make the point, Mr Speaker, that you do not call quorums these days and, as a result, honourable members on the government side are under no obligation—as were members of previous governments—to attend the sittings of the House to ensure a quorum is present. I grieve for the role of Parliament.

The SPEAKER—Order! The time allowed for the debate has expired.

Question agreed to.

TATTERSALL CONSULTATIONS (FURTHER AMENDMENT) BILL

Second reading

Mr ROPER (Treasurer)—I move:

That this Bill be now read a second time.

The purpose of the Bill, which was foreshadowed in the Budget Papers, is to facilitate the development by Tattersall's of its Keno game into a more modern, sophisticated and attractive product.

It should be emphasised that the Bill is being brought to Parliament now to facilitate an expansion of an already existing Tattersall game in a new format. This is the first part of a comprehensive gambling package to be announced before the end of December. The Bill in no way pre-empts the outcome of the review of gambling presently being conducted by the government and it will not be proclaimed until the review is completed.

Tattersall's proposal for the new Keno game involves draws every 5 minutes with the results being immediately available at the outlets on video screens. Experience elsewhere, including in South Australia, shows this sort of development is popular with the public. It will provide substantial new revenues for the Hospitals and Charities Fund as well as an exciting new game for Tattersall's players.

Experience elsewhere shows also that to provide attractive prizes it is necessary to increase the overall return to the player. The Bill therefore proposes to increase the return to Keno players from the present 60 per cent to 72·5 per cent with a corresponding reduction in government duty rates. It is expected that increased turnover will generate increased revenues to more than compensate for this reduction in duty rates.

The Bill proposes a separate sliding duty rate scale for Keno of:

22.5 per cent on the first $100 million of Keno sales in a financial year;

23.0 per cent on the next $200 million of Keno sales in a financial year; and

23.5 per cent on the remainder of Keno sales in a financial year.

This gives Tattersall's a sliding scale of margins to fund Keno, ranging from 5 per cent to 4 per cent. These margins are the same as those applying at present to all consultations. However, in the absence of this separate Keno scale, Keno would have to be funded on a 4 per cent margin and this is judged not sufficient to launch a radically modified game of the nature of the new Keno requiring substantial capital investment.

The proposals in the Bill for a separate Keno duty rate scale give Tattersall's a margin of up to $2 million a year more to run Keno than if it had to be funded on the exising 4 per cent margin. It should be remembered that to the extent that the margin is not

used to meet operating expenses it contributes to the profit in which the government, and thus the Hospitals and Charities Fund, shares.

The Bill also proposes adjustment to the profit sharing arrangements. Presently, 25 per cent of Tattersall's profit is paid to the Consolidated Fund and 10 per cent is paid to the Lotteries Development Fund (LDF) leaving 65 per cent for the trustees. However, if the trustees share would otherwise exceed 1·5 per cent of sales, the excess over the 1·5 per cent is at present divided equally between the government and the LDF. The Bill proposes to remove the ceiling on the trustees profit and to change the profit shares to a flat 50 per cent to the trustees, 35 per cent to the government and 15 per cent to the LDF.

This arrangement will remove the disincentive effect on Tattersall's of a profit ceiling but in terms of the bottom line leaves the parties in broadly the same position as at present. It is in the interests of Victoria, as well as the trustees, that the trustees are able to share in the marginal dollar of profit and thus have an incentive to maximise their operational efficiency.

The effect of the arrangements proposed by the Bill is to make it possible for a development to proceed which is estimated to increase revenues to the Hospitals and Charities Fund by $20 million in a full year. The Budget estimates for 1990–91 include allowance for an additional $7 million from Keno. The outcome will, of course, depend on when the new Keno game is commenced.

I commend the Bill to the House.

Debate adjourned on motion of Mr W. D. McGRATH (Lowan).

Mr ROPER (Treasurer)—I move:

That the debate be adjourned until Tuesday, 27 November.

Mr W. D. McGRATH (Lowan)—I seek an assurance from the Treasurer that if more time is needed he will provide that for the Opposition.

Mr ROPER (Treasurer) (*By leave*)—I certainly give that undertaking, as I gave it to the honourable member for Forest Hill before the honourable member for Lowan was here.

Motion agreed to and debate adjourned until Tuesday, 27 November.

EDUCATION (FURTHER AMENDMENT) BILL

Second reading

Mr KENNAN (Attorney-General)—I move:

That this Bill be now read a second time.

The Bill has three main purposes:

it will enable schools to retain revenue derived from the sale of surplus or obsolete goods and equipment;

it will enable overseas students to be charged fees for their education in Victorian government schools; and

it will remove a series of anomalies in the Education Act 1958 in relation to the registration of non-government schools.

The Education Act presently requires that all proceeds from the sale or disposal by schools of surplus goods or equipment be returned to the Consolidated Fund. The

Minister for Education has received numerous approaches from many members of Parliament, from school councils and from parent organisations concerning the lack of incentive under the current arrangements for schools to conduct an efficient disposal program. Given that many of the surplus or obsolete goods in schools are items that were purchased from locally raised funds, it is understandable that local school communities resent having to return the proceeds from the sale of surplus goods to the Consolidated Fund.

Part 2 of the Bill proposes to amend the Education Act to give schools the opportunity to reduce their stocks of surplus or obsolete goods for the benefit of their schools. The Minister for Education will be empowered to determine an appropriate value below which schools will be able to retain the proceeds from such disposals.

Where local circumstances warrant, administrative arrangements will be put in place to enable special approval to be given for a school to retain the proceeds where the amount is in excess of the Minister's determination. This amendment does not distinguish between goods purchased with locally raised funds and goods purchased with government funds.

One of the benefits that will flow to schools as a result of this amendment is that they will be able to take advantage of trade-in opportunities so that they may obtain better value for both locally raised and government funds.

I turn now to the second main purpose of the Bill. Australia's trade deficits and overseas debt have led to proposals for the introduction of Victorian government measures to encourage exports, particularly in the services sector. Educational services by the government school system may be an important potential source of export earnings.

Part 3 of the Bill amends the Education Act to enable the recruitment of full fee paying overseas students for instruction in government schools. The Bill will do this by excluding overseas students from the direction that instruction of all children attending a State school shall be free for the subjects specified in the Second Schedule of the Act. An overseas student is defined as a person, or a child of any person, who is not an Australian citizen or a permanent resident of Australia and who enters Australia for the primary purpose of receiving education.

The Bill will also authorise the Minister for Education to determine the fee to be charged, to exempt an overseas student or a class of overseas students from the fee, and to exclude from school an overseas student who fails to pay the fee. The Bill will apply only to overseas students and not to other categories of temporary residents, who are to remain eligible to enrol in Victorian government schools on the same basis as permanent residents. Exchange students participating in approved reciprocal exchange schemes, such as Rotary International's Youth Exchange Program, will not be affected by the Bill.

The introduction of a full fee program in government schools may raise community concern about whether the interests of Victorian students are being adequately protected. The government assures members that the detailed arrangements for the pilot program will be designed to support the primary responsibility of the public education system to provide free of charge, a comprehensive, high quality education for all Victorian students. A review of the program will be conducted during its first year of operation. This review will include an assessment of the impact of the program on service to domestic students.

The introduction of a full fee program in government schools will bring Victoria into line with other States and introduce a further option for overseas students wishing to undertake quality secondary study in Victoria.

I now move to the third main purpose of the Bill. The series of changes proposed in Part 4 of the Bill will remove anomalies in provisions in the Education Act which currently apply to non-government schools. No change in purpose or policy is involved. The changes will:

allows schools to include all students over four and a half years of age in their counts of enrolments,

allow secondary schools to drop resignation at one or more year levels while retaining the registration of the school,

ensure that registered schools operating pre-preparatory classes also register as children's services centres,

eliminate the requirement to publish registers of registered schools and teachers,

allow the fees for the registration of schools to be set by regulation, and

increase penalties for unregistered teachers and schools.

The Education Act was amended in 1985 to increase minimum enrolments required for registration purposes. These minimum requirements have applied to all new non-government schools since 1985, and they are to apply to existing schools from 1 January 1991.

The amendments proposed in clauses 7 and 8 will remove anomalies which could mean that some schools may not be eligible to continue with their current registration status. Clause 7 will permit all students between the ages of four and a half and eighteen years of age to be counted towards minimum enrolment figures.

There is no mechanism in the Act for maintaining registration of the school while reducing any of the specific year levels for which it holds registration. Clause 8 provides this option.

The requirements to publish registers of schools and teachers in the *Government Gazette* is costly. Clause 10 removes this requirement. The Registered Schools Board can still confirm the registration of a school or teacher from its own records.

The Education Act fixes a fee of $200 for initial registration of a school. It is proposed that the fee be prescribed by regulation rather than by the Act. No significant increases are proposed at this time.

A number of registered schools operate "pre-prep" classes for children below four and a half years of age. Children of this age should be safeguarded by the provisions of the Health Act 1958 which regulate children's services centres. The change proposed by clause 11 will achieve this. Registered schools may of course hold dual registration, as many do at the moment.

It is proposed to increase penalties for non-compliance with specific provisions of the Education Act 1958. The maximum penalty (such as for conducting an unregistered school) will be increased to 20 penalty units which is currently $2000. New penalties of 5 units ($500) have been included for offences such as teaching without being registered or operating a school employing an unregistered teacher.

I commend the Bill to the House.

Debate adjourned on motion of Mr RICHARDSON (Forest Hill).

Debate adjourned until Thursday, 29 November.

NATIONAL PARKS (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Mr CRABB (Minister for Conservation and Environment)—I move:

That this Bill be now read a second time.

The Bill amends the National Parks Act to:

add important National Estate areas of old growth forest to national parks in East Gippsland;

add areas to several other national and State parks;

widen the tenancy provision of the Act with respect to Mount Buffalo National Park to broaden the scope for commercial tenancies of the Mount Buffalo Chalet, Tatra Inn and the ski lifts;

widen the regulation-making provision of the Act to enable discounts, deductions, concessions or exemptions to be made to a park toll, fee or charge;

correct two small mapping errors in previous legislation to enable timber harvesting to occur in accordance with Land Conservation Council recommendations approved by government; and

change the name of Paddy Ranges State Park to Paddys Ranges State Park.

The Bill will help to consolidate Victoria's park systems through small but important additions to several parks, and will also help to make the administration of the National Parks Act more efficient.

ADDITIONS TO EAST GIPPSLAND NATIONAL PARKS

Three areas totalling 6450 hectares will be added to three parks in East Gippsland. The additions are:

the catchments of Swamp Creek and Good Hope Creek, to be included in Snowy River National Park;

an easterly tributary of the Goolengook River, to be included in Errinundra National Park; and

the catchment of the West Thurra River and a tributary of Back Creek, to be included in Coopracambra National Park.

The three areas contain valuable areas of old growth forest in essentially undisturbed catchments, together with significant flora and fauna, including rare or threatened species such as the sooty owl. The addition to Snowy River National Park also abuts one of that park's main access routes, thereby increasing the opportunities for visitors to enjoy the park.

These additions result from recent government decisions on East Gippsland which aim, among other things, to give increased protection to areas of old growth forest.

Measures being taken in this Bill are to be complemented by proposed changes to the Forests Act to commit the government to provide a sustainable level of hardwood sawlogs under licence to the timber industry.

OTHER ADDITIONS TO PARKS

The Bill adds areas to Tarra–Bulga and Little Desert national parks, and to Lerderderg and Kamarooka State parks. A feature of these additions is that most of them have resulted from either donations of land or money by private individuals, or the exchange of land between the Crown and private owners.

Two additions to Tarra–Bulga National Park in South Gippsland will increase its area by 292 hectares to 1522 hectares:

the addition of a very important link between the separated Tarra and Bulga sections of the park will consolidate substantially this small but significant park. The land being added has been acquired by exchange from APM Forests Pty Ltd, following a recommendation of the Land Conservation Council;

the link will enhance considerably the park's long-term conservation value and expand the range of recreational opportunities. The area also contains the recently opened Rainforest Information Centre and a walking track, both constructed as part of the Commonwealth–State national rainforest conservation program;

a purchased block of land is also being added which will further consolidate the park. This valuable addition will help to protect the environs of the beautiful Cyathea Falls and some cool temperate rainforest. The purchase, through the Victorian Conservation Trust, was made possible by funding provided by the national rainforest conservation program and a generous anonymous donor.

Broughtons Waterhole, a small inlet containing a wetland and attractive river red gum woodland, will be included in the Little Desert National Park. This addition has been made possible by the former owner—the Williams family—generously donating the land to the Victorian Conservation Trust for inclusion in the park.

As a result of the Land Conservation Council's Melbourne area district one review, completed in 1987, 750 hectares will be added to Lerderderg State Park. This will rationalise the park boundary and bring the area of this popular park, which is close to Bacchus Marsh, Melton and the western suburbs of Melbourne, to 141 square kilometres.

Kamarooka State Park, north of Bendigo, will be expanded by 600 hectares to 6900 hectares. The additions are a result of a land purchase and two land exchanges. They include areas of the significant whipstick Mallee vegetation and will help to consolidate this very important conservation park, which is largely surrounded by cleared farmland.

MOUNT BUFFALO NATIONAL PARK

The existing section 31AA of the principal Act enables the Victorian Tourism Commission to take a tenancy over the Mount Buffalo Chalet and ski lifts. This Bill amends that section so that it is no longer applies only to the Victorian Tourism Commission and so that it can also apply to Tatra Inn. The Bill also removes the restriction of twenty years as the maximum term for which a tenancy may be granted.

Any such tenancies will be subject to leasing conditions to ensure that conservation values are protected. This amendment is in line with government policy to encourage private investment tourism.

REGULATION-MAKING POWERS

The Bill amends section 48 of the principal Act to enable discounts, deductions, concessions or exemptions to be made to all or part of a toll, fee or charge. The amendment will enable the Minister or director to apply these variations to designated

people, or on designated days, or in accordance with contracts with tourist bodies. This flexibility will be valuable from a social justice stance.

PROVISION FOR TIMBER HARVESTING

The Bill corrects two small mapping errors in previous legislation which currently preclude two small volumes of timber being harvested in accordance with Land Conservation Council recommendations approved by government. The southern boundary of Snowy River National Park will be corrected by excising about 300 hectares from the park. This will revert to unreserved Crown land.

Provision is also made for timber harvesting to occur until 1 July 1993 in a very small area near Mount Selwyn in the Alpine National Park.

PADDYS RANGES STATE PARK

The Bill changes the name of Paddy Ranges State Park to Paddys Ranges State Park, following a decision of the Place Names Committee.

CONCLUSION

This Bill contains some important provisions which will be of lasting value to Victoria's world-class parks system and to its efficient management.

I take this opportunity of placing on the record the State's appreciation to those whose generous donations have led to additions to the parks system.

I commend the Bill to the House.

Debate adjourned on motion of Mr COLEMAN (Syndal).

Mr CRABB (Minister for Conservation and Environment)—I move:

That the debate be adjourned until Thursday, 22 November.

