Tuesday, 12 March 1991

**The SPEAKER (Hon. Ken Coghill) took the chair at 2.6 p.m. and read the prayer.**

## THE MINISTRY

**Ms KIRNER** (Premier) — I inform the House of the responsibilities that will be undertaken by Ministers in this Parliament. The names of the Ministers selected and the portfolios held by them are as follows:

Hon. J. E. Kirner — Premier, and Minister responsible for women's affairs.

Hon. J. H. Kennan — Deputy Premier, Attorney-General, Minister for the Arts, and Minister for Major Projects, who will answer on behalf of the Minister for Health in another place.

Hon. I. M. J. Baker — Minister for Agriculture.

Hon. S. M. Crabb — Minister for Tourism, and Minister for Conservation and Environment.

Hon. Andrew McCutcheon — Minister for Planning and Housing.

Hon. N. A. Pope — Minister for Labour.

Hon. T. W. Roper — Treasurer.

Hon. B. J. Rowe — Minister for Small Business.

Hon. M. J. Sandon — Minister for Police and Emergency Services, and Minister for Corrections, who will answer on behalf of the Minister for Consumer Affairs, and the Minister for Aboriginal Affairs in another place.

Hon. A. J. Sheehan — Minister for Finance, who will answer on behalf of the Minister for Manufacturing and Industry Development, and the Minister for Education and Training in another place.

Hon. K. P. Setches — Minister for Community Services, and Minister responsible for child care, who will answer on behalf of the Minister for Ethnic, Municipal and Community Affairs in another place.

Hon. P. C. Spyker — Minister for Transport, who will answer on behalf of the Minister responsible for ports in another place.

Hon. N. B. Trezise — Minister for Sport and Recreation.

## PHOTOGRAPHING OF PROCEEDINGS

**The SPEAKER** — Order! I advise the House that I have approved a request from the *Australian* newspaper to take still photographs of question time; no additional lighting or flashlights will be used.

# QUESTIONS WITHOUT NOTICE

## PYRAMID BUILDING SOCIETY

**Mr BROWN** (Leader of the Opposition) — I refer to the statement of the liquidator of Pyramid Building Society that on the information depositors will have available to them at the end of March he would find it very difficult to see how they could reach a conclusion as to whether they should accept the government's bond offer. I ask the Premier: will the government now agree to extend the bond offer deadline until a reasonable time has expired after the liquidator's report is available to depositors?

**Ms KIRNER** (Premier) — The government shares the concerns of the opposition about the very difficult situation Pyramid people have found themselves in over the past twelve months. However, it is the government's view that it is in the best interests of those people to stick to the schedule of payments the government has announced. Those payments are being made on the information which we all have — which was tabled in the House by the Attorney-General last October — about the state of the Pyramid Building Society finances. Therefore we are anxious that the payments go out in August as promised, and the deadline of March 28 is necessary to ensure that the payments are made.

**Mr McNAMARA** (Leader of the National Party) — Further to the question asked by the Leader of the Opposition, I ask the Premier whether the government will make available all information to depositors and extend the bond offer deadline so that they can make an informed decision as to whether to accept that — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The honourable member is entitled to put his question without interruption. I particularly ask the honourable member for Whittlesea to remain silent.

**Mr McNAMARA** — I ask the Premier to reconsider her response to the last question asked by the Leader of the Opposition because unlike the government these depositors will be disadvantaged because they did not receive briefings from the former administrator, Mr Ken Russell. Given those circumstances, will the Premier consider extending the bond offer until after the liquidator's report is available?

**Ms KIRNER** (Premier) — The honourable member himself has indicated that he is repeating the question asked by the Leader of the Opposition by asking me to reconsider my answer. I repeat that I have great concern for the people who are disadvantaged by the collapse of the Pyramid Building Society. However, it is important to stick to the schedules of payment, and people can make their decisions on the information they have, which includes the report made to Parliament last October.

## GAMING MACHINES

**Mrs WILSON** (Dandenong North) — Will the Premier advise the House of the progress being made in the government's efforts to introduce gaming machines into clubs and hotels in Victoria?

**Ms KIRNER** (Premier) — The government has decided that up to 10 000 gaming machines will be allowed in licensed clubs and hotels over the next eighteen months. It has taken approximately five months to work through our policies and programs carefully for the introduction of those machines.

I believe it is a situation the people of Victoria want, and they want it because, firstly, they want better facilities in their clubs.

Secondly, they are sick to death of sending money over the border to be spent in New South Wales, and our elderly pensioners are sick to death of having to travel on buses over the border every week to play the machines.

Thirdly, a number of jobs will be made available, and these will have a spin-off effect ranging from jobs in the service industries to jobs in the clubs and hotels themselves. In particular, the government's decision requires that the gaming machines be manufactured in Victoria as soon as possible.

I notice that the opposition is listening carefully to this policy statement, and I certainly hope it will go along with the new position announced by the Leader of the Opposition to treat these kinds of Bills in the public interest because there is no doubt that the public interest of Victorians will be served by the introduction of this carefully thought-out electronic gaming machines policy.

When I say "carefully thought-out" that is not just in terms of the economic position but probably as importantly or more importantly in terms of the legal position. The government has accepted, as it did with the Connor report on casinos, the full set of recommendations of the Arthur Andersen and Co. report, which describes in minute detail the standards that will be expected with the introduction of the gaming policy.

The government will be setting up an independent gaming commission to guarantee a better take for the player so that players will be sure of obtaining a fair share of the proceeds from this new gaming policy.

I am pleased to be able to tell honourable members that Mr John "Darcy" Dugan, the former highly respected Chief Magistrate, will be the new chairperson of the commission and the Chief Commissioner of Police, Mr Kel Glare, will be the deputy chairperson . The government will appoint up to seven people in total who will include people who have a variety of interests, including church and financial interests, as well as an understanding of sport. This will ensure that the members of the commission have the breadth of understanding, legal experience and standing in the community necessary to ensure that the second half of the government's policy — which is to guarantee to the people of Victoria the cleanest as well as the best deal possible in the introduction of electronic gambling machines — can be put in place.

I look forward to hearing the opposition's policy on this — I should say the policies of both the Liberal Party and the National Party, because they are likely to be different. I take encouragement from the statement made some months ago by the honourable member for Ripon, who said that in fact they have one policy on poker machines but it is always under review and they could have another policy. Indeed, the rubbery policies of the opposition are exactly what the people of Victoria do not want. They want clear policies, clear action — and that is what we are giving them!

## PYRAMID BUILDING SOCIETY

**Mr STOCKDALE** (Brighton) — I address a further question to the Premier: has the Governor made any communication with the Premier in relation to the many thousands of petitions of Pyramid depositors addressed to him, and if so what action is proposed to be taken?

**Ms KIRNER** (Premier) — It is important in this kind of statement, which involves the Governor of Victoria, who is not part of the control of this House — nor should he be — that the Leader of the Opposition and I discuss the matter with him first. I should be happy then to provide that information to the opposition.

## MAGISTRATES COURTS IN RURAL VICTORIA

**Mr McDONALD** (Whittlesea) — Will the Attorney-General inform the House what steps he is taking to provide improved access to Magistrates Courts in rural Victoria?

**Mr KENNAN** (Attorney-General) — I thank the honourable member for his question and for his ongoing concern for people in both metropolitan and regional Victoria. He has shown widespread interest, by going right up to Benalla and even to the north, to look after people adequately who are not always looked after well elsewhere.

People in regional Victoria need more attention, particularly in respect of making justice more accessible to them. For this reason, the government proposes in this sessional period to lift the jurisdiction of Magistrates Courts to $40 000 and in the County Court to some $200 000. This will mean all the regional Magistrates Courts, both in the city and throughout country Victoria — where it is cheaper and quicker to litigate than in the higher courts — will be able to deal with a broader range of cases.

That attitude and concern contrasts with the position taken by the opposition. During a recent swing through Victoria the Leader of the Opposition claimed he had wonderful support in western Victoria, but when one reads the comments in the newspapers — —

*Honourable members interjecting.*

**The SPEAKER** — Order! Question time is an opportunity for Ministers to be questioned and provide information on government administration; it is not a vehicle for attacks on the opposition. I suggest the Attorney-General confine his remarks to matters falling directly within his portfolio.

*Honourable members interjecting.*

Mr KENNAN — I am grateful for the guidance. The last thing that has ever entered my mind in politics is to attack the opposition!

The government is committed to improving access to justice for people in the metropolitan area and outside it. The government is not racked with the internal division noticed by the *Geelong Advertiser* and the *Ballarat Courier* as existing among members of the opposition!

The government remains committed to sensible measures that will improve access to the courts. It will link the increase in the jurisdictions of both the magistrates and county courts to a more flexible case transfer proposal — a proposal worked up by a committee headed by Mr Justice McGarvie, the report of which is now to hand. That report will give the government the capacity to increase the jurisdictions in the magistrates and county courts and provide a more flexible transfer of cases between the courts which will make justice more flexible at the local level and cheaper and more efficient for local litigants.

## INDUSTRIAL RELATIONS LEGISLATION

Mr GUDE (Hawthorn) — Will the Premier advise the House whether the government will introduce pre-strike ballot legislation to protect the public and innocent third parties, such as the tomato growers in the Heinz dispute, from illegal and costly tactics used by irresponsible unions in light of the recent Heinz and Hoechst disputes and the recent comments of the Minister for Labour that some of the leaders of the State's unions lack a sense of reality and have paid insufficient regard to the interests of Victorians?

The SPEAKER — Order! In the future I suggest the honourable member for Hawthorn confine his questions to matters that strictly require an answer to be given.

Ms KIRNER (Premier) — I thank the honourable member for his question and I thank the opposition for sorting out who is its spokesperson on industrial relations. I understand from now on it will be the honourable member for Hawthorn rather than the honourable member for Burwood. At least Victorians will be clear that the industrial relations policy of the opposition is one that looks backwards to about the 1970s. I am not sure why the opposition wants to look back to the 1970s, given that when it was in government the level of industrial disputation in this State was about three times higher than it has been since the Labor Party has been in government.

It is most unfortunate that the opposition cannot take an overall view of where industrial relations is going with either the unions or employers. The opposition's record with employers over the past few weeks speaks for itself. Fancy having to be called to a meeting with employers, or having to call them to a meeting!

The SPEAKER — Order! I am having difficulty relating the Premier's remarks to the question.

Mr Elder interjected.

**The SPEAKER** — Order! I suggest the honourable member for Ballarat North is subject to Standing Orders, as is any other honourable member. I ask the Premier to confine her remarks to matters of government administration.

**Ms KIRNER** — With respect, Mr Speaker, the process of industrial relations is as crucial to this issue as the content and relationships with unions and employer groups are important to the outcome. The government has introduced an Industrial Relations Bill that is now before the House, so obviously I cannot spell out the details. That Bill provides for industrial relations arrangements which have been agreed to by employers and unions and which will make significant improvements to industrial relations in this State.

If the honourable member for Hawthorn bothered to do more than offer rhetoric he would understand — and he should know because he was a member of the former government when the Bill was introduced — that the *Industrial Relations Act* 1979 provides for secret ballots under the auspices of the State Industrial Relations Commission. The honourable member knows that. He also knows that every year he has rolled up onto the Notice Paper troglodytic pieces of legislation and has not pushed for anything to happen.

The government's industrial relations policy is not a one-liner about relationships with unions. It is a total policy. It is about wage restructuring; it is about retraining. It is about agreements between employers and unions and the future of industrial relations and productivity in this State.

In the unlikely event that the honourable member for Hawthorn becomes the Minister for Industrial Relations, can you imagine him getting an agreement from the Vehicle Builders Union or the metal trades unions and employers — or with the car manufacturing employers, as we have done with our manufacturing industry policy? The opposition parties do not have a policy because they will not work with employers and unions on what matters to Australia.

When we are talking about the future of industry in this State — because that is the point of the member's question — we should look at the recent statement by Mr Les Ayres of the Vehicle Builders Union about what the possibilities are for a peace plan on industrial matters in this State.

The honourable member for Hawthorn does not want to know about the answer to the question. He is not listening; yet again he is simply saying, "I want to get up and do the rhetoric; I don't want to know about the answer".

I do not condone and was absolutely appalled by the Heinz dispute. Together with the Victorian Farmers Federation and members of the National Party my government worked hard to try to have it resolved. It was resolved in the only place it could be resolved, the Industrial Relations Commission.

We have worked hard on a number of industrial issues in this State, which has led to greater productivity, and we will continue to do so in a cooperative manner. When we

should criticise unions and employers — as the Minister responsible for industrial relations has done — we will do so, too.

## ENTERPRISE BARGAINING

**Mr W. D. McGRATH** (Lowan) — Particularly in light of her answer to the last question, when she was talking about industrial relations policy and agreement with employers, I ask the Premier whether her government will introduce and recognise workplace enterprise agreements to replace the outdated centralised wage system, especially in light of the recent Hoechst, Heinz and SPC disputes and the recent comments of the Minister for Labour, who said that unions in Victoria are killing off policy progress by wanting everything to stand still.

**The SPEAKER** — Order! The latter part of the question is out of order.

**Ms KIRNER** (Premier) — This opposition, such as it is, is unbelievable. Perhaps the Deputy Leader of the National Party has not read the Bill — perhaps again, he is relying on rhetoric — but he should know that there is the opportunity for enterprise bargaining in the Bill that the opposition is threatening to refuse to pass.

It would be a great help if the honourable member for Lowan, who is highly respected in his community, would at least read Bills that are in front of the House. The Bill says clearly that we will bring Victoria into line with Federal legislation by allowing enterprise bargaining.

We have encouraged enterprise bargaining. I do not know whether the honourable member for Lowan can find his way to Williamstown — it is in the western suburbs, not in the Western District — but if he could do so he would find enterprise agreements at AMECON. He would find that through those agreements we have reduced the number of unions from twelve to four. He would find that productivity at that place has doubled, and that the frigate project is two months ahead of schedule. The honourable member would also find that the government has a $12 million training centre agreement. The centre, which I am to open shortly, will ensure that workers are retrained.

It is very difficult to give any credence — as I am sure the community will not — to an opposition that cannot even read the Bills that are before the House, yet before reading them says it will oppose them.

## TIMBER ROYALTY PAYMENTS

**Mr THOMSON** (Pascoe Vale) — Will the Minister for Conservation and Environment inform the House what steps he is taking to ensure the collection of overdue timber royalty payments?

**Mr CRABB** (Minister for Conservation and Environment) — Honourable members may be aware that the Auditor-General was mildly critical of my department in his report last year in respect of the number of outstanding debts it had not collected.

As a consequence of that we instituted a number of procedures. One was to put our debt collection processes on a computer so that it was rather more efficient. The second was

that we instituted a process of reminding people that they owe us money and politely asking them to pay us. Perhaps we were following the example of the Telecom television advertisements!

Things are going well and the number of outstanding debtors has come down. So, imagine my surprise and shock to be savagely attacked by the opposition for this very process! The honourable member for Syndal was stung from his normal lethargy into a savage attack on me.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Minister appears to be proceeding quite adequately without support. I suggest that honourable members on my right cease interjecting and enable the Minister to complete his reply without interruption.

**Mr CRABB** — The honourable member for Syndal attacked us for, to use his words, "pressuring the timber industry to pay its bills on time". He seemed to think it was somehow inappropriate that government departments, and ours in particular, were requiring people to "make prompt monthly payments".

I can assure the honourable member for Syndal, members of the opposition, and indeed all members of the House, that it is entirely appropriate for government agencies to ask people to pay their bills when they fall due.

**An Honourable Member** — Why don't you pay yours?

**Mr CRABB** — We have a good system for making sure that we do. The opposition is the first to make sure the government knows if some department is tardy in paying bills to the private sector.

We expect the timber industry and everyone else to pay their bills on time, and if somebody has difficulty in paying his bills he ought to do what everybody else does in similar circumstances: go to his accountant; if that does not work, he should see his bank manager; and if that does not work either, he should go and have a chat to the guy he owes the money to.

It is particularly galling to see the timber industry, which has spent the past couple of years berating the government for not allowing it enough timber to cut, when it eventually gets enough timber to cut, criticising the government for requiring it to pay its bills on time, and to see that industry being supported by the opposition in that regard. It is extremely disappointing.

However, we are proceeding with this and I believe we are getting things into line. The opposition seems to be of the view that these people were only a few days late over the allotted time they were due to pay their bills. The fact is that we have some 200 cases where people have owed us money for more than five months, and some for more than nine months.

I will not name individual companies. The honourable member for Syndal should not have named individual companies because an almost dead certain way to get a company

in trouble with its financial arrangements is to state publicly that it owes somebody a lot of money. I will not do that, and I suggest that in future the honourable member for Syndal should be more careful in that regard.

## GOVERNMENT GRANTS TO VTHC

**Mr GUDE** (Hawthorn) — Will the Premier advise the House what amount of taxpayers' money has been provided this year to the Victorian Trades Hall Council by way of government grants?

**Ms KIRNER** (Premier) — The amount of funding that has been provided to the Trades Hall Council to assist with things like equal employment opportunity, which even the opposition agrees with, would be nowhere near the level of funding that has been offered and given to assist industries to develop in Victoria or the amount given to leaders of business, and that is as it should be.

Whether we are looking at the development of small industries in Ballarat, the development of AMECON with grants for training, small research grants for a company that I visited recently which is developing small component parts, or grants in the area of medical research, we use the funding that is properly allocated to the Department of Manufacturing and Industry Development to assist businesses in Victoria.

It is not the kind of assistance that is just handed out; it clearly sets out to improve productivity, assist relocation, and assist in restructuring and training.

The honourable member for Hawthorn's question reveals the paucity of the opposition's view on industrial relations. The opposition cannot ask a question about real policy but only about the fringes. Until the opposition gets a real policy on industrial relations it has no future as pretender to government.

## SALE OF STATE INSURANCE OFFICE

**Mrs HIRSH** (Wantirna) — Will the Treasurer inform the House of the progress of the steps he is taking to obtain expressions of interest in the sale of the State Insurance Office (SIO)?

**Mr ROPER** (Treasurer) — I am sure this important matter interests many honourable members from both the government and opposition sides of the House because of their various views about it. The government has appointed Macquarie Hill Samuel to carry out the sale of the SIO. Macquarie Hill Samuel have informed me they so far have more than a dozen definite expressions of interest and believe there will be an extremely effective sale of the SIO.

It is very important for honourable members to understand that the government decided to sell the SIO specifically to retire debt. It is interesting that a variety of views have been put forward in the community about the appropriateness of that decision — even before the decision was taken!

On 20 August last year we were told in a press release:

> The SIO should be sold and the money raised should be used to repay State debt. The SIO should be sold to the public or other private insurers in a genuine privatisation.

That was a fairly strong statement. On 4 September 1990 the community was told in the *Age*:

> We have long advocated the sale of the SIO to realise funds to reduce debt.

On 18 September 1990, in the 1990-91 Budget response in Parliament, we were told:

> Proceeds of privatisation and other asset sales will be committed to debt reduction.

On each of those occasions the author of those quite sensible words — I must say that is fairly rare for the author — was the honourable member for Brighton. He strongly supported the idea of selling the SIO and using the money for debt. As part of "Mr Blockit's" new policy it appears there is some suggestion that there should be a change in that view.

I make a number of things clear to the House concerning this process. Firstly, Macquarie Hill Samuel has been asked and given a mandate to arrange the sale of the SIO. Last year, and again in January, the government specifically invited the opposition to receive ongoing briefings by Macquarie Hill Samuel on the arrangements so that they could satisfy themselves about the fairness and equity of the sale. It would have been possible not just to send back a response to that invitation but to let us know whether they did or did not wish to have such a briefing. So far the honourable member for Brighton has remained silent about whether he wants a briefing or not. I believe it would be useful for him, on behalf of the opposition, to be taken through the process that Macquarie Hill Samuel is putting in place.

Secondly, it was made clear that the funds would be used for the retirement of debt. Some doubt has been expressed on the opposition side of the House about whether that would be the case. As I said in a briefing with the people concerned, if that is the opposition's concern we will specifically provide in the legislation itself for the funds to go to the Debt Retirement Authority so there can be no suggestion of the funds being used for any other purpose.

Thirdly, it has been suggested that a good price will not be obtained. There is a great contest at the moment for market share in the Victorian insurance industry. In an effort to get the major market share in Victoria one of the interstate insurers is currently offering rates that are only half those it offers in its own State. In Sydney you would pay twice what you would have to pay in Melbourne.

I believe the intense and vigorous competition for market share will be reflected in the sale arrangements for the State Insurance Office. I am more than happy to organise a proper briefing for the opposition and the National Party, without any involvement on my part, on the arrangements for the sale so they can see exactly how Macquarie Hill Samuel are going about the sale.

I am also prepared, as I have said, to ensure that any legislation that passes through Parliament on this sale specifically mandates that funds will go to the Debt Retirement Authority.

## NIEMEYER STATEMENTS

**Mr STOCKDALE** (Brighton) — I direct a question to the Treasurer. Is it a fact that the release of the November and December Niemeyer statements indicating monthly deficits of $1.2 billion and $1 billion respectively were withheld and then combined with the release of the January statement in order to cover up the extent of the government's financial crisis?

**Mr ROPER** (Treasurer) — Firstly, let me point out to the honourable member that his use of "financial crisis" is grossly irresponsible. If he had bothered to get a briefing on State finances or, say, to ring Nick Greiner to get some advice on what is happening in State finances he would be aware that revenue in all the States has suffered severely this financial year. If he has any doubt about that I recommend that he reads the January Niemeyer statement for New South Wales. I do not know whether he is aware of that statement but it makes it clear that there has been almost no increase in revenue in New South Wales year on year because of the situation of the economy during the kind of recession we are currently experiencing. The same situation naturally applies in Victoria.

In the statement just released in New South Wales it is suggested that there will be a deficit of approximately $300 million. New South Wales will meet that gap basically by increasing revenue from special dividends from government authorities and the repayment of advances. We have made it clear that we will not take additional money from our instrumentalities to meet that gap. Rather, there will be a combination of further tightness in the financial area of departmental expenditure and the opportunity to recall some advances. We will keep whatever gap exists in this State to an absolute minimum.

I must say I expected the Niemeyer statements to be out but they were not out when I returned from overseas. The January statement was almost ready. It was decided that it would be best if they were released as a group.

Although the honourable member did not mention it, I also say that those three statements showed the gradual improvement over those three months as the various measures, both in expenditure and revenue, started to have some effect.

All States are having significant difficulties in the revenue area this financial year, and the government expects that to continue for the rest of the financial year.

## BLACKMAIL ATTEMPT CHARGES

**Mr McNAMARA** (Leader of the National Party) — I ask the Minister for Police and Emergency Services whether charges will be recommended against Mr John Halfpenny, the Secretary of the Victorian Trades Hall Council, and Mr Martin Ferguson, the President of the Australian Council of Trade Unions, in relation to attempts by them to blackmail the organisers of the Australian Open Tennis competition into paying $10 000 to the National Olympic Sports Congress?

**Mr SANDON** (Minister for Police and Emergency Services) — It is pertinent in answering the question to demonstrate the difference between the National Party and the government. One fundamental principle the government adopts with respect to the police is: we do not direct; we do not control and we keep out of what the police do at an operational level. I do not direct the police as to who they will charge, as occurred under a former Queensland government. This is one of the reasons Victoria has one of the best police forces in the country, and it will long remain so under my leadership, because the government will keep out of the day-to-day operations of the Police Force.

## WORKCARE

**Mr MICALLEF** (Springvale) — Is the Minister for Labour monitoring the impact of the WorkCare scheme on Victorian industry and, if so, will he tell the House of the most recent advice he has received, indicating Victoria's position relative to the cost of workers compensation schemes in other States?

**Mr POPE** (Minister for Labour) — As I indicated during the last session of Parliament, WorkCare has been turned around through the reforms put in place and the activities of the agencies that make up the WorkCare scheme. I am confident that the unfunded liability, which was projected to be $5 billion to $7 billion in June 1990, will be far less than that and will come in at approximately $2 billion.

Because of the healthy situation with WorkCare and following a request from the Premier to examine WorkCare and its effect upon industry, the government decided to implement a number of reforms to benefit industry, such as removing the volatility that exists, especially with small business, by capping the amount of increase that may occur from one year to the next. That reform has brought about reductions of $25 million in this financial year alone to approximately 1700 businesses.

In regard to the issue of superannuation being part of the remuneration, the government will change the definition of remuneration to remove superannuation from it. This reform will be worth up to $40 million to industry in the State.

It is often said by honourable members opposite and by a number of people within the industry that they would be better off under the New South Wales workers compensation scheme. A survey was undertaken of the top 100 firms by remuneration in Victoria and the impact that would be felt by those firms if they were operating under the work cover scheme in New South Wales. It was ascertained that on average those 100 largest firms by remuneration would be paying 28 per cent more if they were covered by

the work cover scheme of New South Wales. Work cover charges a levy of 2.1 per cent on average, and in Victoria WorkCare charges 3.3 per cent, but one must examine the hidden costs associated with the work cover scheme in New South Wales. For instance, work cover imposes a dust disease levy, an experience rating with larger firms, and a system where the scheme pays only 55 per cent after six months yet with respect to make-up pay provisions within awards, which usually amounts to 52 weeks, the employer makes up the difference.

There are also higher costs to employers than occurs in Victoria. The survey also revealed that injured workers receive far fewer benefits in New South Wales than in Victoria, so the claim that firms are better off in New South Wales under its work cover scheme should be put to rest because the survey indicates that the New South Wales scheme is far more expensive than WorkCare.

## ENTERTAINMENT EXPENSES

**Mr COOPER** (Mornington) — I ask the Minister for Agriculture to confirm that it was members of his own party who gave details to members of the opposition about numerous alcoholic beverages such as Laphroaig whisky, Johnnie Walker Black Label whisky and various brands of champagne, wines, spirits and beer that were purchased with taxpayers' money.

**An honourable member** interjected.

**Mr COOPER** — It has to do with government administration.

**The SPEAKER** — Order! The honourable member for Mornington must relate the question to Ministerial responsibility and it must also relate to the Minister's current portfolio responsibilities. I ask the honourable member to clarify his question.

**Mr COOPER** — I have asked the Minister whether it is a fact that members of his own party gave details to members of the opposition party — —

**The SPEAKER** — Order! I advise the honourable member that the Minister is not responsible for the actions of persons other than the staff and public servants within his own department and those for whom he has a Ministerial responsibility. I ask the honourable member not to simply repeat the words he used before but to clarify whether his question relates to the responsibilities of the Minister in his current portfolio.

**Mr COOPER** — Can the Minister assure the House that those matters to which I have referred and which occurred in his previous Ministerial responsibility are not occurring under his present Ministerial responsibility?

**Mr BAKER** (Minister for Agriculture) — I am advised that an analysis of the accounts for the 23 weeks when I was responsible for the portfolio of property and services shows that the entertainment expenses relating to alcohol expenditure for the Ministerial office amounted to $2920.58. For a Ministry that produces, across a whole range of business areas, some $100 million in revenue more than its outgoings and given the nature of the kind of businesses, I contend that is a modest expenditure. I am also advised that, on a weekly basis, it is less than the previous five weeks for my predecessor, not more as has been claimed in the media.

I also point out that during that time in the Minister's office a range of committees, upon which sat people who received no emolument or tithe, met regularly so, as a matter of courtesy and as a matter of convention across governments for some time, they were allowed to have access to some entertainment at the end of their deliberations.

Finally I point out that the matters and the inferences that have been drawn outside this House by other people and within the media will be the subject of litigation — and I am told successful litigation — and I thank the honourable member for adding weight to the claim for damages.

## MINISTERIAL STATEMENT

### Melbourne

**The SPEAKER** — I call the Premier to make a Ministerial statement.

**Mr STOCKDALE** (Brighton) — On a point of order, Mr Speaker, you called the Premier to make a Ministerial statement and documents have been distributed which are headed "Ministerial statement on Melbourne". If any notice of the Ministerial statement had been given to the opposition I would have knowledge of it but no notice whatsoever has been given to the opposition.

I understand the normal convention is that at least 2 hours notice is given to the opposition and that provision is made by agreement for responses on behalf of the opposition parties in relation to the matter. To the best of my knowledge, no such discussions have taken place.

The Premier is proceeding by way of ambush and I ask you, Mr Speaker, to adjourn the matter until such time as the normal courtesies have been extended to the opposition.

**Ms KIRNER** (Premier) — On the point of order, Mr Speaker, because a Ministerial statement is a very important part of the role of this House, I asked my advisers to inquire of the Clerk what the process of making such a statement was. I was informed that I had to provide the document to the Speaker 2 hours before I was to present it but that there was no requirement to do the same for the opposition.

**Mr RICHARDSON** (Forest Hill) — On the point of order, Mr Speaker, I wish to draw your attention to the fact that the impression being given by the Premier is that she was unaware of the procedures to be followed until she was informed of normal practice by the Clerk and that the Clerk informed her of the precise requirement.

The impression of not knowing the conventions that the Premier is trying to give is false. The Premier will recall that when she was the Minister for Education and I was the shadow Minister for Education she introduced a Ministerial statement and provided the opposition with advance copies 2 hours before she intended to deliver that statement. Now the Premier is pretending to the House that she did not know the conventions.

**Mr MACLELLAN** (Berwick) — On the point of order, Mr Speaker, I suggest to you that in the remarks she made perhaps the Premier was relying on what is provided in the Standing Orders, which is not unreasonable.

**Mr Crabb** interjected.

**The SPEAKER** — Order! The Minister is out of order, as he well knows. I ask him to remain silent.

**Mr MACLELLAN** — The situation is that the point of order was taken — —

**Mr Crabb** interjected.

**The SPEAKER** — Order! I ask the Minister for Conservation and Environment to withdraw his remarks.

**Mr Crabb** — I withdraw.

**Mr MACLELLAN** — The point of order was taken in terms of the longstanding practice of the House, which has been the practice as long as I have been here, whereby it is arranged that notice is given to the opposition of a Ministerial statement and a copy is provided, and that arrangements are made either for the immediate resumption of the debate or for the debate to be brought on at a later stage, and those matters are always within the range of the Leaders of the House.

Quite apart from the honourable member for Forest Hill recalling the Premier giving a Ministerial statement and making a copy available to him, I draw to your attention, Mr Speaker, the longstanding arrangement that precedes my membership of this House and undoubtedly yours, that every time there has been a Ministerial statement notice regarding its subject has been given to the other side. That has been done well in advance and copies have been made available to the other side and the Chair within the proper time stipulated by the Standing Orders.

That is a Standing Order requirement and arrangements have been made between the Leaders of the House on behalf of the various parties as to the adjournment of the debate or immediate rejoinder to the statement. Never in my experience has a Ministerial statement been distributed in the House without those matters having been attended to. I would confidently expect the honourable member for Footscray to back me in that assertion.

**The SPEAKER** — Order! I have heard sufficient argument. Firstly, in respect of the notification to the Chair, the normal and correct processes have been observed whereby the Chair has been able to determine that the proposed Ministerial statement is in order. The common practice of making advance copies available and giving advance notice to other parties is simply a private arrangement that has developed in the House, it is not a formal requirement or established practice of the House as such. I do not uphold the point of order.

**Mr BROWN** (Leader of the Opposition) — On a further point of order, as it is clear that the government is going to bludgeon this through without any prior advice having been given to the opposition. I raise the matter of the time to be made available for the opposition to respond. On an issue as important as the city of Melbourne I should have thought that some cooperation would have made sense.

I clearly say to the Premier in this Parliament that if that is the way she wants to run government, the opposition will accommodate her. I do not know what is encompassed in this document, there has been no forewarning, and if it involves legislation and the Premier expects cooperation she is not going about it the right way.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition is entitled to raise a point of order and to be heard in silence. However, I would point out to him that the matter of the time to be provided for consideration or noting of the Ministerial statement is a matter for subsequent procedures and is not a matter before the House at the moment.

**Mr BROWN** — So long as I can have an assurance that the opposition will have a forum in which to raise the matter of timing because it is not in a position to do so immediately the Premier concludes her Ministerial statement.

*Honourable members interjecting.*

**Mr BROWN** — This is the most comprehensive statement that has been put before the House for some time. It exceeds 30 pages in length and obviously involves months of work by public servants, and the Premier comes into this House and expects the opposition to respond without any notice.

I suggest the best course for the Premier, to salvage something from this ludicrous situation she now finds herself in, is to adjourn the debate immediately she concludes the introduction of the statement, and that it is resumed later this day at a time subsequently agreed between the three parties.

**Ms KIRNER** (Premier) — On the point of order, Mr Speaker, again I assure the opposition that I followed the forms of procedure on this presentation that were advised. The Standing Orders of the House have been followed. I take the point of the Leader of the Opposition and I am most happy to adjourn the debate on the statement until an appropriate time today when the opposition is ready.

**Mr KENNETT** (Burwood) — On a further point of order — —

**The SPEAKER** — Order! Perhaps the honourable member for Burwood could wait until I rule on this point of order. There is no point of order.

**Mr KENNETT** — Mr Speaker, in line with the practices of this House, I seek an assurance from the Premier that this document has not been circulated to the press prior to its presentation to this House.

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

**Ms KIRNER** (Premier) — I wish to make a Ministerial statement. In 1991 Melbourne was voted by independent research bodies the most livable city in Australia and equal first as the most livable of the 100 biggest cities in the world. This livability was largely established last century by a group of people with great foresight, great optimism and great determination to turn their vision into reality.

In this Ministerial statement I will outline my government's vision for Melbourne. I will detail the actions this government will be taking to breathe new life into the city - new economic life, new social life and new environmental life; actions that will ensure that our children will inherit a city in the year 2021 that will still be voted the best in the world.

It is important that we have a vision of what Melbourne should be like. It is important that we continually review that vision and reaffirm that it is what we want. We cannot take for granted that the livability we enjoy today will continue automatically in the future.

Our challenge is to develop then deliver the actions that can turn our vision into reality – just as the early generations of planners did. Our vision is for Melbourne to be a people city; a diverse city, owned, enjoyed and shared by its people. We want a city that can combine all the best qualities of living for all its people -- a freer, safer, less judgmental place; strong, secure, confident of the future and a renewable city that can sustain itself, its infrastructure and good services of all kinds in a visually satisfying and creative environment.

Melbourne has the capacity to meet its 21st century needs within its present confines and without harming its nineteenth century heritage or its easy accessibility. We want a just city where all people have access to economic and social opportunities wherever they live; an efficient city that will support and facilitate our economic growth and the economic restructuring we have to achieve as a nation.

Melbourne has the potential to be all that we want in a city. We have the skills and the people; we have the energy and picture of what is possible.

With cooperation and determination the government will deliver. We will keep creating a city that provides the following: affordable and high-quality housing and accommodation with good public transport and an effective road system; a city centre where our heritage has been preserved and complemented by the bold new buildings of the 1980s; a centre for excellence, for learning and research; unlimited opportunities to see world-class artistic activities and sporting events; a chance to enjoy the beauty of the

city, its parks and its rivers with easy pedestrian and bicycle access; and a lifestyle with the widest possible choices for shopping, eating out or going to the theatre.

**Mr Evans** interjected.

**The SPEAKER** — Order! I ask the honourable member for Gippsland East to remain silent. The honourable member is a very longstanding member here — —

**Mr Evans** — I have not heard such rubbish.

**The SPEAKER** — Order! If the honourable member wishes to comment on the Ministerial statement he should await his proper opportunity.

**Ms KIRNER** — The government has set itself a clear course for the ongoing development of the city, to ensure Melbourne remains the most livable city in the world.