Mr COLEMAN (Syndal)—On the question of time, Mr Speaker, the Minister for Conservation and Environment has some five Bills on which he wishes to make second-reading speeches today. This Bill is perhaps the most complicated of those five, and the provisions relating to the Mount Buffalo National Park and the tenancies will be particularly contentious. On that basis, I seek an adjournment of the debate for two weeks. We may be able to come to an arrangement for a shorter period of adjournment of the debates on the other Bills, but I seek an adjournment of the debate on this Bill for two weeks.

Mr CRABB (Minister for Conservation and Environment) (*By leave*)—There are certainly some provisions of this Bill that I would like to see passed through Parliament this sessional period, as the honourable member is aware. I would rather that the debate be adjourned for one week, and if the Opposition needs more time, I shall be happy to provide it. If the Opposition finds, after consultation, that the provision relating to the name of the Paddy Ranges State Park or some other such provision causes some particular difficulty, I should be happy to provide extra time. I prefer that the debate be adjourned for one week, and I shall give the Opposition more time if it needs it.

Motion agreed to and debate adjourned until Thursday, 22 November.

WATER (MINERAL WATER) BILL

Second reading

Mr CRABB (Minister for Conservation and Environment)—I move:

That this Bill be now read a second time.

The Bill amends the Water Act 1989 and the Groundwater Act 1969 to allow for an increase in the mineral water levy from 1 cent to 2 cents per litre.

In Victoria mineral water has been recognised since the 1860s as having special properties worth protecting. In 1865 the first mineral springs reserve was created and in 1867 the first lease was issued for bottling mineral water.

The former member for Ballarat North, Tom Evans, and the Citizens Committee for Spa Centre Development played a major part in lobbying for the introduction of a levy to develop mineral springs reserves and promote the mineral water industry.

The former government introduced the Groundwater (Mineral Water) Act 1980. This Act provided for a levy of 1 cent per litre for mineral water extracted by persons issued with a ground water licence. The revenue from the levy is applied towards mineral water reserves development and maintenance works through an annual program. Appropriations have also been applied towards promoting and assisting the commercial development of the mineral water resource.

A significant amount of the expenditure is directly undertaken in the local community and assists in promoting the Central Highlands area as Australia's paramount mineral springs region. This promotes tourism and the marketing of many brands of mineral water.

The mineral water levy has remained unchanged since it was introduced in 1980. Had the levy increased by the CPI since its introduction it would have increased to 2.2 cents per litre. The proposed increase is thus still 16.7 per cent less than if CPI increases had been applied throughout.

Over the past ten years consumption of mineral water has greatly increased, largely because of the public's preference for a natural product and the introduction of flavoured mineral water and juices.

Important works and benefits already funded from the levy are:

expansion and redevelopment of the Hepburn bath house and spa complex;

restoration of the historic pavilion at Hepburn Springs;

improvements to the other mineral springs reserves;

increased promotion of mineral water; and

water testing programs.

However, not all projects can be funded from the receipts from the current levy.

An additional $300 000 of revenue is expected to be generated this financial year, or $600 000 in a full year. The levy forms a small cost component of the retail price of bottled mineral water. With the additional revenue the region will receive additional works and thereby the local community will benefit.

The additional revenue from the increased levy will be used primarily to fund the upgrading of environmental measures to protect mineral springs from pollution; including those within the Daylesford–Hepburn region, Ballan, Kyneton, Taradale,

Vaughan, Deep Spring and those less well-known areas at Clifton Springs, Geelong, Donnybrook, Flowerdale and Yea.

There are a number of environmental monitoring operations currently being undertaken in the mineral springs area. The Rural Water Commission is monitoring the bore water levels in the springs reserves and undertaking a sampling and monitoring program of bottled and spring waters.

The following works are seen as augmenting the existing activities:

updating and publication of mineral springs resource inventory;

review of bottled water ground water area including water quality, aquifer yield, safety from contamination, and the designation of appropriate exclusion zones around the extraction facililties;

development and implementation of guidelines for environmental protection within a 200-metre radius of all mineral springs outlets;

development and implementation of policies to cover surface and underground mining within a recognised mineral springs catchment or within 2 kilometres of a mineral spring, including reprocessing of mine dump wastes and tailings and underground reef mining dewatering within a defined radius of a mineral spring;

hydrogeological surveying of the springs reserves; and

drilling programs to determine geological and land use factors affecting mineral water quality.

These works will be of direct benefit to consumers of ground water and protect the good name of Victorian mineral water.

The increase in the mineral water levy will result in improved land management practices that will provide for sound environmental management of the mineral water resource.

I commend the Bill to the House.

Debate adjourned on motion of Mr COLEMAN (Syndal).

Debate adjourned until Thursday, 29 November.

FISHERIES (ABALONE LICENCES TRANSFER CHARGES) BILL

Second reading

Mr CRABB (Minister for Conservation and Environment)—I move:

That this Bill be now read a second time.

The Bill amends the Fisheries Act 1968 and increases the impost for the transfer of an abalone licence from the existing amount of $10 000 to an amount of $50 000 or 5 per cent of the sale price of an abalone licence (whichever is the greater).

The Victorian abalone fishery, which commenced in 1962, has been managed as a limited entry fishery since 1968 when 96 divers took up the option for the issue of a specific abalone licence for an annual licence fee of $200.

In 1983 the then Minister for Conservation, Forests and Lands announced the government's intention to legislate to allow abalone licences to be transferred on a two-for-one basis, that is, two licences transferred and consolidated into a single licence. At that time the Minister stated that the long-term objective of the government

was to appropriate approximately 10 per cent of the gross value of the fishery generated by the licensed divers. This statement of government policy, while not agreed to by the abalone divers, was certainly made known to them as part of the government's strategy for the introduction of licence transferability in the abalone fishery.

In April 1984 licence transferability was introduced into the fishery on a two-for-one basis with a transfer fee of $10 000 and an annual licence of $2620. A number of licences were transferred and consolidated until the number of licences was reduced to the present number of 71.

In 1988 abalone licences were made transferable on a one-for-one basis as part of an arrangement to introduce catch quotas into the fishery. The transfer fee was not increased but remained at the old level of $10 000.

Because of sound management practices and the lucrative nature of the fishery, the value of an abalone licence has escalated over the years to a point where licences have changed hands for $1.3 million. Those divers who obtained their licences back in 1968 for the cost of the annual fee of $200, needless to say, have received an enormous windfall gain due to licence transferability. The gross income shared by the 71 licensed divers is estimated at $25 million.

The government takes the view that the State has the right to charge fees which are more than just a fee for service but are a quid pro quo to the public for the alienation of the right to sell a limited and valuable public resource. I point out to honourable members that the High Court has supported this view in a recent judgment in a Tasmanian abalone case (*Harper* v. *Tasmanian Minister for Sea Fisheries*).

The Bill now before the House must be seen as part of the government's strategy announced back in 1984 to appropriate 10 per cent of the gross revenue generated by divers as a return to the public. The increase in the transfer impost will not increase the operating costs of the industry as the impost will be levied only at the time the licence is sold.

I commend the Bill to the House.

Debate adjourned on motion of Mr COLEMAN (Syndal).

Mr CRABB (Minister for Conservation and Environment)—I move:

That the debate be adjourned until Thursday, 29 November.

Mr COLEMAN (Syndal)—I thought we might have been able to get through a session without the introduction of an abalone Bill but that appears not to be possible. The industry had important negotiations with the Minister's department when the Fisheries (Abalone Licence Charges) (Amendment) Bill was before the House. I am concerned to see that the negotiations concluded at that time are reflected in the provisions embodied in this Bill.

I also hope that when the debate resumes in two weeks we will have been given a clear explanation from the department of the impact of the Bill and whether the negotiations concluded when a similar measure was before the House have been taken into account.

Motion agreed to and debate adjourned until Thursday, 29 November.

LAND (RESERVATIONS REMOVAL) BILL

Second reading

Mr CRABB (Minister for Conservation and Environment)—I move:

That this Bill be now read a second time.

This Bill is divided into three parts and deals primarily with authorising the revocation of permanent reservations in respect of parcels of land at the Prince Henry's Hospital site and the revocation of the Mayday Hills Hospital site at Beechworth.

The land at Beechworth is no longer required for use as a hospital. The revocation of the Prince Henry's site will enable the commencement of the rezoning and sales process pending the full development of alternative facilities at Clayton and Maribyrnong and the vacation of the hospital in early 1992. Details of the parcel of land to be revoked are contained in the schedule to the Bill. Further provisions of the Bill deal with the validation of a Crown grant and confirmation of the revocation of reservations in the area of Spencer Street railyards and Victoria Harbour following legal doubt being expressed about the validity of a Crown grant of part of the land which was issued earlier this century.

I turn now to the specific provisions of the Bill, which I will outline in parts as they appear in the Bill. Part 2 of the Bill deals with revocation of the Mayday Hills Hospital grounds at Beechworth and the reservations relating to Prince Henry's Hospital. Clause 3 deals with the land which comprises part of the grounds of the Mayday Hills Hospital at Beechworth. Two reservations having a total area of 11.456 hectares were permanently reserved by Order in Council on 21 July 1911 and 2 December 1912 for the purpose of a site for a hospital for the insane as an addition to the hospital and grounds.

The land has not been used for the purpose for which it was reserved and has been declared surplus to the hospital's requirements. Until the reservations are revoked the land cannot be used for other purposes. The land has been assessed as government land under the land classification process and it is proposed to sell it on revocation of the reservation. The surrounding areas are zoned as rural and it is expected that on revocation of the reservation and subsequent sale the site will be used for rural/agricultural purposes.

The next clause in the Bill deals with the removal of reservations relating to the Prince Henry's Hospital site. The sale of Prince Henry's Hospital is one component of a project instigated some seven years ago which will result in an improved range and level of health care services in the western and south-eastern metropolitan regions. The closure and sale of the hospital site is essential if resources and services are to be successfully redirected to these regions of major population growth.

Decommissioning of the hospital is likely to be complete in early 1992 but much of the site is subject to reservation for hospital purposes. After the hospital is closed and the services are relocated the existing reservations will no longer be appropriate and removal will be required if the site is to be sold. The Bill therefore provides for the removal of a number of reservations applying to various parts of the site.

The third part of the Bill relates to the Spencer Street railyards and other land in the area. Recent legal advice has raised doubts concerning the status of land in the vicinity of what is now called Victoria Harbour. Late last century much of the land in the area was temporarily or permanently reserved for railways and other purposes. Subsequently various parts of the area were vested by legislation in bodies such as the predecessors of the Port of Melbourne Authority and the Public Transport Corporation. In one

case a Crown grant was issued early this century and portions of the land were subsequently sold.

A recent examination of records relating to this period has raised doubts as to whether the land may have been subject to reservations which had not been removed prior to the issuing of the grant. Legal advice is that it is uncertain whether there are reservations in the area but that legislation would be required to remove any doubt. This Bill removes any reservations and provides for the grant issued early this century to be deemed to be valid.

Finally the Bill includes the usual provisions of an Act of this type to ensure that the Crown is not liable for compensation for anything done under or arising out of this Act. This part also ensures that the Registrar-General and the Registrar of Titles make amendments to titles records necessary because of the operation of any provision of this legislation.

I commend the Bill to the House.

Debate adjourned on motion of Mr COLEMAN (Syndal).

Debate adjourned until Thursday, 22 November.

BURRUMBEET LAND BILL

Second reading

Mr CRABB (Minister for Conservation and Environment)—I move:

That this Bill be now read a second time.

The Burrumbeet water supply reserve of 1.024 hectares is situated along the Burrumbeet–Learmonth Road in the Parish of Burrumbeet. It was permanently reserved by Order in Council on 15 March 1892.

The land is situated in a farming area and there is a spring on it which is no longer required for water supply purposes. The site contains a small old dwelling and outbuildings and is held under an annually renewable permissive occupancy. The occupant is seeking a more secure tenure. The present occupant's family has been using the site for more than 90 years. The dwelling on the site is uninhabitable but the occupant is reluctant to carry out major improvements due to the temporary nature of the current tenure. The land cannot be used for other purposes until the reservation is revoked.

This parcel of land has been assessed as government land under the land classification process. On revocation of the reservation it is proposed to convert the permissive occupancy to a lease initially and subsequently to offer the land for sale to the current occupant.

I commend the Bill to the House.

Debate adjourned on motion of Mr COLEMAN (Syndal).

Debate adjourned until Thursday, 22 November.

CEMETERIES (AMENDMENT) BILL

Second reading

Mr POPE (Minister for Labour)—I move:

That this Bill be now read a second time.

It has been said that the scope of the legislation administered by the Minister for Health ranges from the cradle to the grave. This Bill deals with the latter end of the

spectrum. It's main purpose is to protect the trustees of our public cemeteries. There are approximately 500 public cemeteries in Victoria. Most are managed by trustees who not only receive no remuneration but often devote a great deal of their own time to maintaining local public burial grounds which so often constitute an important link with our past.

Cemetery trusts are not incorporated. Therefore, individual trustees are personally liable for the actions of the trust. This means that in the event of an action the potential liability of a trustee extends to his or her private means. This poses a particular problem where trusts enter into contracts for the digging of graves, for carrying out works or for the purchase of equipment, or where trusts are employers of labour.

The need to provide some protection for trustees was raised in the seventh report of the Mortuary Industry and Cemeteries Administration Committee. Honourable members will recall that the committee subsequently recommended that trusts should be incorporated. This recommendation is to be considered in conjunction with the planned rewrite of the Cemeteries Act. In the meantime this Bill seeks to resolve the immediate concern about the vulnerability of cemetery trustees.

This will be achieved by inserting into the Act a provision which will guarantee the liability of a trustee providing he or she acts in good faith and without wilful disregard of his or her duties.

The opportunity of the Bill is also being taken to make some machinery improvements to the existing provisions of the Act. These are not of great substance and are described in detail in the explanatory notes which accompany the Bill. It only remains for me to thank the Cemeteries and Crematoria Association of Victoria for its assistance in formulating the various amendments to the Act proposed in this legislation.

I commend the Bill to the House.

Debate adjourned on motion of Mr WEIDEMAN (Frankston South).

Debate adjourned until Thursday, 22 November.

HEALTH SERVICES (CONCILIATION AND REVIEW) (AMENDMENT) BILL

Second reading

Mr POPE (Minister for Labour)—I move:

That this Bill be now read a second time.

The aim of what is now the Health Services (Conciliation and Review) Act is to provide Victorians with an independent and accessible mechanism for dealing with complaints about health services. Among other things, the Act provides for the appointment of a Health Services Commissioner who is sometimes described as the "Health Ombudsman". The role of the commissioner involves conciliating, investigating and resolving complaints relating to health care.

The Act also constitutes a Health Services Review Council. The council consists of three members who represent the interests of providers, three who represent consumers, and three who are affiliated with neither. Its major function is to advise the Minister on the health complaints system and the operations of the commissioner. Honourable members will recall that Parliament enacted the legislation with a sunset clause, which operates on 23 March 1991. The purpose of this Bill is to repeal that clause so that the Act continues in operation after that date. The reason for including a sunset clause was to give Parliament the opportunity of reviewing the Act, the powers of the

commissioner, and the role of his or her office, after some experience had been gained of what, in many ways, is pioneering legislation. With this in mind, it is incumbent upon me to report briefly to the House on the way the Act has been administered since its commencement.