In the few moments I have available today it is impossible to cover the multitude of issues relating to our complex 1990s city. Over the next few months a series of statements will be made which will spell out in some detail the actions being planned and taken in areas I will only touch on today. They will include areas such as safety and security, transport and housing, and life in the suburbs.

Today's statement is about the city, the hub, the centre. Today's statement lists the things we will do together to implement our shared vision. We will work with the members of the Committee for Melbourne and the State Chamber of Commerce and Industry and their vision.

We will not be prisoners of the past. We will not be afraid of making bold decisions. Orthodoxy and inertia will be pushed aside. Today I shall announce a series of initiatives that will clearly demonstrate the government's commitment to change.

**The Built City**

Melbourne still enjoys the legacy of the city first planned by the surveyor Hoddle — a city laid out in a grid pattern, with wide streets and surrounded by world-class parks and gardens. We still have many fine buildings and streetscapes dating back to the nineteenth and early twentieth centuries. These can be further improved and the reshaping of the city is now under way. In time the improvements to our city that have been set in train during the 1980s — enhancing and building upon the original Hoddle plan — will be remembered as every bit as significant as the impact of Hoddle.

We owe an enormous debt to people like Evan Walker, the honourable member for Melbourne Province, who — while Minister for Planning — generated plans that have improved our city immeasurably. Not only did Evan Walker set in place measures to protect and maintain the quality of the central city, but also, with the assistance of Professor David Yencken and others, he put in place plans for the most ambitious urban redevelopment program this city has ever seen.

The government wishes to harness the best outside advice available in looking at the new plans being developed for further enhancing the city and in developing in detail the

way forward. Mr Walker has agreed to convene a new city projects committee for that purpose. The other members of the committee will be Mr Max Beck, Mr Bill Kelty, Mr Roy Woodhouse, and Ms Elizabeth Proust. The role of the committee will be to advise the government on how best to continue to materially improve our city for present and future generations. Members of the committee will help by overseeing the government's plans and will encourage commitment from the public and private sectors to put people first in revitalising the city centre.

Last month's edition of the respected *International Traveller* magazine had this to say about Melbourne:

> Melbourne is sublimely aqueous, a place of river, bay and sea — green as an emerald with parks, gardens and trees.

The Yarra River continues to be the key to enhancing the city we have inherited. This government started its commitment to the city of Melbourne by concentrating on the Yarra — not just the waterway itself, but its surrounding open spaces and built environment.

The government has opened up the Yarra River to the people, and more is yet to come. The enhancement of the Yarra environs has turned what was a forgotten part of central Melbourne into a new civic axis. The riverbank walls, the new pedestrian bridge and planning restrictions to prevent the overshadowing of the river by buildings have given the river back to the community.

As well as the new museum and arts precinct, new medium density residential development is planned. The first residential land is likely to be on the market early next year.

Already the Southbank project is transforming an underutilised area on the Yarra immediately adjacent to the central business district into a mixed residential, cultural and commercial redevelopment.

Southgate, due to open in 1992, offers enormous opportunities with a world-class commercial development including a hotel, shops, restaurants and residential development.

The docklands project outstrips all others to present us with the most exciting opportunity Melbourne has seen in 100 years. The redevelopment of redundant port and rail areas will dramatically alter the general image of Melbourne by creating a new residential, recreational and commercial area, extending the city to the river's edge - just as the Sandridge development is transforming the bay.

The casino will enable the docklands project to become established. It will expand the entertainment choices for the people in this State and will provide investment, growth and jobs. Enabling legislation for both the casino and the docklands will be brought forward in this session of Parliament. The government looks forward to the cooperation of all the key parties to expedite this important legislation. The Committee for

Melbourne and other community leaders will be working with us to turn this dream into reality.

After commencing on the Yarra River, the government expanded its vision to the Maribyrnong River, the forgotten river. The government sought to transform years of neglect and, in some places, an environmental nightmare into a second river for fishing and green banks for sport and recreation.

Wonderful parklands, now complemented by riverside bicycle paths built in the past few years, have redressed well over a century's abuse of this fine river. A key government initiative, the Lynch's Bridge development on the site of the former Newmarket saleyards and abattoirs, is creating a unique inner city housing development covering an area of about 48 hectares.

The saleyards site will provide about 320 houses 4 kilometres from the city centre surrounded by areas of public open space and recreation facilities as well as many historically significant remnants of the site's former uses. The abattoirs area will next be developed in stages to include parkland, extensive housing areas and the Women's Peace Garden. The government is committed to providing a minimum of 20 per cent public housing of an exceptionally high standard in the area.

On the opposite side of the river the redevelopment of the former William Angliss site sets a new high standard for a primarily public housing development. The award-winning house designs blend with the older nearby houses. Superb community facilities are provided for children and the elderly. Again this government is committed to mixed and affordable housing. These three initiatives on the Maribyrnong will act as models.

There will be planned living environments where Victorians from a wide range of backgrounds can live in a rejuvenated environment close to the best community resources and infrastructure this State has to offer.

Kensington, Flemington, Ascot Vale and Footscray are taking on a new vitality and a new sense of purpose in their support role for a revitalised city hub. This government saw the huge potential of the two rivers and of their final resting place, Port Phillip Bay. This government wanted Port Phillip Bay to be brought into its proper focus – and one development more than any other epitomises what is possible.

A 30-hectare neglected and polluted semi-industrial area immediately behind the Station and Princes piers, 4 kilometres from the city centre, is being redeveloped by the Sandridge City Development Corporation at a cost of more than $600 million as a major tourist, residential and commercial precinct. We have worked through the issues; we have been determined not to be sidetracked. Our government has worked with the private sector to secure this development for Melbourne.

Again public and affordable housing will be a key component. When completed this development will open up the city to the bay and give the growing traffic in cruise ships visiting Melbourne a completely new gateway to the city.

The Yarra, the Maribyrnong and the bay bring us to the city centre, the hub of Melbourne life. This government will now attack head on the thorny problem of a modern city choking with traffic. Led by our vision of the future of a renewable city sustaining itself with good services in a satisfying and creative environment, we intend to turn back the tide that has produced a city dominated by cars and trucks. We intend to hand back the streets to the people; we intend to breathe new life into the city centre.

We intend to make the city a place where people will want to go, a city where people will want to live, a city where people will want to contribute their own skills and creativity and a city where people will want to shop and be entertained.

I am pleased today to announce that the government, together with the Melbourne City Council, will introduce a series of important initiatives to reduce traffic and encourage pedestrians. Details concerning particularly Swanston Street and Elizabeth Street will be made available tomorrow. They will outline increased street-side activity, trees, tables and chairs, and grassed areas — overall the ambience of European boulevards.

Again the government does not work unilaterally but in a complementary way with the Melbourne City Council and the State Chamber of Commerce and Industry. Their desire to see new economic life brought back to the central business district is our desire.

Just imagine that from the State Library, itself being renovated and upgraded, down to the Yarra River, pedestrians will be part of a significantly enhanced environment as they wander past the Melbourne Central retailing complex — with its wondrous glass dome, due to open in September of this year; the City Square, which the council is planning to upgrade; St Paul's Cathedral; the Princes Plaza; and the Victorian Arts Centre.

The government has a second bold announcement to make today: another symbol of change that will add confidence to the city and the State. As part of our plan to make Melbourne a freer, more lively, more efficient and effective place, we have today announced agreement to introduce state-of-the-art electronic gaming machines into Victoria's hotels and clubs.

In the first eighteen months, up to 10 000 machines will be introduced into the market, which will provide new jobs and, in particular, revitalise city hotels. Australian Football League, Returned Services League and other sports and community clubs will now have an increased capacity to maintain and regenerate themselves. As a result of the government's decision today clubs will be able to provide truly world class facilities to their members, visitors and tourists. There will be more options for entertainment and more variety to life in the city.

The government is determined to ensure Victorians get the best and that Victoria stops exporting its gambling dollar to New South Wales. No longer will $300 million to $400 million be given away to other States; Victorian sporting and community clubs will be the beneficiaries. This decision will help to build community. We are determined that clubs and hotels have the chance to provide these state-of-the-art electronic gaming machines and so produce business for Victorian firms and jobs for Victorians.

We are mindful that rigorous standards of security and accountability are essential in all aspects of installation and operation of these gaming machines. To that end the government has committed itself to establishing an independent gaming commission that will also ensure that clubs and hotels set appropriate dress codes and standards of amenity and ensure that minimum age requirements are adhered to.

These machines will provide for a new level of entertainment in our community equal to that available in the great cities around the world. They will cater for those who have decided to go out and play the machines for the evening, or even an hour's amusement, as well as for those who are in a bar and just want an occasional flutter.

The announcement is part of a series commenced in December 1990 where the government set about establishing a new gambling policy for Victoria in a commonsense and coherent manner. The gaming machine announcement also complements the government's decision to place a club-style casino in the Melbourne central business district. This is another "revitalising Melbourne" initiative strongly supported by the State Chamber of Commerce and Industry and the Melbourne City Council. Gambling has always been seen as too tough to tackle but we have tackled it.

The business community has come to us with a number of issues for business in this State and we will tackle those as well. For example, a critical issue in our vision of Melbourne as a more livable city is determining the nature of shop trading hours. The government has led the way in reforming shop trading hours. We made shopping more accessible and convenient by the introduction in 1987 of Saturday afternoon shopping. We built on this reform by allowing shops to open on the four Sundays before Christmas last year.

These reforms have provided a badly needed stimulus to many retail trade areas through improved turnover and increased employment opportunities and at the same time have enabled families to shop in a more convenient and leisurely way. The government is committed to working with small and large retailers and employee representatives to develop an agreed position on any further changes to shop trading hours.

Impediments to business, such as distortions in the land tax system, will be addressed. On 4 October 1990 I announced a comprehensive review of the land tax system and look forward to acting on the final report which is due on 30 June.

Let me give this undertaking to the businesses of Melbourne: that hindrance to economic activity caused by distortions in the land tax system will be dealt with in the next State Budget.

This government wants to see new economic life breathed into the city with good research and advice commits itself to action.

The government is committed to deliver on micro-economic reform, on infrastructure development, on restraint in public sector expenditure, and on sustainable development -- all areas of vital concern to city businesses and firms. Together with business and

unions the government looks forward to working through these difficult issues - just as we have done on gaming machines and casinos and the dockland authority.

The Minister for Manufacturing and Industry Development, Mr David White, has commenced working on port reform with port users, management and city business. The Minister for Transport, Mr Peter Spyker,is working with the Federal government to establish the National Rail Freight Corporation. If Melbourne is to go ahead with its unique advantages in transport, we must be united to produce real micro-economic reform in these two linked areas.

**The Emerald City**

This government is presently taking a series of serious decisions that will keep Victoria at the forefront in protecting and conserving resources in the urban environment. A livable city requires a sustainable environment. We owe it to future generations to further enhance our emerald city. To this end the Environment Protection Authority, which is the most powerful environmental enforcement body in Australia, must continue to maintain the comprehensive air, land and water protection policies and environmental monitoring that have helped Melbourne become the most livable city in the world.

One of the greatest challenges for the future development of Melbourne will be to address the legacy of pollution resulting from past ignorance and lack of controls.

Already the EPA has developed Australia's only working register of contaminated sites, and drafted the Australian guidelines for management of such sites. The community as well as industry has an important role to play in improving our urban environment. Sixty per cent of Melbourne's air pollution is due to car exhaust emissions, and the EPA annually runs a Clean Air campaign to target smoky vehicles. Fewer cars mean cleaner air. Up to now Victoria has had regulations that have restricted the formation of small groups to pool their resources and use one vehicle. Our government will introduce legislative amendments to allow for the formation of car pools. In addition we are looking at means of introducing priority transit lanes for vehicles with more than two persons. This will make car pooling more attractive as there will be an immediate benefit for commuters who travel together. In conjunction with the government commitment to increase patronage on our public transport system we will reduce the number of vehicles using our road network during the peak hours of the day.

Last week, together with the Minister for Conservation and Environment, Mr Steve Crabb, I launched a draft Victorian Waste Minimisation and Recycling Strategy which will tackle the household waste issue through the cooperation of industry, the community and State and local governments. The target is to reduce waste going to tips by 50 per cent by the year 2000 through action such as reducing packaging, and increasing composting and recycling.

We will expand Melbourne's existing kerbside recycling system which covers around 90 per cent of urban households. Already Melbourne has one of the most extensive voluntary recycling systems in the world. An important element in the emerald city is

our vision for a green web of open space – parks, trails and waterways -- to cross Melbourne. This web is essential to making Melbourne a living city because it connects people, parks, and lifestyles. It provides safe habitat corridors for wildlife, it helps preserve indigenous vegetation and it improves water quality by buffering streams. The web also links important recreational and cultural sites and provides safe traffic-free routes for pedestrians and cyclists.

The coordination and sharing of resources between the Melbourne and Metropolitan Board of Works, the Department of Conservation and Environment and local government are being improved to increase efficiency and effectiveness. The government will provide increased assistance to local government for open space projects of regional significance.

There will also be a new peak open space advisory body established to advise the Minister for Conservation and Environment on open space priorities and levels of service. This body will provide advice for the city hub and beyond.

**A Cultural City**

Melbourne is the cultural and sporting capital of Australia. It is the country's best at staging major celebrations and festivals such as the spring racing carnival, the Melbourne International Festival of the Arts, the grand final and the Comedy Festival.

The Autumn Festival combining Moomba and the Comedy Festival provides us with a magnificent opportunity to have Melbourne host a world-class festival in autumn to match its spring counterpart.

Melbourne has the superb world-class facilities of the Victorian Art Centre, the National Tennis Centre, the Exhibition Buildings and the Malthouse complex. It has the unmatched collections of the National Gallery of Victoria, the State Library and the Museum of Victoria. The Australian collection at the National Gallery of Victoria is being relocated on the ground floor of the gallery. Refurbishment will be finished in June and the exhibition will give people a new look at the history of Australian art. The exhibition will incorporate paintings, furniture, sculpture and decorative arts in a chronological survey never before seen in Victoria.

Melbourne has a thriving commercial theatre. Forty-six thousand people from interstate and overseas have booked to see *Phantom of the Opera* in the beautifully and faithfully restored Princess Theatre. Melbourne is fast becoming the London of the south.

As the Victorian Tourism Authority's "Melbourne now" campaign has shown us, the creative range of options in Melbourne is remarkable. The campaign produced 10 000 inquiries in its first six weeks.

Melbourne does not need large new landmarks and monuments. We do not need to waste our energies pursuing copycat tourist traps. Melbourne has style; Melbourne has warmth. This city has diversity with more than 140 different nationalities contributing to its rich tapestry. This city has what others only dream of having: excellence.

Melbourne has a reservoir of talented writers, painters, film- makers, designers and performers. It has also an enthusiastic audience of sports and arts lovers. The government is determined to build on the strengths of Melbourne's cultural and multi-cultural community. It makes not only good cultural sense; it makes good economic sense. The arts and cultural activities and the major sporting events reinforce economic growth and development. They attract tourism and create jobs. For example, in only four years the Melbourne International Arts Festival has become renowned and has outgrown festivals such as that held in Adelaide. The 1990 festival attracted more than 675 000 people, and it is taking its place beside the grand festivals of Salzburg and Edinburgh.

The government is proud of the exceptional men and women serving the community on the major events committee. As honourable members are aware, the committee is working to bring major national and international sporting and cultural events to Victoria.

On behalf of the people of this State, I take the opportunity of thanking the committee for its good work in securing the final of the 1992 World Cup Series cricket championship for Melbourne. Melbourne is the traditional home of cricket: think of cricket and one thinks of Lords and the MCG. However, it has been only the persistence of the business and sports leaders on the major events committee that has secured for Melbourne the winning of the rights to the 1992 World Cup Series. At that time Melbourne will show again it is the sporting capital of Australia and is willing and capable of producing the world's best sports presentation.

This month the attention of the world will again be on Melbourne as 65 yachts from eleven nations will leave Melbourne to race the 10 000 kilometres to Osaka in the Yamaha Osaka Cup.

The major events committee has recommended that the World Police and Fire Games be pursued vigorously. A delegation led by the Lord Mayor of Melbourne is leaving for Memphis today and a decision is expected on 15 March. If that delegation is successful it will be the first time the games have been held outside North America. With more than 5000 competitors and families and friends, largely from overseas and interstate, the economic benefit from the games is expected to be up to $5 million.

**Heritage**

I return to the key element of the government's vision for Melbourne. This city has the capacity to meet its needs of the 21st century within its present confines and without harming its 19th century heritage. The government had to save the heritage of Collins Street from being totally annihilated and it remains totally committed to preserving Melbourne's heritage.

Almost 300 historic buildings in the central city area have been protected through the Melbourne planning scheme and the actions of the Historic Buildings Council. Of those at least one-third have had significant restoration carried out in the last decade. Some of

the more outstanding examples are the Block Arcade, the Princess Theatre, the Supreme Court, Queen's Hall in Parliament House and the Windsor Hotel.

Honourable members are stewards of the city, and the 1990s are not a time for the timid — they are a time for the game. This decade will be a time for those game to see 2lst century electronic gaming machines bring economic growth, jobs and entertainment to the city; it will be a time for the game to start the docklands development with its new businesses and open spaces and new places to live, with a world-class casino. It is a time for the game to turn back years of traffic inundation of the city centre and to breathe new life into Melbourne. It will be a time for the game to link Melbourne's green places into one continuous web of green.

I quote from Jane Jacobs's *Cities and the Wealth of Nations*:

> The premise (is) that people who relinquish the civilised art of maintaining creative cities are not to be entrusted with the risks of developing further. This fantasy is not entirely metaphor. If we strip it of the judgmental word "entrusted", we are left with a hard, plain truth. Societies and civilisations in which the cities stagnate don't develop and flourish further. They deteriorate.

In this Ministerial statement the government has taken up Jane Jacobs's challenge — it is both a dreamer and a doer. The government's goal is a vibrant city with the highest possible quality of life. There are no quick-fix solutions to the complex problems faced by modern cities. With the cooperation of business, unions, local government, community groups and Parliament the challenge can be met. We can create for future generations the world's most livable city.

By leave,I move:

> That this House takes note of the Ministerial statement.

**Mr BROWN** (Leader of the Opposition) — This is on the understanding that the Premier has given an assurance that the debate will proceed at some other time rather than immediately and forthwith.

**Motion agreed to.**

**Mr BROWN** (Leader of the Opposition) — I move:

> That the debate be now adjourned until later this day.

On the question of the period of adjournment, it is clear that one of the reasons the Premier sprang this Ministerial statement on the Parliament without any warning was because she knew that the day would be pressured.

**Mrs Hirsh** — She did not spring it!

**Mr BROWN** — As I am the Leader of Her Majesty's Opposition and as I did not receive any notice and I say that the Parliament of Victoria did not receive notice, I take exception to the interjection of the honourable member for Wantirna in defence of her Premier.

Clearly the community is interested in the debate because the city of Melbourne is vital to the ongoing welfare and development of the State overall and as such it would be timely that the opposition was fully appraised of what was proposed in this document. Tomorrow would have been a more appropriate time to have had the debate.

**Motion agreed to, and debate adjourned.**

**Debate adjourned until later this day.**

## PERSONAL EXPLANATION

**Mrs WADE** (Kew) — I desire to make a personal explanation. On 30 November 1990, the last day of the spring sessional period, the Premier used a question on employment opportunities for women in Victoria to suggest that somehow I was unfairly treated by my colleagues. Naturally I leapt to my feet and said that I had absolutely no complaints about my colleagues. In fact they are, without exception, delightful people, which is more than I can say about some of the honourable members on the other side of the House.

Notwithstanding the fact that I said I had no problems with my colleagues, the Premier purported to quote from a speech I had recently made in the House when she said I pointed out the difficulty of getting recognition. She said that I had said:

> If you want to behave as you wish to behave as a woman in this House without having to agree to the men's rules.

I never used those words or any words like those. Casting my mind back to see what the Premier could possibly have meant, it appeared that the only thing she could have referred to was the debate on the Public Authorities (Equal Employment Opportunity) Bill on 22 November 1990 and in that speech I said:

> I do not wish to be judged as a male politician is judged. I would not wish to speak for the other women members in the House, but I have no objection to my male colleagues on either side of the House continuing to behave in their usual fashion. However, I should like to say while I have the opportunity that members should remember that more than half of the electorate out there is female. I believe male members who judge female members on the basis of male tests of performance do so at their peril.

I make it clear that I was not criticising my colleagues. In fact, I was not criticising men on the other side of the House. I do not want to be identified with the many complaints that the Premier makes about the way she is treated. I am speaking about her complaints about her colleagues and about journalists and cartoonists — —

**The SPEAKER** — Order! The honourable member should confine her remarks to the misrepresentation which she believes she has suffered.

**Mrs WADE** — I was merely pointing out to male colleagues that the way women members of Parliament perform may be more attractive to women voters, and in this I am not referring to the way the Premier performs. Her reported remarks at the weekend that women are frightened to speak in this House have done a great disservice to women — —

**The SPEAKER** — Order! The honourable member has completed her personal explanation.

## VICTORIAN RELIEF COMMITTEE (AMENDMENT) BILL

**Ms KIRNER** (Premier) — I desire to move that the Victorian Relief Committee Bill be introduced tomorrow.

**Mr RICHARDSON** (Forest Hill) — On a point of order, Mr Speaker, it is a matter of procedure, but I do think the Premier should be invited to re-present her notice of motion so that she conforms with the traditional procedures of the House, because clearly she did not do so when she gave notice a moment ago, and the opposition would be deliriously happy to grant her leave to do so.

**Ms KIRNER** (Premier) — The honourable member for Forest Hill being deliriously happy is a sight I look forward to seeing, and so I shall accord with his request.

I desire to give notice that tomorrow I will move that I have leave to bring in a Bill to amend the Victorian Relief Committee Act 1958 and for other purposes.

## PETITIONS

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

### Very Fast Train proposal

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

The petition of the undersigned citizens of Australia sheweth that:

1. Existing inquiries by the Victorian government and by the Senate of the Federal government into the Very Fast Train proposal are inadequate.

2. There is a clear need for a comprehensive and integrated Federal strategy for all transport on a National basis.

Therefore your petitioners humbly pray that the Legislative Assembly should call upon the government to initiate an inquiry under the Environment Protection (Impact of Proposals) Act 1974.

This inquiry should be within the context of energy and greenhouse strategies and take account of land use and any developments associated with the Very Fast Train proposals such as new cities.

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

**By Dr Vaughan (22 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 obliged 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 petitioners, as in duty bound, will ever pray.

**By Dr Wells (554 signatures)**

## New housing in Kangerong Valley

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 about proposals to house another 8500 people in Kangerong Valley eastwards of Safety Beach. The proposal would destroy the natural beauty of this, the only valley between Portsea and Melbourne, and is a substandard use of this irreplaceable asset.

Your petitioners therefore pray that the Legislative Assembly will call upon the Victorian government to ensure that new housing in the Valley is not allowed to extend eastwards beyond its current boundary and to ensure that legislation is passed to protect the Valley for all time.

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

**By Dr Wells (30 signatures)**

## Safety Beach inland marina

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 the proposed development of an inland marina at Safety Beach may cause irreparable damage to the natural resources of the area through destruction of the northern end of Safety Beach and its associated foreshore and through obliteration of Tassell's Creek and through urbanisation of the valley approach to the Southern Peninsula. We are further concerned that the development of a major marina – residential – commercial complex will severely diminish the current residential and social amenity of the area.

Your petitioners therefore pray that the Victorian government act to stop the development of the proposed inland marina at Safety Beach by preventing the rezoning of the land in the immediate area of Tassell's Creek and surrounding valley.

**By Dr Wells (161 signatures)**

## Foreshore land in Flinders

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 about the commercial development of foreshore land in the Shire of Flinders from Safety Beach to Dromana, north (on the seaward side) of the Esplanade and from Dromana to Sorrento, north (on the seaward side) of the Nepean Highway. This will lead to the destruction of the treed, natural foreshore land and beach in this the most popular tourist area in Victoria.

Your petitioners therefore pray that the Victorian government will alter the planning scheme for this area and zone the area as "recreational, not for commercial or higher density housing development". To meet the need for increased facilities for the resident population and tourist visitors to the area we support the further progressive, high-density development of land on the southern side of the Esplanade and Nepean Highway.

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

**By Dr Wells (22 signatures)**

## Citizen-directed taxation

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

The humble petition of certain citizens of Victoria sheweth that:

(*a*) recent public opinion surveys indicate that the Victorian electorate is losing faith in the State government as an effective forum for the representation of the views and interests of the wider community despite the hard work and dedicated efforts of its members;

(*b*) that it is of vital importance for specific measures to be taken to restore public confidence in the institutions of government;

(*c*) that recent social and technological changes, including improved education and efficient media communications, have resulted in a significant enhancement of the ability of ordinary citizens to judge and participate in political processes;

(*d*) that faith in government would be most effectively enhanced if ordinary citizens accept an enhanced decision-making role in public decision making; and

(*e*) that ideally, ordinary citizens should play a direct role in determining how public funds are allocated.

Your petitioners therefore pray that the House legislate for the introduction of citizen-directed taxation so that:

(*a*) all citizens of Victoria can lawfully exercise their right to determine how a proportion of their taxes are spent;

(*b*) in the first year of the introduction of citizen-directed taxation, 5 per centum of total taxation revenues will be subject to citizen direction and that each year thereafter an additional 5 per centum of revenues will be added to the CDI pool, until, after ten years, 50 per centum of all State revenues shall be subject to citizen direction;

(*c*) the Parliament retains responsibility for determining the allocation of the balance of tax revenues; and

(*d*) executive responsibility for administration of government expenditure will remain with Ministers and senior public servants.

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

**By Mr Plowman (2 signatures)**

## "Yarraloch", Killara Road, Gruyere

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 the property known as "Yarraloch", Killara Road, Gruyere, has had great value for Victorians as an environmental education centre in the past and possesses enormous potential for the future education of young Victorians. Such future benefits would be threatened, however, if the property is further subdivided.

Your petitioners therefore pray that this Legislative Assembly ensures that no subdivision takes place and that the educative role of Yarraloch is allowed to continue.

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

**By Mr Plowman (611 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 clearfell native forests in Victoria ceases immediately.

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

**By Mr Shell (603 signatures) and Mr Dickinson (1046 signatures)**

## Remedial Physical Education Service

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

We, the undersigned citizens of Victoria, humbly request:

That, in accordance with the recommendation made in the report of the Ministerial Review of Educational Services for the Disabled, the Remedial Physical Education Service provided by the Ministry of Education should continue to be made available to children with disabilities and problems in schooling due to poor motor coordination.

That, in accordance with the government's current priority for the implementation of its policy on social justice, children with disabilities and problems in schooling due to poor motor coordination should not be disadvantaged and should continue to be able to access the Remedial Physical Education Service through the Ministry of Education.

That the government reverse the decision, taken as a result of the cuts to the 1990-91 education budget, to totally abolish the Remedial Physical Education Service by closing all twelve Remedial Physical Education Centres across the State of Victoria.

Your petitioners therefore humbly pray that the Legislative Assembly call upon the government to honour its policies in relation to children with disabilities and problems in schooling due to poor motor coordination by re-establishing the Remedial Physical Education Service within the Ministry of Education forthwith.

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

**By Mr E.R. Smith (40 signatures)**

## Reconstruction of the Keilor Primary School

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

The petition of the undersigned citizens of Victoria respectfully shows that we demand:

That the Minister for Education forthwith approves the reconstruction of the Keilor Primary School under the fire reinstatement program.

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

**By Mr Seitz (1565 signatures)**

## Travel assistance program

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

The humble petition of the undersigned citizens of Victoria respectfully shows we are concerned that since Health Department Victoria withdrew the Victorian Patient Travel Assistance Scheme many of us have been unable to attend important rehabilitation programs.

Your petitioners therefore humbly pray and request that the particular needs of people with psychiatric disabilities are considered and that the government of Victoria legislate to reinstate a travel assistance program to meet these needs.

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

**By Mr Sercombe (20 signatures)**

## Rents for community organisations occupying Crown land

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

The petition of the undersigned citizens of the State of Victoria showeth:

That if the proposed discussion on rent charges for the use of Crown land by community groups becomes law, all community groups in this State will be affected, forcing many to operate on a much reduced scale, or even close down.

It appears grossly unjust that this proposed additional form of tax is being imposed on Victorians through no fault of their own, and is obviously one of the many proposed revenue sources conceived to help overcome the shortfall of funds caused by the incompetence of the government of Victoria and the fiscal policy of the Federal government.

Your petitioners therefore humbly pray that the government:

1. Guarantee not to charge community groups rent on Crown land.

That the government:

2. Use proven alternative funding methods under the Australian Constitution Chapter 1 Part V (XII and XIII). This can be done as pointed out by Justice Napier during the Australian Royal Commission into monetary and banking systems. Section 504 of this report in part reads "because of the power of the Commonwealth Bank (Reserve Bank), it can lend to the governments or to others in a variety of ways, and it can even make money available to the governments and to others free of any charge".

3. This provision in the Constitution was created to assist in the growth of Australian assets and the enrichment of living standards of the population.

4. The proposal to levy rent on community groups will further lower living standards, forcing youth on to the streets, causing increased social unrest.

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

By Mr I.W. Smith (53 signatures)

Laid on table.

## ADMINISTRATIVE ARRANGEMENTS

Ms KIRNER (Premier) presented Administrative Arrangements Orders Nos 82 and 83 of 1990 and 85 of 1991.

Laid on table.

## VICTORIAN FAMILY AND CHILDREN'S SERVICES COUNCIL

Mrs SETCHES (Minister for Community Services) presented report of Victorian Family and Children's Services Council for year ended 30 June 1990.

Laid on table.

## OVERSEAS PROJECTS CORPORATION OF VICTORIA LTD and AMRAD CORPORATION LTD

Mr A. J. SHEEHAN (Minister for Finance) presented reports of Overseas Projects Corporation of Victoria Ltd and AMRAD Corporation Ltd for year 1989-90.

Laid on table.

## PORTLAND SMELTER UNIT TRUST and ALUMINIUM SMELTERS OF VICTORIA PTY LTD

Mr A. J. SHEEHAN (Minister for Finance) presented reports and statements of Portland Smelter Unit Trust and Aluminium Smelters of Victoria Pty Ltd for year 1989-90.

Laid on table.

## STRATEGIC MANAGEMENT REVIEW OF PARLIAMENT

Mr NORRIS (Dandenong) presented report on strategic management review of Parliament of Victoria, February 1991.

Laid on table.

Ordered to be printed.

77199/91–2

**The SPEAKER** — Order! In relation to the return now tabled I desire to make a statement. In the spring sessional period 1988 a report by the Auditor-General on the assessment of the administration of the departments which support the activities of Parliament was tabled in both Houses.

Since then all five Parliamentary departments, the Joint House Committee, the Library Committee and other committees and subcommittees have been engaged in an intensive review designed to ensure that the administration of the Parliament is carried out as efficiently, effectively and cohesively as possible and that the deficiencies of the past are remedied.

On 3 May 1989 I made a statement to the House and presented a proposed mission statement and objectives for the administration of the Parliament and advised that the two Presiding Officers would later report further on that aspect.

In that statement I advised that a corporate planning process would seek to develop a practical and efficient structure and program through which the central aim and objectives set out in the statement could be most effectively implemented, and that, in the development of the plan, there would again be consultation with members and staff and their organisations.

The heads of the five departments of the Parliament, with assistance from the Office of the Victorian Public Service Board, prepared draft proposals. In July 1990 the draft proposals were circulated for comment.

These draft proposals were an extremely valuable advance for which the heads of the departments and those with whom they consulted and who provided advice are to be commended.

With my colleague the President of the Legislative Council I concluded that it was necessary to develop the draft proposals further, and it was decided to engage consultants.

Professor Kevin Foley, a former MLC, and Professor Bill Russell, Executive Director, Graduate School of Management, Monash University, were selected on the basis of their knowledge of the Parliament and expertise in the area of public administration. They consulted widely among members, officers and others in preparing the report which has been tabled today.

The report is very thorough in its examination of the principles and issues relevant to the strategic management of the Parliament. It reviews the constitutional framework within which the Parliament is established and operates. It examines the Parliament's mission and objectives and the functions, services and facilities required to meet these objectives. It further identifies alleged inadequacies in the economy, efficiency and especially the effectiveness of current arrangements and suggests possible solutions.

The report clearly spells out the central features required for the Westminster model of Parliamentary democracy provided for in Victoria's constitutional framework to perform effectively. These include the proper allocation of powers and responsibilities between

the judiciary, the executive government and the Parliament. When the balance swings too far in favour of the executive the system will not operate effectively, and the checks and balances will not work. The report suggests that this has occurred in a number of Australian jurisdictions, including Victoria.

The report emphasises that members and successive governments of all political hues must accept responsibility for the existing status of the Parliament.

The report notes, perhaps surprisingly, that none of the three political parties represented in the House has written policy affecting these principles. Such a central reference point in policy would seem to greatly assist an understanding of, respect for and adherence to the features of the Westminster model.

It must be accepted that an understanding of and formal commitment to these principles is crucial to the effective operation of the system of government established by Victoria's constitutional framework.

These principles must be protected and nurtured to ensure that they endure from Parliamentary term to Parliamentary term and beyond the administrations of successive executive governments. Observance of the principles, both through formal arrangements and in practice, ensures Victoria's protection from the sort of imbalance that could lead to a loss of public faith in Parliamentary democracy.

These are fundamental issues in every sense. They are long-term issues of greater significance to Victoria than the interests of any individual member, any Parliamentary political party or indeed of this 51st Parliament. However, they must be considered by this 51st Parliament, for this Parliament is the guardian and custodian of Victoria's Parliamentary democracy.

The report makes several major findings and recommendations. Each political party is urged to adopt explicit policies on Victoria's constitutional framework and the respective roles of the legislative, executive and judicial arms within it.

The adoption of such policies need not and should not be allowed to become a divisive political issue. Ironically, in that context, it is perhaps fortunate that none of the three parties represented has existing policy.

The adoption of such policy will give each party a central reference point from which it can develop its approach to the Parliament.

A revised mission statement, statement of objectives, corporate strategy and organisation structure are recommended.

In order to draft a revised mission statement and objectives the Premier, the Leader of the Opposition and the Leader of the National Party have been asked to nominate members of their respective parties to join the President and me in an ad hoc drafting committee. It is intended to circulate draft documents and provide opportunities for comment and discussion prior to formal adoption of a revised mission statement and objectives.

The President and I believe the mission statement should be formally adopted by the Parliament, perhaps at a joint sitting, and that the motion should be used as a vehicle for debate on the report.

It is intended to follow the adoption of a revised mission statement and the drafting of objectives with the completion of a detailed corporate plan and administrative restructure. These would be put before the proposed new Parliamentary Service Committee for adoption and implementation.

A Parliamentary Service Committee is recommended to replace the existing Parliamentary Officers Committee, the House Committee and the Library Committee, integrating their overlapping responsibilities into a single authoritative body.

The government has already agreed to make Parliamentary Counsel available to enable the legislation to be drafted to reflect decisions arising from a consideration of these recommendations and repealing and amending existing legislation as appropriate.

This new legislation could also provide updated and improved rights for Parliamentary officers consistent with those under the Public Service Act and greater administrative flexibility and make a range of related amendments. It is hoped that it will be possible to draft the Bill for introduction in the current sittings.

The report also recommends a reorganisation of support functions and Parliamentary staff to enable the Parliament's resources and facilities to be used more efficiently and effectively.

The major change proposed as a first step is the creation of a unified corporate services function, a unified information function, and the incorporation into the Parliamentary Service of the Ombudsman and his office.