The first Health Services Commissioner to be appointed by the Governor in Council was, of course, Dr Ian Siggins. Advice given to the Minister of Health is that in the two years following Dr Siggins' appointment more than 6300 inquiries or matters were dealt with by the office of the commissioner; more than 2700 of these were classified as health complaints. Most—55 per cent—related to individual practitioners; 24 per cent were against public hospitals; 5 per cent against private hospitals; and 16 per cent against ancilliary services. The great majority of complaints were finalised at a relatively early stage with only a small number needing to proceed to conciliation or investigation.

A study commissioned by the Health Services Review Council in anticipation of this Bill, and undertaken by Ms J. Keys Young, has shown a high degree of approval or acceptance of the commissioner among both users and providers. Similarly, consultation with interest groups revealed a high level of acceptance and support for the legislation and for the way in which it had been implemented.

The consultants comment that:

> Given the range of conflicting interests which the (commissioner) must attempt to deal with, (his) success in building credibility among service users and service providers in only two years was described by a number of informants as "remarkable".

The major recommendation of Ms J. Keys Young, which has been supported unanimously by the council, is that the sunset clause should be repealed. This recommendation has been accepted by the government and is the basis for this Bill.

There is no doubt that the need for legislation establishing a Health Services Commissioner has been vindicated, and that the commissioner is making a major contribution not only in assisting consumers and providers to resolve complaints about health services but also in enhancing the responsiveness of the health care system to complaints.

I take this opportunity of mentioning that the commissioner has recommended a number of amendments to clarify and to improve the operation of the enabling Act. It is the intention of the government to submit those amendments to the Parliament in separate legislation.

I commend the Bill to the House.

Debate adjourned on motion of Mr WEIDEMAN (Frankston South).

Debate adjourned until Thursday, 22 November.

CORPORATIONS (VICTORIA) BILL

Second reading

Mr KENNAN (Attorney-General)—I move:

> That this Bill be now read a second time.

The Corporations (Victoria) Bill heralds in a new era for the regulation of companies, securities and futures in Australia.

As honourable members will be aware, the Commonwealth Parliament passed the Corporations Act 1989 and associated Acts to assume principal control of the regulation

of companies, securities and futures. The High Court subsequently declared invalid certain provisions of that legislation.

Renewed negotiations between the Commonwealth, the States and the Territories resulted in a draft heads of agreement. Under the heads of agreement, a single regulatory authority, the Australian Securities Commission, will be responsible for the administration of corporate law across Australia. The Commonwealth will legislate for the Australian Capital Territory and that legislation will be applied as a law of each of the States and the Northern Territory by a separate Act of each jurisdiction. The heads of agreement provides that the laws are to be "federalised". That means that for most purposes the corporations law will be regarded as a Commonwealth law.

On 8 November 1990, the Commonwealth Attorney-General, Mr Duffy, introduced into the Commonwealth Parliament amendments to the Corporations Act 1989 and associated Acts to facilitate the implementation of the heads of agreement. That legislation passed the House of Representatives yesterday.

The Corporations (Victoria) Bill has as its principal purposes the application of provisions of the Corporations Act 1989, the Australian Securities Commission Act 1989 (and their respective regulations) as laws of the State of Victoria, and the application of certain other Commonwealth Acts as laws of Victoria for the purpose of the administration and enforcement of the law relating to companies, securities and futures.

The Bill applies these Commonwealth laws as a law of the State of Victoria to be called the corporations law.

The Bill operates in a way that will ensure that the corporations law is not inadvertently affected by later State Acts which might otherwise have been interpreted as modifying its application.

The Commonwealth Minister is empowered to make "application orders" with the prior consent of the relevant State Minister. This procedure will enable the Commonwealth Act to be modified in its application to a particular jurisdiction in circumstances which, under the current legislative scheme, would require each jurisdiction to make regulations.

The Bill applies the Commonwealth's fees regulations (which include fees which are taxes) and makes those fees payable to the Commonwealth.

An offence against a provision of the corporations law is to be treated as an offence against Commonwealth law. The Australian Securities Commission is vested with the powers of the National Companies and Securities Commission under the present regulatory scheme.

Jurisdiction in relation to the corporations law is granted to each of the Supreme Courts and the Federal Court independently of their existing jurisdiction under the Courts (Cross-Vesting) Act 1987.

The Bill contains its own interpretation provisions to overcome difficulties which might otherwise have arisen because of different interpretation legislation in each of these States.

The passing of the Corporations (Victoria) Bill and corresponding legislation in the other States and the Northern Territory will achieve a truly uniform national regulatory scheme for companies, securities and futures.

I understand that each of the States is committed to passing the Bill before Christmas. All of the other States and the Northern Territory are anxious to introduce legislation corresponding to this Bill to expedite the establishment of the new scheme.

I commend the Bill to the House.

Debate adjourned on motion of Mrs WADE (Kew).

Mr KENNAN (Attorney-General)—I move:

That the debate be adjourned until Tuesday, 27 November.

Mrs WADE (Kew)—On the question of time, Mr Acting Speaker, this could be the most significant Bill to be considered by Parliament in this sessional period. It is probably the most important Bill that has come before Parliament for many years because it proposes that this Parliament hand over to the Commonwealth Parliament its powers to legislate in the area of the companies, securities and futures industry.

As the Attorney-General says, it has far-reaching effects beyond those laws. For instance, it will pick up Commonwealth freedom of information legislation and administrative law legislation in areas where currently State law applies. The Attorney-General mentioned in his second-reading speech that State Acts that might otherwise inadvertently affect this Commonwealth legislation will be overriden. He said the Commonwealth Minister will be able to make laws specifically applying to Victoria. This is a very important piece of legislation. Part of the Commonwealth legislation is about 10 inches thick and I gather the new federalising legislation is also a couple of inches thick. That legislation was made available in the Commonwealth Parliament only on Thursday of last week so no-one has had any chance to look at it and see how it will apply in Victoria.

There has been a considerable amount of secrecy involved in the preparation of this legislation. What honourable members have before them is a fairly short second-reading speech and Bill, but it is picking up a vast area of legislation and handing over State powers to the Commonwealth in those areas. One and a half weeks is a very short time. I appreciate that there are constraints because the goverment has apparently undertaken that this new scheme will apply from 1 January 1991. It is going to be very difficult for the Opposition to get feedback from organisations and people affected within the time frame the government is suggesting. I should like an assurance that the Opposition will have extra time if required.

Mr KENNAN (Attorney-General) (*By leave*)—Mr Acting Speaker, I am not quite sure what the honourable member means by extra time. This Bill applies the Corporations Act 1989 which has provided changes to constitutional arrangements. The Opposition has been on notice since April as to the direction the Bill was taking.

The Federal Liberal Party raised no objection to the passage of the Bill through the House of Representatives last night; that was passed six days after it was introduced into that House by the Federal Liberal Party. I find it extraordinary that the State Liberal Party has trouble with twice the time the Federal Liberal Party needed to consider the Bill. Of course, that should be understandable and understood and accepted in Melbourne business circles.

It would be a grave embarrassment, particularly to business in Victoria, if this Bill did not pass during the current sessional period. It is the intention of every other Parliament, including the Northern Territory, to pass this legislation before Christmas.

Mrs Wade interjected.

Mr KENNAN—The Liberal Party will not be blocking it in New South Wales and it will not be blocked in the Senate. The honourable member for Kew is suggesting the Opposition may not pass the Bill before Christmas; that will be a matter that will be on its own head. I am confident every other Parliament will pass the legislation. Governments of all shades will be supporting its passage and the Federal Liberal Party

passed the legislation last night by supporting it in the House of Representatives six days after its introduction.

Motion agreed to and debate adjourned until Tuesday, 27 November.

CORRECTIONS (PRISON MANAGEMENT AND PRISONERS) BILL

Second reading

Mr SANDON (Minister for Corrections)—I move:

That this Bill be now read a second time.

The purposes of the Bill are to improve the security and management of prisons and prisoners and to make amendments to the Prisoners (Interstate Transfer) Act 1983 and the Parole Orders (Transfer) Act 1983 so these are consistent with other Australian jurisdictions.

The Bill deals with issues relating to the management of prisoners in the areas of prison discipline, work, leave of absence, searches, drugs in prison, children in prison, the responsibility for custody of prisoners transferred to other institutions and visits to prisoners at a location other than a prison.

To strengthen the implementation of the government's commitment to prison training and employment, this Bill gives the director-general the clear power to direct prisoners to work.

In September 1989 the government established a Ministerial advisory committee to consider the issue of temporary leave of absence for prisoners. The government has taken action to implement a number of those recommendations with the introduction of a custodial community permit program. Under this program the director-general may issue permits to prisoners for purposes which include health, fitness, education, work, the administration of justice or to participate in an approved program.

The current legislation covering leave of absence from prison is inadequate in cases where prisoners must be placed under police witness protection, where fine defaulters have their sentences converted to a requirement to perform unpaid community work, or where prisoners are participating in an approved program such as working for prolonged periods on community projects in the country. The Bill therefore provides that in these cases leave of absence for more than three days can be granted.

Visits to prisoners while absent from prison under a custodial community permit make it necessary to ensure not only the safety of the public and prisoners but also that the safety of the location, which may be a hospital, clinic or education centre, is not compromised. The Bill includes provisions that require visitors to give information upon request, the termination of visits where safety or security is threatened and the power to search persons visiting prisoners.

As part of a strategy to deal with the serious problem of drugs being introduced into Victorian prisons, the Bill will focus upon measures directed both to prisoners and to persons entering a prison who engage in drug trafficking. A governor will be able to direct that a prisoner be tested for drug use, and random searches of visitors will deter some attempts to bring drugs into a prison. Persons caught introducing drugs or other unauthorised items into a prison may be apprehended by a prison officer and taken to a member of the Police Force.

Improvements have been made to prisoner discipine by extending the categories of senior prison staff who can address minor disciplinary matters. These categories of

officers will be known as Disciplinary Officers who will be able to enter all offences committed by a prisoner into a register of offences and, in addition, impose a single penalty on a prisoner. Changes have also been made to the procedures to be adopted at a governor's hearing to enable prison offences to be heard by the governor as soon as possible after the prison offence has been committed and for governor's hearings to proceed in cases where the prisoner refuses to attend. In addition the director-general will have the power to withdraw any or all of a prisoner's privileges in order to deal with major breaches of discipline and serious incidents.

The Bill also includes a provision that will enable the governor of a prison to restrict the right of a prisoner to send mail in circumstances where the governor believes it is threatening or harassing in nature.

It is recognised that the decision whether or not a child of a prisoner can reside within a prison is not only complex in nature but so significantly important as to warrant such decisions being made by the director-general rather than by the governor, as the Act currently allows.

In circumstances where a prisoner is transferred from a prison to another institution—for example, to a hospital or clinic for lengthy treatment—the Bill gives recognition to the appropriateness of the responsibility for the legal custody of the prisoner being transferred to the chief executive of the institution.

The Bill also makes changes to the membership of the Adult Parole Board to enable greater representation by both current and retired members of the judiciary. This will facilitate not only the performance of the work of the board but its ability to deal with questions of law as they arise.

A more specific confidentiality provision for information relating to prison security and prisoner personal information has been included in the Bill because the existing confidentiality provisions have been found to be too general to have any real application.

Amendments made to the Prisoners (Interstate Transfer) Act 1983 have been initiated on the basis of recommendations made by the Standing Committee of Attorneys-General that all States amend their legislation to facilitate the interstate transfer of prisoners serving both State and Commonwealth sentences of imprisonment.

Similarly the amendments made to the Parole Orders (Transfer) Act 1983 are based on advice from the Commonwealth Attorney-General's Department that all States would need to amend their legislation to correct a defect in the implementation of the scheme which is concerned with documents exchanged.

The Bill makes a significant contribution to ensuring that a high standard of good administration and management of the correctional system is maintained.

I commend the Bill to the House.

Debate adjourned on motion of Mr E. R. SMITH (Glen Waverley).

Mr SANDON (Minister for Corrections)—I move:

That the debate be adjourned until Thursday, 22 November.

Mr E. R. SMITH (Glen Waverley)—The Opposition does not disagree with the debate being adjourned for one week, but will seek an extension of that period if necessary.

Motion agreed to and debate adjourned until Thursday, 22 November.

WITNESS PROTECTION BILL

Second reading

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

That this Bill be now read a second time.

The Bill is designed to help the police to combat organised crime and to solve major crimes of violence. In these areas, the police rely heavily on inside information—the evidence of persons closely connected to the perpetrators of the crimes. By agreeing to give evidence, many of these people place themselves and their families at risk from the threat of death or injury designed to prevent them testifying at criminal trials.

The Victoria Police meet this threat by running a witness protection scheme which safeguards the witnesses and their families both before and after the giving of evidence. Before a trial, protection is provided by around-the-clock physical police presence at a safe house—an expensive operation. After giving evidence, witnesses are offered the chance to change their identities and to start a new life in another location. A change of identity involves the witness adopting a new name and the provision of a range of fresh documents in that new name—drivers licence, educational and trade qualifications, tax file number, to name a few. But the most important is a new birth certificate which will enable the witness and his or her family to lead an independent new life. All new documents must be back-stopped so that they will stand up to checking. In the case of a birth certificate, this requires the creation of an entry in the new name in the Register of Births which will be accessible by the public in the normal way. That is the purpose of the Bill. When a witness is accepted into the witness protection scheme, the police will apply to the Supreme Court for an order authorising them to create a new entry in the Register of Births. The police and the witness will enter into a memorandum of understanding setting out the obligations of both parties, which must be presented to the court.

The police will have access to a computer terminal in the Registry of Births, Deaths and Marriages and will create the new entry themselves. In this way, neither the registrar nor the registry staff will be aware of the new identity of the witness. The police will be required to maintain a record of the link between the witness's old and new names. A fresh birth certificate can then be issued from the new entry in the normal way.

The improvement to the Victorian witness protection scheme effected by the Bill is the first step towards a national scheme currently being developed under the auspices of the Australian Police Ministers Council. The government is introducing this landmark legislation, the first of its kind in Australia, because of a pressing need to assist more than twenty persons who have already been given new identities and relocated under the Victorian scheme.

When model legislation has been drafted by the Commonwealth to create a national scheme, the Victorian legislation will be amended to incorporate any necessary complementary provisions. However, because no firm timetable has been set by the Commonwealth, the Bill contains a three-year sunset clause to ensure that the operation of the new provisions can be reviewed by Parliament within a reasonable time.

The Bill will provide a major weapon in the armoury of the Victoria Police available to combat serious crime. It will encourage witnesses to come forward, safe in the knowledge that they will be fully protected at all times against retribution from the criminals they have helped to convict.

I commend the Bill to the House.

Debate adjourned on motion of Mr E. R. SMITH (Glen Waverley).

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

That the debate be adjourned until Thursday, 22 November.

Mr E. R. SMITH (Glen Waverley)—The Opposition does not disagree with an adjournment of one week, but seeks an assurance from the government that if an extension is required it will be granted.

Motion agreed to and debate adjourned until Thursday, 22 November.

STATE INSURANCE OFFICE (AMENDMENT) BILL

Second reading

Mr ROPER (Treasurer)—I move:

That this Bill now be read a second time.

When introducing the 1990 Budget I announced that the State Insurance Office (SIO) would be developed for sale as part of the government's debt management strategy.