The creation of a Parliamentary education function is seen as essential to improving public knowledge and understanding of Victoria's constitutional framework and the role of the Parliament. The Library Committee has undertaken to prepare proposals for implementation of this recommendation.

The report finds that the Parliament has less control over expenditure for its own purposes than it should, and that the Parliament must have effective control in order to undertake the full range of responsibilities and activities to be expected of a Parliament.

A central recommendation, therefore, is that the Parliament should determine its own budget allocations. Naturally, these budget allocations would be determined in consultation with the government, as they must be consistent with the general state of Victoria's public finances and they must be acceptable to the majority in the Chamber.

Other recommendations include the appointment of a specialist to protect and manage the irreplaceable documents created and held by the Parliament and the provision of adequate accommodation and facilities for members, staff and visitors through completion of the building.

The report suggests, without including a formal recommendation, that the Parliament should schedule debate on important legislation for particular times to facilitate observation by interested people. This suggestion is similar to arrangements used extensively in many Parliaments including most in Europe.

In its simplest form and as a first step, the proposal could be implemented by the government announcing the time for a particular debate to commence and taking the appropriate procedural steps to ensure that that occurred. This would be a major advance in the management of business before the House.

The strategic management review is historic in a very meaningful way. There is a heavy responsibility on every member and on the government and opposition political parties to treat the report and its recommendations in a way which recognises their significance. All must resist any temptation for the issues to be used in attempts to obtain personal or partisan advantage.

This is not to suggest that the recommendations should be adopted unquestioningly. Rather, every member is asked to consider how the institution of the Parliament can best be made to operate in Victoria's long-term interests.

By examining and considering the report in an objective manner, and being aware of its implications for the good government of Victoria for decades to come, the Parliament has a golden opportunity to adopt significant reforms of ultimate benefit to all sections of the Victorian community.

**Mr RICHARDSON** (Forest Hill) — I seek leave to move that the report and Mr Speaker's statement be taken into consideration by the House forthwith.

**The SPEAKER** — Order! Is leave granted?

**Mr ROPER** (Treasurer) — No.

**Mr RICHARDSON** (Forest Hill) — I seek leave to move that the report and Mr Speaker's statement be taken into account tomorrow.

**The SPEAKER** — Order! The honourable member is at liberty to give notice, which would be the appropriate form to achieve what he is seeking.

**Mr RICHARDSON** — I give notice that tomorrow I shall move:

That the House take note of the report and Mr Speaker's statement.

# LEGAL AND CONSTITUTIONAL COMMITTEE

## Subordinate legislation

**Mr JASPER (Murray Valley) presented twentieth report on subordinate legislation from Legal and Constitutional Committee; together with appendix and extract from the proceedings of the committee.**

**Laid on table.**

**Ordered to be printed.**

## Stolen goods

**Mr THOMSON (Pascoe Vale) presented report of Legal and Constitutional Committee on law relating to stolen goods (livestock) together with appendices and minutes of evidence.**

**Laid on table.**

**Ordered that report and appendices be printed.**

# BLF CUSTODIAN

**The SPEAKER presented the thirteenth and fourteenth reports given to the Speaker pursuant to section 7A of the BLF (De-recognition) Act 1985 by the Custodian appointed under section 7 (1) of that Act.**

**Laid on table.**

**Ordered to be printed.**

# ACCIDENT COMPENSATION COMMISSION

## WorkCare

**The SPEAKER presented reports and financial statements for quarter ended 31 December 1990:**

**Accident Compensation Commission;**

**Accident Compensation Tribunal;**

**WorkCare Appeals Board;**

**Medical Panels; and**

**Victorian Accident Rehabilitation Council**

**given to the Speaker pursuant to Accident Compensation Act 1985.**

**Laid on table.**

# PAPERS

**Laid on table by Clerk:**

Alfred Group of Hospitals - Report and Statement of Accounts for the year 1989-90.

Alpine Resorts Commission - Report for the year ended 31 October 1989.

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

Bacchus Marsh and District War Memorial Hospital - Report for the year 1989-90.

Ballarat Base Hospital - Report and Statement of Accounts for the year 1989-90.

Ballarat University College - Report for the year 1989.

Benalla and District Memorial Hospital - Report and Statement of Accounts for the year 1989-90.

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

Central Gippsland Hospital - Report and Statement of Accounts for the year 1989-90.

Citrus Fruit Marketing Board - Report and Statement of Accounts for the period 1 January to 30 June 1990.

Constitution Act Amendment Act 1958 - Statement of a Function conferred on the Electoral Commissioner, 5 December 1990.

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

East Gippsland Centre For Rehabilitation and Extended Care - Report and Statement of Accounts for the year 1989-90.

Echuca District Hospital Inc. - Report and Statement of Accounts for the year 1989-90.

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

Gas and Fuel Corporation Superannuation Board - Report for the year 1989-90.

Geelong and District Water Board - Report and Statement of Accounts for the year 1989-90.

Glenview Community Care Centre - Report and Statement of Accounts for the year 1989-90.

Greyhound Racing Control Board - Report for the year ended 31 July 1990.

Hampton Rehabilitation Hospital - Report and Statement of Accounts for the year 1989-90.

Harness Racing Board - Report for the year ended 31 July 1990.

Heywood and District Memorial Hospital - Report and Statement of Accounts for the year 1989-90.

Institute of Catholic Education - Report for the year 1989.

Koroit and District Memorial Hospital - Report and Statement of Accounts for the year 1989-90.

La Trobe University Council - Report for the year 1989; together with Statutes approved by the Governor in Council during the year 1989.

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

Macarthur and District Memorial Hospital - Report and Statement of Accounts for the year 1989-90.

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

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

Melbourne and Metropolitan Board of Works Employees' Superannuation Scheme - Report for the year 1989-90.

Mildura Base Hospital - Report and Statement of Accounts for the year 1989-90.

Monash University Council - Report for the year 1988; together with Statutes approved by the Governor in Council during the year 1988.

Numurkah and District War Memorial Hospital - Report and Statement of Accounts for the year 1989-90.

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

Ovens and Murray Hospital for the Aged - Beechworth 1989 - Report and Statement of Accounts for the year 1989-90.

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

All Planning Schemes - No. S5.

Alexandra Planning Scheme - Nos L14, L15.

Altona Planning Scheme - Nos L13, L14.

Bacchus Marsh Planning Scheme - No. L21 Part lA.

Bairnsdale (Shire) Planning Scheme - Nos L15, L17, Ll9, L25, L27.

Bairnsdale (Town) Planning Scheme - No. L21.

Ballan Planning Scheme - No. L2.

Ballaarat (City) Planning Scheme - No. L17.

Ballarat (Shire) Planning Scheme - No. L12.

Bendigo Planning Scheme - No. Ll0.

Berwick Planning Scheme - Nos L13, L23, L24 Part 1, L25, L29 Part lA, R47.

Box Hill Planning Scheme - No. L9.

Brighton Planning Scheme - No. L14.

Broadmeadows Planning Scheme - No. Ll9.

Bulla Planning Scheme - Nos L10, L32, L34.

Bungaree Planning Scheme - No. L8.

Buninyong Planning Scheme - No. L27.

Camberwell Planning Scheme - Nos L12, L15, L17, RL10 Part 2, RL76 Part 1.

Castlemaine Planning Scheme - No. L1.
Chelsea Planning Scheme - No. L2.
Chiltern Planning Scheme - No. L6.
Collingwood Planning Scheme - Nos L2, L4, L7, RL10 Part 3.
Cranbourne Planning Scheme - Nos L34, L43.
Croydon Planning Scheme - Nos L5, L13, L15, L17, L20, L26, L31, L33.
Dandenong Planning Scheme - No. L10.
Deakin Planning Scheme - No. L11.
Dimboola Planning Scheme - No. L1 Part 2.
Doncaster and Templestowe Planning Scheme - Nos 27 Part 3, L10, L21, L22, L25 Part 1, RL10 Part 7, RL76 Part 2.
Dunmunkle Planning Scheme - No. L6 Part 2.
Eaglehawk Planning Scheme - No. L7.
Eltham Planning Scheme - Nos L6 Part 3, L11, L13.
Essendon Planning Scheme - Nos L20, RL10 Part 1.
Euroa Planning Scheme - No. L11.
Fitzroy Planning Scheme - Nos L7, L8, L9.
Flinders Planning Scheme - No. L17.
Footscray Planning Scheme - Nos L12, RL10 Part 1.
Frankston Planning Scheme - Nos L14, L28.
Geelong Regional Planning Scheme - Nos R18 Parts 2A and 2B, R26 Part 1B, R53 Part 1A, R54 Part 2, R60, RL38 Part 2, RL57 Part 1, RL62 Part 1.
Hampden Planning Scheme - No. L5.
Hastings Planning Scheme - Nos L31, L35 Part 1.
Hawthorn Planning Scheme - Nos L12, RL10 Part 1.
Healesville Planning Scheme - Nos L10 Part 1, L15.
Heidelberg Planning Scheme - Nos L15, RL10 Part 4, RL76 Part 3.
Heywood Planning Scheme - N. L8.
Horsham Planning Scheme - Nos L18 Part 2, L19, L27, L30.
Keilor Planning Scheme - Nos L7, L13, L20, L21, RL20 Part 1.
Kew Planning Scheme - Nos L11, RL10 Part 5, RL97.
Kilmore Planning Scheme - Nos L37, L38.
Knox Planning Scheme - Nos L18 Part 2, L25.
Korumburra Planning Scheme - Nos L18, L25, L27.
Kyneton Planning Scheme - No. L1.
Lillydale Planning Scheme - Nos L61, L64, L69, L76, L82.
Malvern Planning Scheme - Nos L4 Parts 1 and 2, L12, RL10 Part 1.
Marong Planning Scheme - No. L17.
Melbourne Planning Scheme - Nos L23, L62, L63, RL10 Part 1.
Melton Planning Scheme - No. L10.
Metropolitan Region Planning Scheme - No. R94.
Mildura (Shire) Planning Scheme - No. L20.
Mirboo Planning Scheme - No. L7.
Moorabbin Planning Scheme - Nos L6, L7.
Mordialloc Planning Scheme - No. L3.

Mornington Planning Scheme - Nos L18, L29.
Myrtleford Planning Scheme - No. L20.
Narracan Planning Scheme - Nos L12, L14 Part A.
Newham and Woodend Planning Scheme - No. L16.
Northcote Planning Scheme - Nos L10, RL10 Part 6.
Nunawading Planning Scheme - Nos L3 Parts 1 and 2A, L9, L11.
Oakleigh Planning Scheme - Nos L13, L15.
Omeo Planning Scheme - No. L4.
Orbost Planning Scheme - No. L14.
Otway Planning Scheme - Nos L5, L6.
Oxley Planning Scheme - No. L4.
Pakenham Planning Scheme - Nos L26, L37.
Phillip Island Planning Scheme - No. L25.
Port of Melbourne Planning Scheme - Nos L4, RL10 Part 1.
Port Melbourne Planning Scheme - No. L8.
Prahran Planning Scheme - No. RL10 Part 1.
Preston Planning Scheme - No. L19.
Richmond Planning Scheme - No. RL10 Part 1.
Ringwood Planning Scheme - No. L16.
Rosedale Planning Scheme - No. L26.
Sale Planning Scheme - No. L9.
Seymour Planning Scheme - No. L24.
Shepparton (City) Planning Scheme - Nos L28, L29, L31, L33.
Sherbrooke Planning Scheme - Nos L26, L35, L37, L40, L41.
South Melbourne Planning Scheme - Nos L20, L28, L29.
Springvale Planning Scheme - Nos L11, L26.
St Kilda Planning Scheme - No. L9.
Sunshine Planning Scheme - Nos L10 Part 2, L16, L17, L18, L24, RL10 Part 1.
Tambo Planning Scheme - No. L40.
Upper Yarra Planning Scheme - No. L18.
Violet Town Planning Scheme - No. L1 Part 1.
Wangaratta (Shire) Planning Scheme - Nos L2, L4.
Warragul Planning Scheme - No. L7.
Waverley Planning Scheme - No. L4.
Werribee Planning Scheme - Nos L4, L9, L10, L14 Part 1, L26, L27.
Whittlesea Planning Scheme - Nos L12 Part 2, L13, L24 Part 1, L25, L31, L32, L37.
Wimmera Planning Scheme - No. L3.
Wodonga Development Areas Planning Scheme - No. L11.
Wodonga Planning Scheme - No. L14.
Wonthaggi Planning Scheme - No. L1.
Woorayl Planning Scheme - Nos L17, L23.
Yackandandah Planning Scheme - No. L2.

Police Regulation Act 1958 -

Determination Nos 531 and 532 of the Police Service Board.

Determination No. 26 of the Police Service Board for Protective Services Officers .

Portland and District Memorial Hospital - Report and Statement of Accounts for the year 1989-90.

Queen Elizabeth Centre - Report and Statement of Accounts for the year 1989-90.

Ripon Peace Memorial Hospital - Beaufort - Report and Statement of Accounts for the year 1989-90.

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

Royal Children's Hospital - Report and Statement of Accounts for the year 1989-90.

Rural Finance Act 1988 - Direction by the Treasurer to the Rural Finance Corporation to establish, operate and administer a scheme of assistance for persons affected by bushfires on 27 and 28 December 1990.

Seymour District Memorial Hospital - Report and Statement of Accounts for the year 1989-90.

Skipton and District Memorial Hospital - Report and Statement of Accounts for the year 1989-90.

Statutory Rules under the following Acts:

Alpine Resorts Act 1983 - SR No. 23/1991.

Architects Act 1958 - SR No. 359/1990.

Associations Incorporations Act 1981 - SR No. 410/1990.

Boilers and Pressure Vessels Act 1970 - SR Nos 430, 431/1990.

Building Control Act 1981 -

SR No. 383/1990 together with a copy of Australian Standard 1903 and 1904-1976 Reflective Foil Laminate as required by section 32 of the *Interpretation of Legislation Act* 1984 to accompany the Statutory Rule;

SR Nos 6, 7/1991.

SR No. 26/1991 together with the following documents as required by section 32 of the *Interpretation of Legislation Act* 1984 to accompany the Statutory Rule:

Building Code of Australia 1990 (as amended);

**Australian Standards**

1038.15 Methods for the analysis and testing of coal and coke. (1972)
Part 15 - Fusibility of higher rank coal ash and coke ash.

1170 Minimum design loads on structures (SAA Loading Code).

1170.1 Part 1 - Dead and live loads and load combinations. (1989)

1170.2 Part 2 - Wind loads. (1989)

1170.3 Part 3 - Snow loads. (1990)

1191 Acoustics - Method for laboratory measurement of airborne sound transmission loss of building partitions. (1985)

1200 Boilers and pressure vessels (SAA Boiler Code). (1988)

1221 Fire hose reels. (1989)

1250 The use of steel in structures (SAA Steel Structures Code) (as amended). (1981)

1276 Methods for determination of Sound Transmission Class and Noise Isolation Class of building partitions. (1979)

1349 Bourdon tube pressure and vacuum gauges. (1986)

1428.1 Design for access and mobility Part 1 - General Requirements for Access - Buildings (as amended). (1988)

1529 Installation of household-type hot water supply systems. (Metric units) (1974)

1530 Methods for fire tests on building materials components and structures

1530 Part 1 - Combustibility test for materials. (1976)

1530.1 Part 1 - Combustibility test for materials. (1984)

1530 Part 2 - Test for flammability of materials. (1973)

1530.3 Part 3 - Test for Early Fire Hazard Properties of Materials. (1982)

1530.3 Part 3 - Simultaneous determination of ignitability, flame propagation, heat release and smoke release. (1989)

1530 Part 4 - Fire-resistance test of Structures. (1975)

1530 Part 4 - Fire Resistance Test of Elements of Building Structures. (1985)

1530.4 Part 4 - Fire-resistance tests on elements of building construction. (1990)

1538 Rules for the use of cold-formed steel in structures (SAA Cold-formed Steel Structures Code). (1974)

1562 Design and installation of metal roofing. (1980)

1603.4 Automatic Fire Detection and Alarm Systems Part 4 - Control and indicating equipment (as amended). (1987)

1603.6 Part 6 - Fire Alarm Bells. (1987)

1639 The design and installation of corrugated fibre-reinforced cement roofing and wall cladding. (1990)

1657 Fixed platforms, walkways, stairways and ladders - Design, construction and installation. (SAA Code for Fixed Platforms, Walkways, Stairways and Ladders). (1985)

1664 Rules for the use of aluminium in structures (SAA Aluminium Structures Code). (1979)

1668 Rules for the use of mechanical ventilation and air-conditioning in buildings (SAA Mechanical Ventilation and Air-conditioning Code).

1668 Part I - Fire precautions in buildings with air-handling systems (as amended). (1979)

1668 Part 2 - Ventilation requirements. (1980)

1670 Automatic fire detection and alarm systems - system design, installation and commissioning (as amended). (1986)

1682 Fire dampers. (1979)

1684 Construction in timber framing (SAA Timber Framing Code). (1979)

1691 Domestic Oil-fired Appliances - Installation.(1985)

1694 Physical barriers used in the protection of buildings against subterranean termites (Metric Units). (1974) Timber structures (SAA Timber Structures Code).

1720.1 Part 1 - Design methods. (1988)

1720.4 Part 4 - Fire resistance of structural timber members. (1990) Lifts, escalators and moving walks (SAA Lift Code).

1735.2 Part 2 - Passenger and goods lifts - Electric. (1986)

1735.11 Part 11 - Fire-rated landing doors. (1986)

1735.12 Part 12 - Facilities for persons with disabilities.(1986)

1736 Code for pliable roof sarking. (1975)

1757 Concrete roofing tiles. (1989)

1860 Installation of particle board flooring.(1976)

1903 & 1904 Reflective foil laminate.(1976) Components for the protection of openings in fire-resistant walls.

1905.1 Part 1 - Fire-resistant doorsets. (1990)

1905 Part 2 - Fire-resistant roller shutters. (1984)

1926 Fences and gates for private swimming pools (as amended). (1986)

2049 Terracotta roofing tiles. (1989)
2050 Fixing of roof tiles. (1989)
2057 Protection of buildings from subterranean termites - Chemical treatment of soil for buildings under construction. (1986)
2107 Ambient sound levels for areas of occupancy within buildings. (1977)
2118 SAA Code for Automatic Fire Sprinkler Systems (as amended). (1982)
2121 The design of earthquake resistant buildings (SAA Earthquake Code). (1979)
2159 Rules for the design and installation of piling (SAA Piling Code). (1978)
2185 & 2186 Fibrous plaster products. (1978)
2220 Emergency warning and intercommunication systems for buildings.
(1978) Emergency evacuation lighting in buildings.
2293.1 Part 1 - Design and installation. (1987)
2327 Composite construction in structural steel and concrete (SAA Composite Construction Code). Part 1 - Simply Supported Beams. (1980)
2376 Plastics building sheets. Part 1 - Extruded PVC. (1980)
2376 Part 2 - Glass fibre reinforced polyester (GRP). (1981)
2419.1 Fire hydrant installations. Part 1 - System design, installation and commissioning. (1988)
2424 Plastics building sheets - General installation requirements and design of roofing systems. (1981)
2427 Smoke/heat release vents. (1983)
2428 Methods of testing smoke/heat release vents.
2441 Installation of fire hose reels. (1988)
2444 Portable fire extinguishers - Selection and location. (1985)
2665 Smoke/heat venting systems - Design, installation and commissioning. (1983)
2818 Guide to swimming pool safety. (1986) Residential slabs and footings.
2870.1 Part 1 - Construction. (1988)
2904 Damp-proof courses and flashings. ( 1986)
2908 Cellulose cement products - Corrugated sheets for roofing and cladding. (1987)
2918 Domestic solid-fuel burning appliances installation. (1987)
3600 Concrete Structures. (1988)
3666 Air-handling and water systems in buildings - Microbial control. ( 1989)
3700 Masonry in Buildings (SAA Masonry Code).(1988)
Australian Institute of Steel Guidelines for assessment of fire resistance of structural steel members.
American Society for Testing and Materials
E72-80 Standard methods of conducting strength tests of panels for building construction.
E695-79 Standard method of measuring relative resistance of wall, floor and roof construction to impact loading. (1985)
CSIRO - Division of Building Research
Special Report - Low Rise Domestic and Similar Framed Structures.
Part 4 - Supplementary Domestic Buildings for Built-Up Areas.
Bulletin 5 - Earth-wall Construction 4th edition - 1987, National Building Technology Centre.

**Australian Standards**

2458 Hardboard (as amended). (1982)

3786 Self contained smoke alarms. (1990)

2701 Methods of sampling and testing mortar for masonry construction.

2701.2 Part 2 - Methods of sampling. (1984)

2701.10 Part 10 - Methods for chemical analysis of mortars (as amended). (1984)

Timber Framing Manual - Victoria Timber Promotion Council 1980.

Timber Frame Construction in High Wind Areas - Victoria Timber Promotion Council 1981.

Timber Framing Manual - Victoria Supplementary Tables - Timber Promotion Council 1988.

**Australian Standards**

1288 Part I to Part 3 - Rules for installation of glass in buildings (SAA Glass Installation Code). (1979)

30 Fire Tests on Building Materials and Structures. Part 3 - Tests for Early Fire Hazard Properties of Materials. (1970)

SR No. 30/1991.

Business Names Act 1962 - SR No. 411/1990.

Children and Young Persons Act 1989 - SR No. 9/1991.

Chiropractors and Osteopaths Act 1978 - SR No. 423/1990.

Conservation, Forests and Lands Act 1987 - SR No. 415/1990.

Construction Industry Long Service Leave Act 1983 - SR No. 20/1991.

Consumer Affairs Act 1972 - SR No. 356/1990 together with a copy of Parts 4 and 7 of the Public Service Determination 1985 (as amended) as required by section 32 of the *Interpretation of Legislation Act* 1984 to accompany the Statutory Rule.

Control of Weapons Act 1990 - SR No. 428/1990.

Corporations (Victoria) Act 1990 - SR No. 413/1990.

Country Fire Authority Act 1958 - SR Nos 385, 387/1990; 27/1991.

County Court Act 1958 - SR No. 340/1990 together with a copy of the Public Service Determination Nos 4.1 to 4.5 and Tables 2 and 5 in Appendix E as required by section 32 of the *Interpretation of Legislation Act* 1984 to accompany the Statutory Rule. SR Nos 406, 407, 427/1990.

Court Security Act 1980 - SR Nos 350/1990; 10/1991.

Dairy Industry Act 1984 - SR No. 349/1990.

Dangerous Goods Act 1985 - SR Nos 376, 377, 378/1990.

Dental Technicians Act 1972 - SR No. 13/1991.

Dentists Act 1972 - SR No. 368/1990.

Dietitians Act 1981 - SR No. 425/1990.

Drugs, Poisons and Controlled Substances Act 1981 - SR No. 366/1990.

Evidence Act 1958 - SR Nos 351, 403, 409/1990.

Extractive Industries Act 1966 - SR No. 371/1990.

Fisheries Act 1968 - SR Nos 362, 415/1990.

Flora and Fauna Guarantee Act 1988 - SR No. 5/1991.

Fruit and Vegetables Act 1958 - SR No. 401/1990.

Health Act 1958 - SR Nos 421, 422/1990; 8, 33/1991.

Health Services Act 1988 - SR Nos 365/1990; 14, 15, 22/1991.

Historic Buildings Act 1981 - SR No. 384/1990.

House Contracts Guarantee Act 1987 - SR No. 417/1990.

Industrial Relations Act 1979 - SR No. 382/1990 together with a copy of the Public Service Determinations 1985 No. 24 as required by section 32 of the *Interpretation of Legislation Act* 1984 to accompany the Statutory Rule.

Intellectually Disabled Persons' Services Act 1986 - SR No. 412/1990.

Juries Act 1967 - SR Nos 402, 405/1990.

Land Act 1958 - SR No. 360/1990.

Land Tax Act 1958 - SR No. 399/1990.

Legal Profession Practice Act 1958 - SR No. 441/1990.

Libraries Act 1988 - SR No. 1/1991.

Lifts and Cranes Act 1967 - SR Nos 379, 380, 432/1990.

Liquor Control Act 1987 - SR No. 416/1990.

Local Government Act 1989 - SR No. 25/1991.

Lotteries Gaming and Betting Act 1966 - SR Nos 388, 389/1990.

Magistrates' Court Act 1989 - SR Nos 408, 438/1990; 24/1991.

Marketing of Primary Products Act 1958 - SR No. 348/1990.

Martial Arts Control Act 1986 - SR No. 16/1991.

Melbourne and Metropolitan Board of Works Act 1958 - SR No. 370/1990.

Mental Health Act 1986 - SR Nos 367, 436/1990.

Metropolitan Fire Brigades Act 1958 - SR No. 386/1990; 29/1991.

Mines Act 1958 - SR No. 372/1990.

Mining Development Act 1958 - SR No. 373/1990.

National Parks Act 1975 - SR No. 414/1990.

Nurses Act 1958 - SR Nos 354, 439/1990.

Optometrists Registration Act 1958 - SR Nos 256, 440/1992.

Pathology Services Accreditation Act 1984 - SR Nos 424, 426/1990.

Petroleum Act 1958 - SR No. 374/1990.

Pharmacists Act 1974 -

SR No. 363/1990 together with a copy of the Public Service Determinations 1985 Parts IV and VII and Appendices A and E as required by section 32 of the *Interpretation of Legislation Act* 1984 to accompany the Statutory Rule;

SR No. 364/1990.

Pipelines Act 1967 - SR No. 375/1990.

Planning and Environment Act 1987 - SR No. 369/1990.

Post-Secondary Education Act 1978 - SR Nos 418, 419, 420/1990; 18/1991.

Professional Boxing Control Act 1985 - SR No. 17/1991.

Public Service Act 1974 - SR No. 429/1990; 21/1991; Public Service Determinations Nos 33, 35-37, 40, 41/1990; 1-4/1991.

Racing Act 1958 - SR Nos 358, 390, 391, 392, 393/1990; 2-4/1991.

Residential Tenancies Act 1980 - SR No. 357/1990.

Road Safety Act 1986 -

SR No. 353/1990;

SR No. 394/1990 together with a copy of the Code for the Disabled Persons Parking Scheme pages 3690-3694, *Victorian Government Gazette* No. 49 of 12 December 1990 as required by section 32 of the *Interpretation of Legislation Act* 1984 to accompany the Statutory Rule;

SR Nos 395/1990;

SR No. 396/1990 together with a copy of the Notice of Amendment of Standards for Registration concerning speed limit devices on heavy vehicles, Special *Victorian Government Gazette* No. 64 of 17 December 1990 as required by section 32 of the *Interpretation of Legislation Act* 1984 to accompany the Statutory Rule;

SR Nos 397, 398/1990.

Scaffolding Act 1971 - SR Nos 433, 434, 435/1990.

State Bank Act 1988 - SR No. 347/1990.

Stock (Artificial Breeding) Act 1962 - SR No. 400/1990.

Supreme Court Act 1986 - SR Nos 355, 404, 405, 413, 437/1990.

Tobacco Act 1987 - SR. No. 352/1990.

Transport Act 1983 - SR No. 31/1991.

Travel Agents Act 1986 - SR No. 12/1991.

Victoria State Emergency Service Act 1987 - SR No. 28/1991.

Water Act 1989 - SR No. 11/1991.

Wildlife Act 1975 - SR Nos 361/1990; 32/1991.

Youth Affairs Act 1986 - SR Nos 381/1990; 19/1991.

Swan Hill Pioneer Settlement Authority - Report for the year 1989-90.

Swinburne Limited - Report and Statement of Accounts for the year 1989.

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

Victoria College Report - Report for the year 1989.

Victorian Fishing Industry Council - Report for period 1 July to 29 November 1989.

Victorian Tourism Commission Act 1982 - Quantitative Targets of the Victorian Tourism Commission for the financial year 1990-91.

Wangaratta District Base Hospital - Report and Statement of Accounts for the year 1989-90.

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

West Gippsland Hospital - Report and Statement of Accounts for the year 1989-90.

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

Westernport Memorial Hospital - Report and Statement of Accounts for the year 1989-90.

Western Metropolitan Market Trust - Report for the year ended 30 September I990.

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

Wimmera Base Hospital - Report and Statement of Accounts for the year 1989-90.

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

Yea and District Memorial Hospital - Report and Statement of Accounts for the year 1989-90.

* * * * * *

Proclamations fixing operative dates in respect of the following Actspursuant to Order of the House dated 25 October 1988:

Agriculture Acts (General Amendment) Act 1989 - Section 24; 28 November 1990 (*Gazette No. G47*, 28 November 1990).

Building Societies (Prudential Standards) Act 1990 - Sections 2 and 20; 11 December 1990 (*Gazette No. S63*, 11 December 1990).

Children and Young Persons Act 1989 - Part 1, Division 1 of Part 2, section 18, Division 5 of Part 2, Division 6 of Part 2 (except section 28), section 36, Division 1 of Part 4, Subdivisions 2, 3 and 5 of Division 10 of Part 4, Division 11 of Part 4 (except sections 235, 237, 238, 239, 243, 245, 247 and 248 (2)), section 249 (except paragraphs (*b*), (*c*) and (*d*)), Division 13 of Part 4 (except sections 255, 257, 258 and 260), section 268 (except paragraph (*a*)), Division 5 of Part 5; Part 6 (except section 281, section 284 (*da*), (*db*), (*dc*), (*dd*), (*de*), (*df*), (*dg*), (*e*), (*ea*), (*eb*), (*ed*), (*ee*), (*f*), (*g*), (*i*), (*j*), (*k*), (*l*), (*m*) and section 285 (*b*), (c), (d), (e)),items 6, 7.1, 7.2, 7.5, 7.6, 7.7, 7.8, 7.9, 7.11, 7.12, 7.14, 7.15, 10, 12.3, 12.4, 12.5, 14 of Schedule 2, all items in

Part 1 of Schedule 4 (except items 13, 15, 16, 89 and 92), and item 139 in Part 3 of Schedule 4; 31 January 1991 (*Gazette No. S9,31 January 1991).*

Children and Young Persons (Amendment) Act 1990 - Whole Act except section 8(2); 31 January 1991 (*Gazette No. S9*, 31 January 1991).

Classification of Films and Publications Act 1990 - 30 November 1990 (*Gazette No. S62*, 7 December 1990).

Collingwood (Victoria Park) Land Act 1990 - 23 January 1991 (*Gazette No. G3*, 23 January 1991).

Corporations (Victoria) Act - Whole Act (except section 98(2)); 1 January 1991 (*Gazette No. S69*, 21 December 1990).

Courts (Amendment) Act 1990 - Whole Act (except sections 13 and 14); 1 January 1991 (*Gazette No. G50*, 19 December 1990).

Credit (Administration) (Amendment) Act 1989 - Sections 4, 6, 7, 8 and 9; 29 April 1991 (*Gazette No. G9*, 6 March 1991).

Crimes (Blood Samples) Act 1989 - Section 8; 31 January 1991 (*Gazette No. S9*, 31 January 1991).

Debits Tax Act 1990 - 1 January 1991 (*Gazette No. G5O*, 19 December 1990).

Environment Protection (Fees and Penalties) Act 1990 - 1 January 1991 (*Gazette No. G5O*, 19 December 1990).

Evidence (Amendment) Act 1990 - Sections 8, 9 and 10; 12 December 1990 (*Gazette No. S63*, 11 December 1990).

Farm Produce Wholesale Act 1990 - 1 February 1991 (*Gazette No. G5O*, 19 December 1990).

Health (General Amendment) Act 1988 - Sections 14 and 15; 1 March 1991 (*Gazette No. G8*, 27 February 1991).

Health Services Act 1988 - Remaining provisions except Part 6; 1 February 1991 (*Gazette No. S9*, 31 January 1991).

House Contracts Guarantee (Further Amendment) Act 1990 - 1 January 1991 (*Gazette No. G49*, 12 December 1990).

Juries (Amendment) Act 1990 - Whole Act (except sections 7-10 and 12); 1 January 1991 (*Gazette No. G5O*, 19 December 1990).

Land (IOOF) Act 1990 - 23 January 1991 (*Gazette No. G3*, 23 January 1991).

Latrobe University (Bendigo and Wodonga) Act 1990 - 22 January 1991 (*Gazette No. S7*, 22 January 1991).

Local Government (Consequential Provisions) Act 1989 - Item 64 of Schedule l; 23 January 1991 (*Gazette No. G3*, 23 January 1991); Item 19 of Schedule 3; 1 March 1991 (*Gazette No. G7*, 20 February 1991).

Mental Health (General Amendment) Act 1990 - Remaining provisions; 1 January 1991 (*Gazette No. S68*, 20 December 1990).

Murray-Darling Basin (Amendment) Act 1990 - 1 March 1991 (*Gazette No. G4*, 30 January 1991).

Road Safety (Amendment) Act 1990 - Section 19; 19 December 1990 (*Gazette No. G5O*, 19 December 1990).

State Bank (Succession of Commonwealth Bank) Act 1990 - 31 December 1990 is the completion date within the meaning of the agreement (*Gazette No. S73*, 31 December 1990).

Superannuation Acts (Miscellaneous Amendments) Act 1990 - Whole Act (except sections 6, 7, 17 and 18); 19 December 1990 (*Gazette No. G5O*, 19 December 1990).

Transport (Anti-Graffiti) Act 1990 - 6 March 1991 (*Gazette No. G9*, 6 March 1991).

Victorian Debt Retirement Fund Act 1990 - 20 December 1990 (*Gazette No. G5O*, 19 December 1990).

Vocational Education and Training Act 1990 - Part 3, Part 6 (other than sections 80 to 84), Part 7, sub-sections 95(4) and (6), section 96, Division 2 of Part 9 (other than sub-paragraph 98(3)(*f*)(*ii*)), sections 118 and 199 and the Schedule on 1 January 1991; sections 80 to 84 on 1 March 1991; and sections 46 to 71, sub-section 95(2), section 97, Division 3 of Part 9, sections 108 to 117 and section 120 on 1 July 1991 (*Gazette No. S9*, 31 January 1991).

## APPROPRIATION MESSAGE

**Message read recommending appropriation for Public Drunkenness (Decriminalisation) Bill.**

## FIRE AUTHORITIES (AMENDMENT) BILL

*Second reading*

**Debate resumed from 28 November; motion of Mr SANDON (Minister for Police and Emergency Services).**

**The SPEAKER** — Order! If the Minister wishes to speak he will close the debate. Otherwise he will need leave to speak.

**Mr SANDON** (Minister for Police and Emergency Services) — I wish to table some documents.

**The SPEAKER** — Order! Leave is granted.

**Mr SANDON** (*By leave*)— When the matter was last before the House the Leader of the National Party said further consultation would be in the best interests of all parties. I wish to table documents that show the extent to which that consultation can take place.

**Mr E. R. SMITH** (Glen Waverley) — This Bill should have been handled by the House during the last Parliamentary session. Because of the incompetence of the government in excess of $6 million has been put at risk. That is money that would have been or could have been collected in the time the Bill has been before the House.

The Bill is to determine and recover the contributions of the insurance sector to the budgets of the Country Fire Authority and the Metropolitan Fire Brigade. When the Bill was last before the House on 28 November l990 the Leader of the National Party, the shadow Minister for Police and Emergency Services, read into *Hansard* two letters from Melbourne solicitors, one from Phillips Fox to the Insurance Council of Australia Ltd and one from Best Hooper to the Metropolitan Fire Brigades Board.

These letters explained in some detail how the Bill before the House was flawed. This was in spite of two assurances given by the Minister for Police and Emergency Services. In his second-reading speech on two occasions he said that the Bill enjoyed the full support of all those concerned with its administration. This means that the Minister has been given faulty advice.

I am sure any government in its declining stages can be shown to be in that situation because of incompetent advice. This advice was shown up in both the letters read by the Leader of the National Party. In excess of $6 million was put at risk. I am sure the documents the Minister is now circulating will show that at last the problem will be rectified. In fact, before deciding on my attitude to the Bill I sought the advice of the Metropolitan Fire Brigades Board and the Insurance Council of Australia.

Last week I received a telephone call from the President of the Metropolitan Fire Brigades Board, Mr J.B. Parry and at the end of the conversation I asked him to convert his comments to writing. He has given me a three-sentence letter confirming that the advice he gave me by telephone was the board's attitude to the Bill before the House, which incidentally is the third time the principal Acts have had to be amended. Mr Parry also said:

> Following extensive discussions between our legal advisers and those of the Ministry and the Insurance Council, the board is satisfied that the amendments which have been proposed will achieve our objectives and the protection of the board's revenue base.

At the same time I received another letter which sets out in some detail the attitude of the Insurance Council of Australia. The letter was from Mr E.C.A. MacIntosh, the Regional Manager of the Insurance Council of Australia Ltd in Victoria. Honourable members would be interested in parts of his letter.

He says:

> Over the past few months the Insurance Council of Australia Ltd, the Metropolitan Fire Brigade, the Country Fire Authority and to a lesser degree the National Insurance Brokers Association have worked closely with the Ministry for Police and Emergency Services to ensure that the content of the Bill to be presented next week achieves the following result.
>
> Removes any ambiguities in the relevant Acts, so that all persons and corporations who should contribute to the funding process are captured and that remedies are enforceable against those in default.

It then goes on to say:

> It corrects formulae in sections 44A and 80A of the MFB and CFA Acts respectively so that the contribution payable by owners and brokers are appropriate.
>
> This involved the ICI and the NIBA providing information on the vagaries of the insurance market, the Insurance Agents and Brokers Act, the operation of Lloyds in London and the many ways that contracts are placed on property situated in Victoria. It was essential that this information was provided to the Ministry as the changes to the Act which took place in November 1989 were in error because at that time the Ministry was not made aware of insurance market changes.

These actions should have taken place and it was the responsibility of the Minister to ensure that before he introduced the Act and gave the House two assurances in the

second-reading speech he took the appropriate precaution and had his department take the necessary action because the insurance companies were in doubt.

Both the Metropolitan Fire Brigade and the Country Fire Authority are at risk with their funding. Having just gone through a fire season one can only conclude that those people who knew they would have to pay because the legislation would eventually catch up with them have made their payments. That is probably because they are good business people. The point is they need not have paid because they were not caught up before this Bill was introduced.

Those people, the industry and the two fire brigades have been put at risk so far as their payments are concerned. I am surprised, and it is to their credit, that they have loyally stuck by the government and not made any public criticisms. They should have because what has occurred to date is complete and utter incompetence. The opposition has a responsibility to the people of Victoria to ensure that amendments to Acts of Parliament and Bills brought into this House are accurately and correctly drafted so that embarrassing situations such as this do not recur.

I notice that when the Bill was introduced the Minister for Police and Emergency Services was prepared to go down fighting on the basis that what he said was correct. Fortunately, the Treasurer was here and better counsel prevailed; he overruled the Minister and allowed an adjournment. Over the past three months the matter has been resolved.

Mr MacIntosh goes on to say:

> The insurance council's advising solicitor has exchanged information with the MFB's legal adviser, the CFA in-house solicitor and the Ministry with the result that we believe the new wording covers all circumstances.
>
> The intent is that:
>
> > MFB Act Section 40 and CFA Act Section 77 requires insurance companies operating in Victoria, and Lloyds in London, to return details of gross premiums, enabling the brigades to calculate fire services contributions.
>
> MFB Act section 44A and CFA section 80A capture all businesses being placed outside Victoria or overseas. If the FB contributions cannot be obtained through a broker or other person placing the insurance business, it gives legal recourse to collect contributions from the property owner.
>
> The formulae calculations shown in these sections ensures that the contribution level equates as closely as possible the amounts collected by the insurance companies under sections 40 and 77.
>
> It has been an extremely difficult process to devise a wording that covers all eventualities that would be "stand alone" within the Acts of the fire services and not relying on reference to other Acts, which may change at any time without allowing for the flow on consequences of those changes for the Acts of the fire services.
>
> Over the past few years the insurance market has become far more sophisticated and it was necessary to produce models to compare with Act wordings that took into account the trend towards:
>
> > extensive overseas placements, captive insurance companies, self-insurers, risk layering, and risk management to name a few.
>
> We believe that with the good offices of the Ministry, the lawyers and the bodies mentioned earlier we have covered all eventualities.

One would have thought that with all the finance that is spent on government departments they would have been able to get this right the first time. Perhaps being embarrassed a second time would have got it right, but to bring it in for a third time is unforgivable and the Minister owes the House a thorough explanation. What has occurred to date is not good enough.

I do not know who is advising the Minister, and I am not prepared to bother to find out. It is up to the Minister to come into this House properly armed with the relevant and accurate material. I would be stretching a long bow to say that he had misled the House deliberately -- that would not be fair -- but he has certainly misled the House in his statements twice in the second-reading speech.

Like most of the actions of this government they are long on rhetoric and very short on action. The government has reached the stage where it either puts up correctly or resigns. The people of Victoria are tired of having misleading and inaccurate information in the form of Bills and statements put out by government Ministers. It has been going on for more than nine years and Victorians are sick of it.

The Bill before the House today is wrong, but the amendments will correct it. As a matter of urgency the Minister should make a full apology to this House for the wrong information he has given and take appropriate action within his Ministry to ensure that those people who have consistently been giving him wrong information are brought to task. The funding of two of Victoria's most important agencies has been put at risk during the summer months. I am surprised that there have not been statements made from within those fire brigades concerning their funding and ability to pay bills.

I conclude my remarks by reminding the Minister that it is no good simply to come in here giving the House wrong advice and expecting it to accept these explanations on more than two occasions, because this is what he has attempted to do. The opposition wants to assist wherever possible to get Victoria out of trouble.

Victoria is in the worst financial situation in its history. It is nothing short of incompetent and irresponsible for a government department as important as the Ministry for Police and Emergency Services to introduce inaccurate material into this House.

I call upon the Minister for Police and Emergency Services to explain and to apologise to the House for the confusion he has caused all Victorians, particularly the professional and voluntary firefighters who provide such invaluable service to our community.

**The SPEAKER** — Order! The question is:

That this Bill be now read a second time.

**Mr MACLELLAN** (Berwick) — Mr Speaker, I paused hoping there may be some response from the government side regarding the matters raised by the honourable member for Glen Waverley. I hoped there would be a response to the matters raised.

There were doubts about the Bill when I had the carriage of this legislation for the opposition when the previous Minister for Police and Emergency Services first

introduced the Bill, as there were doubts when it next came before the House; and I think there was almost a brawl on the last occasion the Bill was before the House.

The honourable member for Glen Waverley has put the facts tactfully in saying he believes the House and Victorians are entitled, as are the Insurance Council of Australia Ltd and the industry, to have a better explanation as to how flawed legislation was introduced and strongly argued for only to have the faults of the legislation revealed so that a series of amendments have had to be prepared to correct the difficulties.

If I had a three-year-old who threw a stone through a neighbour's window, everyone knows that I am not responsible in that sense; I do not take the responsibility in the direct sense for what the three-year-old has done but everyone knows that while I may not be blamed for it in the immediate sense, I am responsible for it. That is the nearest analogy I can draw by explanation to the Minister about what Ministerial responsibility is all about.

Everyone knows the Minister did not throw the stone but he bears the responsibility in Parliament to explain openly and clearly what has happened, how it has happened, how the difficulties have arisen and he needs to put his finger on the people who have caused the problem. There should be no shyness or holding back in this place; it is not for him to say, "I'm sorry, it was an anonymous officer of the department" or "It was legal counsel or Parliamentary draftspeople who did it" or something of the kind. That flawed legislation was strenuously defended to the great danger that, had it been passed by Parliament, it would not have had the effect claimed for it because the Bill needs about three pages of amendments to bring it into order.

Fortunately for the government, the Treasurer "sensed" more than "knew" about the problem -- and he had the good grace in the last sessional period to agree to the adjournment of the debate on the Bill.

Then we had stubbornness from the Minister or those involved with the legislation who refused to see the problem. Now they have seen the problem and the House deserves a full explanation. The three-year-old child can throw the stone and the window can smash; that happened in this case because the problems have been unmasked for all to see. The Minister bears the responsibility to give the House the explanation as to how that happened. That is what Ministerial responsibility is all about.

The Minister is judged not unreasonably on the frankness and the completeness of the explanation he gives. I hope he will take every opportunity available here and in the Committee stage to give a full and frank explanation to the House.

**Mr SANDON** (Minister for Police and Emergency Services) — Honourable members will recall that when the Bill was last before the House it was introduced to remedy certain defects in the Metropolitan Fire Brigades Act and the Country Fire Authority Act. Both were seen at that stage to have significant revenue implications for the service and the insurance sectors.

The government identified two major defects: firstly, the formula providing the basis for calculating the contributions due from property owners and brokers who place

insurance outside Victoria was flawed. The impact of that may have required some members of that group to contribute between 12 and 16 per cent more than they ought to have. It was the basis for differentiating for groups requiring to make periodic contributions to budget as part of the proof of the statutory requirements and to require them to remit direct to the fire services. That was found wanting.

The first of the proposed changes now introduced has been well understood and uncontroversial. The second drew some adverse comments especially in its reliance on the phrase, "carrying on insurance business in Victoria" as a means of identifying the members of the general pool of insurance sector contributors and by implication those required to make direct financial contributions to the fire services.

The approximate value of the direct contributions in 1990-91 was a little more than $6 million; that represents a considerable percentage of the recurrent budgets of the fire services.

Quite simply, there was concern that the phrase was too wide in its scope and did not capture the distinction as clearly as possible. The government shared that concern and took the view that whatever merits the phrase may possess in other respects, the fact of its meaning was even at that stage a source of uncertainty within the insurance industry, and suggested that further refinements may be required.

On that basis the government was aware that the second reading was adjourned to allow further consultation. The letter from the National Party extolled the virtues of me having further discussions with the industry; I did exactly that.

I have introduced this Bill on only one occasion; it has been suggested that I got it wrong on two occasions. On one occasion I introduced it with the full support of the insurance industry, with the support of Parliamentary counsel and with the support of officers in the department. The Bill was introduced with full consent.

When I undertook the process that put this Bill in train in this place it was done with the full consent and support of those parties. The letter from the National Party indicated that there were differing legal opinions. A high degree of consultation and conflict between respective legal opinions as to what really was the intent and whether the amending Bill would solve the problem then ensued.

The government listened and consulted. I have never done anything less. It was not my intention to mislead but to bring forward in good faith what I was told had the wide support of all involved parties. Let there be no mistake about that; that is exactly what I did.

Further discussions occurred as a result of the legal opinion obtained by the Leader of the National Party. I am now able to inform the House that I have the full support of all parties involved in the Bill; of all the fire services and the peak insurance industry. Now the stage has been reached where the amendments I shall move in the Committee stage will resolve the particular problems. I thank the honourable member for Glen Waverley and other honourable members for their contributions.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clause 1**

**Mr McNAMARA** (Leader of the National Party) — I thank the Minister for Police and Emergency Services for his comments. Members of the opposition were concerned when the Fire Authorities (Amendment) Bill was found to be flawed and in need of correction.

During the last sessional period, a number of problems arose. Firstly, only some six days were available from the time the second Bill was introduced until the second-reading debate was resumed; and only two or three sitting days were left during which the debate could take place. Some problems were created by that timing.

Fortunately the legal opinions to which the Minister has referred were made available quickly. If they had not been, the Bill might have sailed through this Chamber and have been passed during the final hours of the session in the Legislative Council and, as a result, honourable members would be trying again to get it right, not just by amendment but by way of another new Bill.

The experience raises the point that adequate time is needed between the second-reading speech being delivered and the resumption of the debate so that the necessary information can be obtained and changes can be made to ensure that the proposed legislation will operate properly.

The Minister said that this is not the third time he has got this Bill wrong; it is only the second time the Bill has been corrected, as a Bill was introduced during the last sessional period and now honourable members are debating this Bill. *Hansard* will show that in November I corrected myself and acknowledged it was the Minister's predecessor, the current Minister for Conservation and Environment, who introduced the first Bill. In fact this is the third time that a Bill has been introduced in an attempt to try to have what one might have thought was a fairly straightforward and simple amendment incorporated in the proposed legislation.

The purpose of the proposed legislation was to correct the flaws in the Metropolitan Fire Brigades Act and the Country Fire Authority Act relating to the formula applied to insurance policies held with overseas companies. The Bill introduced last year contained drafting errors relating to the provisions that forced companies insuring overseas to make separate contributions to the Metropolitan Fire Brigades Board and the Country Fire Authority. The loophole sought to be removed relates to the description of insurance companies in the earlier amendments. As I said, the Bill introduced towards the end of the last sessional period did not adequately close that loophole.

As the Minister said, if the problem had been left unchecked, the result would have been that the funding for both the Metropolitan Fire Brigade and the Country Fire Authority would have been blown out of the water. Last November, when the Bill was being debated, it was estimated that the amount of levy being avoided was $6 million. I anticipate that is probably now an underestimate, because the best part of four to five months has passed with the problem continuing to exist. I am sure there are some smarties in the industry who, if they were not aware of the loophole before, are aware of it now because it has been debated in Parliament and pointed out to them. I am sure further advantage has been taken of the loophole and, as a result, some headaches will be created about funding for fire services during the current financial year. Given that the fire services have made out their budgets on the basis of revenue they were anticipating receiving — the MFB and the CFA relied on 75 per cent and 77.5 per cent of their respective budgets from the fire levy — I hope the Minister will investigate the matter immediately and determine whether the fire services will be adequately funded for the balance of this financial year. The Minister should determine also whether some action will need to be taken through Treasury to ensure that the programs of the fire services can continue.

Honourable members are aware that in general terms budgetary problems exist across a range of departments, but this budgetary problem in the fire services area has been created because of a muck-up in proposed legislation that should not have occurred in the first place.

I take up the point raised by the honourable member for Berwick who has said the problem should be identified and a salutary lesson should be learnt, that a little more diligence is required in considering proposed legislation.

The legal opinions obtained towards the end of the last sessional period were lengthy and quite detailed; for the lay person they were difficult to comprehend. I shall not bore the House by reading them into *Hansard* again. Basically the opinions indicated that the fire services levy is covered by two sections of the Fire Authorities (Contributions) Act, that is, section 44A dealing with those who insure off-shore, and section 40 dealing with insurers in Victoria.

The legal opinions obtained for both the Insurance Council of Australia and the Metropolitan Fire Brigades Board indicated that the amendments incorporated in the Bill debated last November allowed for brokers and insurers to take the option of insuring under section 44A rather than under section 40, which provides a system whereby lower contributions can be paid because those brokers and insurers are exempt from the administrative fee, taken into account in the system of assessing the levy. The subsequent levy is struck at a lower rate.

Members of the opposition were concerned that the anomaly was not picked up in the Bill debated in November. Certainly the Bill picked up the bulk of the problem so that money was collected from those who had dodged the levy and taken the overseas insurance route, but with the loophole in the proposed legislation some were being given an effective subsidy during the administration of the system.

The Minister has indicated that the cost to those who played the game was in the order of 14 to 16 per cent additional contribution. As I said, the amount of the contribution that has been lost due to non-compliance over the period from November until now is probably underestimated. I ask the Minister to give the Committee an assurance that he is confident the amendments he is introducing today — they are quite detailed and cover some two and a half pages — will pick up the problem.

I would hate to see a fourth saga. This is becoming like *Rocky IV*. Each time there has been a re-run of the saga it has become more tedious.

**Mr Sandon** — You're not wrong.

**Mr McNAMARA** — By interjection the Minister says, "You're not wrong". It is obvious he is also finding the matter tedious.

I hope the government will redress the problem. For a start I hope those responsible for the mistakes are no longer in the Public Service. If the briefing instructions have been inadequately conveyed or inadequately understood we need to find out exactly where the problems are. A salutary lesson should be handed out to the staff responsible to ensure that the same mistakes do not recur.

The opposition parties have always said they supported the thrust of the legislation. The only criticism we have concerns the incompetence with which the matter has been handled all the way through. I hope all this is sorted out once and for all.

**Mr Maclellan** interjected.

**Mr McNAMARA** — As the honourable member for Berwick says by interjection, I hope they get it right this time. We all hope that, as does the Minister!

**Mr E. R. SMITH** (Glen Waverley) — The Minister has obviously not understood what the opposition has been trying to tell him this afternoon. During his summing up of the second-reading debate the Minister made no attempt to apologise for all the mistakes that have been made, which was small-minded of him. Glossing over his mistakes did him no credit.

As the honourable member for Berwick said, the Minister could make a big fellow of himself by owning up and letting us know about the full circumstances of the matter. The opposition parties want to know where the faults lie. When we come to government after the next election one of the first things we will do is to eliminate the Ministry of Police and Emergency Services.

**Mr Sandon** — Is this policy on the run?

**Mr E. R. SMITH** — No, this is not policy on the run. The mistakes that have been made by the Ministry are absolutely outrageous. The Leader of the National Party has given details of the trouble with the advisers, which demonstrates that the Minister is not receiving the type of advice he should be receiving. Such mistakes would not be made if the Ministry were run in a proper way with a permanent department head rather than being subject to the present ad hoc arrangements.

The pedantic points made by the Minister about the legal opinions show he is small-minded. We want the Minister to tell us where the mistakes have been made so that they will not be repeated and we will not have to put up with similar fraudulent legislation being served up to us, together with the sorts of assurances the Minister has given the House on this occasion.

There are two references in the Minister's second-reading speech to the fact that the provisions in the previous legislation had the full support of the fire brigades and the Insurance Council of Australia. We now know that those Bills did not have the complete support of the insurance council because the council has had to assist in the drafting of the latest Bill to such an extent that the Minister should offer thanks and congratulate the council on the assistance it has given to his Ministry.

It is disgraceful that the Minister has not apologised to the House for the mistakes that have been made; instead he has tried to score pedantic points. The Minister now has the opportunity of making good the mistakes I have referred to.

**Mr SANDON** (Minister for Police and Emergency Services) — This is a case of legal counsel changing their opinions. Mistakes were not made by a Minister or by Ministerial staff. At one stage Parliamentary Counsel, legal officers from the Insurance Council of Australia and the respective fire brigades were agreed on their position, but they later changed their minds. They are the facts of the matter.

**Clause agreed to.**

**Clause 2**

**The CHAIRMAN** — Order! Is it the wish of the Committee to deal with the amendments in blocks?

**Mr SANDON** (Minister for Police and Emergency Services) — It seems to me that would be appropriate and would facilitate the passage of the Bill. I move:

1. Clause 2, line 8, omit "3(1)" and insert "3, except sub-section (5),".
2. Clause 2, line 8, omit "4(1)" and insert "4, except sub-section (5),".
3. Clause 2, page 2, line 1, omit "3(2)" and insert "3(5)".
4. Clause 2, page 2, line 1, omit "4(2)" and insert "4(5)".

**Amendments agreed to; amended clause agreed to.**

**Clause 3**

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

5. Clause 3, lines 4 to 14, omit sub-clause (1) and insert -

"( ) In section 3 of the *Country Fire Authority Act* 1958, for the definition of "insurance company" substitute -

"**"insurance company"** means -

(*a*) a person (including a body corporate or unincorporate, a partnership or an underwriter) who, in Victoria, issues, or undertakes liability under, policies of insurance against fire in respect of property in Victoria; or

(*b*) an underwriting member of Lloyd's who issues, or undertakes liability under, policies or insurance against fire in respect of property in Victoria;

**"insurance intermediary"** means -

(*a*) a person who arranges contracts of insurance in Victoria -

(*i*) for reward; and

(*ii*) as an agent for a person carrying on a business of insurance; or

(*b*) a person registered as an insurance broker under the Insurance (Agents and Brokers) Act 1984 of the Commonwealth as in force for the time being;"

( ) In section 80A(1) of the *Country Fire Authority Act* 1958, for "with an insurance company other than" substitute "with a person carrying on a business of insurance against fire, not being".

( ) In section 80A of the *Country Fire Authority Act* 1958, for subsection (2) substitute -

"(2) Within 14 days after the insurance isarranged -

(*a*) the insurance intermediary through whom the insurance is arranged; or

(*b*) if the insurance is not arranged through an insurance intermediary or is arranged through an insurance intermediary who does not carry on business in Victoria, the owner of the property insured -

must comply with sub-section (3).".

( ) In section 80A(3) of the *Country Fire Authority Act* 1958, for "broker" substitute "insurance intermediary".

**Mr McNAMARA** (Leader of the National Party) — I ask the Minister to explain the changes in the amendment, which is different from that proposed at the end of the last sessional period.

**Mr SANDON** (Minister for Police and Emergency Services) — The amendment relates to definitions. There is a new definition of "insurance intermediary", which is one of the essential features of the amendment. The second change involves substituting "with a person carrying on a business of insurance against fire, not being" for "with an insurance company other than". That provides the basis for contrasting those insurance practitioners required to contribute under section 80 of the Country Fire Authority Act with those captured by the new contemporary definition of "insurance company". The amendment concerns changes to the definitions of "insurance company" and " insurance intermediary".

**Mr McNAMARA** (Leader of the National Party) — I ask the Minister to explain the purpose of the amendment.

**Mr SANDON** (Minister for Police and Emergency Services) — The amendment will prescribe the responsibilities of persons insuring other than those with a company required to make returns under section 77.

**Amendment agreed to; amended clause agreed to.**

**Clause 4**

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

6. Clause 4, lines 18 to 28, omit subclause (1) and insert -

"( ) In section 3 of the *Metropolitan Fire Brigades Act* 1958, for the definition of "insurance company" substitute -

""**insurance company**" means -

(*a*) a person (including a body corporate or unincorporate, a partnership or an underwriter) who, in Victoria, issues, or undertakes liability under, policies of insuranceagainst fire in respect of property in Victoria; or

(*b*) an underwriting member of Lloyd's who issues, or undertakes liability under, policies of insurance against fire in respect of property in Victoria;

"**insurance intermediary**" means -

(*a*) a person who arranges contracts of insurance in Victoria -

(*i*) for reward; and

(*ii*) as an agent for a person carrying on a business of insurance; or

(*b*) a person registered as an insurance broker under the *Insurance (Agents and Brokers) Act* 1984 of the Commonwealth as in force for the time being;"

( ) In section 44A(1) of the *Metropolitan Fire Brigades Act* 1958, for "with an insurance company other than" substitute "with a person carrying on a business of insurance against fire, not being".

( ) In section 44A of the *Metropolitan Fire Brigades Act* 1958, for subsection (2) substitute -

"(2) Within 14 days after the insurance is arranged -

(*a*) the insurance intermediary through whom the insurance is arranged; or

(*b*) if the insurance is not arranged through an insurance intermediary or is arranged through an insurance intermediary who does not carry on business in Victoria, the owner of the property insured -

must comply with subsection (3).".

( ) In section 44A(3) of the *Metropolitan Fire Brigades Act* 1958, for "broker" substitute "insurance intermediary".

**Mr MACLELLAN** (Berwick) — I think the Committee deserves from the Minister an explanation as to whether the definitions in the amendment, which relates to the Metropolitan Fire Brigade Act, as opposed to the previous amendment, which amended the Country Fire Authority Act, are exactly the same and have the same effect as the amendment he moved to clause 3. If so, the Minister should say so; if not, he should draw out the distinctions for the benefit of the Committee.

After looking through the amendment it seems it will have the same effect as the previous amendment, but the Minister has an obligation to tell the Committee why it should agree to the amendment. Because he has moved the amendment the responsibility to explain it rests on his shoulders.

I ask the Minister to say whether the amendment will have the same effect as the last one, whether he wishes to give an explanation different from the last one he gave, or

what explanation he intends to give. The amendment is almost a page in length. The Committee deserves to be told what the Minister is asking it to legislate on, rather than expecting it to legislate in the dark.

**Mr SANDON** (Minister for Police and Emergency Services) — Yes, it is the same as I included under amendment No. 5 and with the same explanation. To go into more detail, as requested by the honourable member for Berwick, the combined effect of these amendments reflects the government's willingness to act on concern that the early reliance in this section on the words "who carry on insurance business in Victoria" as a means of identifying the general pool of insurance sector contributors and, by implication, those required to make direct financial contribution to the fire services, may have been too wide in its scope and did not capture the intended distinction as clearly as possible.

With these amendments the government has succeeded in developing the desired requirement. This project has been developed with the full cooperation of the industry, the Insurance Council of Australia and the fire services. All interested parties agree that these refinements will overcome the difficulties which are evident in the existing legislation while preserving and codifying the contributions arrangements that have continued to exist in practice, despite legislative deficiencies that have existed since 1978.

**Mr MACLELLAN** (Berwick) — I thank the Minister for his explanation and ask whether the amendment he is proposing has any retrospective effect or whether it will take effect from the date of the passage or proclamation of the legislation.

**Mr SANDON** (Minister for Police and Emergency Services) — The date of effect relates to amendment No. 4 and should be read in conjunction with it.

**Mr McNAMARA** (Leader of the National Party) — I think the question asked by the honourable member for Berwick concerned these amendments, which I gather are similar to those proposed to clause 3 of the Bill in relation to the Country Fire Authority and to clause 4 in relation to the Metropolitan Fire Brigade.

Going back to clause 2 of the Bill, dealing with the commencement provisions, we want to know what is the effect of those provisions where there is a commencement timetable, where it is backdated to 12 December 1989 and 1 October 1990 to pick up the problems that existed as a result of that error — it has obviously been reasonably long standing — and will the amendments have the effect of being retrospective to that extent? If they are not retrospective to that period when will they take effect?

**Mr SANDON** (Minister for Police and Emergency Services) — The amendments must be read in conjunction with amendment No. 4, which relates to dual operative dates of 12 December 1989 and 1 October 1990. It must be understood that where the formula is to operate from a different date — 1 October 1990 — the two have to be seen in conjunction with each other.

**Amendment agreed to; amended clause agreed to.**

**Clause 5**

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

7. Clause 5, line 5, omit "effected or renewed" and insert "arranged".
8. Clause 5, line 6, omit "Act" and insert "section".
9. Clause 5, line 7, omit "effected or renewed" and insert "arranged".

**Mr MACLELLAN** (Berwick) — Again the Minister owes the Committee an explanation. Will he explain the effect of the amendments? In other words, we are to omit the words "effected or renewed" and insert "arranged": is the idea that it is not insurance which is effected or renewed, but is in effect to be a tax upon insurance which might be arranged? What is the reason for omitting "Act" and inserting "section"?

I will leave it for the Minister to explain. If the Minister expects us to process the amendments he cares to move he should at least have the courtesy to tell us what they are and explain what they mean.

**Mr SANDON** (Minister for Police and Emergency Services) — The amendments replace the expression "effected or renewed" with a similar and more contemporary expression, "arranged". They also substitute, where relevant, the word "section" for the word "Act", the change being necessitated by changes to clause 2.

Clause 5 requires intermediaries and owners who have not discharged their obligations to make contributions under the appropriate provision and at the appropriate level and to do so within fourteen days of the commencement of the Act, thereby treating the date of commencement as the date on which the insurance was effected or renewed.

This measure places them on a par with insurance intermediaries and owners effecting or renewing insurance after the commencement of the Act and protects them from being penalised retrospectively.

**Amendments agreed to; amended clause agreed to.**

**Clause 6**

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

10. Clause 6, line 13, omit "brokers" and insert "insurance intermediaries".
11. Clause 6, line 15, omit "Act" and insert "section".
12. Clause 6, line 16 and 17, omit "a broker" and insert "an insurance intermediary".

**Mr MACLELLAN** (Berwick) — As I understand the Minister's amendments, "an insurance intermediary" means a person who arranges contracts of insurance in Victoria for reward and as an agent for a person carrying on a business of insurance, or a person registered as an insurance broker under the Insurance (Agents and Brokers) Act 1984 of the Commonwealth as in force for the time being.

Quite clearly there are many people who arrange insurance for other people. For instance, trustees of properties or estates as a part of their trusteeship will have to arrange for insurance. Trustees are also rewarded by being paid commission whether they are trustee companies, private trustees or simply members of the family administering the estate of their grandfather, mother, brother, sister or children.

Are we to suppose that we have now amended the legislation to make insurance intermediaries of those members of a family who might take out insurance in respect of properties owned by the estates that they administer and get a trustee's reward? Does the Minister intend that that will be the consequence of the amendment he has moved, or is he able to assure the House that that is not the consequence of the amendments he has moved and that people who arrange for insurance on the basis that they are rewarded with a trustee's commission out of the estate will not, in effect, be classed as insurance intermediaries under the amendments moved by the Minister?

**Mr SANDON** (Minister for Police and Emergency Services) — The importance of this clause is that it empowers the fire services to refund excess contributions made under the flawed formula since 1 October 1990.

**Amendments agreed to; amended clause agreed to.**

**Reported to House with amendments.**

**Passed remaining stages.**

## CORRECTIONS (PRISON MANAGEMENT AND PRISONERS) BILL

**Order of the Day read for resumption of debate.**

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

*Second reading*

**Debate resumed from 15 November 1990; motion of Mr Sandon (Minister for Corrections).**

**Mr McNAMARA** (Leader of the National Party) — The objects of the Corrections (Prison Management and Prisoners) Bill are to amend the Corrections Act 1986 to improve the security and management of prisoners and prisons and to amend the Prisoners (Interstate Transfer) Act and the Parole Orders (Transfer) Act.

The Bill clarifies the responsibility for the custody of prisoners transferred from a prison to an institution such as a psychiatric hospital. It amends the Corrections Act in relation to the transfer of prisoners between institutions and outlines the custody arrangements of persons transferred. It ensures that short-term and hospital transfers remain in the custody of the Director-General of the Office of Corrections. The Bill provides for the prison governor to direct a prisoner to submit to a urine test for drug use. It also gives

the director-general power to make decisions in relation to requests by prisoners to have their children remain with them. It gives the director-general power to direct prisoners on remand to work in approved programs, and it provides the power to detain any person who is committing or who has committed an offence until police arrive.

The Bill provides the power to search, including random searches, where necessary for the good order of prisons. It places restrictions on the rights of prisoners to send letters if the governor believes they are threatening or harassing in nature. It provides power for the director-general to withdraw prisoners' privileges where prisoners may be involved in offences or crimes. It allows the director-general to issue permits for leave of absence and provides for changes to the Adult Parole Board with greater representation by retired judges or members of the judiciary. The Bill provides for a code of conduct for prison officers and amends the Prisoners (Interstate Transfer) Act in relation to the interstate transfer of prisoners serving both Commonwealth and State sentences of imprisonment.

In relation to the proposal to allow the director-general to make decisions relating to requests by prisoners to have their children reside with them, I ask the Minister for Corrections if a code of practice has been established by which that system can be regulated. There is some evidence that where prisons have the facilities it may be appropriate for some children born in prison to stay in prison for a limited period. Considerations such as alternative facilities available for the children will obviously be considered. Has the Minister considered placing an age limit on such children remaining in the system? Once children reach three or four years of age — preschool age — it is probably not appropriate for them to be in a prison environment.

Consideration should also be given to the term of the sentence the mother is serving. Without being sexist, I believe it is apparent that this system will apply generally to female prisoners rather than males, because in custody disputes the Family Court normally determines that the child should more appropriately reside with the mother.

The opposition has been told by officers of the Office of Corrections that there has been a particular problem with persons entering a prison with contraband, in particular drugs. At present those people can refuse a request for a search and can leave the prison with impunity. I understand this amendment will enable prison officers to hold people until police arrive so they can be searched and, if they are carrying drugs, charged.

Concern has been expressed, not just in Parliament but also outside Parliament, about the right of prisoners to send letters to victims of crime. It is hoped that prisoners who are writing letters complaining about their treatment or ill-treatment at the hands of prison officers will not be censored. There have been well publicised instances of prisoners attempting to contact their former victims. A system needs to be introduced to protect the victims of crime. Perhaps a list of prohibited addresses could be introduced. It would be most distressing if the victim of a rape were to receive a letter, even a postcard, from her attacker. This raises another issue concerning ready access to pay telephones in the prison system. Previously prisoners had to book phone calls, which went through an exchange. A record of the number rung was made and there was the

opportunity for those calls to be monitored. Now that pay phones have been installed in most prisons there is no such restriction. A system should be put in place where the administration of the prison can place certain restrictions on free access to telephones. Some prisoners may need to be more closely monitored than others.

If restrictions are being placed upon the rights of prisoners to send letters out of the prison system it is appropriate to consider the establishment of an appeal process. Prisoners should be able to appeal — possibly to the Ombudsman — if they believe they have been harshly treated. A balance must be struck to give prisoners the right of appeal if restrictions are being placed on their mail.

In relation to the power provided to the director-general to issue permits for leave of absence, again I assume that the Minister has instituted a code of practice, because it is important that one be established. Honourable members appreciate that if the father or mother of a prisoner dies the prisoner would want to attend the funeral. There may also be occasions such as the wedding of a daughter of a prisoner or something of that nature where it may be appropriate for prisoners to obtain leave of absence. In those circumstances it is appropriate that the behaviour of the prisoner within the system should be one of the bases for the decision on whether the prisoner is allowed leave of absence.

If a man has been a difficult prisoner it is reasonable that he forfeit those entitlements. If not, what are the guidelines? Obviously, it is not appropriate for second cousins and distant relations to be included in the guidelines so there needs to be a code of practice in relation to how that system would operate.

Another issue the Minister raises in the proposed legislation concerns a code of practice among prison officers. It would certainly be helpful to the House in the debate on this issue to have that code of practice available.

The coalition is concerned about the issue of law and order, particularly the administration of the correction services. Some of the proposed legislation is very welcome. The government is taking up many of the suggestions the coalition has been making for a number of years. The honourable member for Berwick raises the issue of drug testing. When he was the shadow Minister for corrective services he promoted this issue on many occasions.

I hope the Minister follows the recommendations of the Abbott report. In his statement Mr Tom Abbott makes damning comments about the incidence of drugs in the prison system. He describes it as endemic and mentions the debilitating effects on the system. He also talks about the effects of the equally endemic coercion, corruption and sexual favours, which are issues that need to be addressed very seriously.

Reading the Abbott recommendations leads one to believe that many of the daily problems of the running of prisons can be attributed to the incidence of drugs in almost epidemic proportions.

An issue of great concern to the opposition parties is the lack of work programs in many of the prison institutions. There is nothing worse than boredom. We should provide prisoners with the opportunity to get into the habit of doing 8 hours work each day. That is probably the most valuable contribution we can make towards their rehabilitation.

Recently the opposition parties visited Pentridge, and we were surprised by the number of work facilities that had been closed and the number of prisoners who were sitting about watching television in their cells or wandering around the yards with nothing to do. I urge the Minister to consider that issue and to see what can be done about gearing up prison industries again. The Minister would certainly have the support of the coalition if he took that direction.

I wish to mention some of the coalition's general concerns about the corrections system. The coalition would certainly seek to respond to the community's view that an offender convicted by a court and sentenced to a term of imprisonment be required to serve the full minimum sentence handed down by the court. Prisoners can then earn remissions on the basis of good behaviour. That would bring them back from the maximum to the minimum sentence.