While SIO has competed vigorously and successfully with private sector insurers, particularly in motor and domestic insurance, and has paid regular dividends to the Consolidated Fund, it was not created with an orthodox corporate structure.

The major purpose of the Bill is to authorise the conversion of SIO to a public company, called SIO Insurance Ltd. All shares in the company will initially be held by the State but will be able to be sold on the market to any other organisation or consortium from the private or public sectors.

The government believes the Transport Accident Commission (TAC), as part of its ongoing investment program, will be a serious bidder and this legislation ensures that they are in a position to bid.

All prospective purchasers will be invited to submit tenders. The business being offered should be attractive to a number of purchasers, and should command a good price. The proceeds would be applied to the proposed Debt Retirement Fund.

SIO will be required to develop a memorandum and articles of association and to apply for registration under the Companies (Victoria) Code. The details of the capital structure will be determined with professional advice to recognise the preferences of purchasers.

The new SIO company will most probably be required to seek registration from the Commonwealth Insurance and Superannuation Commission to conduct both life insurance and general insurance.

I direct to the attention of the House the fact that the Bill refers to the minimum capital of SIO Insurance Ltd being $150 million. The 1990 SIO annual report indicates that its total assets had a market value of almost $280 million. The difference, of the order of $130 million, is acknowledged by the SIO board, the government and other commentators not to be needed to meet Commonwealth prudential requirements for insurers. In fact net assets of $150 million would match or exceed solvency margins maintained by the strongest private sector insurers and would leave significant scope to finance the continued expansion of the business.

As tenderers may be expected to structure their bids in different ways the legislation leaves open the possibility of SIO paying a special dividend to the State before the sale

is completed; otherwise shares will be issued at a premium and the State should gain the benefit of the excess funds from a higher price on their sale.

The government recognises that the sale could also affect SIO policyholders and SIO staff. When SIO is sold the existing government guarantee will be withdrawn at the date of the next annual premium renewal date under each policy, or three months after completion of the sale, to allow ample time for policyholders to consider their future insurance needs.

In recent years SIO has operated commercially and made proper provisions for outstanding claims. The current provisions for outstanding claims under the Workers Compensation Act 1958, including contribution claims to Workcare, have been diligently determined and supported by independent consultants. They must however involve the greatest element of uncertainty.

The Bill therefore authorises the Treasurer to grant an indemnity in respect of these outstanding claims. Such an indemnity would be given only to enhance the sale price of SIO.

The government does not wish to disrupt the careers of staff, many of whom have given long service to SIO. The Bill includes a number of minimum conditions on remuneration and Public Service rights. We will be discussing matters of concern with the Victorian Public Service Association.

The government will be prepared to consider amendments to the Bill, or to negotiate sales contracts, to reflect the results of the consultative process.

The remaining sections of the Bill relate to the Transport Accident Commission (TAC), which has indicated that it will bid for SIO. The first is to confirm that the powers of TAC include both acquisition of an insurance company and its subsequent operation.

When TAC commenced operations only three years ago it inherited a deficit of $1 billion. Its 1990 annual report shows that it has now achieved a surplus position seven years ahead of schedule.

The surplus has been generated by the success of TAC management in settling the majority of claims under the former compulsory third-party system within the original estimates and by TAC outperforming other managers in investing its large portfolio.

The existing legislation does not include any provision for payment of any part of TAC profits as dividends to the government. TAC is in effect a specialist insurance company. Now it has reached a profitable state there is every reason that, like private sector insurers writing compulsory third-party insurance in other States, it should pay dividends.

It is envisaged that the TAC budget already required by the legislation to be submitted annually to the Minister would include a strategy for paying an appropriate dividend. Motorists would remain protected by the legislative provisions limiting annual premium increases to the inflation rate.

The final part of the Bill relates to investment and borrowing powers of the TAC. At present the TAC may invest in any manner approved by the Treasurer, and borrow as approved by the Treasurer.

Current SIO investment activities are governed by the Borrowing and Investment Powers Act 1987, as are the investments of most other large public sector portfolio investors. That Act provides a comprehensive legislative framework for portfolio management and borrowing activities.

As TAC now holds the largest public sector investment portfolio in the Victorian public sector it is appropriate that it is formally required to abide by the standard guidelines issued by the Treasurer to ensure that authorities conduct investment and borrowing operations in a prudential manner.

I commend the Bill to the House.

Debate adjourned on motion of Mrs WADE (Kew).

Debate adjourned until Tuesday, 27 November.

FARM PRODUCE WHOLESALE BILL

Returned from Council with message relating to amendment.

Council's amendment:

Clause 46, after line 12 insert—

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

(4) Disallowance under sub-section (3) is deemed to be disallowance by Parliament for the purposes of the *Subordinate Legislation Act* 1962.".

Mr ROPER (Treasurer)—I move:

That the amendment be agreed to.

The DEPUTY SPEAKER (Mr Norris)—Order! Before putting the motion I inform the House that the second and third readings of the Bill were passed by an absolute majority. I am of the opinion that the amendment requires to be passed by an absolute majority. As there is not an absolute majority of the members of the House present, I ask the Clerk to ring the bells.

Required number of members having assembled in Chamber:

Motion agreed to by absolute majority.

COURTS (AMENDMENT) BILL

Returned from Council with message relating to amendments.

Council's amendments:

1. Clause 16, lines 10 to 19, omit all words and expressions on these lines and insert—

'(*a*) in clause 15 (8) (*b*), after sub-paragraph (ii) insert—

"

; or

(iii) after the period referred to in paragraph (*a*) or any longer period previously fixed by the Court (whether under sub-paragraph (i) or (ii) or this sub-paragraph) if an order has not been made under sub-clause (9) and the Court is satisfied that in the interests of justice a longer period should be fixed because of the existence of exceptional circumstances or another good and sufficient reason.";

(*b*) in clause 15 (9) after "charged" insert "unless it is satisfied that in the interests of justice a longer period should be fixed in accordance with sub-clause (8) (*b*) because of the existence of exceptional circumstances or another good and sufficient reason";'.

2. Clause 16, lines 24 to 33, omit all words and expressions on these lines and insert—

'(*d*) in clause 16 (1) (*b*), after sub-paragraph (ii) insert—

"

; or

(iii) after the period referred to in paragraph (*a*) or any longer period previously fixed by the Court (whether under sub-paragraph (i) or (ii) or this sub-paragraph) if an order has not been made under sub-clause (2) and the Court is satisfied that in the interests of justice a longer period should be fixed because of the existence of exceptional circumstances or another good and sufficient reason.";

(*e*) in clause 16 (2) after "charged" insert "unless it is satisfied that in the interests of justice a longer period should be fixed in accordance with sub-clause (1) (*b*) because of the existence of exceptional circumstances or another good and sufficient reason";'.

Mr ROPER (Treasurer)—I move:

That the amendments be agreed to.

The SPEAKER—Order! The second and third readings of this Bill were passed by an absolute majority. I am of the opinion that the amendments require to be passed by an absolute majority.

Motion agreed to by absolute majority.

VICTORIAN PUBLIC OFFICES CORPORATION (REPEAL) BILL

Returned from Council with message relating to amendments.

Council's amendments:

1. Clause 2, lines 8 and 9, omit all words and expressions on these lines.
2. Clause 2, line 10, omit "(2) The rest of ".
3. Clause 6, omit this clause.

Amendments agreed to on motion of Mr ROPER (Treasurer).

ADJOURNMENT

Accident Compensation Commission—Research centre in Latrobe Valley—Expenses of a former Minister for Transport—Downgrading of school support centres—Violence associated with alcohol consumption—Cutting of highway grass—Public housing in Oakleigh

Mr ROPER (Treasurer)—I move:

That the House do now adjourn.

Mr GUDE (Hawthorn)—I direct to the attention of the Minister for Labour, who is the Minister responsible for WorkCare, accusations made in the Supreme Court about the Accident Compensation Commission. I have raised the matter in Parliament on a previous occasion, and it deals with private surveillance of the former Chairman of the Accident Compensation Commission, Mr Ron Sackville. On that occasion I dealt with the situation as it relates to Mr Muttmer, a former officer of the Victoria Police, who at the time was working with the fraud branch of the commission.

Mr Muttmer was called into the office of the General Manager of the Accident Compensation Commission, Mr Ian Rogers, and the manager of the investigations

branch, Pearl Marwick, was also present. In a statutory declaration Mr Muttmer states:

> I was requested by the general manager, Ian Rogers, to follow the Chairman of the Accident Compensation Commission Board, Ron Sackville. I was told among other things:
>
> Sackville was trying to undermine the fraud branch.
>
> That Sackville's father ran a firm of solicitors at the top end of Collins Street which was heavily dependent on WorkCare.
>
> That Sackville had a vested interest in WorkCare and that he didn't want fraud exposed.
>
> That Sackville may meet with high profile union officials while in Melbourne to undermine the fraud branch.

In his statutory declaration Mr Muttmer indicates he was asked to recruit Graham Williams to assist in the surveillance because Mr Williams had had previous experience with the Australian Security Intelligence Organisation. It is now a matter of record that surveillance was undertaken and the gentleman involved reported back to Mr Rogers. In his statutory declaration Mr Muttmer states:

> I have since been told by both Pearl Marwick and Ian Rogers to deny having done the surveillance. Pearl Marwick has told me that if called to any court to give evidence about it she would lie about having been involved in the surveillance as it couldn't be justified and that it was alright to lie as it was only a little lie.

I understand the matter is now being investigated by the Ombudsman. Mr Muttmer has made a WorkCare claim for stress at the Accident Compensation Commission. This is the interesting twist that occurred today. Mr Muttmer's case on the ground of stress came before the Accident Compensation Commission in that he was required to take what he regarded as an improper and immoral action, and as the employer the Accident Compensation Commission was able to refute the allegations. In terms of the medical evidence put before the commission, the basis of Mr Muttmer's claim was that he had been required to carry out tasks and functions by Ian Rogers and Pearl Marwick. Today the case was resolved in his favour. That would seem to indicate to me that the claims he made were well based.

My reason for raising the matter in Parliament again is to highlight the resolution of Mr Muttmer's case and to request again that the Minister undertake an inquiry—preferably a public one—that puts the matter to rest once and for all. A number of serious allegations have been made against people. I have no reason to disbelieve Mr Muttmer. I took the statutory declaration myself, and I have absolutely no reason to disbelieve what he said. If it is so, the persons concerned should not be employed as officers under the Crown. On the other hand, if the allegations are totally incorrect and unfounded the due process of law and restitution ought to be followed.

I make the point that there have been allegations that Mr Halfpenny has been investigated by the same people. I am not exactly his biggest fan, but if that has taken place it is also improper. It is time the whole thing was cleared up. I understand the former Minister for Labour, Mr Crabb, and Mr Andrew Holgate, Mr van Pratt and Mr John Shorten undertook an investigation as to whether that has occurred, so obviously the government and the Minister have had investigations done. It is time the matter was cleared up and the truth was told.

Mr HAMILTON (Morwell)—I raise a matter for the attention of the Premier. I ask her to give her support to a submission which is being produced to go to the Federal government on a proposal for an Australian research centre for low-rank coal. Monash University, Monash University College Gippsland, the Coal Corporation of Victoria and the State Electricity Commission—

The DEPUTY SPEAKER—Order! To which Minister is the honourable member directing his question?

Mr HAMILTON—I am asking the Premier to give her support to this proposal. It is a matter of great importance to the Latrobe Valley, where the bulk of Victoria's natural resources are in terms of brown coal. It is also important to the education industry in the Latrobe Valley because of the designation of the Gippsland Institute as the Monash University College Gippsland campus.

It is important that this major research project, which will be one of the only ones in Victoria, has the support of the Premier so it is given recognition in the competition for funding for such projects throughout Australia. It is proposed that the four organisations I mentioned become a centre for such things as fundamental studies into brown coal for environmental and occupational health effects which may be associated with the development and use of resources with the special programs in relation to dewatering of the coal so it becomes a higher rank fuel than it is. There will be a special investigation into combustion and fouling associated with brown coal. As honourable members would know, one of the major problems with the burning of brown coal is that it contains a large amount of gases that can cause the greenhouse effect. It is important to get a more efficient and better way to burn brown coal for the production of power.

If the project is successful in obtaining Federal funding to examine alternative uses and upgrading of the resource, research will be undertaken. The Latrobe Valley has approximately 27 per cent of the recoverable fossil fuel energy reserves available in Australia. It is important that this resource, which is now under considerable threat because of the greenhouse issue, is examined in more detail for the benefit of Victorians and particularly those in the Latrobe Valley.

The project has key personnel from various organisations. A comprehensive proposal has been put forward as part of an international competition for funding for these centres of excellence.

Award restructuring in the Latrobe Valley, which will lead to a loss of jobs has created an industrial dispute. It is important that further job opportunities be developed and some of these will be involved in education and research programs. No doubt there will be other opportunities available if the research project is successful and probably more employment will be developed with some of the downstream products that may be able to be developed from brown coal. I ask the Premier to put her imprimatur on the project so that it receives the consideration it deserves when it goes to the Federal government.

Mr PESCOTT (Bennettswood)—I direct to the attention of the Treasurer—who I see is just walking out of the Chamber—a matter that I raised last night. In his absence I ask the Attorney-General to refer the matter to the Treasurer. It concerns over-expenditure in Hong Kong early in August 1985 when he undertook a journey in connection with the Kowloon–Hong Kong light rail project. The media has shown some interest in that matter and this afternoon in the *Herald-Sun* it has been reported that somebody called a spokesman for the Treasurer said—I do not have the page.

Mr Kennan—Is that reliable?

Mr PESCOTT—It is a reliable statement by the spokesman for the Minister but I do not accept what the spokesman has said. He said that the dinner which cost $986 was for those people involved in the contract—I was told that there were 15 to 20 people who had signed that contract—that is what the spokesman is reported to have said in this afternoon's paper.

I do not accept the explanation; it is inadequate; and it is misleading. I should like a clear statement from the Treasurer about who exactly was at the dinner; why was it

paid for with taxpayers funds, given the fact that the bill was shunted within the Ministry against the Leighton–Metropolitan Transit joint venture.

Some simple accounting procedures occur both in the companies and in the public sector. There is always justification for expenditure. In this particular case a bill arrived from Hong Kong and it was shunted around the Ministry for approximately six weeks because the staff could not be sure from which area of the Ministry it should be paid.

All the memorandum from Hong Kong said was that Alan Reiher would arrange reimbursement; there is nothing to show what that money was spent on. I ask the Minister to present to Parliament the docket from the Shangri-la Hotel mentioned on the AMEX card so we can see exactly where the taxpayers money went. I have been told that the dinner may not have been at that hotel. I have been told that people at that dinner may not have been associated with the joint venture. At the moment in Queensland there are former Ministers who are in a lot of trouble for looking after themselves in terms of money spent on behalf of the taxpayer.

I should like the Treasurer to assure the House that the expenditure in this case was valid. I do not want to know that the taxpayer may have been screwed by people involved in this situation—the taxpayer has paid this money and I want to know why the Ministry of Transport at that time was prepared to pay on a docket without actually knowing what it was for, other than the fact that someone in Hong Kong said it was a dinner hosted by the Minister!