One of the great concerns of the public and legislators alike is their perception of prisoners virtually going through a revolving door. We have to rebuild society's confidence that the corrections system is working effectively. The coalition believes offenders are placed in prison for the protection of society. While a set of standards governing the conduct of prisoners applies, the coalition also believes prisoners must repay the community for their crimes. The treatment of prisoners should reflect the modern community view that rehabilitation, education and reform are an integral part of the prison system.

A coalition government would institute a full inquiry into the prison system to investigate maladministration, corruption and drug trafficking. Separate studies would be conducted into introducing the maximum contracting-out of prison services to increase efficiency.

The misuse of police cells must also be stopped. One of the ongoing scandals of the moment is the number of people serving limited sentences in police cells or serving the start of longer sentences. Last week I visited a major metropolitan police station and found that there are people in there serving as much as 30 days. They have actually been sentenced to twelve month or two year sentences. It seems strange when we hear reports of vacancies in prisons.

People blocking up police cells in the suburbs also places an unfair burden on police. They are not warders and the cells are there to be used on an overnight basis. Longer sentences should be served in the correction system. I hope the Minister moves quickly to remedy that problem. It creates frustration in the Police Force.

The coalition believes the operation of prisons and prison services under this government has become a minefield of conflicting philosophies. At the moment prison warders are divided into two separate factions and there are two competing unions. The

coalition would examine the possibility of undertaking a study of the prison services to enable individual prisons to operate independently under the control of the governor of the prison.

We need to try to make our prisons drug free. During his term as spokesman for the opposition in this area the honourable member for Berwick suggested that a drug free prison should be established. Any persons who are tested and found to be drug- positive are sent to prisons less pleasant. We need to set the lead and break the nexus because unless we do something about the problem of drugs in prisons it will become a millstone around the neck of the whole prison system.

We could have a system where the governors of prisons have discretion to remit some of the benefits to prisoners who do not behave, and I think this Bill provides for that. It enables governors to deal with the issue of special privileges which would be granted as a reward for model behaviour in the prison. Those who do not earn privileges do not get them.

We need to examine the growing trend in Victoria and elsewhere in the Western world of crimes of violence, particularly assaults on women. All honourable members have been horrified by the police reports in newspapers of totally unprovoked assaults, even in public places such as nightclubs. Women have been physically assaulted, and I find that reprehensible.

The licensing of some of those establishments should be considered. The Nieuwenhuysen report freed up the liquor licensing process and it is now more of a planning issue than a question of the suitability of an individual to hold a liquor licence. Under the old system even the profitability of an existing licence holder was considered before a licence was given to the new owner of a premises.

There is a role for police to give evidence on the running of such establishments, but police inform me that they no longer have that function. They can present evidence, but that should be a proactive role and they should be sought out by the Liquor Licensing Commission before a licence is granted.

Heavier prison sentences are necessary for perpetrators of violent crimes such as murder, manslaughter, rape, child abuse, drug trafficking and armed robbery.

Special prisons for young people and first offenders should be established. I am concerned that some people within Community Services Victoria are inappropriately located. Some youths aged fifteen and sixteen years are young thugs and should not be dealt with by Community Services Victoria. They should be separated from those who genuinely are children. A system is needed where young and first offenders are segregated from hardened, professional criminals.

The scheme where young offenders are sent to prison for a day has had a positive response, and I congratulate the Minister on that. The cycle of people going through youth hostels, training centres and then into prison must be broken.

Education must be considered; the government must ensure the education system passes on the right messages to children. The scheme involving police officers visiting schools has been a valuable exercise. However, because of financial disasters in this State, the scheme has been cut back.

**Mr Sandon** — It has not.

**Mr McNAMARA** — The police are telling me it has been.

**Mr Sandon** — It is not being expanded, but it has not been cut back.

**Mr McNAMARA** — The Minister for Corrections has said by interjection that the scheme has not been cut back, but he also admitted there has not been an increase. I am informed by police in various areas throughout the State that they do not have the numbers to cover every school, and that is a fact. The Minister would acknowledge that more police are needed to ensure that all schools are covered by the scheme.

**Mr Leigh** — What is he doing about it?

**Mr McNAMARA** — That is exactly the question that must be asked. Unfortunately, the answer is that the Minister is doing very little.

All prisoners in Victorian gaols should have work available to them, and that is currently not the case. Some form of self- improvement, such as work or education, must be available so that people going through the system come out the better for it. There is nothing more soul destroying than a prison where no activities are available and prisoners sit around watching *Days of Our Lives* or playing cards. Such activities are not helping them for the future.

When the opportunity of work is made available to all prisoners, prisoners refusing work or education should automatically be denied remissions or privileges by the governor. They should certainly be ineligible for early parole. Every incentive must be given for prisoners to be productive and to get into the habit of working an 8-hour day or undertaking some form of study.

Prisoners ordered by the courts to make restitution to their victims should have the appropriate amount automatically deducted from their salaries. The governor could authorise the use of up to 50 per cent of a prisoner's salary for the purchase of personal items and the balance could be held aside for use upon release or to make restitution to a victim.

A fact forgotten in the corrections system is that victims exist. Too frequently people concentrate on the upbringing of an offender and the problems he has faced when trying to come up with reasons why he has committed violent crimes. For every person in the prison system there is a victim on the outside who is still suffering. If some financial assistance can be made to those victims, their lives can be made a little easier. If the courts knew prisoners had the opportunity of working, that could be taken into account in ordering restitution.

In non-metropolitan prisons governors should be required to involve prisoners in forestry and conservation programs.

**Mr Sandon** — You are reading my policies.

**Mr McNAMARA** — The Minister is learning a bit; he is reading the press releases of the National Party and is picking up a few things. It has taken the government nine years to wake up to some of the issues the opposition parties have been talking about.

I hope prisoners in rural prisons will have a role to play in conservation. Over the next twelve months there will be enormous financial problems in the rural community and LandCare schemes will be under threat. Prisoners should not be restricted to working on Crown land. In conjunction with LandCare groups they could work on land improvement programs on rural properties in an attempt to make those properties more productive, resulting in an improvement in the wealth of all Victorians.

Single cell accommodation must be a top priority. I am not sure of the government policy on that issue, but it must be considered. In most prisons there is a doubling up in cells and, where practicable, that should not happen. If it is necessary because of crowding in the prison system, prisoners of similar age and criminal record should be housed together rather than a young offender being housed with an older criminal who has a violent record. Under the coalition policy governors will be encouraged to achieve self sufficiency for their gaols.

I shall now come back to the issue of the work contribution of prisoners during their sentences. Earlier I mentioned drugs in prisons which is endemic and I also referred to the investigation that was undertaken by Mr Tom Abbott, the former director of prisons in Victoria. He said prisoners spent up to $5 million annually on illegal drugs and that drugs and disputes arising from drugs were responsible for much of the violence in the prison system, including some deaths.

I urge the Minister to make a Ministerial statement in response to the matters brought to our attention by Mr Abbott because, unless those fundamental issues of drugs in prisons are addressed, we will continue to have the same problems.

The coalition is committed to the implementation of the Abbott report. Initially a coalition government would identify one country prison for a pilot scheme as a drug-free prison. Any prisoner who fails testing in that prison would immediately be transferred to a higher security prison.

**Mr Sandon** — It happens now!

**Mr McNAMARA** — Last year while I was in the United Kingdom I took the opportunity of spending some time with Tom Abbott and I was impressed with the commitment he has to the operation of our correction system. He is by no means a hard-nosed person or a Rambo-type. In fact, I found him a gentle man and certainly a person who would use every method possible to encourage those within the correction system who are showing remorse and who want to improve themselves to learn a trade or re-educate themselves to work with correction officers to take that opportunity.

The study of the Victorian system by Tom Abbott was damning. The report to the director-general recommended:

1. That you establish a drugs control coordinating group chaired by you to process this report of the Thematic Review and action and monitor the work which flows from it.

2. That the Corrections Regulations 1988 be amended where appropriate to meet the recommendations of this report.

3. That governors be encouraged to use existing procedures to combat drugs in their prisons.

4. That the continuing deficiencies in under reporting of incidents and the proper use of prison registers be addressed as a matter of urgency.

5. That you establish a staff\prisoner urine analysis research program in order to accurately provide an objective based estimate of the extent of drug use in prisons and to measure the effectiveness of the drug awareness strategy.

6. That the current contact visit policy and procedures for visitors to prisoners be reviewed taking consideration of the several areas identified in this report.

7. That the current departmental policy regarding strip searching of visitors be redrafted to encourage governors to conduct random body searches on visitors without the need to relate specific grounds to a specific individual.

8. That you take an early opportunity as part of the drug awareness strategy to advise all staff that the frequency of body searches to be conducted throughout prisons will be significantly increased.

9. That the recruiting procedure for all Office of Corrections staff be revised to enable a more comprehensive vetting of the applicants, including their previous criminal history and fingerprinting prior to commencing employment.

10. That all applicants for positions in the Office of Corrections consent to provide a urine sample for analysis and detection of drug use prior to commencing employment.

11. That the Staff Training College review all training, particularly prison officer recruit and promotional training, to ensure that there is an objectives-based drugs awareness component relevant to the mission of the organisation and to the operational needs of the prison service. This review should consider the advantages of appointing training officers at each prison to conduct refresher training for all staff and to provide orientation supervision and counselling for newly joined staff.

12. That the future role and functions of the Drug Surveillance Unit be reviewed.

13. That staff selected to work in the Drug Surveillance Unit and Investigations Unit undergo a police vetting of the most stringent kind. A similar level of vetting should apply to those to whom they account.

14. That a drugs awareness program be planned, designed and conducted for all Office of Corrections staff "top down".

15. That the various tasks which prison officers perform be identified and rosters organised in such a way as to provide variety, learning and an equitable sharing of the less popular tasks.

16. That the design and level of staff amenities, including locker rooms, canteen and stand down areas, be reviewed and our comments under "prison design" be taken into consideration.

17. That the terms and conditions of service for prison officers be drafted and administered as a separate code of discipline outside of the terms and conditions of other public servants.

18. That every opportunity be taken to encourage the courts to impose exemplary sentences on convicted traffickers, particularly staff traffickers.

19. That all incoming foods and goods be searched as a matter of routine prior to unsupervised prisoner contact being allowed.

20. That governors be asked to vet in a very critical light the need for any vehicle to enter the prison.

21. That internal and external secure compounds be established on prison property for vehicles and materials.

22. That the joint Office of Corrections\Health Department public health initiative for intravenous drug users be reinstated to enable the ongoing involvement of public health personnel alongside Office of Corrections staff in this valuable education program.

23. That the Prisoner Employment Study Group have its terms of reference and membership expanded to enable it to consider a broader range of issues relating to prisoner activities.

24. That you encourage the involvement of the media as a means of informing the public and to influence opinion on issues relating to the strategy to reduce drugs in prison.

I shall not go through the whole report but those are the basic recommendations. It is interesting that Mr Abbott spoke not only about administrative matters and incentives for prisoners but also about the comfort of corrective officers and the surroundings in which they work. That is an issue that needs to be taken up by the government.

So far as the drug-free prison concept is concerned, those prisoners who qualify for that prison because they have tested drug free and they continue to be tested drug free while at that prison on a random basis will find their stay in the system far more attractive and they will have an eligibility for a minimum rather than a maximum sentence enhanced by a good report. Prisoners who wish to earn parole points will be encouraged through such a prison.

We are concerned about testing for AIDS. We believe all prisoners entering gaols should undergo medical assessments including testing for AIDS.

**Mr Sandon** interjected.

**Mr McNAMARA** — We know there are problems, but there must be people who can take those blood samples. Maybe we should be looking at people other than doctors taking and testing the blood samples because it is an important issue and not one we can just wave aside.

**Mr Sandon** — I am not saying we should.

**Mr McNAMARA** — Just because reservations have been expressed by the Australian Medical Association — I have seen their comments too — we cannot abandon the problem. I understand the medical profession's concern that it does not want to be dealing with involuntary patients but surely we can find people who can take that blood sample adequately and ensure that those prisoners infected are housed appropriately.

The Office of Corrections is responsible for administering all non-custodial corrections programs as well as administering the prison system. Certainly the coalition would aim to reduce recidivism among non-custodial offenders as well as prisoners.

The coalition will certainly continue to implement a non-custodial program including community work, reporting constantly to police and parole officers as well as examining other alternatives and making an assessment of them. Non-custodial offenders will be required to make restitution to victims for their crimes in the same way as offenders serving gaol terms.

The coalition will seek to reduce the overall prison population as much as possible, while ensuring that there is adequate prison accommodation for violent offenders, and also people who have been involved in corporate fraud. We tend to underestimate the effect on victims from this area. I note that the Minster does not underestimate this group of criminals; he has made his point clear, but it is an issue that needs to be taken up.

A study should be conducted into the feasibility of introducing community-based programs, extending into country areas so that courts will have an alternative to sending offenders to prison.

I refer to post-sentencing. Rehabilitation prisoners will be helped to re-enter society through existing programs. The coalition will encourage the continuation of the work being done by the Brosnan and Epistle centres.

Skills necessary for re-entry into the community will be taught in goals as well as the disciplines of work and education, and certainly the necessity to resolve disputes without violence. Hopefully some of the people, through their terms in prison, will learn methods of resolving their own personal disputations without resorting to violence. Of course, some never will, and we have to accept that fact.

Keeping each prisoner within the prison system costs the community in the order of $1000 per week, so we will certainly be stressing participation by the prisoners in education and trade courses to assist offenders to gain employment on release, thereby reducing the number of repeat offences.

The coalition will investigate the French Bon Maison system of recreation and community service presently being used for French youth. In 1988 I met with the people running the Bon Maison system in France and found it to be quite an interesting system. However, I can see that it was certainly brought about under different circumstances to those existing in this State. Its instigation went back to the student riots which took place across France about a decade ago.

**Mr Sandon** — Is the scheme based in Paris?

**Mr McNAMARA** — No, it is based nationally through work with local government. We talked earlier about trying to head off these problems at an earlier stage, and education under a system such as the Bon Maison system might be appropriate for youth in Victoria.

**Mr Roper** — Steve Crabb introduced one!

**Mr McNAMARA** — He did, after I suggested it prior to the 1988 election, and I was delighted that he did pick it up; but we need a modification of that French system appropriate for Australian needs.

We certainly have a long summer vacation similar to every other country in the world, and many of our youth are at a loose end. Many do not move on from school to employment or to further education and they are looking for activities during that summer period. Although they may be looking more in the areas of sport and recreation,

or at other times of the year education, many of those youths do become involved in crime, whether it be minor housebreaking or physical assaults.

We need a system of integration with the other departments to ensure that an alternative release is provided for these youths. Many youths run into trouble and then find that that record is a burden they have to bear for the rest of their lives.

We have all had our share of strife as we went through our teens, and I am sure the Minister was no more immune to it than I was. What initially starts as schoolboy or schoolgirl pranks sometimes gets out of hand, and if police are involved it may lead to a criminal conviction. In some way we need to head off these problems at an earlier stage.

The coalition parties are committed to an appropriate correction system. Certainly I have found it interesting looking at what is happening in other parts of the world, and I have in front of me a detailed report by Father Peter Norden who, in a study, examined the Swedish and Dutch prison systems. I am sure the Minister has seen the study. It raises some interesting issues concerning the administration of prison systems.

I also have a document from Michael Yabsley who is the Minister's counterpart in New South Wales, and who is also responding in a very positive way to the general concerns of the community that our prison system should run more efficiently.

There has been some reaction within prisons to the changes he is making, and I suppose one should not be surprised at this. People who have been used to sitting in front of televisions watching *Days of Our Lives* or playing cards all day and doing nothing much else react in a predictable and understandable fashion when they are told they have to do 8 hours work and that if they misbehave there are benefits they will not receive.

We need to understand that as we make the prison system more accountable, undoubtedly some people who have had it quite cosy for a long time — and I am not talking just about the prisoners but also about the officers — will react in a negative fashion.

Overall the Office of Corrections consists of a dedicated staff. As the Minister has just said, by interjection, it is a tough job and not one that many of us would relish but overall the bulk of them are looking for a challenge and they are looking to feel that they are more productive and that they are achieving something.

When they read the report of Tom Abbott which talks about how drugs pervade the whole prison system and the problems of intimidation, violence and corruption, as professionals they feel quite downhearted.

We have always accepted that the Ministry of Police and Emergency Services has its own public relations area and promotes police in a positive way. Frequently we see policemen working in schools or we see posters of a policewoman on a horse surrounded by a group of children or the Police Force performing in the police band at a local municipal function. These are good positive images for the police rather than ones of the police kicking in a door which happens to be the wrong door.

There have been a few incidents in New South Wales. Unfortunately there have been tragedies involving the shooting of police and in at least one case an innocent party was shot. They are negative images but the police have had the resources also to provide positive images.

Such resources have not been available for corrections officers. Honourable members have their view of the prison system influenced by what they pick up in the press. The turnkey image goes back to our convict heritage: there is the view that a career in corrections is one of very low esteem.

There should be more public promotion of the positive things happening in the corrections system. We should publicise the Day in Prison program and similar issues so that the people doing the good things in the prison system are recognised. The examples of prisoners who are achieving academic goals or are learning various skills should be publicised. Such images should be sent to the community through television and the print media so that the esteem of officers is built up.

There is a morale problem in the Office of Corrections that requires rebuilding. It would be ridiculous not to acknowledge that point. Many issues should be addressed in the corrections area. I have raised several queries in this debate and ask the Minister to respond.

In general the Bill introduces measures that the coalition parties have been talking about for a number of years. We congratulate the Minister for bringing forward these matters. I do not understand why they were not brought forward earlier. Perhaps it was because of the slothfulness of the Minister's predecessors. Why did the honourable member for Oakleigh, the Attorney-General or the Minister for Conservation and Environment not bring these issues forward when they were responsible for corrections?

I congratulate the current Minister for introducing the Bill. I hope the measures will be introduced with a genuine commitment to prison reform, something that has cross-party support.

The coalition has announced its policy of getting tough on government legislation. It will certainly get tough on new taxes imposed on the Victorian public, which I know the Treasurer would like to introduce, and on asset sales when the money will be frittered away in recurrent expenditure. This Bill is above those issues and is certainly in the public interest. Therefore, the coalition supports it.

**Mr E. R. SMITH** (Glen Waverley) — It is significant that in debate on a measure as important as the Corrections (Prison Management and Prisoners) Bill no government member except the Minister for Corrections is present in the Chamber. Nor has any other government member except for the Treasurer been in the Chamber during this debate.

It is significant because the government's interest in this Bill is purely superficial. Members of the government are plotting their preselections somewhere in the back corners of the building. They are not here to support the Minister, a man who should be given credit — although nine years too late — for introducing a number of important

measures. Unfortunately they do not go far enough. It is an absolute disgrace that the Minister has been supported for only a few moments by the Leader of the House while the Bill has been debated; it demonstrates how much the government cares about the issue of law and order and, in particular, about the Office of Corrections.

Never in living memory has there been a time when the morale of prison officers has been so low. Everywhere one goes in the Victorian prison system one hears complaints about the morale of prison officers. That is symptomatic of the government's whole administration. This failed government is on its way out and this Bill is one of the last breaths it is taking.

The Minister for Corrections should be applauded for what he has introduced in this measure and for what he has been able to get through the Labor caucus. I understand he had a tremendous amount of opposition to overcome within his own party.

Some reasons for the lack of morale of prison officers relate to inconsistency of management: the fact that management plays favourites. Mr Speaker, you may think the opposition is simply raising unsubstantiated, generalised issues. I suggest they are not generalised issues but are backed up by a prison officer service that is in decline.

As the Leader of the National Party said earlier, there are two competing unions within the prison service. The first is the Federation of Prison Officers, which represents some 440 prison officers. Another 790 are members of the Victorian Public Service Association. Two competing unions cannot give a good service to the Office of Corrections. One of the biggest complaints from the federation is that the Office of Corrections plays favourites. The federation claims many capable people are being held back for spurious reasons. In many instances members of the federation have been long- serving officers who have given dedicated and faithful service but whose services have not been duly recognised.

The opposition has revealed many stories from prison officers outlining the corruption, maladministration and drug trafficking occurring within the prison system. The Office of Corrections has an appalling record in that area.

Recently there was a serious assault on a prison officer and the only punishment meted out by the magistrate was a seven-day concurrent sentence. Such issues are always being discussed by prison officers. They believe the government does not take its responsibility seriously and that it does not encourage firm and proper sentences to be imposed for criminal activities within the prison system.

Another bone of contention is that staff numbers are being held to the absolute minimum. Prison officers currently employed are stretched to the limit.

Honourable members will be surprised to learn that at night twelve prison officers look after the whole of Pentridge Prison while another fifteen officers run the metropolitan prison. In other words, in the Coburg complex 27 officers cater for 1100 prisoners. It is little wonder there is a problem with drugs in our prisons.

I contend that one reason why there is such a high incidence of drug use within the Victorian prison system is that drugs are condoned by the Office of Corrections to keep prisoners quiet. Recently a member of the now disbanded Drug Surveillance Unit, who has been reassigned to general duties, informed me that he could have charged up to twelve prison officers with drug trafficking. The only reason he did not was because the unit was disbanded.

We hear the Minister for Corrections making plaintive responses that everything is being done. However, when the Leader of the National Party and I were in New South Wales recently we spoke with both the Minister for Police and Emergency Services and the Minister for Corrective Services in that State. Those two Ministers are carrying out their duties as two separate entities because the degree of work necessary in both those portfolios requires the attention of two Ministers.

Here in Victoria we are struggling along with one Minister carrying out duties that would normally be carried out by two Ministers in other parts of Australia. We know the attitude of the Minister's predecessor, now the Minister for Conservation and Environment, from his previous statements. His attitude was to say, "I'll leave you alone provided you keep the lid on corrections". In other words he realised there was just too much work involved in administering both the police and corrections portfolios for one Minister and one department to handle.

This is something that the opposition will address seriously as it releases its policy. It is not right that a department as important as the Office of Corrections is allowed to have such little government or Ministerial input because there is just too much for that Minister to do.

Since taking over the portfolio, the New South Wales Minister for Corrective Services, the Honourable Michael Yabsley, has carried out an almost daily crusade to make sure the prison system in New South Wales operates in as tough and as fair a manner as the people require it to be.

Admittedly this involves an incredible amount of controversy, but controversy is something that a department such as the Office of Corrections will always attract because of its very nature. However, more than just token attention or effort is needed from the Minister to tackle the many problems that need Ministerial direction on a daily basis.

The stories that come out of Pentridge Prison are horrific. No doubt some of them are exaggerated, and some are beyond belief. But from time to time we hear stories that I believe ought to be notified to the public because the public have a right to know what is occurring within our gaols. The public have lost confidence in the administration of the Office of Corrections.

One episode that occurred late last year related to what the prisoners call slagging. This followed the disgusting practice of what the prisoners called billets — or prisoners who are used for servant duties — actually spitting into food prepared in the officers' mess. When this was found out the prisoner concerned was moved. However, to allow such

activities to continue without supervision is one of the reasons why the Office of Corrections is in a mess.

There was another example of three women warders watching a senior male prison officer being bashed. These are just some of the complaints received and not investigated.

When I have received such complaints it has been my practice to refer them to the relevant officers within the Office of Corrections. Sometimes it has been found that the complaints have been figments of people's imagination, but often it has been found, particularly with complaints involving corruption, that there has been more to them; and occasionally I am notified about what action is being taken.

However the point is that the necessary supervision is not being provided within the prison system to be able to remove the public perception that the prison system in Victoria is in a shambles.

I refer now to the fact that there is no incentive for prison officers. I make that statement without reservation because the prison officers would not be forming a second union if they had confidence in the way the administration of the prison system was being carried out.

The Leader of the National Party spoke earlier about tougher gaol terms for people who have committed assaults against women. He mentioned the recent Cadillac Bar episode.

I would go a step further: as well as applying tougher penalties for offenders, I would advocate restitution as some positive means of making offenders give something back to their victims, whether in a monetary or material sense; they should be made to pay something back, even if it takes them the rest of their lives, as a form of restitution for their deeds.

This could well be the type of measure that the government, in the dying stages of its administration, might prefer to take on board. It is necessary not only to give these sorts of offenders severe gaol terms and ensure that their terms in gaol are as tough as they could possibly be, but also to make people in the community aware that if they commit crimes against women, such as rape and other sorts of assaults, not only will they have to serve out their minimum terms in gaol but also they will have to make some restitution to their victims. I am sure this would have a sobering effect on many potential offenders.

The Leader of the National Party outlined some of the policies the opposition will take to the next election. Another area that ought to be considered carefully by the government — and certainly the community will be calling for this — is that of contracting out many of the services required in prisons. If these services were contracted out we would be left with a system — the timing would be difficult — where the only activity carried out by the Office of Corrections and its staff would be ensuring the security of the prison walls and the turning of the keys.

In other words if the other activities that are currently undertaken by the Office of Corrections were contracted out — —

**Mr Sandon** — What's this — a policy on the run?

**Mr E. R. SMITH** — No, it is not a policy on the run. The Minister will see our policies when they are released. In fact, he can be the first to receive a copy. The opposition has many policies, and it is delighted that the government has already taken some on board.

As an example, I refer to the one enshrined in a clause of this Bill requiring offenders to serve out minimum terms. The opposition has been pushing for that for nine years. But this miserable government has not been prepared to take the suggestion on board until now, in the dying stages of its administration, when it has finally realised that the community out there is calling for minimum sentences to be served.

The opposition's policy is that judges will be encouraged in all cases to award the minimum sentences, and prisoners will be able, through good behaviour and other means, to earn points that will be taken into account when they are due for parole; the parole board will be able to consider those favourable aspects after the prisoner has served his minimum term.

Much has been said about children in prisons. It is a fact of life that many women prisoners will give birth to their children while in prison. Although the coalition believes women should be allowed to look after their babies in prison for the first twelve months, it believes that, after that time — of course, the matter should be considered seriously — the babies should be removed from the gaols to prevent them becoming institutionalised. This is something that worries many of the caring prison officers who give us the benefit of their experience from time to time.

Clause 7 refers to incentives for prisoners to work. The incoming government will have to do a tremendous amount of research in this area. Most prisoners in Victorian prisons today sit on their bunks in their cells all day long watching television. The Minister for Corrections has just entered the Chamber. I wonder how many times he has been to Pentridge Prison. I visited the prison recently.

There are two programs that are designed to make prisons self-sufficient as they were in years gone by. The opposition wants prisons to become self-sufficient. People who have not been to Pentridge Prison for many years but visit it today are surprised to see the ground where there were once garden beds lying idle, all because of the idleness of the government. The government cannot be bothered enforcing a proper work program within the prison system.

**Mr Sandon** interjected.

**Mr E. R. SMITH** — The Minister is full on noise but short on action. The former Premier, the honourable member for Bundoora, has just come into the House to grace us with his presence. This is indeed a rare event. Only two government backbenchers have been present for the past 2 hours of debate; no-one is supporting the Minister.

Providing work for prisoners is one of the most positive ways of starting to make the prison system work again because it gives prisoners the incentive required to make their days profitable and to make their time go swiftly. Surely there is nothing more

degrading and demoralising than sitting in a cell, day after day with one's feet up on the bunk and watching colour television on a set provided by the government.

The government has got the Office of Corrections in a mess through such strategies. The point is that work programs need to be developed in prisons, particularly Pentridge Prison. It is all right for the government advisers sitting in the boxes to smile — the government wants all the assistance it can get — but a work policy needs to be spelt out, which is what the opposition will do in its policies.

There must be a place for programs of hard labour. Government members recoil in horror at that suggestion, but the community wants it and what is more I was told by a number of senior officials on my last trip to Pentridge Prison that it could be easily implemented. Such a program would represent one of the strongest deterrents for misbehaving prisoners in Pentridge. The prison work programs must be well thought out and made to work again because the current system is not working.

Another part of the Bill, which I applaud, relates to letters. Letters will now be censored if they are considered to pose a security risk to the gaols. The opposition has been pushing for this for at least nine years but the government has only recently taken the suggestion on board. The Minister's predecessor, the Minister for Labour, myself and many others were sent letters by a prisoner by the name of Cremmen. Those letters were regarded as harassing people outside the prison. Even the former Director of Public Prosecutions admitted he had received letters from Cremmen. As the electorate will be aware, Cremmen was murdered last year and the problem stopped. Fortunately the government continued with moves to try to stop what had become a considerable concern because not only were those letters harassing people but many were written to former victims, witnesses, police officers and one of the Prosecutors for the Queen. It is a well- documented case.

I am happy that the measure will be properly enforced but I hope it will be better enforced than the provision for telephones in prisons. In a briefing late last year I expressed concern that prisoners in Pentridge were allowed unlimited access to telephones. We were told that at that stage they were being monitored but on our visit to Pentridge we saw that that is not the case. There are orange and green telephones available in Pentridge for the use of prisoners in all divisions, and the original idea was to allow prisoners to make a certain number of calls a week — I am not sure of the number; it may have been two or three calls a week — to an approved recipient, whether it be a wife, mother, lawyer or member of Parliament. The calls had to be approved and put through the switchboard. Today, prisoners are allowed to make unlimited calls. That is something the opposition in government will stop.

It is absolutely outrageous to think that the people prisoners may be contacting by telephone may be former victims and former or current associates, even though they are within the confines of a prison. It is outrageous that the government has allowed it to happen. When we asked the question at a subsequent briefing we were sheepishly told that the telephones had been installed. It is unbelievable that the people conducting the briefing would not have known that such a major policy change as the introduction of

paid telephones into divisions of Pentridge Prison was under way. It left us spellbound. The Ministry for Police and Emergency Services was also spellbound to learn that the administration of the Office of Corrections was not aware of what was going on within the prison. This is part of what is wrong with the prison system in Victoria. It is part of the morale problem among prison officers. I have been told that at least three prison officers have received threatening telephone calls from prisoners.

It is not on. How can we stop it? We must cut out the indiscriminate use of telephones by prisoners in Pentridge Prison. I notice the Minister is not being supercilious about this one! He is obviously taking this one on board, and I hope he does so to stop prisoners making telephone calls. Telephone calls should be a privilege for prisoners, not an unfettered right. It is no good saying calls are monitored; they are not. The orange and green telephones cannot be monitored. If they are being monitored they are not being monitored with the knowledge of prison officers who, by the way, have also said that another reason for the morale problem is the belief that the telephones they are using in the internal telephone system are bugged by the Office of Corrections. Will the Office of Corrections say that is not the case? Those charges have been made by prison officers in the Victorian prison system.

The prison system is under attack on a daily basis for one of the three reasons I gave earlier: whether it be for corruption, maladministration or drug trafficking. They are three activities that the people of Victoria say are not on. Those activities should not be occurring and the government should not allow them to occur.

**Sitting suspended 6.30 p.m. until 8.4 p.m.**

**Debate adjourned on motion of Mr ROPER (Treasurer).**

**Debate adjourned until later this day.**

## MINISTERIAL STATEMENT

### Melbourne

**Debate resumed from earlier this day; motion of Ms KIRNER (Premier).**

**Mr BROWN** (Leader of the Opposition) — I move:

That this House takes note of the Ministerial statement.

This Ministerial statement was introduced by a Premier who claims that she consults. However, she has also indicated to Parliament that she has her staff find out what she has to do and then effectively does the minimum. That was how the Premier introduced this Ministerial statement: without any forewarning to Parliament and without giving the opposition the courtesy that has been extended for decades. Certainly for the twelve years I have been in Parliament it is the first time the government has introduced a Ministerial statement without forewarning.

I say at the outset that if that is the way the Premier believes she consults and if she believes it is the way to obtain cooperation, she is wrong. It is self-evident that Victoria is in recession. We all know that painfully well. We also know the government is in crisis and that again is something that all Victorians are painfully aware of as many of them have lost their jobs in recent months, many small businesses have collapsed and many existing businesses large and small are just holding on. The current government is faction ridden and is literally ripping itself to bits. It is a government dominated by and dictated to by the Trades Hall Council led, of course, by John Halfpenny.

Today in question time we had the spectacle of the current Minister for Agriculture tipping the bucket all over his predecessor who he claimed spent more money on grog than he did. This is not a government that has cohesion. It is neither showing the way ahead nor has it the capacity to lead this State out of recession, to rebuild the institutions it has ruined or, importantly for this Ministerial statement, to give leadership on and for the future of the city of Melbourne.

Today outside Parliament thousands of people marched on this House over what has been the Pyramid collapse, the Pyramid scandal and, as a result of this government's incompetence, the Pyramid fiasco. The collapse of Pyramid has been a tragedy not just financially for the depositors who lost their money but also for all Victorians especially those who pay tax and who now have to foot the bill. The thousands who marched on Parliament House today — —

**Ms Kirner** — Thousands?

**Mr BROWN** — Thousands. I went out and addressed them and there were thousands. Unlike the Premier I was prepared to meet with these people, to face them and tell them where we stand. Calls made for the Premier to come out fell on deaf ears. The crowd wanted the Premier to come out and address it and it was left not only to me but to the likes of Mr Frank Galbally to tell the people just what an outrage it is that in this great city of Melbourne we have a building society collapse that was avoidable, that a good government would have managed its way through and would have seen that the collapse did not take place.

I am no great fan of Neville Wran but it is true that in New South Wales the biggest run in the history of this nation on the then biggest building society in Australia — and still is — the St George Building Society Ltd was handled with skill, care and compassion by the then Labor Premier, Neville Wran. He moved out onto the street and he stopped that run in its tracks.

Nobody should cast around that I am a fan of Don Dunstan; that would be a misrepresentation. However, I admire what he did in his State of South Australia when some years ago there was a run on the Hindmarsh Adelaide Building Society. I remember seeing footage on television where he actually went out and addressed the throng. There were queues city blocks long in front of the building societies that the Hindmarsh organisation was operating at that time. It was the biggest run seen in that State but within 24 hours a Premier who had the respect of the citizens stopped that run.

Victoria has an inquiry. It should be a Royal Commission but at this stage it is an inquiry.

**Mr CRABB** (Minister for Tourism) — On a point of order, Mr Deputy Speaker, there are rules of relevance that apply to speeches. Despite having had some 6 hours to work on a response to the Premier's Ministerial statement on the future of Melbourne, so far we have only heard the Leader of the Opposition discussing how he thinks building societies ought to be dealt with.

He is now moving on to the subject of a Royal Commission which has no relevance to the Ministerial statement that was made earlier this afternoon. Presumably he has thought about the future of Melbourne some time in the past few years. Given that he has had 6 hours to work out what to say it seems to me appropriate to ask you, Mr Deputy Speaker, to bring him to order.

**Mr BROWN** (Leader of the Opposition) — On the point of order, Mr Deputy Speaker, I am leading to the inevitable conclusion that what is wrong with Melbourne as well as the rest of Victoria is the incompetence of the Labor government, particularly in the financial sense.

I intend to spell out a series of scandals that will detail the fact that Melbourne as well as Victoria is in crisis. I am leading to a relevant scenario. It is not about a public relations exercise such as the Premier's statement today; it is about getting it right. It involves the collapse of financial institutions like State Bank Victoria which has led to the ruin of Victoria, and that is totally relevant to this debate on the future of Melbourne.

**The DEPUTY SPEAKER (Mr Norris)** — Order! I believe the Leader of the Opposition has considerable latitude when responding to a Ministerial statement and I do not uphold the point of order.

**Mr BROWN** — Thank you, Mr Deputy Speaker. When the government puts forward a Ministerial statement, even without notice, it should address fundamental problems and in relation to Melbourne they start with the loss of jobs over the past few months. One cannot talk about a recovery that is gambling-led. What a sick joke! That is what this Ministerial statement purports to put forward. The government is going to lead Victoria out of the wilderness with a gambling-led recovery.

The Minister at the table had this brilliant "Crabbaret" idea which has already cost in excess of $30 million. The Ministerial statement was primarily about expanding the highly successful "Crabbaret" concept to the rest of Melbourne and then Victoria. What I am talking about is totally relevant. This government will rue the day it tried to mislead the community into thinking Victoria could have a gambling-led recovery from the damage the government created.

So far as Pyramid is concerned, the coalition made it clear it believes the bond deadline should be extended. In the city there are empty former branches of the Pyramid building society, and one of the reasons for the unemployment problem is these closed Pyramid offices. Who will be added to the problem next year? There will be closed State Bank offices everywhere! The government threw away our bank through gross incompetence.

When the rationalisation process starts, and it will gain momentum after the election is held, thousands more Victorians will lose their jobs.

There is no doubt that the real problem with Melbourne is the policies of the present government. This is a government without a mandate; this is a government which we know covered up and cheated prior to the last State election. It was the first ever four-year term in the history of Victoria but Victorians went to an early election. Fortunately the community knows why. The government covered up what had happened with the Victorian Economic Development Corporation and scraped in by the skin of its teeth. It came to office by misleading the community but that will not be the case when the next election is held.

Where would Melbourne be if it had not sustained the scandals of WorkCare, Tricontinental, State Bank Victoria, the VEDC, the Victorian Investment Corporation, along with other scandals such as unsecured loans to the National Safety Council? The Pyramid collapse merely added to the list of scandals for which the government has become world renowned. Where would Melbourne be if great institutions such as the State Bank had not been thrown away? Melbourne would be a much more prosperous city.

We are not talking about a gambling-led recovery or saying the only way out is to have an extended number of Tabarets to let Victorians get themselves out of the mire. If there had been prudent management rather than incompetence and if Victoria had not been subjected to all the lies and deceptions and funny money deals which clearly have taken place, Melbourne would have nowhere near the number of problems it has today.

Let me quote directly from the Ministerial statement the Premier presented this afternoon. It states:

> We have the energy and picture of what is possible. With cooperation and determination this government will deliver. We will keep creating a city which provides: affordable and high-quality housing and accommodation with good public transport and an effective road system.

She went on to say:

> A city centre where our heritage has been preserved and complemented by the bold new buildings of the '80s...

They are there for all to see, these bold new empty buildings of the '80s. Wherever you go, cranes remain on the skyline because the building companies have nowhere to relocate them to. Some of the companies have gone broke. Some have done deals with insurance companies interstate and put their operations where the liability is effectively transferred: over the border. The majority have not. Those chickens, like the scandals that this government has been involved in, have led to a crisis situation in Melbourne, as well as much of Victoria.

Many of the white elephants of the '80s have been financed by poor old Ralph. His money is gone. Many of these white elephants were financed by Tricontinental, the great

Trojan Horse of this government which has sustained losses that have led to the demise of the State Bank, once proudly called the people's bank.

I do not know how the Premier could have the gall to mention a good public transport system in Melbourne. What an outrage that her staff scripted that in! Obviously she did not proof read this. A good public transport system exists not in Victoria but in other places in Australia and overseas. Under the regime — and I use that word advisedly — of the Deputy Premier, marvellous things were done with marvellous Melbourne's transport system. I refer particularly to the marvellous scratch ticket that was introduced by the former Minister for Transport, who is currently the Deputy Premier. I am told ten years supply of tickets was produced. That is not too bad if they could be utilised over a decade.

However, Joe Sibberas — the man who ran the transport system before the new Minister came along — asked, "What are you doing to my public transport system?"

Honourable members know the factional masters of the Labor Party are trying to stitch up details to make sure their best people, such as the Minister for Agriculture, are returned to this place after the next State election. Members of the opposition hope the Minister for Agriculture does return; we desperately want that man back because he is another of the marvellous things the opposition has going for it.

I cannot understand how a party can operate when a Minister who introduced the disastrous scratch ticket system is then elevated to the role of Deputy Premier waiting to become the Premier before the next State election. The former Minister for Transport bludgeoned through a scheme that the community rejected from the outset, only to lose his portfolio and be promoted to the Deputy Premiership. He is the Premier-in- waiting. One must ask what it takes to get demoted in the Labor Party in this State!

Melbourne has one of the worst public transport systems in the world.

**Mr Cole** — Rubbish!

**Mr BROWN** — The honourable member for Melbourne is correct — the system is rubbish. It is filthy, unsafe, unclean and unreliable and it has graffiti on it from one end to the other. Six years ago the incoming mayor of New York claimed he would clean up the New York transport system, and people laughed in his face. However, he has cleaned it up. Victoria got a new Minister for Transport who said he would give the people everything they wanted — I refer to the current Minister. He was going to clean up the system, but now one cannot even see out of the windows of most trains because of the graffiti covering them.

The public transport system loses $5.5 million of taxpayers' money a day. People look with amazement when I say that, but it is true. That amounts to $2000 million a year, and for that money I would expect one of the best public transport systems in the world, not one of the worst.

I was pleased to hear the overdue acknowledgment from the Premier that she was concerned about violence against women in our society. That concern arose as the result

of a recent attack on a woman in a nightclub, and I share the Premier's concern. The attack was an outrage in any society let alone a so-called civilised one. Last year a woman disappeared from a railway station car park, and violence against women is a concern.

My electorate has always been a quiet area. However, at Christmas time an elderly gentleman of 80 years was bashed by two thugs who entered his house at Inverloch at 11 p.m. and stole the few dollars he had in the house. That took place in a small country hamlet, and one must ask what is going on.

I was pleased to hear the Premier's expression of concern; however, I was not pleased to hear the government's misrepresentation that the opposition had announced a strategy to block every measure the government puts forward.

**Mr Roper** — You did!

**Mr BROWN** — It is an absolute lie. At no time did this responsible opposition put forward the notion that it would block every measure introduced by the government. I could not believe it when that misrepresentation was extended to the suggestion that the opposition would block legislation dealing with the protection of Victorian women. I know members of the government have said that, but I am surprised they have the gall to come into the Chamber and repeat it.

The government is in its death throes and the community knows it. Two weeks ago the opposition announced a strategy from which it will not deviate: it will block everything the government puts forward before the next State election that is not in the interests of the community. At the time I spelled out exactly what "community interest" encompasses, and that is why I do not understand why the government purposely misrepresents what I said.

I made it clear the opposition will defeat Bills requiring Parliamentary approval for further asset sales. That will be done without exception; every asset sale put forward by the government will be blocked. I also made it clear all Bills the government introduces for new taxes and charges will be blocked.

**Mr CRABB** (Minister for Tourism) — On a point of order, Mr Deputy Speaker, you previously ruled that a reasonable degree of latitude should be allowed speakers in response to the Ministerial statement. I have listened carefully to the Leader of the Opposition, who is now explaining which Bills the opposition will or will not block.

**Mr Brown** — I said I was coming to it.

**Mr CRABB** — The Leader of the Opposition is now explaining his fourth version of whether the opposition will block Supply, and that is not relevant in any way to the Premier's Ministerial statement made earlier this afternoon.

**Mr BROWN** (Leader of the Opposition) — On the point of order, Mr Deputy Speaker, I am leading to why the opposition will knock out any legislation regarding the establishment of a casino, which is central to what the Premier put forward today. I have to spell it out so the government will not misrepresent it further. I am coming to why the opposition will block the establishment of a casino, which the government would administer as badly as it has administered the Tabaret.

**The DEPUTY SPEAKER (Mr Norris)** — Order! I have listened carefully to the Leader of the Opposition. On occasions he has strayed from the Ministerial statement, but invariably he has returned to the point, and I was waiting with anticipation for him to do that. I direct his attention to the fact that he should be about to return to the Ministerial statement.

**Mr BROWN** — Two weeks ago I announced that the opposition will knock out Bills for introducing new taxes and charges or increasing existing taxes and charges. The opposition will also defeat Bills involving major social, industrial relations and financial changes for which the government has no mandate. Finally, the opposition will defeat Bills that breach specific undertakings given by the Labor Party. I made it clear at that time, as I do again, that the opposition will pass legislation that is in the public interest.

If the government introduces legislation to revitalise Melbourne, such legislation will be in the public interest and the opposition will pass it. If members of the government are fair dinkum about shop trading hours in Melbourne and moves to legislate for trading seven days a week, the opposition will pass such legislation because it is in the community interest.

**Ms Kirner** interjected.

**Mr BROWN** — The Premier wants me to broaden the debate, and I would be delighted to accommodate her. However, if she wants to make a Ministerial statement regarding rural Victoria she should give the opposition the customary warning of a couple of hours.

Law and order is a big problem in the city of Melbourne yet this government is seeking to remove from the statute book the offence of drunkenness in a public place. The Premier says she has concern for violence against women. I do not know the percentage of violence that is committed against women in Melbourne as a direct result of the consumption of alcohol by males, but I know it is damn high, yet the government wants to decriminalise that offence.

**The SPEAKER** — Order! I ask the honourable member to relate his remarks to the question before the House.

**Mr BROWN** — In her Ministerial statement the Premier talks about law and order in Melbourne. At page 6 of the statement she leads into the first sentence and says, "Areas such as safety and security..." I am talking about women being bashed, raped and disappearing from car parks, such as happened at Kananook station. If that is not an issue of safety and security I do not know what is.

It is unacceptable to express outrage and concern on the one hand while on the other hand being prepared to allow drunks, louts, ratbags and malingerers to be as drunk as they like in public places. That does not mean in nightclubs having their ears bitten off, it means on the streets where decent, everyday, normal human beings walk to work and go home, where men and women walk with their children. These are the problems of Melbourne. It is about time the government started to address them. The reality is that the government talks on the one hand and does nothing on the other.

It has a great media machine. I do admire this government for one thing, that is its never-ending ability to snow some sections of the media. It has been pleasing of recent times to see changes in the media in Victoria so far as the staff and personnel are concerned, including those on State rounds. It seems there is a new degree of professionalism, they are not all being snowed.

That expensive media unit, which supposedly promotes the city of Melbourne in large measure, has been there only to give to the media what has proved a series of untruths on many occasions. The Premier also said and I quote:

> We will not be prisoners of the past, we will not be afraid of making bold decisions.

That is if people like Joe Sibberas, John Halfpenny and Wally Curran -- her personal friend -- let her. The former Premier said to his colleagues, "I want four fresh faces", and they told him to go to hell. I challenge this Premier to introduce new blood into her Cabinet — give us some of the new Ministers that you sorely need!

**The SPEAKER** — Order! The honourable member should address his remarks to the Chair.

**Mr BROWN** — Through you, Mr Speaker, I suggest to the Premier that she address the incompetence that is rife on her front bench and replace some of them. For a Minister to bucket his colleague and say "Don't blame me" is no way to run a department.

Another thing concerning me about the future of the city of Melbourne and the State generally is that the present government now shows signs of indulging in a preparedness to pay large sums of money to many of its friends, fellow travellers and party hacks between now and whenever the next State election is held. In particular, I am concerned about contracts it is giving to friends and party hacks, some of them of five years duration.

The media should hear this. I place on the record that my incoming government has no obligation to honour any contract the present government enters into that is clearly with its friends, fellow travellers and party hacks. I will repeat that. My government has no obligation to honour what this government is doing in its death throes. It knows it is going out at the next State election, its hacks know it and they are positioning themselves with lucrative long-term contracts so that even after the government's demise they will all be in positions of power and being well paid.

My government has no commitment to such people. It will return professionalism and integrity to the Public Service so that the city of Melbourne is protected with good

advice, and it will see a government that has good long-term policies instead of these glib, quick-fix solutions that contemplate a gambling-led recovery.

The Premier also said in her Ministerial statement:

> As well as the new museum and art precinct, new medium- density residential development is planned, and the first residential land is likely to be on the market early next year.

No doubt that is true. This mob want the cash, that is the key ingredient to most of the government's proposals. How can it get its hands on more cash simply to keep the ship afloat until the next State election? The opposition knows because the government has been indulging in it for some years now, it has mercilessly been flogging off this State's assets, heritage and, in effect, our children's future.

**Mr Maclellan** — What about Willsmere?

**Mr BROWN** — Yes, or giving away the Windsor Hotel across the road or, as I saw in the *Age* this weekend, substantial tracts of land in Port Melbourne. It advertised the rental that instrumentalities such as the State Electricity Commission would pay as several hundred thousand dollars a year, knowing it should get several million dollars a year at tender because it is a government contract that will be in vogue when the new purchaser purchases that area of land. It is a matter of the quick-fix-do-anything solution to get cash.

The Premier then went on to say:

> The docklands project outstrips all others to present us with the most exciting opportunity Melbourne has seen in a hundred years.

I agree, it does present that opportunity. I do not know that I would quite agree with "a hundred years", but it certainly is the best opportunity and potentially the most exciting that has been seen for a very long time. The Premier then went on to say:

> The casino will enable the docklands project to become established. It will expand the entertainment choices for the people in this State and will provide investment, growth and jobs...
>
> Enabling legislation for both the casino and the docklands will be brought forward into this session of Parliament.

That is clearly to continue the facilitation of the gambling-led recovery. The government's only major attempt of recent years in this area was the Tabaret. One would expect the Tabaret to have been crowded yesterday, it being a public holiday. I saw on the television that yesterday at 11.30 in the morning there were only fourteen people there. There were twice as many staff as patrons.

What sort of idiotic government brings in a major proposal such as this Tabaret that only attracts that number of patrons on a long weekend when one would expect there to be great crowds, because there were tens of thousands of people in the city yesterday to see the Moomba parade?. One would expect that this great Tabaret would have attracted some of those people.

What does the government want to do as a result of the Ministerial statement? It wants to expand these children's games further into every nook and cranny in this State, including the city of Melbourne.

The government proposes to build a casino, but that proposal is finished and done with because a casino will not be built by the government. It will not build a casino that is a carbon copy of the Tabaret flop.

The casino will be built by the incoming coalition government. We will not do anything in a half-baked way. The first thing we will do, as has been announced in our policy, is that we will establish a commission that will be headed by the former Chief Commissioner of Police, Mick Miller, who is unquestionably the best person in Australia to head up that body.

We will then send the commission not just around Australia but overseas to fully investigate the way a proper world standard casino should be run. The study will not come off the top of the head of any of the Ministers but the commission will investigate the proposal. We will not insult Mick Miller, as this government has insulted Francis Xavier Connor, by giving him a couple of weeks to come up with a final recommendation. The study will be done properly and fully. When we have the recommendations on a world standard facility to be established in Melbourne we will call for public tenders.

What is the latest that we hear from the government? The Deputy Premier said we might have two or three or even more casinos. Who is the government planning to give the contracts to? Will it give them to some of its mates, fellow travellers and party hacks? I should hate to guess who would get one, two or three of these casinos.

There will be a casino in Melbourne after the next State election and it will be open for tender world-wide. It will be controlled by a commission headed by Mick Miller and it will be done properly. We do not want a flop such as would result while this government in its death throes. The Premier says:

> This government will now attack head-on the thorny problem of a modern city, choking with traffic... We intend to hand back the streets to the people.

The Premier says the government will attack head on the thorny problem of a modern city choking with traffic but then two sentences on she says the government intends handing the streets back to the people. I wonder whether that was a misprint or whether the Premier has staff who are so incompetent that in one sentence it is said that the streets are choking with traffic and two sentences on that the streets would be handed back to the people.

The Government Media Unit that is paid by the taxpayers has told us of the city streets that are going to be blocked off. On Friday night those details were leaked. The Premier says she will spell out those details tomorrow but we all know about it. What a joke! The Premier will make this announcement to the media but we already know about it. It is a bit like the Prime Minister, Bob Hawke's slap in your face.

**The SPEAKER** — Order! The Leader of the Opposition will address his remarks through the Chair.

**Mr BROWN** — We know about the thorny problem of a modern city choking with traffic. My colleague, the honourable member for Malvern can tell the house exactly what the government has created in the south-eastern car park -- an excuse of a road that joins two freeways, the South-Eastern Freeway and the Mulgrave Freeway. It has seven sets of traffic lights in as many kilometres. I use it regularly and I must travel at 60 kilometres an hour for several hours at night on that freeway link.

The reality is the road is choked most times of the day. It is a pathetic excuse for a head-on attack of the thorny problem of a modern city choking with traffic.

If the government is to choke up the city by creating more malls it must surely have some plan to divert traffic around the city on decent roads, but that is not the proposal. The Premier says more people will use public transport, but the piece de resistance is the statement by the Premier:

> Our government has a second bold announcement to make today. Another symbol of change. A symbol that will add confidence to this city and this State.
>
> As part of our plan to make Melbourne a freer more lively place, a more efficient and effective place, we have announced today agreement to introduce state-of-the-art electronic gaming machines into Victoria's hotels and clubs.

Up to 10 000 of these children's toys will be introduced into the market in the first eighteen months. The kids might want to play with them but "Crabberet" patrons have rejected them.

Why would you want to subject the clubs and hotels of this State to borrowing millions of dollars, as they must do collectively — because those machines cost approximately $20 000 each installed — to install these children's toys with the knowledge that nobody will want to play them? A government member laughs but he should go down to the Rialto building where the government has spent $30 million of taxpayers' money and where yesterday morning only fourteen patrons were in attendance.

It is clear that the Premier's grand vision for a gambling-led recovery following the establishment of the Tabaret concept — the only form of licensed gambling in the world that is running at a loss, which takes a special talent — is not succeeding. The Premier continues:

> We are mindful that rigorous standards of security and accountability in all aspects of installation and operation of these gaming machines is essential.
>
> To that end the government has committed itself to establish an independent gaming commission that will also ensure that clubs and hotels set appropriate dress codes, standard of amenity, and ensure that minimum age requirements are adhered to.

I understand that John "Darcy" Dugan, the former Chief Magistrate, is the person who will head up the commission. He is a fine Victorian and a fine Australian. His sidekick is to be the Chief Commissioner of Police in Victoria.

**Ms Kirner** interjected.

**Mr BROWN** — He is going to be the deputy, is he not?

**Ms Kirner** interjected.

**Mr BROWN** — Is the chief commissioner going to be the second-in-command to Darcy Dugan?

**Ms Kirner** interjected.

**Mr BROWN** — The bottom line is exactly as I have put it. Darcy Dugan, that well-known and highly respected Victorian, will head up the commission and our Chief Commissioner of Police will be his second-in-command.

**Mr Coleman** — Playing second fiddle!

**Mr BROWN** — Yes, playing second fiddle to Darcy Dugan. Will there be a conflict of interest if the Chief Commissioner of Police and the chief law enforcement officer is on the commission? He has a role to ensure that the State is policed appropriately and is protected. I suggest that it would be better for him to serve full time in his present commitment keeping this State safe ensuring that law and order prevails.

When in government the opposition will make sure women do not disappear from railway stations; thugs do not belt up men, women and children on our trains throughout the day and night; and that Melbourne is made safe — because it is far from safe at present. I repeat: there will be a commission in Victoria; I will establish it and the best person in Australia, namely Mick Miller, will head it.

The Premier then states:

> In conjunction with the government commitment to increase patronage on our public transport system —

The next section is unbelievable:

> We will be reducing the number of vehicles using our road network during the peak hours of the day.

**Ms Kirner** interjected.

**Mr BROWN** — The Premier says that is what she will do. I must repeat her statement:

> In conjunction with the government commitment to increase patronage on our public transport system we will be reducing the number of vehicles using our road network during the peak hours of the day.

I must comment on the government's "commitment to increase patronage on our public transport system".

**Mr Maclellan** — Put up the fares.

**Mr BROWN** — By how much did the government increase fares on public transport through the last State Budget? It put them up 15 per cent! This government promised there would be no increases in State taxes and charges above inflation, and then introduced the family pledge. It said, "You will not pay $1 more in Melbourne as well as the rest of the State for this basket of necessary family commodity requirements". Some people do not have the luxury that the Premier and I enjoy, of being driven in government cars . Some people do not have the luxury of owning a car; some people have only the public transport system as their mode of transport — yet, the government has increased those fares by 15 per cent.

If that is not bad enough, four months later the government decided to increase public transport fares by an additional ten per cent. That means a cumulative increase of about 26.6 per cent in public transport fares in Melbourne within only four months.

In her Ministerial statement promoting Melbourne, the Premier states:

> In conjunction with the government commitment to increase patronage on our public transport system we will be reducing the number of vehicles using our road network during the peak hours of the day.

In recent weeks my office has been inundated with people who are concerned that they are now obliged to drive their cars to work because they cannot afford to use public transport. They say they actually save money by driving to work! What a sick joke! The only fortunate aspect is that the community has awoken. This diatribe and claptrap we have heard in the Ministerial statement is now known as a sick joke.

The Premier then states:

> The target is to reduce waste going to tips by 50 per cent by the year 2000 through actions such as reducing packaging, composting and recycling.

**Mr Elder** — Rhetoric!

**Mr BROWN** — Yes, it is absolute rhetoric! This government is superb at the throwaway line, the quick-fix solution, the magical trick that does not exist — because there is no quick cure. The opposition unreservedly supports the intent of that statement but how dare the government mislead the community and state that it will reduce the waste going to tips by 50 per cent during the next nine years. That is outrageous and, of course, it will not succeed. It is like the Federal promise to plant a billion trees within a decade.

**An Honourable Member** — With no child living in poverty.

**Mr BROWN** — There will be no child living in poverty! What about the family pledge? That was the same sort of garbage. The incoming coalition government will show the way to reduce waste in our community. One of my best shadow Ministers, the Honourable Mark Birrell in the other place — and he is never out of it — has made announcements; between now and the next State election he will continue to make announcements about the proposed actions of a fair dinkum government, the government Victoria will have after the next election. It will give a genuine commitment to reducing waste in our society, including household and industrial waste that must necessarily be dumped. We will not mislead the community with glib throwaway lines!

The next section in the Ministerial statement excited quite a number of my colleagues. The Premier states:

> An important element in the emerald city —

And I suppose now we will get that line about the "emerald city" done to death. I would rather have a diamond than an emerald; something of quality, nothing less than a diamond for this city; no cut-price, cheap, throwaway stone — I want diamonds because only diamonds are good enough for this State and this city!

It is important that the House notes what the Premier said:

> An important element in the emerald city is our vision for a green web of open space, parks, trails, and waterways to cross Melbourne.
>
> All the magnificent open space, trails and parks left to us by our forebears have nothing to do with this government. Those magnificent facilities were made available by former governments.

What has been the main contribution by this government to Melbourne? It built the National Tennis Centre and it took away parkland! It built a convention centre but constructed it so that it overhangs the Yarra River. This government talks about its concern for our emerald city and its vision for a green web. That is an outrageous lie and a con, but at least people are starting to take notice.

People no longer take such glib throwaway lines from the government as the truth. They look through such statements and they know that such statements are garbage!

The Premier then talked about Melbourne being "the cultural and sporting capital of Australia". She states:

> We are the country's best at staging major celebrations and festivals such as the Spring Racing Carnival —

And this government has certainly done a lot for that!

> the Melbourne International Festival of the Arts, the Grand Final and the Comedy Festival.

It is true Melbourne is undoubtedly the cultural and sporting capital of Australia. The government has not ruined that aspect as it has ruined a good health system, a public transport system,and an education system. It has broken the Treasury but at least it has not yet ruined Melbourne as a sporting capital. But there can be no thanks to the government. I admit it has done much for the Comedy Festival in that the Victorian

government is the joke of the nation and the butt of jokes and ridicule. It has made a contribution but only to the Comedy Festival!

The Premier talks about staging major events and says that Melbourne is the country's best. What did this government do to the motorcycle grand prix at Phillip Island? Victoria had a world-class international event and the government did everything possible to get rid of it. That event has now gone to Sydney because of the government's gross incompetence in not being able to conduct it properly and in due recognition of the best endeavours of the government the promoter was sent packing interstate.

The strategy I referred to earlier is one that will protect the community between now and the next State election. The opposition will be doing other things such as conducting a full audit of the State. It will stop the losses. Last week I announced what the coalition will do in turning around this State, and I referred to industrial relations. There will be a level playing field; it will not be compulsory but voluntary whether one wishes to join a union. The coalition will introduce mandatory pre-strike ballots; all the other aspects that I spelt out last week are aligned to ensure the city of Melbourne, and all of Victoria, have a future and can be rebuilt.

The Ministerial statement is nothing more or less than empty rhetoric and platitudes designed to paper Australia's worst ever government.

The Premier picked the right day for her so-called statement: it was the day that thousands of people marched on Parliament House, the day she announced a gambling-led recovery, the day the Prime Minister released an industry statement and walked away from the pleas of the Premier to be concerned about our car industry and other manufacturing industries in this State.

Her statement will be lost and forgotten forever as it was obviously meant to be, and as it deserves to be. Surely not even the Premier would be brave enough to subject her statement to real public scrutiny.

I will give another example of the shallowness and emptiness of this Ministerial statement. On the one central issue that would clearly put life into the central business district in Melbourne — namely, shop trading hours — the Premier wimps out totally. It is disgraceful. She said:

> The government is committed to work with small and large retailers and employee representatives to develop an agreed position on any further changes to shop trading hours.

We know who the agreed position is with; it is with the man who runs Victoria, the man who has not and will not give the nod — John Halfpenny. Just before the State Budget was announced John Halfpenny was photographed sitting around the Cabinet table with the Cabinet Ministers, and he will not have a bar of extended shop trading hours.

The Premier wants to do something to revitalise the city of Melbourne. I challenge her to introduce seven-day-a-week shop trading legislation in the knowledge that the coalition will pass it. If the Premier wants to do something constructive for Victoria, she should introduce that legislation and we will pass it.

At the end of her statement the Premier says:

> We are dreamers and doers.

With that I must agree, so far as that statement applies to the Australian Labor Party. The dreams clearly substitute for decent policies and the doing is there for all to see. It is apparent in the form of the VEDC, Pyramid, the State Bank, Tricontinental and a raft of other scandals.

There is another fatal flaw in the Premier's statement and it is a flaw of deliberate omission. It is instructive to examine what the Premier forgot to tell us. She forgot to tell us of building the ugly, intrusive and costly World Congress Centre here in the city of Melbourne.

**Mr Crabb** — Are you sure you have the right one? You're not thinking of the World Trade Centre, are you?

**Mr BROWN** — Not the World Trade Centre; the one that is hanging into the Yarra. You have to steer around it if you are coming down the Yarra in a boat. That other one is not hanging into the river!

She forgot to tell us about her government destroying historic buildings on the Queen Victoria site. She forgot to tell us about the world's only loss-making gambling facility - the "Crabbaret".

She forgot to tell us about failing to clean up the Yarra, which is now so polluted that it constantly exceeds every EPA standard on water quality. She forgot that the Labor government ignored the need to reduce traffic congestion by building and linking modern freeways and that Labor has not even started building the new museum, despite promising to do so every year for the past eight years.

It is a litany of failure; a bankruptcy of ideas and a lack of political will and leadership, which is now a national disgrace. The Premier does not seem to grasp the fact that one cannot separate the part from the whole - Melbourne is part of Victoria and the Victorian economy.

The Cain record, the Jolly record, the Kirner record of maladministration and incompetence is a by-word now in Australian political history and I want to look at that record.

Victoria's public finance is in crisis. The world's two major credit agencies have downgraded us because of concern about the level of State debt - and so they should. Victorians owe in the vicinity of $40 000 million. The State of Victoria - not the nation but just this State - has a debt of $40 000 million.

There has been an expenditure explosion of unprecedented magnitude - from just less than $6 billion in 1981-82 to nearly $14 billion in this financial year, which is an increase of 128 per cent.

The Budget deficit has tripled under the Labor government. This year the deficit is expected to exceed $1.4 billion, which is an absolute disgrace. We have a rampant bureaucratic growth at more than double the rate of other Australian governments, we have the debt to which I referred earlier, we have a debt servicing crisis, the scandal of the sale and lease-back of transport rolling stock — and as my colleague, the next Minister for Transport in this State, the honourable member for Mornington has pointed out more than once, more than 65 per cent of our rolling stock has been sold and was under lease-back as at 30 June 1990.

Victoria has a WorkCare deficit of $2.5 billion at 30 June 1990 and we know the VEDC losses will exceed $200 million. Imagine Melbourne if we had those resources instead of having lost them!

The Victorian Equity Trust has a potential liability exceeding $700 million on the VEDC; the State government's other investment body - the Victorian Investment Corporation - is also losing money hand over fist; presently it is $81 million.

We know about the loss of the State Bank and about the Pyramid liability of some hundreds of millions of dollars and we know about the financial malpractices exposed by the Auditor-General. It is a damning indictment. It is a sorry saga for Melbourne and Victoria, and the people have the right to ask "What is the solution?"

This is the solution: the Premier must resign and call an election to face the people. That is what the community wants, and I call on the Premier and her faction-ridden excuse for a Cabinet to go now to the people and go decently. In its place there will be a coalition government that will restore decency, honesty and integrity back into the administration of this State.

The opposition will audit the State public sector. We will stop the losses. We will redirect government resources to the delivery of core services. We will restructure the State Public Service and reduce its size.

There will be no more promotion of public servants on the basis of their party affiliation; they will be promoted on merit as they always should have been. We will introduce our debt reduction strategy, we will contract out government functions as I have announced. We will introduce sensible privatisation and corporatisation and, as I announced last week, we will reform industrial relations. We will expose Mr Halfpenny and union bosses to the rule of law and make them accountable to their own rank and file membership.

The Premier's strategy for Melbourne is nothing more than sloganeering that does not and cannot address the fundamental policy issues that must be addressed. The simple fact is that the Premier leads a socialist left government controlled by the factions and the Halfpenny's and the Curran's of this world who have nothing but contempt for the needs and aspirations of ordinary Victorian families.

The Premier and her government stand condemned. They offer no hope and no future. They are as irrelevant as the Premier's statement to the House today.

**Mr CRABB** (Minister for Tourism) — The speech just made by the Leader of the Opposition has to be, quite seriously, one of the worst I have heard in 15 years in this place. In fact, one can only wonder about why he asked for time to prepare it because he merely repeated what he has said on many occasions before. Honourable members have heard a 70-minute speech that has been high on volume and low on content. It was totally devoid not just of policy but also of any nuance of a positive thought on any subject matter.

I thought the Leader of the Opposition was getting to something positive towards the end of his speech when he started to wind himself up and was at a permanently high volume. I thought that might be an indication that what was coming next would be a positive contribution. However, all that honourable members heard were references to secret ballots and John Halfpenny. Talk of secret ballots has been here forever and John Halfpenny has been there just as long, and yet the Leader of the Opposition had the gall to accuse the Premier of being bankrupt of ideas! As I said, during his 70-minute speech he put forward not a positive thought.

Admittedly some more members of the opposition are in the Chamber now but initially only the honourable member for Warrandyte was present. However, he could not stay the distance and I am not surprised.

*Honourable members interjecting.*

**Mr CRABB** — If any honourable member has put up with all that speech, I will buy him a beer and offer him a cigarette afterwards!

Honourable members were told that Melbourne is in crisis. The Leader of the Opposition capitalised on the tragedy of the collapse of the Pyramid Building Society. He accused the government of being the cause of the ruinous condition of this city. He had a cheap shot at me, but given that I refer to him as the Arthur Daly of Wonthaggi I do not complain about his reference to "Tabaret-Crabbaret". He said that building societies have gone broke and we have one of the world's worst transport systems, et cetera.

It is reprehensible that the Leader of the Opposition introduced into his speech the plight of the elderly gentleman who was bashed at Inverloch. Everyone agrees the incident is a shocking thing but it is hardly something to be brought into a cheap political point-scoring speech in response to a Ministerial statement on the future of Melbourne.

*Honourable members interjecting.*

**Mr CRABB** — Don't you care about the old man at Inverloch?

**Mr Cooper** interjected.

**Mr CRABB** — The honourable member for Mornington thinks it is funny that an old man was bashed at Inverloch.

**Mr Cooper** — I think you are pathetic — that is what I think!

**Mr CRABB** — You have been sacked from more jobs than anybody else in Parliament!

**Mr Cooper** — Get on with it!

**Mr CRABB** — The only relevant thing the Leader of the Opposition could talk about was what legislation would be blocked. During a 70-minute speech he said that he supported seven days a week trading but he was not sure about where. He would not respond to my fairly persistent interjections.

*Honourable members interjecting.*

**Mr CRABB** — So far we do not have six days a week trading in Victoria; we have six days a week trading in metropolitan Melbourne.

*Honourable members interjecting.*

**Mr CRABB** — I thought it was a reasonable gesture to democracy to suggest that local government decide on that.

**Mr Reynolds** — Where do you stand on this?

**Mr CRABB** — I stand exactly where the Premier said we stand. The government will continue to work with the parties interested in these matters more particularly, to achieve a consensus position, which is what the government has always done.

I remember when the issue was raised by the then Liberal government. Poor old Lindsay Thompson tried to do something about it but the guys on the backbench rolled him! I remember it well, my word I do! I remember Tom Evans started calling the shots.

*Honourable members interjecting.*

**Mr Lieberman** — What about Dr Evatt going to Russia? That is about as out of date as what you are talking about!

**Mr CRABB** — The Leader of the Opposition talked about seven days a week trading. When I asked him whether he was talking about the central business district, the whole of Melbourne or all of Victoria, I got no answer. The opposition has not worked it out exactly yet!

*Honourable members interjecting.*

**Mr CRABB** — Learnt nothing; forgotten nothing! They are the same half-witted dopes; the same low potential, low achievers who were there the last time!

Then the Arthur Daly of Wonthaggi, trying to be positive, said he is in favour of casinos. He was positive, but he indicated he was not in favour of having them in place this week, that is, not now. In fact, he was not in favour of them being in place in the next couple of years. He indicated that after the election a commission would be appointed with Mick Miller — a fine man — in the chair. He will not prepare a report in a few weeks but with the members of his commission he will go round and round the world and come back. Then the government will tender worldwide for the casino. That was as close as the Leader of the Opposition got to presenting a positive notion: rather than supporting the establishment of a casino now or as soon as practicable, he said, "We don't want to do that; we want to put it off and off".

I was a trifle taken by the comments made about the South Eastern Arterial, a project about which I have some knowledge. When the Labor government came to office, the previous Liberal government had been trying to build a road out there for at least the six years before, while I had been in Parliament. Since 1970 the Liberal government had a commitment to building a link through that area but it had never managed to achieve anything.

When the government came to office I became Minister for Transport. We asked, "What is going on here?"

*Honourable members interjecting.*

**Mr CRABB** — You said it was going to be in the north of the valley and then in the south, and it had been up and down and back and forward. The honourable member for Berwick - who had been the Minister for Transport - had got to the point of having funded a consultancy to examine a tunnel extending the length of Gardiners Creek. When I became Minister for Transport I found that decisions had been dithered about and had been put off and a genuine crisis existed in the streets of Malvern. The government built the South Eastern Arterial.

**An Honourable Member** — Car park!

**Mr CRABB** — This is my point: members of the opposition make a comparison between what has happened and what had never happened. They complain about going to six days a week trading and now say they will support seven days a week trading. The previous Liberal government did nothing about it.

The previous Liberal government did nothing about the South Eastern Arterial either. It had twelve years — from 1970 until 1982 — to achieve something and all that happened was that the honourable member for Berwick caused a great hole to be dug at Box Hill and then left it for me to do something about it, with no money for the task!