So far it is a matter of credibility. The Minister has not been prepared to make any statement and has had a spokesman doing it for him. The Opposition wants to know whether a dinner which cost $986 was justifiably paid for from the taxpayers purse.

Mr MAUGHAN (Rodney)—I raise for the attention of the Minister for Education a matter concerning special education units at the school support centre at Echuca. I am gravely concerned that the school support centre is to be downgraded, which will have a very deleterious effect on students and schools that rely on it for support. The question I want answered is: why has the Minister been prepared to act in downgrading school support centres not only in Echuca, but throughout Victoria when he has not been prepared to make public a report he commissioned into the efficiency of such centres, which I understand he received in April? An extensive inquiry was conducted into the activities and efficiency of school support centres.

These centres provide a valuable service, particularly to students with learning difficulties and behavioural problems. I believe it is a very efficient use of taxpayers money to be spending money at the preventive or early stages rather than letting problems develop, resulting in a far more expensive job being required to correct them later. The whole business of school support centres has been handled poorly; there has been a complete lack of consultation. Information received has differed with, on the one hand, principals being told that school support centres are not going to be downgraded while at the same time plans are made to reorganise the centres and staff are asked to relocate.

These centres are valuable in providing coordinators for programs, help in the integration of disadvantaged children, curriculum programs and in generally being of assistance, particularly to smaller rural schools. The centre at Echuca looks like being downgraded from a staff of about seventeen.

Mr Kennan—It is a very nice town.

Mr MAUGHAN—I thank the Minister—he was there recently and appreciates that. We do need that centre. I ask the Minister for Education to explain why he has

taken this action without waiting for the report he has called for on the efficiency of school support centres.

Mr SEITZ (Keilor)—I raise a matter for the attention of the Minister for Consumer Affairs in another place. I am concerned about an article that appeared in a local newpaper under the heading "Grog link to weekend violence" which contains a claim made by the acting district crime coordinator, Inspector Brian Jennings. The article begins:

> Too much weekend violence in the western suburbs is directly attributable to alcohol . . .

I ask the Minister for Consumer Affairs to look into the situation and determine whether it is a fact. The article implies that criminal activity is just waiting to flare up because of alcohol consumption in the western suburbs and quotes a member of the Police Force.

The headline is misleading. The government has introduced laws allowing late-night drinking, so ridding the State of its wowser image. It has introduced civilised drinking hours so licensed premises do not have the usual swill that used to happen in clubs and hotels. Currently clubs have easier access to late-night drinking licences.

I ask the Minister, particularly in view of a report tabled, I think, this week, to indicate whether the government has reduced the problems related to drinking, especially those associated with violence. I suggest that is so because people can consume alcohol with food and so better handle their emotions and the effects of the consumption of liquor.

If the Minister finds it is correct that alcohol consumption is leading to more violence, I urge him to consider introducing as strong a campaign as the one the government is conducting now against drink-driving. Violence must be addressed if it results from people having problems after drinking alcohol, particularly on weekends, as is claimed by the police inspector in the interview to which I have referred.

From the inquiries I have made, the changes in the liquor laws the government has introduced have been welcomed by the community. They have resulted in more civilised drinking habits rather than creating problems in respect of violence. I have not seen any evidence of the violence claimed by the police officer.

I ask the Minister for Consumer Affairs to consider the situation and, if there is any evidence of violence related to the new liquor laws, to take steps to correct the problem. A community education program could be introduced.

I should be particularly concerned if domestic violence related to alcohol consumption has increased. I do not believe that to be the case although the report in the newspaper implies it. It provides no hard evidence that the extension of liquor licences has led to an increase in violence.

In the past, difficulties were experienced because of the restricted liquor licences available. With the new licences, people can drink alcohol in civilised circumstances, particularly in restaurants. In the past illicit drinking was common and various places were raided. People would drink in the dressing sheds of football clubs, which is no environment in which to bring up our young people so they may learn the best way to consume alcohol. A civilised place for alcohol to be consumed is a restaurant, providing a family environment and a controlled atmosphere.

I ask the Minister to consider the issue and to look in particular at the newspaper article containing the claim made by the police inspector. I ask him to refute the claim

if it is incorrect. If there is any evidence, the problem should be monitored and the issue should be taken up through a community education program.

Proprietors of licensed premises have a responsibility to not serve people who are obviously inebriated or who have "had too much", as it is commonly said. They should be involved in an education program similar to the drink-driving program that has proven successful in reducing the road toll.

The SPEAKER—Order! The honourable member's time has expired.

Mr DICKINSON (South Barwon)—I raise for the attention of the Minister for Police and Emergency Services an urgent plea from members of the Country Fire Authority in the Geelong region calling for priority funding to be given to the Roads Corporation to carry out the cutting of highway grass along such highways as the Midland Highway between Ballarat and Geelong.

After the dry winter spell and the subsequent late rains the grass on the nature strips is now three or four feet high and unless that grass is slashed there is a grave danger that during the summer season a fire could start and whip quickly across rural land. The crops this year are bumper-sized. Barley is growing three or four feet high. Only a few years ago the Ash Wednesday fire spread in half an hour from Deans Marsh to Aireys Inlet.

I urge the Minister to provide the necessary funds to those authorities to cut the grass along the Great Ocean Road, the Midland Highway, and the Geelong and Torquay highways because the summer season is nearly upon us and holiday-makers will be using camping grounds along the Great Ocean Road. We do not want a repetition of what has happened in past years when fires have spread rapidly into camping and closely settled areas.

The problem seems to be that the Roads Corporation does not have sufficient funds and has approached municipal councils for advice on which roads are urgent and should take priority. That should not be the case; the Roads Corporation knows which roads are customarily cut.

Last Sunday it was brought to my attention that CFA members at Lethbridge held an urgent meeting with council officials to press home the need for urgent action. I urge the Minister for Police and Emergency Services to take this matter on board as a matter of priority.

Mr MATHEWS (Oakleigh)—I direct to the attention of the Minister for Housing and Construction land which the Ministry owns in Hughesdale on the site of the former State schools nursery, which is in the electorate I represent. The Minister would be aware that the demand for housing in the south-eastern suburban region of Melbourne is extremely pressing and the news has been welcomed that the Ministry has acquired this large parcel of land which is also extremely favourably situated in that it is directly next door to the Hughesdale railway station.

I ask the Minister whether he can expedite the beginning of construction on that site with a view to having that housing available at the earliest possible opportunity so that some impression is made on the large list of people currently waiting for accommodation in the area.

Mr A. J. SHEEHAN (Minister for Housing and Construction)—In reply to the honourable member for Oakleigh, the site was purchased from the education department in 1988 for some $830 000 and has been allocated to the elderly persons branch of the Ministry of Housing and Construction.

Design has now been completed for 42 elderly persons units, including four two-bedroom units and a community centre. Also, an acoustic fence will be erected along

the adjoining railway alignments. The units will be of single-storey, brick veneer construction and will have predominantly tiled roofs.

In addition to the community centre, car parking will be provided, and with the completion of design we will call for tenders on 19 November; those tenders will close on 12 December. The expected completion date for the project is early 1992.

Mr ROPER (Treasurer)—I shall respond briefly to the honourable member for Bennettswood. He refers to a dinner that was organised during the signing ceremony arrangements for the light rail project in Hong Kong. The late Dudley Snell was the project manager and organised the dinner. Apparently it was to be held at the hotel at which I was staying. The venue was changed for whatever reason and the bill was from the Shangri-la Hotel.

Mr Gude interjected.

Mr ROPER—From my recollection, I do not think it was that good a dinner, actually. As the attached document that was provided to the honourable member shows, a Mr J. Compton of MTA who was obviously dealing with the letter advised that the cost of the dinner should be charged to the Hong Kong project. That is obviously why it did not go across to the Ministry of Transport for its attention.

At this stage I cannot recall who was there. Certainly Dudley Snell and Mrs Snell were there. I have checked with the honourable member for Kew, who informs me that she believes her husband had returned from Hong Kong by that time.

Mr Gude interjected.

Mr ROPER—He had. There were other officers of MTA. There were officers of the Hong Kong Leighton-Metropolitan Transit joint light rail project, including Mr Hamilton who was project director. There were also officers of the light rail company.

I shall see what I can do, in view of the fact that the person who organised the dinner is now deceased, to recall as many people as possible who were at the dinner. Presumably that information would have been Mr Snell's responsibility and if it was not on the file that was provided to the honourable member for Bennettswood, I do not know where it would be—at the MTA offices or in Hong Kong itself. Unfortunately I cannot ask Dudley Snell, who is now beyond our ken.

I should also point out that I became concerned that the Ministry of Transport was not able to get its figures right on the cost of the trip and, at my request, a thorough investigation of all transport files was carried out and both in the material provided to the honourable member for Bennettswood and the material previously provided to the honourable member for Hawthorn there is evidence of a repayment by me of some $398, because I was concerned the Ministry had not adequately done the figures. It checked them at my request—actually it was more a demand than a request—and I paid a sum back, as one would do in cases where there are sometimes unders and sometimes overs.

Mr KENNAN (Attorney-General)—The honourable member for Hawthorn raised a matter for the attention of the Minister for Labour relating to WorkCare. I shall refer the matter to him.

The honourable member for Morwell raised a matter for the attention of the Premier, and I shall raise the matter with her.

The matter raised by the honourable member for Bennettswood has been dealt with by the Treasurer.

The honourable member for Rodney raised a matter for the attention of the Minister for Education in another place, and I shall refer the matter to him.

The honourable member for Keilor raised a matter for the attention of the Minister for Consumer Affairs, and I shall refer the matter to him.

The honourable member for South Barwon raised a matter for the attention of the Minister for Police and Emergency Services, and I shall refer the matter to him.

It has been suggested that the wife of the honourable member for Dandenong has taken offence at my remarks in this House on 1 November describing the honourable member as Victoria's answer to Robert Wagner on the grounds, firstly, that she considers Robert Wagner to be a wooden actor and had my description been true she would not have married the honourable member and, secondly, because Robert Wagner is a wooden actor he would be found on the Opposition benches, not on this side of the House. Because the matter has been raised with me I apologise to her. No discourtesy or slight was intended to Robert Wagner, Natalie Wood, Julia Blake or Terry Norris!

Motion agreed to.

House adjourned 6.21 p.m. until Tuesday, 20 November.

QUESTIONS ON NOTICE

The following answers to questions on notice were circulated—

PERFORMANCE PROCEDURES—DEPARTMENT OF LABOUR

(Question No. 20)

Mr GUDE (Hawthorn) asked the Minister for Labour:

Whether he will provide details and all individual performance procedures introduced by him into his department, including procedure types and date of introduction of each procedure?

Mr POPE (Minister for Labour)—The answer is:

There are a number of individual performance procedures which have been introduced in the department both by me as Minister and the government. They include:

(1) SEC performance improvement plans.

(2) Publication of performance indicators which are provided to the Estimates Committee.

(3) The annual report.

(4) Reporting from the Occupational Health and Safety Inspire system.

(5) Reporting from the Wage Line Calls System.

(6) Regional office workload recording.

(7) Evaluation of individual projects by program areas.

(8) Internal audit reports.

The range of performance indicators has been introduced over the last six years.

ALLOCATION OF MOTOR VEHICLES TO STAFF OF ATTORNEY-GENERAL'S DEPARTMENT

(Question No. 460)

Mr DICKINSON (South Barwon) asked the Attorney-General:

In respect of each department, agency or authority within his administration, how many officers/employees are allocated motor vehicles, indicating—(*a*) those with or without official government number plates; (*b*) the position or job classifications held by these officers/employees, including the respective salary levels; (*c*) the makes and models of these motor vehicles; and (*d*) whether these officers/employees pay fringe benefits tax with respect to their private use of the motor vehicles and, in that event, the average amount of fringe benefits tax paid?

Mr KENNAN (Attorney-General)—The answer is:

Parts A to C

Position/Office	*Salary Range $*	*Make/Model of Vehicle*	*(G)Green Or (R)ed Regis. Plates*	*SES Allocated (Private Use Y/N)*
Secretary to the Attorney-General's Department	106 522	Ford Fairlane	G	Y
Chief Magistrate	102 972	Ford Fairlane	G	Y
Chief Parliamentary Counsel	98 757	Mitsubishi Magna Elite	G	Y

Position/Office	*Salary Range $*	*Make/Model of Vehicle*	*(G)Green Or (R)ed Regis. Plates*	*SES Allocated (Private Use Y/N)*
Deputy Chief Parliamentary Counsel	64 908–75 193	Toyota Camry CSX	G	Y
Deputy Secretary (Policy and Research)	69 661–80 522	Nissan Skyline GXE	G	Y
Deputy Secretary (Courts)	64 908–75 193	Nissan Pintara GLX	G	Y
Commissioner for Corporate Affairs	90 900	Ford Fairmont	G	Y
Deputy Commissioner for Corporate Affairs (Investigations)	60 555–70 143	Mitsubishi Magna SE	G	Y
Victorian Government Solicitor	98 757	Ford Fairlane	G	Y
Deputy Victorian Government Solicitor	64 908–75 193	Toyota Camry CSX	G	Y
Director, Information Branch Systems	60 555–70 143	Nissan Pintara	G	Y
Public Advocate	98 757	Ford Fairmont GHIA	G	Y
Guardianship Board Member	64 908	Mitsubishi Magna SE	G	Y
Commissioner for Equal Opportunity	75 043	Mitsubishi Magna SE	G	Y
Chairperson, Law Reform Commission	131 734	Ford Fairlane	G	Y
Executive Director, Law Reform Commission	60 555–70 143	Toyota Camry CSX	G	Y
Director of Public Prosecutions	131 734	Ford Fairlane	G	Y
Managing Director, State Trust Corporation	90 990	Ford Fairlane	G	Y
General Manager (Marketing & Development) State Trust Corporation	63 206	Toyota Camry Executive	G	Y
Solicitor to the Director of Public Prosecutions	60 555–70 143	Mitsubishi Magna SE	G	Y
General Manager, Court Operations	56 513–65 437	Nissan Pintara GL	R	N
Director, Building and Services	51 976–60 162	Holden Camira SL	G	N
Area Manager, Inner Urban Courts Region	51 976–60 162	Nissan Pintara GLi	R	N
Area Manager, Southern Suburbs Courts Region	52 632	Nissan Pintara GLi	R	N
Area Manager, Northern/ Eastern Suburbs Courts Region L	52 632	Toyota Camry CX5	R	N
Area Manager, Western Suburbs Courts Region	52 632	Toyota Camry CS	R	N
Area Manager, Gippsland Courts Region	52 632	Nissan Pintara GLi	R	N
Area Manager, Upper Murray Courts Region	52 632	Mitsubishi Magna GLX	R	N
Area Manager, Western District Courts Region	52 632	Nissan Pintara GLi	R	N

Position/Office	*Salary Range $*	*Make/Model of Vehicle*	*(G)Green Or (R)ed Regis. Plates*	*SES Allocated (Private Use Y/N)*
Area Manager, Wimmera/Mallee Courts Region	52 632	Mitsubishi Magna	R	N
Magistrate, Ballarat	89 541	Nissan Pintara GLi	G	N
Magistrate, Sale	89 541	Nissan Pintara GLi	G	N
Magistrate, Geelong	89 541	Nissan Pintara GLi	G	N
Magistrate, Geelong	89 541	Nissan Pintara GLX	G	N
Magistrate, Bendigo	89 541	Nissan Pintara GLi	G	N
Magistrate, Bendigo	89 541	Nissan Pintara GLi	G	N
Magistrate, Shepparton	89 541	Nissan Pintara GLi	G	N
Magistrate, Shepparton	89 541	Nissan Pintara GLi	G	N
Magistrate, Horsham	89 541	Nissan Pintara GLi	G	N
Magistrate, Moe	89 541	Nissan Pintara GLi	G	N
Magistrate, Wangaratta	89 541	Nissan Pintara GLi	G	N
Magistrate, Warrnambool	89 541	Nissan Pintara GLi	G	N
Magistrate, Mildura	89 541	Nissan Pintara GLi	G	N
Magistrate, Morwell	89 541	Toyota Camry Executive	G	N
State Coroner	89 541	Ford Falcon GL	G	N
Deputy State Coroner	89 541	Ford Falcon Gl	G	N

Part D

There is no liability under taxation legislation on a government employee to pay fringe benefits tax. Green plate vehicles are allocated to senior executive officers (SES3 and above) as part of their remuneration packages. These officers make a contribution towards private use of the vehicle.

ALLOCATION OF MOTOR VEHICLES TO STAFF OF DEPARTMENT OF LABOUR

(Question No. 461)

Mr DICKINSON (South Barwon) asked the Minister for Labour:

In respect of each department, agency or authority within his administration, how many officers/employees are allocated motor vehicles, indicating—(*a*) those with or without official government number plates; (*b*) the position or job classifications held by these officers/employees, including the respective salary levels; (*c*) the makes and models of these motor vehicles; and (*d*) whether these officers/employees pay fringe benefits tax with respect to their private use of the motor vehicles and, in that event, the average amount of fringe benefits tax paid?

Mr POPE (Minister for Labour)—The answer is:

There is a total of 50 vehicles allocated as at 30 September 1990:

(*a*) 29 without official government number plates and 21 with official government number plates.

		Salary
(*b*) Director-General, Department of Labour		$106 522
Deputy Director-General	SES 5	$69 661
Assistant Director-General	SES 4	$64 908
Industrial Relations Consultant	SES 5	$69 661
Director—WorkCare Co-Ord. Unit	SES 3	$60 555
Deputy Director—WorkCare Co-Ord. Unit	SES 2	$56 513

Ten Regional Managers	9 at ADM 8	$49 210–$52 632
	1 at SES 2	$56 513
Director, CILSLB	SES 2	$56 513
Manager (Investments and Property)	ADM 8	$49 210–$52 632
Chairperson—Victorian Occupational Health and Safety Commission		$80 347
Assistant Director-General—Employment and Youth Affairs	SES 4	$64 908
Manager, Youth Guarantee	SES 1	$51 976
Director—Occupational Health and Safety Division	SES 4	$64 908
Manager—Equipment Safety Branch	SES 1	$51 976
Director—Industrial Relations Division	SES 4	$64 908
Group Manager—Industrial Relations	SES 3	$60 555
Group Manager—Industrial Relations	SES 2	$56 513
Industrial Liaison Officers	4 at ADM 8	$49 210–$52 632
Director—Building and Construction Industry Division	SES 3	$60 555
Conciliator	SES 2	$56 513
Conciliator	SES 2	$56 513
Chairperson—Building and Construction Industry Council	SES 2	$56 513
Chairperson—WorkCare Appeals Board		$98 957
Chief Executive Officer—Victorian Accident Rehabilitation Council		$75 042
Deputy Chief Executive—Victorian Accident Rehabilitation Council		$56 513
Complaints Investigation Officer—Victorian Accident Rehabilitation Council		$78 804
General Manager—WorkCare Rehabilitation Services		$51 976
Managing Director—ACC		$114 285
Chief General Manager—Operations—ACC	SES 4	$64 908
Chief General Manager—Finance and Corporate Services—ACC	SES 4	$64 908
Chief General Manager—Policy and Planning—ACC	SES 4	$64 908
General Manager—Information Systems—ACC	SES 4	$64 908
General Manager—Review—ACC	SES 3	$60 555
General Manager—Corporate Development—ACC	SES 3	$60 555
General Manager—Medical and Health Services—ACC	SES 3	$60 555
General Manager—Revenue—ACC	SES 3	$60 555
General Manager—Claims Management and Agency Operations—ACC	SES 3	$60 555
Group Manager—WorkCare Compensation—ACC	SES 3	$60 555

(*c*) 11 × Toyota Camry Sedan
8 × Nissan Pintara Sedan
15 × Mitsubishi Magna Sedan
2 × Ford Fairlane Sedan
1 × Ford Falcon Sedan
3 × Holden Camira Sedan
1 × Holden Executive Sedan
1 × Toyota Corolla Sedan
2 × Ford Fairmont Sedan
3 × Commodore Berlina Sedan
1 × Mitsubishi Magna Station Wagon
1 × Toyota Camry Station Wagon
1 × Ford Falcon Station Wagon

(*d*) There is no liability under taxation legislation on employees to pay fringe benefits tax. Green plate vehicles are allocated to senior executive service officers (SES 3 and above) as part of their remuneration packages. These officers make a contribution towards private use of the vehicle as specified by the government motor vehicle policy. Red-plated vehicles are allocated to officers for use in fulfilling officially assigned duties.

ALLOCATION OF MOTOR VEHICLES TO STAFF OF DEPARTMENT OF CONSERVATION AND ENVIRONMENT

(Question No. 463)

Mr DICKINSON (South Barwon) asked the Minister for Conservation and Environment:

In respect of each department, agency or authority within his administration, how many officers/employees are allocated motor vehicles, indicating—(*a*) those with or without official government number plates; (*b*) the position or job classifications held by those officers/employees, including the respective salary levels; (*c*) the makes and models of these motor vehicles; and (*d*) whether these officers/employees pay fringe benefits tax with respect to their private use of the motor vehicles and, in that event, the average amount of fringe benefits tax paid?

Mr CRABB (Minister for Conservation and Environment)—The answer is:

(*a*) (i) No officers/employees are allocated vehicles with official government number plates.

(ii) Thirteen (13) officers/employees are allocated vehicles without official government number plates. Note that these vehicles are allocated as part of a salary package.

(*b*) (i) The job classifications held by officers/employees allocated vehicles without official government number plates are:

Officers	*Job Classification*	*Salary Range*
2	SES 6	$106 522 - $124 212
3	SES 5	$69 661 - $84 109
6	SES 4	$64 908 - $78 780
2	SES 3	$60 555 - $73 002

(*c*) Makes and models of allocated motor vehicles are:

(i) With official government number plates.

Nil.

(ii) Without official government number plates.

Nissan Pintara	3
Holden Camira	1
Holden Commodore	2
Ford Falcon	3
Holden Berlina	1
Ford Fairmont	1
Ford Fairlane	2

(*d*) Payment of fringe benefits tax.

There is no liability under taxation legislation on a government employee to pay fringe benefits tax. Green plate vehicles are allocated to senior executive service officers (SES 3 and above) as part of their remuneration packages. These officers make a contribution towards private use of the vehicle.

ALUMINIUM LEVELS IN VICTORIAN WATER SUPPLIES

(Question No. 606)

Mr DICKINSON (South Barwon) asked the Minister for Labour, for the Minister for Health:

1. What level of aluminium is present in Victorian water supplies?

2. Whether existing aluminium levels have an adverse effect on the treatment of hospital patients and a detrimental impact on the health of the community at large?

3. Whether the Minister is aware of reports concerning the aluminium level in Victorian water supplies; if so, what action has she taken in relation to these reports?

Mr POPE (Minister for Labour)—The answer supplied by the Minister for Health is:

1. Health Department Victoria collected a number of representative samples from the Geelong water reticulation reservoirs during May 1990. A series of analyses for aluminium levels were conducted on these samples by the State Chemistry Laboratory and State Water Laboratory.

Preliminary results from these tests indicated high levels of colloidal and suspended aluminium in the form of complex alumino-silicate clays.

2. The 1984 World Health Organisation (WHO) "Guidelines for Drinking Water Quality" recommends a maximum level of 0.2 milligrams per litre (mg/L) of aluminium for aesthetic reasons. The WHO states that the ingestion of aluminium compounds by normal individuals does not appear to have any deleterious health effects. Aluminium is not considered to be an essential nutrient for humans and the conventional medical view is that suspended and complex colloidal alumino-silicates are not absorbed by the body but are excreted and therefore do not represent a health risk.

Patients undergoing haemodialysis in Victorian hospitals are not at risk from aluminium because water for dialysis is pre-filtered and carbon filtered prior to reverse osmosis to remove aluminium and other substances, but at this stage this is not considered to represent a health risk.

3. I do not consider that warnings to the community are necessary at this time. However, Health Department Victoria will continue to monitor the quality of drinking water supplied to Victorian cities and towns and will take action where public health is threatened.

POLLUTION ON BELLARINE PENINSULA

(Question No. 607)

Mr DICKINSON (South Barwon) asked the Minister for Planning and Urban Growth:

In respect of pollution on the Bellarine Peninsula from local Geelong industries:

1. Whether the Environment Protection Authority or the Department of Planning and Urban Growth has received complaints concerning pollution problems on the Bellarine Peninsula; if so—(*a*) have these complaints been investigated, indicating the results of any investigations; and (*b*) what action, if any, has been taken to extend smog alerts to the Geelong region?

2. Whether action is proposed to prevent the Shell refinery at Corio from burning hydrogen sulphide on days of low cloud when pollution is held down, or under any other conditions which would result in smog?

3. Whether the authority will reduce the time during which Shell can operate, despite faults which allow sulphide dioxide to be emitted even more excessively than usual?

4. Whether the authority has received complaints about odiferous atmospheric pollution; if so—(*a*) has it investigated these complaints; (*b*) has it been able to find the cause and/or source of any such pollution; (*c*) has it compared the emissions from the Werribee sewage farm with those from the Shell refinery; and (*d*) has it tested the emissions from the Shell refinery for odiferous hydrocarbons and sulphur dioxide, indicating the results of any such investigation or test?

Mr McCUTCHEON (Minister for Planning and Urban Growth)—The answer is:

1. Complaints have been received by the Environment Protection Authority concerning apparent pollution problems on the Bellarine Peninsula. In the three month period (June to August of this year), for example, a total of nineteen incidents of alleged pollution were reported to the Geelong office of the EPA by residents of the Bellarine Peninsula.

(*a*) Of the complaints, thirteen related to matters which fell under the jurisdiction of the EPA and were investigated. The other six incidents were matters for other bodies. Four were referred to the local councils, one was referred to the Port of Geelong Authority and one was referred to the local foreshore committee for appropriate action.

Of the thirteen handled by EPA, three could not be substantiated by the investigating inspectors, three were complaints of activities which were not causing pollution, two were complaints relating to a licensed discharge which produces a visible plume due to condensation of water

vapour, one was a report of material dumped by the road, and the remainder were complaints of odours. In one case a pollution abatement notice was issue to require the removal of odorous material.

(*b*) "Smog alerts" for the Geelong region will be feasible in approximately 12 to 18 months time. Air monitoring stations at Corio and Point Henry have recently been added to the EPA network, with two more stations due to come on line within a few months. Data covering a period of 12 to 24 months from these stations are needed before the conditions under which smog is generated in the Geelong region are known.

2. Restricting the flaring of gases from the Shell refinery on days of low cloud or smog conditions is impracticable because the flare is a safety device. The existing EPA licence and Shell's operational practices minimise the amount of material flared. To achieve lower emission levels would require shutting down the refinery. This is a process which takes several days and increases the risk of environmental contamination.

3. In the State Environment Protection Policy (The Air Environment) Schedule 9 contains conditions which relate to the burning and discharge of sour gas streams at oil refineries during periods of equipment breakdown. If the sulphur recovery units cannot handle the sulphur load, these conditions require the refineries to convert to a low sulphur feedstock within 4 hours of such a breakdown.

4. Of the thirteen complaints mentioned in answer to question 1, five related to odours.

(*a*) These complaints were investigated. In four cases it was possible to determine the source of the odour. Three of the incidents were related to the activities of the Board of Works sewage farm at Werribee. The fourth incident related to a decomposing pile of chicken manure.

(*b*) Since the extension of the air monitoring network to Geelong, it has been possible to apply computer aided backtracking of air movements to odour investigations. In several cases, such backtracking has been used to confirm that the odours most likely originated at the Board of Works farm at Werribee.

(*c*) While emissions from the Werribee sewage farm are different from those of the Shell refinery, chemical characterisation of the odours has not been carried out due to very low concentrations of the contaminants involved. Very low concentrations of odorous compounds can be detected by a human nose, but may be below the limit of detectability of scientific instruments.

(*d*) The EPA carried out stack emission tests at the Shell refinery in February and March of this year. Due to problems with the test equipment, the data from these tests were subsequently found to be unreliable. Further tests are scheduled for the October–November period.

Data from air monitoring station, which continously monitors the ambient air in the vicinity of the refinery, indicate that the refinery generally operates in accordance with its licence conditions, and within the requirements of the State Environment Protection Policy (The Air Environment).

GOVERNMENT MEDIA UNIT

(Question No. 631)

Mr GUDE (Hawthorn) asked the Minister for Community Services:

What staff have journalists' qualifications and are employed either full or part time within—(*a*) the Ministry; (*b*) the department; or (*c*) any of its agencies, indicating in each case—(i) their name; (ii) when were they employed; (iii) the last media outlet they worked for; (iv) their rate of pay; and (v) whether or not they ever worked within the Government Media Unit?

Mrs SETCHES (Minister for Community Services)—The answer is:

At present there are five officers of Community Services Victoria who are known to have journalistic background. They are:

1. (i) Press Secretary; (ii) April 1990; (iii) Melbourne radio; (iv) $49 165–$51 855 (includes 15 per cent communted overtime allowance); (v) Yes.

2. (i) Manager, Media Liaison Unit; (ii) September 1989; (iii) Melbourne daily newspaper; (iv) $43 136–$45 092; (v) No.

3. (i) Administrative Officer Level 7 (ADM–7); (ii) September 1987; (iii) ABC Radio; (iv) $43 136–$45 092; (iv) Yes.

4. (i) Media Liaison Officer; (ii) October 1990; (iii) Suburban newspaper; (iv) $38 697–$40 676; (v) No.

5. (i) General Manager; (ii) December 1985; (iii) Melbourne daily newspaper; (iv) $69 661; (v) No.

(Question No. 640)

Mr GUDE (Hawthorn) asked the Minister for Labour, for the Minister for Local Government:

What staff have journalists' qualifications and are employed either full or part time within—(*a*) the Ministry; (*b*) the department; or (*c*) any of its agencies, indicating in each case—(i) their name; (ii) when were they employed; (iii) the last media outlet they worked for; (iv) their rate of pay; and (v) whether or not they ever worked within the Government Media Unit?

Mr POPE (Minister for Labour)—The answer supplied by the Minister for Local Government is:

There are no staff with journalists' qualifications employed in:

(*a*) the Ministry;

(*b*) the department;

(*c*) any of its agencies.