The attack by the Leader of the Opposition on the Chief Commissioner of Police was a shallow action. It was beneath him and he might regret having made that attack. It is not appropriate for the Leader of the Opposition to be attacking the chief law enforcement officer in this State.

The Ministerial statement was about the city of Melbourne. If one had listened to the Leader of the Opposition and believed what he said today, one would think the city was collapsing in a heap around us and was one of the worst places in the world in which a citizen could find himself. The fact is that Melbourne is the best city in the world. Back in November of last year, members of a Washington-based organisation, the Population Crisis Committee, told us and the rest of the world that Melbourne was the most livable city in the world. Even the guys in the opposition cannot claim that the Population Crisis Committee of Washington DC is part of the Government Media Unit!

Melbourne was assessed on ten criteria: law and order, the price of food and other commodities, the density of housing, the support facilities available for housing, telephones, the percentage of children in secondary school, the infant mortality rate, the

level of ambient noise, traffic flow, and air pollution. Among all the cities of the world Melbourne came out tops.

In February of this year a report by the Economic Planning Advisory Committee, an Australian organisation — again nothing to do with the Government Media Unit — ranked all the Australian capital cities and rated Melbourne No. 1 on quality of life.

**Dr Napthine** —On data collected two years ago!

**Mr CRABB** — No, just stick with it. Melbourne enjoyed the best health, education and social services in the country. We were assessed on our environment, including pollution and congestion and the crime rate. We enjoyed the highest average weekly earnings, the lowest infant mortality rate, the second lowest unemployment rate and the second lowest divorce rate. Melbourne was ranked as the best capital city in Australia by EPAC and the equal best city in the world by a Washington DC organisation.

These assessments were made without considering the cultural or sporting activities of Melbourne because it is too difficult to compare those activities. The assessments were made without considering the fact that Melbourne produces the largest sporting audiences in Australia. We have the Melbourne Cricket Ground and the National Tennis Centre, which the opposition loves to bucket, and extraordinary cultural diversity. Melbourne has the highest proportion of people born in non-English speaking countries and that probably includes Scotland. Melbourne has the most performing arts venues of any State in Australia; the highest attendances at art galleries; the highest level of government support for community arts; and the highest local government support for the arts.

When one considers the assessment of the environment, social aspects, education and health one recognises that all the objective assessments on record rank Melbourne not just as good but as the best in the world.

**Mr Coleman** — There are 26 000 on the hospital waiting list!

**Mr CRABB** — You just keep doing it; you keep knocking!

**Dr Napthine** — They are the facts.

**Mr CRABB** — Ycu keep whingeing and complaining.

**Mr Elder** — We don't stick our heads in the sand.

**Mr CRABB** — Not one positive idea or benefit for the community.

**Dr Napthine** — Get rid of you!

**Mr CRABB** — Get rid of this, get rid of that. What would you do if you were ever given the opportunity?

*Honourable members interjecting.*

**The SPEAKER** — Order! In a debate such as this it is normal to allow a certain level of interjection, but the number of interjections coming from my left are beyond acceptable bounds. I ask honourable members to remain silent while the Minister continues his contribution.

**Mr CRABB** — In addition to all the criteria assessed by the people in Washington DC and Canberra which ranked Melbourne as the best in the world or the best in Australia, Melbourne produces the greatest diversity of opportunity and the greatest spirit of any city in the world. It is the best place in the world to live!

The only problem Melbourne has is knockers. Victorians must put up with honourable members opposite who whinge and knock and denigrate this city and this State. You are forever tearing the place down. You did it when you were in government and you have done it for almost ten years in opposition. You will keep on doing it. Fundamentally you are negative people.

*Honourable members interjecting.*

**Mr CRABB** — One can only ask why they keep knocking? Why does the Leader of the Opposition, who is convinced he will be the next Premier of this State, require 6 hours notice before making a keynote speech immediately after dinner this evening? What makes the guy tick? After 6 hours he cannot think of one good thing to say about this city and State. He offered no suggestion of what he would do to improve the community, the buildings, the environment or the social structure. Not one idea in his 70-minute speech. He had nothing positive to say about anybody or anything. The Leader of the Opposition did not even offer a bad idea. He had no ideas at all. That is why I said it was one of the worst speeches I have heard in my fifteen years in Parliament.

In her Ministerial statement the Premier referred to a whole range of topics concerning the future of this city. There was plenty of opportunity for a Leader of the Opposition to respond in a positive fashion. The Premier referred to the Yarra River and the way the banks have been improved, the Southbank and the Melbourne precinct projects. Perhaps the reason the Liberal Party is always knocking is because it is ashamed of its inadequacies or incapacity to produce ideas. Perhaps it is ashamed of the Liberal record when it was in office. After 27 years of government in this State damn all was achieved for it!

*Honourable members interjecting.*

**Mr CRABB** — Let us have a look at the former government's record. When the Labor Party came to office the only thing the former government had done for the Yarra River was to put the yellow peril there. That was the sculpture it had to get out of the City Square.

I well recall the landmark competition which produced the giant kangaroo for the Jolimont railyards. When the Liberal Party was in government the Maribyrnong River was used as a sewer. It has now been restored so that its splendid qualities can be used

by all Victorians. Many parks have been opened up and people can now go fishing in the river.

The Lynch's Bridge project has offered affordable housing and land for the public and new low-rise housing has replaced the monstrous high-rise flats constructed by the Liberal government.

The Premier mentioned the bay in her statement and the Bayside project is something that will be seminal to that area of Melbourne for the next twenty years. What did the Labor Party inherit when it came to office? The bay was a shambles. Melbourne had an unused pier, unused railway yards and an old oil tanker site. That area was a disgrace to a world class city. It has been turned around by this government to be something of which we can be proud.

The Premier referred to "pedestrianising" the city and the prospects for turning Swanston Street from the City Square to the Melbourne Central project into an avenue. The proposal for the Melbourne Central project on top of the Museum station site had been around for twelve years when the Labor Party took office. Not a stone was turned. The former government had been mucking around with that, spending millions of dollars on plans that never came to fruition. It took a Labor government that was prepared to take action for development to proceed. It will open this year and be something Melburnians can be proud of.

**Mr Maclellan** — Something the Japanese can be proud of!

**Mr CRABB** — By interjection a former Liberal Minister for Transport sticks his bib in. One would think that a Minister as disastrous as was the honourable member for Berwick would have more pride than to stick his bib in.

**Dr Napthine** — What about the government's transport losses?

**Mr CRABB** — Ask the honourable member for Berwick what his transport losses were.

We heard a high-volume diatribe from the Leader of the Opposition about gaming machines and casinos. One thing the Leader of the Opposition did not care to remember was what happened when the then Liberal government tried to link the introduction of a casino to the construction of the convention centre. Its proposed introduction was the cause of the demise of the then Premier, Dick Hamer.

At least the Liberals can look back and say that he gave Victoria the Arts Centre; but Dick Hamer was ignominiously thrown out of the leadership over the proposed building of a casino, with which the opposition is attempting to berate the government. As I have already said, the next Premier, Lindsay Thompson, was rolled over the issue of shop trading hours.

In her Ministerial statement the Premier referred to the success of the Environmental Protection Authority, a leading agency in the control of our environment. Because of that success we have managed to maintain a reasonable level of control over water and air

pollution by strengthening the authority, which now compiles a register of contaminated sites. Victoria's Environment Protection Authority has written the blueprint for Australia for the control of contaminated sites.

The Premier also referred to the government's action regarding the use of cars, the recycling of litter and the establishment of a green web, none of which produced a positive response from the Leader of the Opposition. I was pleased to see that in the other place the opposition spokesman on environment matters supported the government's statement on recycling. At least he has a little more depth to him than has the Leader of the Opposition in this place.

We did not hear one word about whether the Leader of the Opposition believes the government ought to fund the various festivals held in Melbourne or whether they should be funded by private enterprise. He gave us no insight into his views about the privatisation of what is now subsidised by the government. I would have been interested to hear whether he thinks the government should continue to spend money on the spring racing carnival, Moomba, the Comedy Festival or the Melbourne International Arts Festival.

*Honourable members interjecting.*

**Mr CRABB** — The backbench says no to funding any of them. That means that the Liberals either have a policy on it or the Liberal and National Party has a policy on it or they have not thought about it.

**Mr Gavin** interjected.

**Mr CRABB** — Yes, they have not thought about it. We heard nothing from the Leader of the Opposition about the extent to which taxpayers' funds should be used to support such events.

As to the issue of gaming machines, all we hear from the opposition is that it does not like the Tabaret. Not only does it not like Tabaret but it revels in newspaper stories saying that something has gone wrong with it. Opposition members are wreathed in smiles when they read such bad news; they think it is terrific. But every time things seem to go well they appear depressed and downhearted. Members of the opposition would be happy at a bereavement!

We did not hear one word from the opposition about its views on gaming machines, other than that they were happy to have seen on the television news that only a dozen or so people had visited the Tabaret on the Labour Day holiday. We do not know the opposition's views on whether Tattersalls or the Totalizator Agency Board should have gaming machines or whether they should be in hotels or clubs. Nor do we know its views on what the percentages paid ought to be - not one word.

Looking at the faces of the members opposite I can see that not one thought has entered their heads. What a pathetic bunch. The Liberals are the same as always: they have learnt nothing and they have forgotten nothing. They are exactly the same low-potential, low-achieving bunch that populated the government benches from 1955 to 1982.

The Premier also talked about our heritage and what the Labor government has done to protect it. I was interested to read in the Premier's Ministerial statement that the government has been responsible for saving 300 historic buildings in the city of Melbourne. Honourable members opposite laugh about building companies going broke; again, they revel in others' misery.

Despite being responsible for the biggest building boom in the history of the city of Melbourne the government has been responsible for protecting Melbourne's building heritage - and protecting what little was left of Collins Street after the Liberal government had almost destroyed it.

*Honourable members interjecting.*

**Mr CRABB** — The state that Collins Street is in today is an almost direct result of the actions of previous Liberal governments and their mates. The Labor government is responsible for saving what little was left of the historic buildings in Collins Street.

By any objective measure Melbourne is one of the best cities in the world. It is tragic that the knockers and the revellers in misery opposite will not recognise that. Opposition members should have more respect for themselves and for the people of Melbourne and Victoria than to behave as they have behaved tonight. The only problem this city has is its knockers.

Members opposite should get off Melbourne's back and proclaim with pride not only that it is the best city in the world but that it is getting better!

**Mr McNAMARA** (Leader of the National Party) — The Minister for Tourism criticised the speech made by the Leader of the Opposition because of its supposed lack of substance. But if ever there were any query from this side of the House about why the Minister never reached the premiership of this State that has been answered tonight.

Now the Minister is walking off in a huff. He is great at dishing it out but he cannot cop it. There he goes!

**Mr Crabb** interjected.

**Mr McNAMARA** — You can dish it out but you just can't take it! One bit of criticism and the Minister is out the door. What a pathetic performance!

There were three major issues in the flowery Ministerial statement presented by the Premier. She spoke about housing, about the gambling-led recovery this State will soon have, and about sport.

The Labor Party's vision of Victoria is that of the continuation of the big party. What it does not realise is that the party is over. The government has frittered away Victoria's heritage.

The coalition is talking about real issues. We are talking about ways of rebuilding the confidence of Victoria. We are talking about the cost of the infrastructure of services of this State, which the industry needs if Victorians are to have jobs.

Did honourable members hear anything about employment in the Ministerial statement presented by the Premier or in the speech of the Minister for Tourism? We heard not a word about it. The fact that Victoria has the highest growth in unemployment in this country seems to mean nothing to the government. It is not that long ago that we were told about the unemployment figures and what a great record Victoria had. There has been no mention of that for the past eighteen months. We have not heard a word about it.

Government members should talk to the people out in the suburbs who have lost their jobs and to people from an industry that is talking about moving interstate or one that has already closed down; they should ask those people where they think the real jobs are. They should talk to some of the people who are working at some of the factories in the western suburbs. We hear reports about our major car manufacturers asking employees to take a month off without pay because they have such a huge stockpile of motor vehicles.

We have talked to some of the employees who have lost their jobs and heard comments from the management of companies like Heinz and Hoechst who say that because of the industrial strife in this State they are talking about moving interstate or possibly even offshore. We have heard no government response to that move. We are seeing no government commitment to industry or to agriculture.

Let us examine the problems that industrial disputes have caused in this State just in the meat industry. Only ten years ago some 7000 people were employed in meatworks in Victoria; now there are fewer than 2000. In fact, we are shipping stock interstate to be slaughtered because of the poor industrial record in Victoria. Those industries have already gone interstate; many abattoirs have just closed down and the whole infrastructure has been totally wasted.

We have heard no statement from either the Premier or the aspirant to that position about what the government intends to do about real jobs, real growth — and here I am talking about trying to attract new industry, let alone holding on to what we already have — or the creation of real wealth.

Instead we heard a comment from the Premier about her vision for the "emerald city". The "Emerald City" was the home of the Wizard of Oz. That was another fairytale. This document is the same; it is off with the birds. It does not deal with the real issues and concerns of Victorians.

If you are a Victorian living in the western suburbs or in the northern part of Melbourne and if you have lost your job, or you are worried about whether the Minister for Tourism will establish another Tabaret, a few more pinball parlours or a casino, will that Ministerial statement warm your heart and give you confidence that in it there is a future for you and your family?

What we need to do is give industry the confidence that it can expand with some surety in Victoria; that there will be a government that will tackle the cost of the services to

industry so that in future things like water supply, electricity and gas will be cheaper in this State rather than more expensive.

However, we still have a government that is hell-bent on leading us further into indebtedness in those areas and, it logically follows, increasing the costs of those basic services.

Has there been any discussion about what would have to be the major topic in the 1990s in this country — the debt of Victoria? We have heard all the jokes, such as "What is the capital of Victoria?" — "Not very much". We have also heard the following: "What is the definition of living in Victoria?" — "An optimist". We have heard all the jokes and they are a bit hard to take. It is embarrassing when you go interstate to have to tell people where you come from.

We have not heard a word from either of the two most senior Ministers in this government about what they will do to tackle the basic problems of the infrastructure of this State. The first problem to be tackled has to be debt. The Leader of the Opposition made very clear what he considers to be one of the major priorities of the coalition government, and he outlined the coalition's strategy for tackling that debt.

The shadow Treasurer has released documents detailing precisely what we will do about reducing the level of our debt so that in future the basic revenue for this State will not be used up totally for debt servicing but that some money will be available to provide the basic service infrastructure for Victorians.

We have heard no statement on industrial relations from the government. Victoria has had the worst industrial relations record of any State in Australia in recent years. In fact, disputes in Wally Curran's meat industry union in Victoria alone amount to 25 per cent of all industrial disputes in Australia.

The honourable member for Hawthorn announced the coalition's policy for tackling the industrial relations issue. The Leader of the Opposition has made numerous public statements detailing the coalition's policy for ensuring a more stable industrial relations climate in Victoria.

We will not set out on a course of deliberate confrontation with the union movement, but we will ensure that those people who put at risk the jobs and threaten the livelihoods of other Victorians will have to contend with a government that will support those Victorians and their employers. That is the basic change we need.

No longer do we want a government that refers every decision to the Trades Hall Council. I would not mind so much if the government referred every decision to the Australian Council of Trade Unions, but continual referral of every decision to the most militant industrial group in this country has been a recipe for disaster.

For the Premier to visit the picket line during the major industrial dispute at Hoechst, when we know the hardship that industrial dispute was causing — —

**Mr Gude** interjected.

**Mr McNAMARA** — The honourable member for Hawthorn makes a point about the collection taken up among Labor Party backbenchers and frontbenchers which was taken down to the picket line. It was not even the case that all the workers at Hoechst supported that dispute. In fact more than half were working, even though they faced intimidation by thugs on the picket line. Many of those thugs were not even employees; they were imported from "rent-a-thug". They tried to intimidate workers who considered it more important to continue to ensure a livelihood for their families. There was no support from the government in that area.

A coalition government will give those employees the support they need; it will ensure it values their jobs, even though a party that claims to represent the working class in this State seems to show very little regard for the future employment prospects of the average Victorian.

The size of the public sector has also become a millstone around the average Victorian's neck. A coalition government will reduce the size of the public sector substantially to make it more efficient and businesslike. We will ensure we promote public servants on the basis of merit. No-one can complain about that. It is an overhaul well overdue and one that I am sure will be welcomed by all Victorians.

I refer now to health, a basic service. When people have an injury and need medical care most of them expect they will get it. The fact is that they cannot get it. For instance, if a person wants to exercise an option for elective surgery he will be No. 27 001 on the list; 27 000 people will have to be treated ahead of him before he has an opportunity to get that medical treatment. What do we hear from the Premier or the Minister for Tourism on that issue? We have heard not one sentence. We have heard nothing about the 27 000-odd people who are waiting for medical care today and who, in many cases, have to put up with an illness that causes severe hardship. They cannot get the medical care they need because this government has not sorted out the problems of the hospital waiting lists.

I come to education, one of the other big ticket items we are concerned about. Victoria has an education system which emphasises mediocrity. We need to turn the education system around and get back to basics, to the three Rs — reading, 'riting and 'rithmetic — to ensure we aim for and achieve excellence.

Education needs to be overhauled to ensure that the many teachers waiting for employment get a chance to compete with those already employed in the public sector. Let us have competition and allow school councils and principals to pick performers for their staff, teachers who are dedicated and want to ensure young Victorians have a real chance in the future.

There are the problems of transport. No department is more debt ridden than the Ministry of Transport, which is losing in the vicinity of $2 billion a year. It is causing a haemorrhage in the financial affairs of the State and something needs to be done.

It is a pity the Minister for Tourism is not here as I would have liked to have reminded him of some of the things he carried on with when he was Minister for Transport. He

talked about administrative skills. We have a former Minister for Transport who, when he had the portfolio, implemented a redundancy scheme and encouraged people to take early retirement. He spent almost $80 million of taxpayers' funds in golden handshakes to get people to retire.

**Mr Heffernan** interjected.

**Mr McNAMARA** — After they retired he found he needed them and had to get them back because the wrong people retired. As the honourable member for Ivanhoe said, we ended up with more employed than when he started his $80 million redundancy scheme.

The transport system is graffiti ridden and grubby. For many users the spectre of public transport is intimidating, particularly in Melbourne and for women travelling at night. Something needs to be done about the safety of public transport so that public confidence in it is restored. Did we hear any comment about the issue from the Premier or the Minister for Tourism — not one syllable!

The opposition has a commitment on law and order that the government does not have: we are prepared to increase police numbers up to 11 000 by providing an additional 1500 police. The additional police numbers will allow us to address many of the law and order concerns that exist under the government. We will ensure an administrative structure is in place in the Police Department so that we get better value for the facilities that now exist.

Tourism opportunities are being wasted by the government. Many golden opportunities to promote Victoria have been mishandled. For example, we have the Premier's comments on the Melbourne Now campaign. It is a great idea to have a Melbourne Now campaign and promote people to come to Melbourne to enjoy its facilities, such as the beautiful parks and gardens we see in the television advertisements.

It was reasonable that Victoria spent virtually all the promotion budget for this year of over $3 million on the Melbourne Now campaign! We understand there has been an overrun of possibly 50 per cent. Out of a budget of $18 million to run the whole of the tourism portfolio Victoria has spent over $4 million on the Melbourne Now campaign.

*Honourable members interjecting.*

**Mr McNAMARA** — We had a little problem with the Melbourne Now campaign because we made beautiful advertisements but played them only in Melbourne; we did not play them in Sydney — the largest market in Australia — from where the tourists might come. In her statement the Premier said 10 000 people rang up for the brochures. They were very colourful brochures and I rang up for one myself, as did several of my colleagues. The only problem was that the people who asked for the brochures live in Melbourne and did not book any hotel rooms or take up offers in the proposal.

The proposal lacked marketing skills. There was no packaging or advertisements urging people to come and stay at the Sheraton or Rialto or somewhere else, offering a weekend package and quoting a price. There was no packaging because the government did not tell the hotels what it was doing; it wanted to keep the whole thing a big secret. It said,

"We will just quietly spend $3 million or $4 million." The government did not discuss the proposal with the tourist industry and it was a big surprise to everyone.

It was the same as most of the initiatives we see the Minister for Tourism take on. In whatever portfolio he occupies he shoots from the hip, not consulting with anyone but rushing off to do something and wondering why it is not a success.

**Mr Brown** interjected.

**Mr McNAMARA** — Tabaret is a pretty good example. As the Leader of the Opposition said, Tabaret is quite unique, a world first — it is the only gambling outlet in the world that loses money. Isn't that fantastic — it has really put us on the map!

We now have a Premier who, in conjunction with the Minister for Tourism, is putting up a new strategy to lead Melbourne out of all its problems. Melbourne is going to have a bigger gambling outlet — a pinball led recovery with perhaps 10 000 machines. If the government can run them as well as it runs the Tabaret, goodness knows what the possibilities are!

The only thing I am surprised the government did not mention was roofing the Jolimont rail yards, which has been in every major statement in Victoria for the past twenty years.

This is without doubt a sad and tired government, devoid of ideas and direction. Victoria needs a government that has a vision for the future and knows where it is going.

I am disappointed with the numbers on the government side of the House. We have only the Minister for Police and Emergency Services with us now and nobody else. I know it is a delicate time for members of the government and that there are several meetings and caucuses going on to determine who will get a seat and who will not. I am sorry to see the Minister here as obviously one who has resigned himself to his fate and is either not prepared to fight to ensure he retains preselection for his seat or is resigned in the confidence that it is such a bad bet anyway that no-one wants it.

The opposition will miss several of these Ministers following the next election and will take great pleasure in running through these issues, perhaps for decades ahead, discussing how Victoria got into its present situation and how responsible government will start to lead it out.

If there was ever any doubt about it the Premier proved once and for all today that the government has no interest in Victoria if one is beyond the tram tracks. In a major statement on the future of Victoria the Premier limited it to a future in Melbourne. There was no mention of the other one-third of Victorians who are suffering every bit as badly at the moment as are people in Melbourne.

In fact they are suffering more because of the prejudice of the government — one of its first steps was to remove many areas of government assistance to country Victoria — compounded by the severe rural recession Victoria is experiencing at present.

In that hourlong flowery speech the Premier made no mention of the fact that Victoria is suffering from one of the worst recessions in living memory.

The Premier referred to the delightful spots in Melbourne, but she did not say that Victorians can no longer enjoy many of those attractions because this government has frittered away that heritage. The Ministerial statement was a 30-page public relations exercise which did not mention anything outside Melbourne, or refer to the suffering the government has caused because of its misguided policies.

I was disappointed that the Premier did not once refer to rural Victoria and her government's lack of responsibility which has led to a fall in farm incomes this year approaching 60 per cent. The Premier did not mention once the thousands of Pyramid depositors who gathered on the front steps of Parliament House this morning. The Leader of the Opposition referred to the Pyramid depositors in replying to the Ministerial statement and he was ridiculed for it! I suppose if I were a member of the government I would not want to hear about the Pyramid depositors either! Those depositors demand some relief, but they will not get it from this government.

The Premier did not mention once the thousands of Victorians who each week join the dole queues because employers find it impossible to meet the taxes and charges imposed by Labor governments that are strangling their businesses.

The government says there are no problems with WorkCare. The only way the government has transformed the fortunes of WorkCare is by jacking up the levy on employers. When in doubt slug the bosses for everything! Unfortunately, the government forgets the effects these things have on employment.

Payroll tax is a significant inhibition to the employment of labour. During the last sessional period the government increased payroll tax! Land tax continues unabated and that issue is not resolved. Taxes on alcoholic beverages have been increased significantly, as have other taxes. Members of the opposition are concerned about many of these issues. The honourable member for Ivanhoe is concerned particularly about the increases in taxes on alcoholic beverages and payroll tax.

The Ministerial statement did not refer to wheat farmers or woolgrowers and the thousands of Victorians attempting to earn a living in country Victoria. These people may or may not be interested in whether Melbourne is a nice place to visit, but they are interested in ensuring that they can feed their families.

The Premier did not indicate how farming families will survive the next six months, twelve months or two years. The world price for wheat has fallen so low that it will cost wheat farmers money just to put in a crop! No-one denies that Melbourne is a charming place to live, but a third of the Premier's constituents live outside the metropolitan area.

The Premier talked about the beautiful streets of Melbourne and other tourist spots. She made a passing reference to our founding fathers who laid the foundations for this fine city. She failed to indicate that the attributes of Melbourne to which she referred were not introduced or designed by this government, but were designed by our founding fathers. The Premier was fulsome in her praise of Melbourne. It is appropriate to take a quick tour through the city, starting with a cruise up the Yarra River. The Premier said that she would like to see cruise boats reintroduced to the Yarra River. Approximately

six months ago the proprietors of the *South Steyne* cruise boat pleaded with the government to provide them with finance to ensure that the boat would stay in Melbourne. The boat had been extensively refurbished for approximately $14 million and was owned by the Victorian Economic Development Corporation, but it was allowed to be sold at 20 per cent of its market value! I was amazed to hear the Premier say that she would like to see cruise boats reintroduced to the Yarra River.

The port of Melbourne has the largest throughput of any port in Australia. In fact, approximately 50 per cent of port traffic in Australia goes through the port of Melbourne, but it is the most inefficient port in Australia. What is the government doing about it? Governments have been talking about waterfront reform for decades.

Cruising up the Yarra one passes the docks and one can see wharf labourers taking their smoko, but little else. Further up the river there is the amazing World Trade Centre with a "For Sale" sign on it. It is part of the government's recovery program! The "For Sale" sign is now looking tatty because it has been there for three years. It needs repainting. Potential buyers know that the government will accept any offer; it is being offered at a bargain basement price. Next door to the World Trade Centre is the infamous World Congress Centre. The Premier referred to planning restrictions to prevent overshadowing of the Yarra River. She failed to mention that the hotel associated with the World Congress Centre was granted a height exemption by the government, presumably so it could overshadow the Yarra River!

**Dr Napthine** — It was broke before it opened.

**Mr McNAMARA** — The hotel went into receivership the day it was opened by the then Minister for Tourism, but Victorians have been asked to fork out $400 million over the next twelve years and have the unique distinction of never owning the building! The evidence given by the Minister for Tourism at a meeting of the Estimates Committee last week makes interesting reading for members of Parliament, indeed, all Victorians.

Moving further down the Yarra River one comes to Banana Alley. The Minister responsible for that project was none other than the Treasurer when he held the tourism portfolio. It is one of the government's yellow elephants and its development is a disappointment to all Victorians. Banana Alley is a farce and should never have started. Vignerons throughout Victoria, certainly those in my electorate, are disappointed at the development of Banana Alley. It was doomed from the beginning.

The basic problem with this government is that it has no expertise in management. People on the front bench of the government have had jobs in the Public Service, have worked as schoolteachers, in trade unions and have been shop assistants but not one single person in Cabinet has ever had to risk his or her own capital, to dig into his or her own pockets to see what was there and put it on the table. However, this group has been put in charge of the biggest business in the State and, of course, the inevitable has happened: $46 billion has been lost.

We continue our trip up the Yarra River and we are travelling in the Board of Works vessel, the *Commissionaire*, which also happens to be on the market. There is not much in

this State that is not on the market. The Board of Works does not have the funds to repair that vessel so I suppose we should truncate our trip before it sinks. We come to the National Tennis Centre and we know about the huge debt problems there. Next to it is a large hole which is to be used for the Southern Stand of the Melbourne Cricket Ground. The Premier is trying to beat the record of her predecessor by spending more money on the Southern Stand than he did on the National Tennis Centre. These buildings may both be marvellous structures but in both cases the government has gone ahead without considering how they were to be paid for.

Having completed our cruise up the Yarra, we must now return to reality. Along with the rest of Victoria, Melbourne has steadily gone downhill during the term of this Labor government which has racked up the grand total of almost $47 billion in losses, debts and liabilities. The government makes the Skases and the Bonds and all the other entrepreneurs lumped together look like rank amateurs at increasing debt.

We have had a range of absurd and questionable ventures including the Victorian Economic Development Corporation, the Victorian Equity Trust, the Victorian Investment Corporation, Tricontinental Corporation Ltd and a raft of other funny money schemes apart from the blow-out in unfunded liability growth in WorkCare and the Victorian public sector superannuation.

The Premier spoke about the Melbourne Now campaign. I think I have shown what a farce that was. So many of the marketing programs were conducted by the Victorian Tourism Commission under the current Minister for Tourism. I do not know where he gets his ideas from — maybe it is under the shower. Journalists have told me that the standard response from his wife when they ring for interviews is, "He is under the shower". Maybe that is his think tank, where he gets a bit addled and waterlogged in the brain and out flow these ideas.

We have seen the promotion of regional tourism. I certainly love to see money put into regional tourism because there are wonderful prospects in that area if it is done properly. One example is the promotion of the Gippsland Lakes. The television advertisements were fantastic. The problem was that no packaging accompanied the promotion. There was no mention of, for instance, a houseboat for a week for so many dollars; put down $100 deposit and off one goes. All there was was a nice, soft, fudgy advertisement which showed beautiful pictures of the scenery.

Unfortunately the advertisements were run during high season and most of the accommodation and facilities were fully booked. A lot of inquiries were received but not one extra person could be accommodated. The advertisements should have been run through the low season when they might have been of some benefit to the area. All it would have needed would have been a telephone call to anyone in Gippsland who would have known how the promotion could have been run successfully.

That is the sort of lack of professionalism we are experiencing with the government. It has perfected to an art form the jobs for the boys and girls. Ensconced in so many

departments are people with no qualifications for the positions other than that they hold Labor Party tickets or they have a background in the trade union movement.

The Ministry of Education and Training is riddled with people from the teacher unions. That is not the only area. One that has been directed to public attention in the past week is the new major events committee. After the Premier presented our proposal for the Olympic bid in Tokyo she said that Victoria would have a major events committee. She came back to Melbourne with that idea but the Minister for Tourism said that we already had one. However, that was not her committee, it was the Melbourne Tourism Authority, which was funded by the Victorian Tourism Commission. The Melbourne Tourism Authority is a professional group with expertise that had been built up over a period. The Premier stood on the Minister for Tourism and said, "I am going to run it; it will be my little baby". We now have a major events committee and it appears to be nothing more than the dumping ground for unemployed Labor hacks from the Olympic bid. It includes the former head of the Media Unit and the secretary to the former Premier. It is chaired by a former Lord Mayor who was out of a job and looking for something else at a salary of tens of thousands of dollars.

**Mr Maclellan** interjected.

**Mr McNAMARA** — As the honourable member for Berwick interjects it seems to be a dumping ground for between engagement lackeys who cannot find suitable employment elsewhere.

In her Ministerial statement the Premier spoke in glowing terms about the year 2021. I do not think that in 2021 many people will remember that this government was in existence. In 30 years time the only thing people will remember is that the group in charge of this State through most of the 1980s almost bankrupted Victoria.

By frugal and strong conservative government over the next 30 years we will drag Victoria out of the doldrums and get it back to its place of predominance in Australia, that of an innovative State that showed direction and knew where it was going rather than a State with a government that went from one harebrained scheme to another and frittered away virtually our total heritage.

The only distinction the government has at the moment, as shown by the Morgan Gallup poll, is that it holds the lowest popularity rating in the history of polling in Australia either in government or in opposition. Mrs 22 per cent or 24 per cent, or whatever she is this week, has a limited future.

We need a coalition government sooner rather than later. We need a government that will develop strategies, tighten administration, achieve market and union reform and foster our basic economic strengths such as agriculture and manufacturing to achieve balanced development across the State. Victorians have had enough of the Cains and the Kirners and their destructive Labor rule. In the interests of all Victorians, it is time for the Premier to go, and to go now.

**Debate adjourned on motion of Mr ROPER (Treasurer).**

**Debate adjourned until next day.**

## ADJOURNMENT

**Mr ROPER** (Treasurer) — I move:

That the House, at its rising, adjourn until Wednesday, 13 March, at 10.30 a.m.

**Motion agreed to.**

## CORRECTIONS (PRISON MANAGEMENT AND PRISONERS) BILL

*Second reading*

**Debate resumed from earlier this day: motion of Mr SANDON (Minister for Corrections).**

**Mr E.R. SMITH** (Glen Waverley) — Honourable members were debating this Bill before the dinner adjournment and agreed that there is a great deal of dissension within the prison system. Prison officer morale, which is the key to the Office of Corrections, is at rock bottom. I have had a number of calls during the dinner break from various people within the prison officers system who have given what I consider to be interesting information on the administration of the prisons.

About seven weeks ago there was a riot at the Melbourne Remand Centre at Spencer Street. It involved 35 prisoners who attacked 22 prison officers. Eight were injured and had to be treated. The word within the prison system was that it was to be kept quiet because the prisoners involved had been taking part in what is known as a "unit management prison scheme", which is costing the prison system between $12 000 and $15 000 more than the normal prisoner expenses per year.

The scheme is meant to be a concept of rehabilitation but basically it has given prisoners more freedom to do less. They are sitting around talking with so-called experts which is why the scheme is costing more money. I am told that in K Division 67 prisoners are taking part in the scheme. Admittedly, eleven are mentally defective and eleven are on drug-treatment programs. More equipment is being provided for that program and there are extended hours out of cells which means more pay for the prison officers. I gather in D Division five units of these management group therapies are about to start.

Since the Melbourne Remand Centre opened about two years ago approximately 250 prisoners at a time have been taking part in this very expensive prison program and I am told it is being introduced at Loddon and Barwon. In fact, most of the prisons are going for it. It is already taking place at Fairlea and Maldon. The prison officers get nothing for it and do not have extra training for jobs. Currently each prisoner in the system costs

about $37 000 a year but under this scheme the cost has sky-rocketed to $53 000. The point I am making is that the system is out of control.

The Minister is physically incapable of running such a substantial government department. In New South Wales there is a Minister who has a full-time job with corrective services, and the Minister for police has a fulltime job with that department. Corrections is an incredibly large department and the Minister cannot devote his full attention to it.

I wonder if the Minister knows of the prisoner who was raped six weeks ago in D Division. I will not give the name of the prisoner but he is aged 20. He was raped in the yards and since then the Office of Corrections has made a deal with his barrister. I gather the prisoner is being offered $60 000 to keep quiet. These are reports of what is going on in the prison system and they are making good prison officers — 90 per cent of them would be good — dissatisfied and are forcing morale to rock bottom.

Recently there was a call from a mother taking part in the most sensational trial of the moment. A senior governor was trying to take part in smuggling a weapon through what is called the "box visit". I will pass these details to the Minister if he is interested and I want the matter investigated or I will have no option but to do as I did last year and name the people concerned. Unless we get action out of the government I will name the people and let the public know about them. These are serious matters which are causing the Office of Corrections administration to hit rock bottom and the people of Victoria to lose confidence in the whole justice system.

The Bill contains a provision that will allow for prisoners to be urine-tested in order to discover whether they are drug-free. This is very good provision. However, in the past few days it was suggested to the opposition that it ensure that the Minister undertakes to inquire into the current practice whereby prisoners are warned 24 hours in advance that these tests are going to be taken, particularly in K Division, or the old Jika Jika, where prisoners are advised the night before that they will be tested.

Naturally, being sensible prisoners, they take the proper precautions to ensure that when they are tested they will not be found to be drug-positive. I am assured that this warning is given and that tests are usually taken by medical aides out there and prove negative. These are scandalous accusations and I want to ensure that the Minister takes note of them and takes the necessary steps to ensure these practices are not continued.

The Bill before the House has probably been brought in nine years too late for this government and the measures are probably too short of what is required but at least the Minister has tried and succeeded in getting some necessary measures through a very left-wing dominated caucus.