RETIREMENT COUNSELLING—HEALTH DEPARTMENT VICTORIA

(Question No. 672)

Mr PERRIN (Bulleen) asked the Minister for Labour, for the Minister for Health:

In regard to each department, agency and authority within the Minister's administration:

1. How many retirement counselling seminars have been government funded or sponsored in 1989–90, indicating—(*a*) how many employees having reached 50 years of age have attended; (*b*) what person or organisation conducted the seminars, indicating the numbers that could be accommodated at each seminar; and (*c*) how many employees were eligible to apply to attend these seminars?

2. What action is being taken to provide retirement counselling to employees within the Minister's administration?

Mr POPE (Minister for Labour)—The answer supplied by the Minister for Health is:

1. Health Department Victoria staff were sponsored at four retirement counselling seminars in 1989–90.

(*a*) A total of nineteen employees attended.

(*b*) The Victorian Public Service Association conducted the seminars, each of which could accommodate up to 100 people.

(*c*) 1488 employees.

2. Health Department Victoria will continue to provide counselling and advice to all prospective retirees, on retirement procedures, and on how to obtain detailed and specific information concerning superannuation and other benefits. Health Department Victoria will also continue to sponsor all eligible employees and their partners, to attend pre-retirement seminars planned to be conducted by the Victorian Public Service Association.

SALE OF STATE GOVERNMENT LAND AT BENDIGO

(Question No. 679)

Mr JOHN (Bendigo East) asked the Minister for Property and Services:

1. Whether he has sold the land situated at the corner of Lyttleton Terrace and St Andrews Avenue, Bendigo—previously purchased specifically for State government office accommodation—to the Commonwealth government; if so—(*a*) why; and (*b*) what was the sale price?

2. Whether the government has abandoned plans to construct State government offices in Bendigo; if not, where will the offices be built?

3. Whether the site was offered for sale by public auction or by tender process to obtain the best price possible; if not—(*a*) why; (*b*) how was the sale price arrived at, indicating the basis of valuation; (*c*) whether the government employed a private valuer(s) to obtain a valuation report, indicating the valuation figures submitted; (*d*) which government—State or Commonwealth—initiated negotiations for sale; (*e*) whether the State government was informed of the valuation figure submitted by the Australian Valuation Office to the Commonwealth government; and (*f*) what was the date of settlement or terms of payment provided for in the contract of sale?

Mr BAKER (Minister for Property and Services)—The answer is:

1. Under the asset sales program Crown land at the corner of Lyttleton Terrace and St Andrews Avenue, Bendigo was sold to the Commonwealth of Australia.

(*a*) The site was sold as it was not required for State accommodation needs.

(*b*) The sale price was $1.8 million.

2. There are no specific plans to construct new State government offices in Bendigo at this stage, although Bendigo is one of the rural centres under consideration for the relocation of the Department of Agriculture and Rural Affairs. If selected, there are a number of government-owned sites in Bendigo which would be more suitable for large-scale office development.

3. The site was offered by direct sale to the Commonwealth government.

(*a*) This was done as the sale was to another tier of government and it protected the public interest.

(*b*) The sale price was based on a market value determined by the Valuer-General.

(*c*) No private valuer was employed.

(*d*) Sale negotiations were initiated by the Commonwealth government.

(*e*) The valuation figure submitted by the Australian Valuation Office to the Commonwealth government was not known. However, at a valuers conference held on 30 March 1990, the valuer representing the Australian Valuation Office advised that their valuation was $1.8 million.

(*f*) The sale was conducted on a cash basis with settlement taking place on 1 October 1990.

CONSULTANTS—DEPARTMENT OF SPORT AND RECREATION

(Question No. 691)

Mr COOPER (Mornington) asked the Minister for Sport and Recreation:

In respect of consultants engaged by the Department of Sport and Recreation since October 1988, what is the name of each consultant engaged at a cost of $10 000 or more, indicating, in each case—(*a*) the purpose for which the consultant was engaged; (*b*) what working plans were given; (*c*) the cost of their services; (*d*) the duration of the contract; and (*e*) any additional payments made in excess of the contract price?

Mr TREZISE (Minister for Sport and Recreation)—The answer is:

The following details relate to consultants engaged by the Department of Sport and Recreation at a cost of $10 000 or more, since October 1988.

1. Peat Marwick Hungerford Management Consultants

(*a*) To conduct an industry audit of Victorian-based sport and recreation firms in order to identify growth firms with export potential and develop strategies to assist them realise their potential.

(*b*) Project brief related to the purpose.

(*c*) 27 April 1989–15 March 1990.

(*d*) Total of $56 000 (jointly funded with Department of Industry and Economic Planning).

(*e*) Nil.

2. Arthur Andersen and Company.

(*a*) to provide a comprehensive business plan for the development and operation of the Victorian Institute of Sport.

(*b*) Project brief related to the purpose.

(*c*) September–November 1989.

(*d*) $32 000.

(*e*) Nil.

3. National Institute of Economic and Industry Research

(*a*) To assess the tourism/economic value to Victoria of the inaugural Australian Motor Cycle Grand Prix and to gather marketing data for future events.

(*b*) Project brief related to the purpose.

(*c*) 3 March 1989–13 September 1989.

(*d*) Total of $35 215 (jointly funded with Victorian Tourism Commission).

(*e*) A further $5125 was approved for the conduct of a post event survey to measure the impact of the event on local small businesses on Phillip Island.

4. Forum Organisation Pty Ltd

(*a*) To manage the planning and operation of the International Sports Marketing and Media Conference.

(*b*) Project brief related to the purpose.

(*c*) February–July 1989

(*d*) $45 006

(*e*) Nil.

CANTEEN SERVICE—VICTORIAN TOURISM COMMISSION

(Question No. 696)

Mr GUDE (Hawthorn) asked the Minister for Tourism:

1. Whether a canteen service operates within his Ministry or any of its agencies; if so, in respect of each canteen—(*a*) is the canteen subsidised and how much was the subsidy in 1989–90, indicating the percentage of all costs met by subsidy; (*b*) are all employees entitled to attend the canteen; (*c*) are non-departmental people able to gain access to the facility, and in the event that they are what is the condition of entry; (*d*) is the canteen operated by government staff or an outside contractor; (*e*) what other subsidised benefits are available to staff employed by the department or any of its agencies; (*f*) is any special equipment available to employees either free, at cost or subsidised, please give details?

2. Whether an employees' social club exists?

3. Whether an employees' credit cooperative exists?

4. Whether an employees' buying cooperative exists; if so, are other than departmental staff able to access the scheme?

Mr CRABB (Minister for Tourism)—The answer is:

1. There is no canteen service operating within the Victorian Tourism Commission.

2. An employees' social club does not exist.

3. An employees' credit cooperative does not exist.

4. An employees' buying cooperative does not exist.

PENSIONER PURCHASE SCHEME

(Question No. 726)

Mr PERRIN (Bulleen) asked the Treasurer:

With regard to the stamp duty benefits available under the Pensioner Purchase scheme to pensioners holding various pensioner health benefit cards during each of the years 1984–85 to 1989–90:

1. What was the number of pensioners who received a benefit under that scheme?

2. How much stamp duty was forgone?

3. What is the maximum exemption level where stamp duty benefits cut out?

Mr ROPER (Treasurer)—The answer is:

1. and 2. Number of pensioners who received a benefit under the scheme and the amount of duty forgone:

Year	*Number of approved applications*	*Stamp duty forgone* ($)
1985–86	212	171 391
1986–87	1 319	1 139 910
1987–88	1 331	1 199 614
1988–89	1 013	843 015
1989–90	488	348 558

Note: The scheme commenced and applied to contracts entered into on or after 24 September 1985.

3. A full exemption or refund applies to properties (house plus land) having values up to $55 000. Where the price of the property exceeds $55 000 but does not exceed $65 000 a partial exemption or refund is available. No exemption or refund is available where the price of the property exceeds $65 000.

A person who is eligible to apply for a benefit in respect of a transfer/conveyance is also fully exempt from stamp duty in respect of a mortgage over the property provided that the mortgage is signed and dated within six months of the date of the transfer/conveyance.

QUESTIONS ON NOTICE

The following answers to questions on notice were circulated—

BARWON BRIDGE

(Question No. 304)

Mr DICKINSON (South Barwon) asked the Minister for Transport:

Whether payouts were made to employees who were stood down when work on the new Barwon bridge ceased for seven months; if so—(*a*) what was the basis for the payouts; and (*b*) what is the estimated additional cost of completing the bridge and meeting the revised completion date?

Mr SPYKER (Minister for Transport)—The answer is:

(*a*) The industrial dispute on site was one between Lewis Construction Company and the union involved on the project. While officers of the Roads Corporation, the Department of Labour and the Ministry of Transport were involved in attempted settlements during the course of the dispute, the terms negotiated for recommencement of work are the confidential commercial affairs of Lewis Construction Company and the unions.

(*b*) As a result of the agreements reached the Roads Corporation is likely to incur additional costs of up to $1 million under the contract. As the honourable member will be aware, the Barwon bridge has been opened.

OLYMPIC GAMES FACILITIES

(Question No. 345)

Mr DICKINSON (South Barwon) asked the Minister for Planning and Urban Growth, for the Minister for Major Projects:

In addition to the information made available via a memorandum dated 17 August 1989 in relation to Olympic Games facilities:

1. Whether the Minister will provide a list of government building projects undertaken since 1982, giving details of—(*a*) the names of architects engaged for each project; (*b*) the names of building contractors engaged for each project; and (*c*) the cost of each project, specifying fees paid to the architects and builders in each case?

2. Whether the Minister will advise which government building projects, since 1982 have been granted to the architectural firms—(*a*) Daryl Jackson Pty Ltd; and (*b*) Bates, Smart and McCutcheon Pty Ltd?

Mr McCUTCHEON (Minister for Planning and Urban Growth)—The answer supplied by the Minister for Major Projects is:

1. As Minister for Major Projects, I can reply only in regard to those building projects under my administration. The time and resources required to provide this information for projects outside my administration cannot be justified. Given below, however, is a list of MPU building projects, identifying architects and building contractors involved, and associated costs, as requested.

Larundel laundry

Estimated total final cost: $6.062 million.

Design and construction supervisor: Kuttner Collins & Partners Pty Ltd (Consulting Services).

Fee: $384 500.

The Larundel laundry is to be constructed to replace the laundry previously incorporated in the Willsmere Hospital complex.

World Congress Centre and car park

Final cost: $148.8 million finance organised by Allco Nominees.

Architect: Eggleston MacDonald engaged by Allco Nominees.

Fee: $148 330.

Building Contractor: Grocon Limited.

Payments to date: $111.2 million—included in this amount are payments to the architectural firm John Andrews International Pty Ltd. The level of these payments was a matter of negotiation between the developer and architectural firm and is not available.

Bayside: Telecom facility

Final Cost: $6 336 000 total development.

Design and Construct Project: Consulere Pty Ltd (Builders and Civil Engineers).

Fee: $6 336 000 ($4.95 million for relocation paid by MPU; $1.38 million funded by Telecom for equipment upgrading). A new Telecom facility was built as part of an agreement to transfer Commonwealth land within the Bayside site to the State.

Museum relocation

Estimated Final Cost: $298 million—Ministry for the Arts.

Architects: Daryl Jackson Pty Ltd.

Fee: $3 693 178 to date.

Building Contractors: not yet engaged.

Library redevelopment

Estimated Final Cost: $187 million—Ministry for the Arts.

Architects: Ancher Mortlock & Woolley Pty Ltd.

Fee: $2 400 000 to date.

Building Contractors: not yet engaged.

National Tennis Centre footbridge

Final Cost: $3.5 million.

Architects: Phillip Cox Sanderson. The architect was retained by Civil and Civic.

Fee: $98 000.

Building Contractor: Civil and Civic; Fee $2 325 729 (excluding architect's fees) Metrail; Fee $827 617.

2. For the government building projects administered by the Major Projects Unit, the architectural firm Daryl Jackson Pty Ltd has been engaged for the Museum relocation. The firm Bates, Smart and McCutcheon Pty Ltd has not been engaged by MPU on any building projects.

GOVERNMENT MEDIA UNIT

(Question No. 625)

Mr GUDE (Hawthorn) asked the Minister for Planning and Urban Growth, for the Minister for Major Projects:

What staff have journalists' qualifications and are employed either full or part time within—(*a*) the Ministry; (*b*) the department; or (*c*) any of its agencies, indicating in each case—(i) their name; (ii) when were they employed; (iii) the last media outlet they worked for; (iv) their rate of pay; and (v) whether or not they ever worked within the Government Media Unit?

Mr McCUTCHEON (Minister for Planning and Urban Growth)—The answer supplied by the Minister for Major Projects is:

(i) Two persons

(ii) October 1987, April 1990

(iv) Rates of pay are within industry standards

(v) One consultant has worked in the Government Media Unit

To provide names and previous employment details would be a breach of personnel confidentiality.

RETIREMENT COUNSELLING—DEPARTMENT OF INDUSTRY AND ECONOMIC PLANNING

(Question No. 671)

Mr PERRIN (Bulleen) asked the Treasurer, for the Minister for Industry and Economic Planning:

In regard to each department, agency and authority within the Minister's administration:

1. How many retirement counselling seminars have been government funded or sponsored in 1989–90, indicating—(*a*) how many employees having reached 50 years of age have attended; (*b*) what person or organisation conducted the seminars, indicating the numbers that could be accommodated at each seminar; and (*c*) how many employees were eligible to apply to attend these seminars?

2. What action is being taken to provide retirement counselling to employees within the Minister's administration?

Mr ROPER (Treasurer)—The answer supplied by the Minister for Industry and Economic Planning is:

State Electricity Commission (SEC)

1. None. Retirement counselling seminars in 1989–90 were funded by the SEC and SEC Superannuation Fund.

2. The SEC's Superannuation Administration Department administers the SEC Superannuation Fund and provides an ongoing retirement counselling service to all SEC members (employees).

Retirement planning advice is provided to all SEC members through group seminars, eg. during the Voluntary Departure Program in 1989–90, and personal interviews or telephone discussions with the department's counsellors. Both members and their spouses are encouraged to attend at group and/or individual counselling sessions.

In addition to retirement counselling, the department also provides advice to members in relation to pre-retirement or resignation entitlements under the superannuation fund.

Gas and Fuel Corporation (GFC)

1. No retirement counselling seminars were funded or sponsored by the Gas and Fuel Corporation of Victoria in 1989–90.

2. The corporation conducts retirement counselling seminars when sufficient numbers warrant a seminar; otherwise, individual counselling is provided.

Exhibition Trustees

The trustees have never sponsored any retirement counselling seminars

Coal Corporation of Victoria (CCV)

CCV has not funded or sponsored any formal retirement counselling seminars in 1989–90. However, for superannuation purposes, counselling and financial management advice is available to CCV employees who are members of the SECV Superannuation Scheme or the State Superannuation Scheme.

Overseas Projects Corporation of Victoria (OPCV)

1. The Overseas Projects Corporation of Victoria Ltd did not fund or sponsor any retirement or counselling seminars in 1989–90.

2. No action is currently being taken by the corporation to provide retirement counselling to employees.

Small Business Development Corporation (SBDC)

The SBDC did not fund or sponsor any retirement counselling seminars for its employees in 1989–90.

Department of Industry and Office Of Economic Planning (DIEP)

1988—All staff over 45 years of age were invited by personal letter to attend a one day pre-retirement planning session conducted by the Victorian Retirement Advisory Association. Twenty-eight members of staff accepted this invitation.

1990—The Department of Industry became a corporate member of the Australian Retired Persons Association. This entitles any member of staff to attend the monthly pre-retirement planning seminars free of charge.

Seventeen people from the department have attended seminars to date.

These seminars are advertised regularly in the staff information bulletin.

Geelong Regional Commission (GRC)

Three staff members of the Geelong Regional Commission attended a government funded/sponsored retirement counselling seminar in 1988. The seminar was conducted at Clifton Springs and included presenters from Retire-Invest and the Local Authorities Superannuation Board.

The commission has currently nine staff members who have attained the age of 50 years and may be eligible to apply to attend such seminars.

Renewable Energy Authority of Victoria (REAV)

The Victorian Solar Energy Council (now the Renewable Energy Authority Victoria) did not fund or sponsor any retirement counselling seminars in 1989–90.

Latrobe Regional Commission (LRC)

The Latrobe Regional Commission has not conducted any retirement counselling seminars nor have any staff attended any. Should any staff member wish to receive counselling the commission will endeavour to arrange this with either a public or private company.

SPONSORSHIP FUNDS—DEPARTMENT OF INDUSTRY AND ECONOMIC PLANNING

(Question No. 682)

Mr GUDE (Hawthorn) asked the Treasurer, for the Minister of Industry and Economic Planning:

In respect of each department, authority or agency under his administration, what funds have been given to sporting bodies, organisations or clubs in the form of sponsorship, indicating, in each case—(*a*) the name of the sporting group and the government agency; (*b*) the amount of sponsorship; (*c*) the period of sponsorship; (*d*) the basic terms upon which the sponsorship was given; (*e*) the activity being promoted by the sponsorship; (*f*) whether the sporting group is privately owned or has limited membership; and (*g*) whether the sponsorship funds directly benefit—(i) less than 20 active participants; (ii) more than 20 but less than 50 active participants; (iii) more than 50 but less than 100 active participants; and (iv) more than 100 active participants?

Mr ROPER (Treasurer)—The answer supplied by the Minister for Industry and Economic Planning is:

Exhibition Trustees

The Exhibition Trustees have never directed funds to sporting bodies, organisations or clubs in the form of sponsorship.

Gas and Fuel Corporation

(*a*) Surf Lifesaving Association of Australia, Victoria State Centre.

(*b*) $6500.

(*c*) Financial year ended 30 June 1990.

(*d*) Sponsorship for the Under 18 Development Squad.

(*e*) Surf Lifesaving.

(*f*) the sporting group is an association, not privately owned, nor with limited membership.

(*g*) More than 100 active participants.

Overseas Projects Corporation of Victoria

The Overseas Projects Corporation of Victoria Ltd has not given any funds to any sporting bodies, organisations or clubs in the form of sponsorship.

Small Business Development Corporation

The corporation has not provided any funds to sporting bodies, organisations or clubs in the form of sponsorship.

Department of Industry and Office of Economic Planning

Since 1 January 1988, the department has given no funds to sporting bodies, organisations or clubs in the form of sponsorship.

Records before 1 January 1988 were not checked as this would have required an extensive manual search through archived records.

Renewable Energy Authority of Victoria

The authority has not provided any funds or sponsorship to any sporting organisations or clubs.

Latrobe Regional Commission

The Latrobe Regional Commission did not directly fund any sporting bodies in the previous financial year but they did donate sports bags, to the value of $1430, to the Australian Waterski Championships held at Lake Narracan in April this year. The bags were to be used as gifts for the 120–130 competitors. The commission was mentioned as a sponsor in all advertising.

Geelong Regional Commission

The commission has on three occasions provided funds for special sporting events as part of its regional promotion program. These funds have not been given unconditionally to the organisations but have been directly allocated to specific costs in the staging of events as included in the supplied information below.

1. Bicentennial Run
   (*a*) Bicentennial Run around Port Phillip Bay
   (*b*) $500
   (*c*) January 30 and 31, 1988
   (*d*) Purchase of equipment
   (*e*) Community "Fun Run"
   (*f*) Government sponsored project
   (*g*) (iv)
2. Body Building Competition
   (*a*) Geelong Regional Commission
   (*b*) $300
   (*c*) March 13, 1990
   (*d*) Provision of trophies
   (*e*) Body Building Competition at Surf Coast Plaza
   (*f*) Run by Geelong Regional Commission
   (*g*) (ii)
3. Bells Beach Surf Carnival
   (*a*) Australian Surf Riders' Association
   (*b*) $1500
   (*c*) 16 April 1990
   (*d*) Advertising material
   (*e*) International surfing competition (Australia vs. USA Challenge)
   (*f*) Sporting group is private club arrangement with limited membership.

Coal Corporation of Victoria

1. Funds provided by the Coal Corporation are generally allocated to "junior" organisations who are based in the Latrobe region and who are involved in activities relating to youth, charitable, sporting, arts and other worthwhile activities in the local community. The funds are generally provided to the controlling body for the particular activity rather than to an individual club. In addition, funds are provided, on occasions, to organisation conducting seminars, conferences, etc. on energy related matters.

2. A list of organisations who received sponsorship funds from the Coal Corporation in 1989–90 follows.

State Electricity Commission

A list of organisations who received sponsorship funds from the SECV also follows.

COAL CORPORATION OF VICTORIA

SPONSORSHIP FUNDS PROVIDED IN 1989–90

Organisation	*Amount*	*Activity*	*Private Membership*	*Numbers Involved*
	$			
Latrobe Valley Eisteddfod	500	Arts and culture for Youth	No	> 100
Central Gippsland Hospital—Craft Expo and Fair	300	Arts and crafts	No	> 100
Australian Institute of Energy 1990 Conference in Latrobe Valley	500	Conference on energy issues	No	> 100
Gippsland Science Talent Search Committee	250	Youth achievement in science	No	> 100
Commercial Road Primary School, Morwell	400	Cultural exchange with Japan tour group	No	20–50
Apex Zone 12 Youth Leadership Project in Latrobe Valley	200	Youth leadership	No	20–50
Latrobe Valley Inter-town Basketball League	2000	Youth basketball	No	> 100
Australasian Institute of Mining and Metallurgy, Latrobe Valley Branch	200	Seminar/Dinner on energy issues	No	> 50
Gippsland Cricket League—Junior Country Week	1000	Youth cricket	No	> 100
Latrobe Valley Junior Football League	2000	Youth football	No	> 100
Monash University College Gippsland Women's Essay Competition	200	Youth academic development	No	> 100
CCV/Monash University College Gippsland Scholarships	3000	Youth academic development—three Scholarships of $1000 each	No	> 100

STATE ELECTRICITY COMMISSION

Name of body	*Value*	*Period*	*Comments*	*Activity*	*Membership*	*Participants*
	$					
Latrobe Valley Shift Basketball Team	72	1990–91	For the purchase of singlets.	Basketball	SEC employees (ie. work-based club)	Less than 20
Kyneton Cricket Club	50	1989–90	Annual trophies/ Promotional exercise.	Cricket	Open to public	21–50
Australian Bujutsu-Kwai Club	200	1989–90	Promotional/SEC logo on uniforms. Club assists handicapped people. Donation sponsored USA trip to the world championships.	Karate	Open to public	51–100

Name of body	*Value*	*Period*	*Comments*	*Activity*	*Membership*	*Participants*
	$					
Bairnsdale and District Dog Obedience Club	100	1989–90	Promotional/SEC logo on uniforms.	Dog obedience	Open to public	51–100
Bairnsdale Indoor Soccer Association	150	1989–90	Promotional/SEC logo on uniforms. "SEC Junior Soccer Competition". Also subsidised State Championship Squad.	Soccer	Open to public	51–100
Horsham Squash Club	120	1989–90	Promotional/SEC hot water displays, local press coverage.	Squash	Open to public	51–100
Longford Primary School	200	1989–90	Promotional sponsorship.	Fun run	Open to public	51–100
Portland Croquet Club	50	Annual	Club trophies.	Croquet	Open to public	51–100
Lakes Entrance Golf Club	80	1990–91	Promotional donation of low energy light bulbs as tournament prize.	Golf	Private Club	More than 100
Portland Golf Club	300	Annual	Promotional/Hot Water and Storage Heating displayed in Club house, acknowledged by Club in newspaper.	Golf	Private Club (with public access)	More than 100
Dartmoor Golf Club	100	Annual	As for Portland Golf Club	Golf Club	As for Portland Golf Club	More than 100
Portland North Junior Football Club	35	Annual	Club trophies/ Promotional exposure.	Football	Open to public	More than 100
Brunswick/ Broadmeadows Football Club	1250	Annual	Promotional sponsorship (Electric Hot water)	Football (VFA)	Open to public	More than 100
Victorian Junior Athletic Sporting Championship	45	1990–91	One of many sponsors, co-ordinated by the Ringwood Chamber of Commerce. Promotional—SEC featured in published program.	Junior athletics	Open to public	More than 100
Computer Services Social Club	180	1989–90	To promote a healthy lifestyle.	Sporting and social activities	SEC Information Systems Department employees (ie. work-based club).	More than 100

The following contributions have been made by the SEC Social League Incorporated, which is funded by the SEC.

Churchill Social Club	300	1989–90	Sporting activities.	Squash	SEC employees	51–100
Chadstone Training Centre Social Club	600	1989–90	Sporting activities.	Gymnasium	SEC employees	51–100

Name of body	*Value*	*Period*	*Comments*	*Activity*	*Membership*	*Participants*
	$					
Power Grid Development Department Social Club	100	1989–90	Sporting activities.	Volleyball	SEC employees	51–100
Traralgon District Business Centre Social Club	500	1989–90	Sporting activities.	Aerobics	SEC employees	51–100
Bairnsdale Social Club	400	1989–90	Sporting activities.	Snooker	SEC employees	51–100
Castlemaine Social Club	200	1989–90	Sporting activities.	Table tennis	SEC employees	51–100
Rubicon/Eildon Social Club	750	1989–90	Donation towards the repair of the swimming pool.	See 'comments'	SEC employees	51–100
Shepparton Social Club	95	1989–90	Sporting activities.	Golf	SEC employees	51–100
Hamilton Social Club	200	1989–90	Sporting activities.	Golf	SEC employees	51–100
Herman Research Lab Social Club	1200	1989–90	Sporting activities	Gymnasium	SEC employees	More than 100
Newport Power Station Social Club	400	1989–90	Sporting activities.	Gymnasium	SEC employees	More than 100
Loy Yang Social Club	4000	1989–90	Donation towards building and furnishing of gymnasium.	Gymnasium	SEC employees	More than 100
Eastern Zone Association of Clubs	200	1989–90	Sporting activities.	Golf	SEC employees	More than 100
Mid Western Social Club	250	1989–90	Sporting activities.	Basketball	SEC employees	More than 100
Mildura Social Club	370	1989–90	Sporting activities.	Cricket	SEC employees	More than 100
Colac Social Club	200	1989–90	Sporting activities.	Carpet bowls	SEC employees	More than 100

OLYMPIC GAMES BID FOR YEAR 2000

(Question No. 692)

Mr DICKINSON (South Barwon) asked the Treasurer, for the Minister for Industry and Economic Planning:

In view of the Premier's announcement that Melbourne will make a bid for the Olympic Games to be held in the year 2000:

1. Whether the Minister will take immediate action for the planning and construction of an international standard airport at Avalon airfield, and a five star tourist hotel/motel accommodation facility for the Geelong and west coast regions?

2. Whether the government will review plans for a major yachting marina on the Bellarine Peninsula and, in particular, the setting up of an infrastructure for international tourism in the Torquay/Anglesea areas?

3. Whether the Minister, together with the Minister for Sport and Recreation, will institute a co-ordinated feasibility study on the uses of the Barwon River floodplain to cater for all sporting interest groups, including a 2000 metre Olympic standard rowing course?

Mr ROPER (Treasurer)—The answer supplied by the Minister for Industry and Economic Planning is:

1. Avalon airfield is held under a long-term lease from the Commonwealth by ASTA (Aerospace Technologies Australia) which is a private company. I am not aware of any plans by the company to develop the site as an international airport.

2. The government has put in place legislation for the Port Bellarine marina/tourist development. The government has identified the project and established the mechanism for its achievement, and the private sector is now working to bring it to fruition.

3. A submission proposing the development of an Olympic standard rowing course within the Barwon River floodplain was made to the government; however, the government decision favoured the development of such a facility at Carrum, which is now in operation.

HOUSING GUARANTEE FUND

(Question No. 721)

Mr GUDE (Hawthorn) asked the Attorney-General, for the Minister for Consumer Affairs:

In respect of the year ended 30 June 1990:

1. How many builders were prosecuted under the House Contracts Guarantee Act 1987?

2. How many builders were deregistered for breaches of Housing Guarantee Fund rules?

3. How many complaints were received by the Housing Guarantee Fund Limited?

Mr KENNAN (Attorney-General)—The answer supplied by the Minister for Consumer Affairs is:

Between 1 July 1989 and 30 June 1990:

1. The number of builders prosecuted under the House Contracts Guarantee Act 1987 was five.

2. The number of builders deregistered for breaches of Housing Guarantee Fund Ltd rules was 49.

3. The number of claims lodged with the Housing Guarantee Fund Ltd was 3869.

QUALITY VICTORIA PROGRAM

(Question No. 728)

Mr GUDE (Hawthorn) asked the Treasurer for the Minister for Industry and Economic Planning:

When the government commenced its "Quality Victoria" program, indicating—(*a*) how many companies have been assisted since the program was introduced; (*b*) the total amount of subsidy given; (*c*) the cost of administering the program; and (*d*) how many staff administer the program?

Mr ROPER (Treasurer)—The answer supplied by the Minister for Industry and Economic Planning is:

The Quality Victoria program was officially launched by the then Premier John Cain on 26 October 1984.

The program resulted from the government's acceptance of a report by a tripartite working committee which was established by the Manufacturing Advisory Committee (MAC) to investigate the performance of manufacturing industry with respect to quality and to recommend measures aimed at addressing identified weaknesses.

(*a*) Assistance is provided on two key levels of the program—

(i) Quality Information Service (QIS)

The QIS is an expert advisory service operated by the Australian Organisation for Quality. QIS provides an assessment and evaluation of a company's quality status and has reported on around 650 Victorian firms in the six years to end October 1990. In addition, QIS responds to approximately 1200 telephone inquiries from companies and consultants per annum.

(ii) Consultancy Assistance

Through the department's Business Planning Program, eligible firms may receive subsidies to undertake quality improvement projects using external consultants. Around 123 companies have been assisted under this program.

(*b*) Funding for the Quality Information Service from 1984–85 to 1989–90 (inclusive) has been $468 000.

Funding approved and committed for consultancy assistance projects amounts to $807 494.

(*c*) The direct administrative costs of the program are approximately $60 000 per annum.

(*d*) Currently one person full-time and one person half-time.