The real test that must be applied to the prisoners is that which was foreshadowed by the Leader of the National Party. When the coalition comes to office it will conduct a full and thorough judicial inquiry into the prison system. It does not have to be expensive, just an inquiry that is run sensibly with one sensible person and not the bunch of lawyers that are benefiting from all the other inquiries going on around the city. Prison officers,

former prison officers and other people who have specific information can come forward and tell their stories without being bound by terms of reference that made it impossible for them at previous inquiries. Whoever is appointed to head the inquiry must ensure these stories on corruption and maladministration can be brought out and properly investigated.

As I have said, the morale of prison officers is currently at rock bottom because of favouritism. The Office of Corrections is not properly and professionally administering the prison service. People who should genuinely be promoted are left in the backwater and those who have been involved in rorts are being promoted at their expense.

What is happening within the prisons of Victoria is a tragedy. The inquiry proposed by the Leader of the National Party will get to the bottom of what is going on. People who know about the system are continually making claims about corruption and maladministration. Drug trafficking within the prison system must be deplored.

Although I give credit to the Minister, I want him to provide answers to the House to the accusations I have made tonight. I want the Minister to inform the House that those accusations will be investigated. If he needs more details, I shall be happy to pass them on to him.

**Mr MACLELLAN** (Berwick) — I support the remarks of the Leader of the National Party and my colleague the honourable member for Glen Waverley. Clearly the people who go to prison are those who have been convicted of violent offences, such as drug trafficking and offences against the person.

It is the opposition's view, and has been for years - it has taken the government a long time to wake up - that those sentenced by the courts to a minimum term of imprisonment should serve the full minimum term. The Bill represents a welcome appreciation by the government of an opposition policy.

As to drug-free prisons, the opposition believes one area of the prison system could be used as a test area. If a prisoner breaks the rules and uses drugs in that small area of the system, that person should be moved to another part of the prison so he can receive drug counselling and treatment.

The missing link is that the recruiting schools which feed the universities of Pentridge and the corrections system have no drug or alcohol treatment programs; in other words, those who are most vulnerable and are well on the way to leading lives in the corrections system are given least help by the government. When such people enter the prison system they may be lucky enough to receive appropriate treatment.

Boredom and daytime television are the enemies in the prison system. In Victoria the worst sentence one can get is ten years of daytime television, yet that is the sentence for most prisoners. Prisoners are not given work or the opportunity of joining life skill programs to prepare them for when they leave prison. Prisoners are sent out the gate with inadequate preparation; they are given dole cheques and the name of the nearest Commonwealth Employment Service office. That is the preparation they get to go back

into the community. There are no halfway houses or supervising community groups. The Epistle Post Release Service and the Brosnan Centre Youth Service are at their wits' end to get sufficient funding from the government to do what needs to be done.

I cannot trust the government; I have found that out over a long time. I make it perfectly clear that I do not say that of the current Minister for Corrections, but one cannot trust the Labor government. Therefore, I want to know exactly what is intended by the Bill.

The Bill refers to the custody of prisoners and allows the director-general to order the transfer of a prisoner from an institution within the meaning of certain provisions of the Corrections Act 1986. The Bill provides that the director-general can authorise the transfer of a prisoner to an institution for the detention and care of persons who are mentally ill or intellectually disadvantaged.

In the case of one particularly high-profile media offender, Hartog Berkeley, legal adviser to the government and the former Premier — indeed a law officer who had an office almost next to that of the former Premier — and various medicos, if that is the appropriate word for them, from the Office of Psychiatric Services formed a conspiracy with a view to ensuring that the prisoner would not be released.

The group firstly had the intention of hiding that person in a mental institution but they faced the difficulty that he was not mentally ill. His behaviour certainly was bizarre to say the least, but he was not mentally ill. That finding was made after a long hearing by the Mental Health Review Board and after six psychiatrists had examined him. Since that time Parliament has dealt with legislation regarding that prisoner.

I am suspicious that Part 2 of the Bill is that same issue revisited. Section 56(2) of the Corrections Act 1986 states:

> The director-general may by instrument authorise the transfer of a prisoner or class of prisoners from one institution to another or from place to place within an institution.

The Act defines an institution as a prison, police gaol, hospital, specialist clinic or clinic for medical, psychological or psychiatric examination or treatment, a hostel approved by the director-general in accordance with the regulations, or a centre for the examination or treatment of alcoholics or drug-dependent persons. The Bill adds to that definition:

> A place for the detention and care of persons who are mentally ill or intellectually disadvantaged.

I want the Minister to carefully lead the House through this part of the Bill and inform honourable members what will happen. Under the provisions of the Bill the director-general may suggest that prisoner A or class of prisoners XYZ are to be transferred to a certain institution. If it is a hospital and the prisoners sent there get better, I presume they can go back to prison. However, the Bill does not make that clear.

If one happens to be a prisoner who arrives in the corrections system with the AIDS virus, one serves the entire sentence in a hospital. The government is extremely sensitive about the rights of people who have the misfortune of having a positive reaction to an AIDS test. However, when it comes to the administration of prison life, such prisoners are carefully weeded out and spend their entire prison lives in hospital.

What will happen to someone who is sent by the director-general under the provisions of the Bill to a place for the detention and care of persons who are mentally ill? What happens if that prisoner is not mentally ill? The community has to accept that people do recover from mental illness. Provision has to be made for what is going to happen when patients are found not to be mentally ill, as has happened previously, or when they recover from their mental illness. Do they then go back to the prison, or are they dumped into the mentally ill confining and treating place and left there until they rot? That is what has happened in the past.

One might say that it seems to be a crueller fate for somebody who is intellectually disadvantaged because this State has exquisite tests for determining who is intellectually disadvantaged. These people are given an IQ test and if they score less than 70 they can be treated in some way and if they score more than 70 they will be treated in another way. How one scores on the 70 scale will be subject to a lot of cultural and background influences and it becomes something of a lottery as to who goes which way or the other.

What happens to intellectually disadvantaged prisoners? Are they to be drafted off into another institution to serve out their whole sentences, whether that is good for them or not, whether it is appropriate or not, because the director-general has said that is where they are to go? Is there an appeal? Are the family, representatives or people who care about them able to appeal against the director-general's decision, or is that decision one that once made is irreversible?

A person may say "But I am not intellectually disadvantaged" or "I am not mentally ill" or "I am not an alcoholic" or whatever it is; but it is a curiosity to people who serve on the Social Development Committee that while prisons are bursting at the seams with prisoners and police cells are overcrowded with people who are unable to get into prison, Gresswell, which is an alcohol treatment centre, is about to be closed down.

There are solid brick buildings at Gresswell that are empty. The Aboriginal program and the women's program are in an old army hut but the brick buildings are empty. There are no patients in them because the government wants Gresswell to close down.

The parent Bill talks about a specialist clinic for psychiatric examination and a hospital and centre for the examination or treatment of alcoholics or drug-dependent persons. In other words, there is every opportunity for all the prisoners in our prison system who need treatment for alcoholism — and heaven knows there must be plenty of them — to be sent from the prison system across to Gresswell for treatment under a director-general's order. The only problem is, that does not happen.

It does not happen because the government apparently does not want it to happen. It would rather have prisoners who are violent, who have committed violent offences, people who have been murderers or rapists or drug runners or committed any other crime that might have led to their being in gaol. It would rather not send them to Gresswell and treat the alcoholism. It would rather not face up to the fact that a sizeable percentage of the prison population will prove to have AIDS positive blood if they are tested.

I have to say "if they are tested" because under this government they have to agree to be tested. One does not automatically get tested. You are tested in a general health sense whether you like it or not, but when it comes to the blood test the authorities ask you. If you say no, they do not test you. If you say yes and you test positive, you are sent to hospital.

I do not trust this government or the advice it received from Hartog Berkeley QC as to how to keep somebody in care — if that is the word for it — after his or her present term has expired. I do not trust the Office of Psychiatric Services not to be a party to a lock-up of an individual who was a former prisoner of Victoria's corrections service and who was found not to be mentally ill after an extensive test before the Mental Health Review Board.

I do not trust this government with the sort of power it is asking for with regard to the people who might be mentally ill or might be thought to be mentally ill, or people who might have intellectual disabilities or might be thought to have intellectual disabilities. These are the very powers the government asks for.

I notice it talks about "intellectually disadvantaged". That is not defined in the Bill and I am not sure what the director-general might think "intellectually disadvantaged" means. To the director-general intellectually disadvantaged might apply to somebody who is a bit unsophisticated, a bit slow or naive or perhaps a bit backward by conventional standards. This Bill invites honourable members to give the director-general the power for that person to be directed and redirected and shunted around, not just within the corrections system but beyond that into the areas where treatment might be given for alcoholism, or hospital or psychiatric care provided or a whole range of other things.

I draw to the attention of the Minister for Police and Emergency Services the fact that Victoria would not be the first place where prisoners have been hidden in psychiatric wards — that has happened in other jurisdictions. At the very time when the Soviet Union's psychiatric wards are opening up and Rumania is facing up to the horror of its former regime, the government is busy introducing legislation to allow the director-general to achieve exactly the same effects.

Unless there are appeals and reviews and the system is careful to make sure that it is not abused, inevitably pressure of the sort this government found irresistible in the case of one high-profile prisoner, will arise that will lead to abuse. I see in the amendment that nothing in the section affects the operation of the Mental Health Act 1986 or the Intellectually Disabled Persons' Services Act 1986.

I ask the Minister what that means. Does it mean that there are appeals against the director-general's decisions? Does it mean that one gets the automatic review that one might get if one were in a psychiatric institution? Does it mean that the director-general pulls one out of the institution just before the review happens?

One knows that in psychiatric institutions in Victoria people are visited with the most miraculous cures at five and a half weeks. At five and a half weeks people are immediately cured and are no longer compelled to be patients in our psychiatric

institutions because the psychiatrists do not like going to the review panel. Then they say, "You are better", but then the person is recommitted, and so it goes on. After five and a half weeks the patient is released and so there is no review. Is that not a clever way for the government to work?

Parliament passes the legislation with good intentions. The ideas are good and the system looks good. It is intended to be democratic, accountable and have a whole range of good values but then the administration turns it into a grubby, unpleasant and possibly corrupt situation.

After five and a half weeks, just short of the review period, the system no longer wants the person as a compulsory patient. The person is told, "You are all right; you can go". But of course the person will be back again and again. The person will never be reviewed.

If this provision does half of what I suspect it will do I believe we are about to give the Director-General of the Office of Corrections the power to shunt unpopular prisoners through the system, whether to a hospital, a mental institution, an intellectually disadvantaged institution, an alcoholics institution or anywhere else without a by-your-leave, an appeal or an opportunity to question the matter.

The person must go where he or she is told and must suffer whatever the system provides because the government is prepared to allow the system to be abused in a way that is common in our psychiatric institutions and common because of the legal advice that the government sought from its highest law officer in order to achieve its purpose of keeping a prisoner in institutional care, even after his sentence had been served.

The government will exploit every opportunity without a shade of conscience. The honourable member for Oakleigh has come into the House. He above all government members should know that, if the system is willing to recommit people to psychiatric care at five and a half weeks to avoid a review on the sixth week, time and again we cannot trust it with the power that enables the director-general to say to someone, "You are intellectually disabled and you will go where I say you will go. You will serve your sentence in such an institution because I direct it". The person might say, "I am not intellectually disadvantaged". The person is told, "What makes you think you can raise that issue? Perhaps we will only leave you there for five and a half weeks to avoid the review process if it is a psychiatric institution".

I ask the Minister to take us by the hand and lead us gently through this amendment so that we know exactly what are the rights of these people who will be directed by the director-general so that we know exactly what their rights of appeal, their rights to challenge and their rights to review will be.

These people are in prison. They cannot be expected to have the $5 million that the Leader of the National Party mentioned. The drug runners within the prison system have the money to buy high quality cocaine, and they have the money to buy pure heroin. They get better quality drugs in prison than they would get out on the streets.The government has been in power for nine years. Its own report says this. Where does the money come from for the intellectually disadvantaged prisoner? Where does such a

person raise the issue of whether he or she is intellectually disadvantaged under this provision?

We know from the evidence given to the Social Development Committee by the Public Advocate of the description of a mildly intellectually disabled person. A woman is out on the streets tonight; she has been raped and bashed. She is mildly intellectually disabled and there is no government institution that will take her. She smashes a window and she is arrested. She ends up in the criminal justice system. Under this provision the director-general can direct that she be taken to an institution for the intellectually disadvantaged but she will not have the right of appeal or review.

These people have been thrown on the streets in the inner suburbs. They are in suburban lodging houses, but because they forget to take their medication they have challenging behaviour or take part in florid incidents. There is a bit of pushing and shoving in the passageway or in the joint kitchen and someone throws a punch and the police are called. Someone ends up in the lock-up and we have another incident of a person being said to be mentally ill. The person may not be mentally ill but that person may have been institutionalised all of his or her life until he or she was tossed out on the streets and told to cope. Those people are now wandering around beautiful Melbourne about which the Premier has spoken and they are likely to be victims of the amendment.

Before the amendment is processed I sincerely ask the Minister whether there is the right to review or the right of appeal or whether such persons will be left in institutional care even when they are able to establish that their health has been recovered and that they have been inappropriately placed or that they are no longer mentally ill — and perhaps never were. People recover and people are entitled to have their individual needs examined and not to be pushed around the system as a matter of convenience.

I have seen advice from the Solicitor-General, Hartog Berkeley QC, given to the government regarding one prisoner. It was advice on how to keep the prisoner in gaol when his sentence had been served. It was about how to keep him in a psychiatric institution and what would happen if it were found that he was not mentally ill and whether he would be able to walk out of gaol; how he could be held, how he could be captured or under what circumstances could he be shot. These matters were examined coldly and calculatingly, not in terms of the needs of the person or the needs of society, but in terms of the political needs of the government.

The government needed to keep this person locked up and it was prepared to use any means to do it. What worries me about the amendment is that it might be used to hide some of the politically embarrassing prisoners we have in the criminal system, in our psychiatric wards or in wards for those who are alcohol dependent. I am not prepared to see the amendment proceed without an appropriate explanation. I put the Minister on notice that in my view the appropriate time for an explanation would be in his response at the end of the second-reading debate, before the matter proceeds into Committee.

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

**Debate interrupted.**

## ADJOURNMENT

**Mr ROPER** (Treasurer) — I move:

That the House do now adjourn.

### Gisborne quarry site

**Mr REYNOLDS** (Gisborne) — The matter I direct to the attention of the Minister for Finance, who is the Minister responsible in this House for the Minister for Manufacturing and Industry Development, concerns an issue that is at present before the Minister in the other place regarding the proposed establishment by Barro Group Pty Ltd of a quarry adjacent to the Gisborne township.

The proposal has been twice refused by the Shire of Gisborne under the normal planning appeals system. The Barro group has placed a proposal before the Minister for Manufacturing and Industry Development suggesting that he should sponsor an amendment to the Gisborne planning scheme; that amendment would be exhibited for public viewing and would be the subject of discussion about the need for a quarry in that area.

Later tonight I shall present to the Minister a petition signed by more than 2400 citizens of the district; that petition cannot be presented to Parliament in the normal way because of problems with its wording.

The petition clearly presents the case on behalf of the people of Gisborne. They believe the application by the Barro group presently with the Department of Manufacturing and Industry Development is aimed at an amendment to the Gisborne planning scheme to rezone 470 Calder Highway, Gisborne for use as a quarry; they suggest such application should be finally rejected.

On 26 October 1990 the proposal was presented to the Minister by the Barro group. It is about time the Minister handed down his decision and allowed the people of Gisborne to be certain that the project will not proceed; such a decision on behalf of the Minister would be absolutely correct.

If the quarry were to be developed it would be 1.5 kilometres long by half-a-kilometre wide and 50 metres deep; 40 million tonnes of stone would be excavated over eighty years. The objections are on the grounds of the proximity of the proposed quarry to the township; also, objections were made about the dust and noise that will invade the township and the pollution caused to the adjacent Rosslynne Reservoir which supplies water to Sunbury and is a reserve supply for Gisborne and Riddells Creek.

The area is the subject of the government's Statement of Planning Policy No. 8 which for many years has had the support of governments of all persuasions. That statement of planning policy would be compromised were such an ugly scar in the form of a quarry allowed in the area. The Rural Water Commission has written to the Minister, outlining

five reasons why he should object to the proposed development. The Minister has had the proposal before him since 26 October last and I ask him to hand down a decision to end the conjecture and concern in the area.

The petition must surely be adequate evidence to make the Minister realise that the people of Gisborne are almost unanimously united against the proposal. That opposition was in evidence at a public meeting held late last year in the township. It is time the Minister made a decision, and I ask that he make an announcement forthwith.

## Wangaratta vintage aeroplanes

**Mr JASPER** (Murray Valley) — The matter I direct to the attention of the Minister for the Arts — but should he not enter the Chamber during debate on the motion for the adjournment — —

**Mr Leigh** — He won't.

**Mr JASPER** — In that case, I hope the Treasurer will take my comments on board and do what he can about the issue I raise. Last week the Minister visited the City of Wangaratta where a number of issues were presented to him about which the city sought assistance. An issue brought to his attention concerned Wangaratta Airworld. Some years ago the City of Wangaratta purchased from Mr Joe Drage a large number of vintage aeroplanes, then housed at Wodonga. I understand the collection represents the most significant number of vintage and historic aeroplanes in Australia and is one of the most unique collections in the world. The City of Wangaratta is carrying a huge debt because of the historical aeroplanes.

**An Honourable Member** — They made a mistake.

**Mr JASPER** — I am disappointed that a member of the opposition made that interjection. It did not make a mistake. The city made that purchase in the best interests of Wangaratta and Victoria but consequently it is now carrying a financial burden of about $500 000 a year.

The Minister was impressed with the collection but said the State government was not in a position to be of assistance to the city. I understand the critical financial situation facing Victoria and it is disappointing to hear the statement made today by the Premier about Melbourne; the government is ignoring the importance of the remainder of Victoria.

I ask the Minister to approach the Federal government for assistance through the financial allocations for the proposed National Aviation Museum for Victoria. That concept was proposed by the Federal government but has been shelved. I understand that $40 million was to have been spent by the Federal government on the development of that aviation museum.

In 1985 the former Premier visited Wangaratta and stated that an aviation museum would be established at Laverton and that Wangaratta would be part of any Victorian aircraft museum.

However, nothing has happened. The opposition wants direct action by the Victorian government, and particularly by the Minister for the Arts. We want him to make direct representation to the Federal Minister for the Arts, the Honourable Roslyn Kelly, to see that the Federal government not only sticks with the recommendation that an aviation museum come to Victoria but also that funds are provided to Victoria to develop the aircraft museum at Wangaratta where we display the greatest range of historical and vintage aeroplanes in Australia.

I reiterate that point because it is important that the Minister understand that if no help is provided to the City of Wangaratta these aeroplanes may be sold. The collection could be broken up and a number of the planes could end up with overseas buyers and they may be lost to Australia.

I ask the Minister to make representations to the Federal Minister to, firstly, retain the aviation museum for Victoria and, secondly, ensure that funding goes to the City of Wangaratta so that these planes remain not only for the people of Wangaratta but for Victoria and for Australia.

## Compulsory third-party property insurance

**Mr CUNNINGHAM** (Derrimut) — I direct to the attention of the Minister for Transport the urgent need for the government to consider introducing third-party property insurance on motor vehicles.

I first raised the matter in Parliament some time ago and the Premier at the time said the matter would be examined by the government. I understand a committee has been formed to consider the matter further and also the Insurance Council of Australia, during distribution of renewal certificates for third-party registration, has included in its mail-out an information brochure regarding the various types of insurance, including comprehensive and third-party property. The council points out the danger of cars being uninsured, and I believe this is a step in the right direction.

It is abundantly clear that a large number of drivers on Victoria's roads are becoming increasingly angry about the situation in which a small percentage of drivers — either by ignorance or design — are refusing to accept their responsibilities on the roads. One has only to read the stream of letters to the daily newspapers — in the access sections of the *Age* and the *Herald-Sun* — to see evidence of the anger of Victorian drivers.

The government has a compulsory insurance policy against bodily damage on Victorian roads. Surely the next step can be taken to ensure assets also are protected, because a vehicle is probably the second largest investment made in a person's life after his or her home.

Compulsory third-party property damage insurance on vehicles is in force overseas — in Europe, North America and other countries. It is financially responsible to have compulsory third-party property insurance on motor vehicles. As I said, the motor car is the second largest asset a person may own after his or her home.

Credit providers insist that the valuable asset of a house be covered by some form of insurance. That is what I am saying here: the car should be given greater protection in the community interest, because a vehicle can become a lethal weapon in the hands of an inexperienced driver or someone who is foolhardy. The introduction of compulsory insurance will not only ensure that careful drivers will have some relief from the current situation but also will result in financial responsibility being maintained on our roads. The 10 per cent of motorists on Victorian roads who have no insurance cover at all discover too late the high cost of and trouble associated with being uninsured. Other drivers who are covered by insurance discover how difficult it is to recover costs, or they risk losing their no-claim bonus.

As I have said before, the cost of compulsory third-party property insurance is about $3 a week. I ask the Minister for Transport to assess the concept with a view to implementing it.

## Premier's remarks

**Mr LEIGH** (Malvern) — I raise a matter for the attention of the Premier; in her absence, I hope the Treasurer will pass on my comments.

I refer to the attitude of the Premier over this past weekend when headlines appeared in at least one newspaper about remarks that she made. I refer to the *Sunday Age* of 10 March 1991, in which an article headed "Women MPs say sexist abuse is rife in parliaments" appears. The first paragraph of the article states:

> There are women on both sides of Victoria's lower house of Parliament who do not like to speak because of the sexist abuse to which they are subjected, according to the Premier — —

The next paragraph reports her Western Australian Labor colleague as saying that:

> ... people would be stunned if they entered any Parliament in the country to hear the sexist and racist attitudes on parade.

As someone who has been the butt of abuse by the Premier when she was the Minister for Education and described me as the chief sexist of the opposition because I dared to describe her as the "best man in Cabinet" — because I thought she was the best member of the government at the time — I find it outrageous — —

**The SPEAKER** — Order! I remind the honourable member that he must relate his remarks to matters of government administration.

**Mr LEIGH** — I am; the Premier was speaking on behalf of her government. I find it outrageous that the Premier should say such things.

*Honourable members interjecting.*

**Mr LEIGH** - Those on the other side should not laugh because most of them are men and presumably the Premier is attacking them as well!

The Premier should have the guts and courage to come in here and apologise to every member. Maybe it is not the fashion but she gets the same treatment as the former

Premier, John Cain, got. He got exactly what he deserved and this Premier will get exactly what she deserves.

Dare I say I regard the comments she made as absolutely scurrilous and gutless. She should have the decency and respect for the forms of Parliament to come into this Chamber and apologise for the affront she has shown this institution.

As a member of Parliament the Premier has continually relied on this garbage of sexism. She has claimed that she is treated badly. Perhaps we do not treat each other too well, but the fact is that she is a member of Parliament and she gets the same treatment as we give each other.

I am affronted by it. I do not consider myself to be sexist; I consider myself to be liberated. If somebody has the capacity to do a job, he or she should do it, whether that person is male, female, black, or white — or even the honourable member for Springvale.

What the Premier and her colleague from Western Australia did at the weekend was to perform a trick to divert attention from the economic mismanagement of her government. The malaise is so bad that the public gallery now is taken up with Ministerial advisers looking at what the government does; there are so many incompetents on that side of the House that the advisers have to be in the gallery.

*Honourable members interjecting.*

**The SPEAKER** — Order! The level of interjections is making it almost impossible to ascertain whether the honourable member's remarks relate to the administration of government.

**Mr LEIGH** — They are so flaming incompetent that the whole lot of them should do the State of Victoria a favour and resign right now. The Premier should have the guts to come into the Chamber and apologise for her actions.

## Activities of motor vehicle repairer

**Mr THOMSON** (Pascoe Vale) — I raise for the attention of the Minister for Police and Emergency Services, who is the representative in this House of the Minister for Consumer Affairs, a matter on behalf of Dr Kaur of 9 Dunkeld Street, Coolaroo, who approached me recently about the unscrupulous activities of a local car repairer.

Dr Kaur was involved in a car accident in November 1989 when a truck hit her 1986 Ford Laser. Due to a misunderstanding between Dr Kaur, the truck company and the police she took no action to have her car repaired until late last year. She decided to do this through her own insurance company, although efforts to have the truck driver's company contribute to the cost have recently commenced.

Dr Kaur took her car to T.G. Motors Pty Ltd of 151 Lynch Street, Fawkner, in November, and after discussions with Mr Tibby, the manager, she was told repairs would take one week. However, after a week with the company the car was still not fully repaired.

As Dr Kaur was planning to travel overseas in December and needed her car for organising numerous travel details she arranged with Mr Tibby for the car to be dropped off at the repairers by a friend and collected by her on her return in January. She gave the company strict instructions that the car was not to be driven during that time. On her return she was extremely upset to find the repairs were still not complete and that her car had suffered further damage in the meantime, with the speedometer showing 1300 kilometres more than when she last used it.

Dr Kaur reported these matters to me in early February and my electorate officer, Tony Robinson, made further inquiries. He spoke to Mr Tibby who admitted that he drove Dr Kaur's car to and from work every day it was there and that the car had sustained damage under the left-hand front door while he was driving it. In response to Mr Robinson's inquiry as to why he used the car Mr Tibby replied that he believed he was unlikely to receive what he believed to be fair recompense for his work and therefore was just evening things up.

I am concerned that the actions of Mr Tibby constitute a serious affront to acceptable standards of business behaviour, and therefore they should be investigated. Car owners should be able to leave their property in the care of tradespeople, safe in the knowledge that their cars will be looked after with reasonable care.

Mr Tibby appears to have exercised little if any care, and the ease with which he has justified his own use of someone else's car has greatly disturbed me. I should appreciate the Minister's early investigation of this matter.

## Rural school bus services

**Dr NAPTHINE** (Portland) — The matter I direct to the attention of the Minister for Transport, who is responsible for school bus travel, concerns the important issue to rural Victorians of the use of school buses. Responsibility for school bus travel was recently transferred from the former Ministry of Education to the Ministry of Transport.

I refer to the rules that pertain to school bus travel, particularly to the conditions contained in paragraph 3.4 of the rules, which state in part:

> A school bus service is provided solely for conveying a student to and from school. Under no circumstances should a student be permitted to travel on other than his/her designated bus.

An issue of concern to communities in western Victoria as well as to communities in most rural locations is the use of school buses for additional educational purposes. One example involves a family in my electorate, where one of the children travels by other than the normal school bus to a music lesson, which is not available at the government school the student attends. The student travels on a Ministry bus to the music lesson and afterwards is picked up by one or other parent. That is a positive use of a school bus, when seating is available.

Traditionally the school bus system has operated flexibly for the good of rural communities under the control of school bus coordinators, whose responsibility it is to ensure that schoolchildren who want to use school buses in the way I have described, for

example, are allowed to do so provided seats are available and written advice from parents is given to ensure that Displan and others safety measures are in place.

I have also received a letter on the same subject from Elizabeth Coates, who is the Secretary of the Cavendish Parents Club, who has written to me about school bus travel, particularly raising the safety issue.

Sometimes both parents are unavailable to meet a school bus to pick up students returning home because, for example, they may have to pick up other children from Warrnambool or take them to a doctor. While they are so engaged it would be extremely unsafe for the student to be dropped off at his or her normal bus stop. From the community's point of view and for the child's safety it would be better if he or she were able to travel on a different school bus to friends or to an aunt's place, to be looked after until being picked up by the parents.

The issue is important to the social fabric of rural areas, where no public transport is available and school buses provide the infrastructure children need outside school hours for extracurricular activities,such as music lessons. I ask the Minister for Transport to discuss the matter with his colleague the Minister for Education — although this issue refers to a responsibility of the Minister for Transport — to ensure that school bus coordinators in rural areas are given the flexibility to enable them to allocate school buses for the best use of schoolchildren, ensuring that they travel safely and are able to use them for other activities, if necessary.

The issue is of concern to communities in western Victoria and has been raised with me by parents of children at government and non-government schools, particularly in the Hamilton area. I ask the Minister to examine the matter.

## Rail fares and booking fees

**Mr W. D. McGRATH** (Lowan) — I also raise a matter for the attention of the Minister for Transport. I refer to the recent increase in rail fares to country commuters. The fare from Horsham to Melbourne has risen from $36 to $46.40, which represents an increase of 28.8 per cent. What really rubs salt into the wound is the additional booking fee of $2 each way.

This is where country people are very much discriminated against because the $2 booking fee applies at random. Therefore, if one is travelling from a small country station like Horsham, Dimboola or Murtoa along the main route to Adelaide there is a $2 booking fee. I understand the fee does not apply if one is travelling to and from Ballarat and Melbourne or Geelong and Melbourne or some of the larger country stations.

I ask the Minister to ensure there is some equity for people who use public transport. The fare increase of almost 30 per cent is way above any increase in fares in the metropolitan area and certainly the $2 booking fee is intolerable for people who have to use the public transport system, which I admit is a good public transport system. People should be encouraged to use the public transport system, but this massive fare increase and, more importantly, the discriminatory $2 booking fee are turning people away from it.

I ask the Minister for Transport to reconsider the application of the booking fee, in particular. Today the Premier made a Ministerial statement about Melbourne. There has been no consideration for the rest of Victoria. All the focus seems to be on Melbourne. As I have said, country people are becoming sick and tired of this sort of discrimination.

## School bus fares

**Mr HAMILTON** (Morwell) — The matter I raise for the attention of the Minister for Transport concerns the transport of children from Churchill to the Morwell campus of Kurnai College and the fares charged on what is called the town bus.

Before Christmas the Minister met with a group of parents who were concerned about a projected increase from 40 cents to 85 cents a day for the transport of these children to and from school. I have been informed in the past week that the fare will now increase to $1.15 a day from the start of the second term.

That means that within one school term there will have been a 187 per cent increase in the fares charged to the parents of these children who have no alternative means of travelling the 12 kilometres to school each day. The parents were outraged at the projected increase of 110 per cent, given that public transport fares, we are told, have increased by only some 10 or 15 per cent. The projected increase of 110 per cent was bad enough, but an increase of almost 200 per cent is outrageous.

The parents of these children are concerned that, through no fault of their own, their children have to travel to attend years 11 and 12 in Morwell. They are paying something of the order of $5.75 a week, which amounts to $171.50 for the remainder of this year. That is a great increase especially for those families who are sacrificing a lot of their spare money just to put their children through years 11 and 12.

The government supports the completion of years 11 and 12 for all students and there should not be a cost penalty of $171.50 for the remainder of this year for the children in Churchill to complete their schooling. It is a matter of urgency which I ask the Minister to investigate and address.

**The SPEAKER** — Order! The honourable member's time has expired and the time for raising matters in the debate on the motion for the adjournment of the House has expired. Before calling on Ministers I advise that the comments of the honourable member for Malvern were not in accordance with the provisions for the debate on the motion for adjournment.

## Responses

**Mr SPYKER** (Minister for Transport) — The honourable member for Morwell indicated his concern with the increase in bus fares in his electorate. As he correctly indicated, last year I met with a deputation at his electorate office. The school bus fare structure in the Latrobe Valley has grown like Topsy over a number of years. The honourable member indicated that the fares had increased from 40 cents to 85 cents to $1.15. I will request an urgent report so that he can respond to his constituents.

The Deputy Leader of the National Party raised the matter of fare increases. While I indicated at the time of the announcement that I was reluctant to increase fares, particularly given the hardship in rural Victoria, I was faced with an increased fuel bill of $6 million.

Honourable members opposite will be well aware of the massive increase in fuel costs that occurred during the Gulf dispute and, although they have gone down, they are still higher than prior to the dispute. The best information I have is that the average fuel cost increase will be 6 cents a litre.

I had two choices. I could have increased the cost recovery in V/Line alone but, understanding the hardship in country Victoria, I thought it fairer to spread the increase across the board and increase fares by 10 per cent.

**Mr J. F. McGrath** interjected.

**Mr SPYKER** — The honourable member for Warrnambool would be well aware that we have carried more passengers in the past financial year than at any other time since 1955. He would be well aware that his Liberal Party colleagues wish to shut down the service.

**Mr W. D. McGRATH** (Lowan) — On a point of order, Mr Speaker, I raised this matter in a positive way looking for a positive response. The Minister is now giving us a very negative response and talking about the Liberal Party closing down the service. I believe that is completely untrue. I ask the Minister to come back and provide a positive response to my inquiry.

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

**Mr SPYKER** (Minister for Transport) — I believe the government's record is on the board in relation to V/Line services. More passengers have been carried in the last financial year than at any time since 1955.

In relation to booking fees, the honourable member would be well aware that that does not apply to daily commuters and there have been strenuous representations.

*Honourable members interjecting.*

**Mr SPYKER** — The honourable member would also be aware that, because of our enormous success in having all our carriages occupied, many comments have been made about not being able to guarantee a seat.

It is acceptable for passengers who travel long distances to pay a booking fee of $2 and for people with concessions to pay $1. Country Victoria is proud of the service the government delivers, and it is well known that that service can be delivered only by the Labor government because the Liberal Party is hell-bent on reducing and destroying country services.

The honourable member for Portland raised the issue of school buses in his electorate. As I said in reply to the honourable member for Morwell, I shall check the details in his *Hansard* proofs and give him a response.

The honourable member for Derrimut raised an issue concerning third-party insurance for motor vehicles, which is uppermost in the minds of people. The insurance paid as part of the registration of vehicles does not cover damage to vehicles or property. The issue has been hotly debated both in country and metropolitan Victoria, and we must be conscious of the cost to consumers. A committee has been investigating the matter for some time and I shall advise the member when it has completed its investigation.

**Mr ROPER** (Treasurer) — The honourable member for Gisborne raised an issue concerning planning permission for a quarry in his area. The matter has been under consideration by the Minister for Manufacturing and Industry Development and the Minister for Planning and Housing and is the subject of a lengthy petition that he will present to the Minister. I shall direct his comments to the attention of the Minister in another place and ask the Minister to reply directly to the honourable member.

The honourable member for Murray Valley raised for the attention of the Minister for the Arts a matter concerning Airworld in Wangaratta. It is not the first time the issue has been raised in this place. I shall draw his comments to the attention of the Minister for the Arts.

The honourable member for Pascoe Vale raised for the attention of the Minister for Consumer Affairs in another place a complaint that he has received from Dr Kaur of Dunkeld Street, Coolaroo, relating to a car repairer. It is alleged that a car left for repair was extensively used by the repairer for his own purposes and that it was damaged during that time. If the matters are as described by the honourable member for Pascoe Vale it suggests a kind of practice against which action needs to be taken because when we leave a vehicle for repair we believe it will not be used for carrying around either the owner or staff of a particular firm. In this instance it appears that Mr Tibby has not followed what would be regarded as appropriate or proper business practice. I shall refer the matter to the Minister for Consumer Affairs for his action.

**Motion agreed to.**

**House adjourned 11.39 pm.**

**Wednesday, 13 March 1991**

**The SPEAKER (Hon. Ken Coghill) took the chair at 10.35 a.m. and read the prayer.**

# QUESTIONS WITHOUT NOTICE

## LOSS OF MEAT EXPORT MARKET

**Mr BROWN** (Leader of the Opposition) — I refer the Minister for Labour to the industry statement released by the Prime Minister yesterday with its emphasis on exports and to the fact that since 1989 Victoria has lost $100 million in meat exports, and I ask: given the Minister's statement that the militant attitudes of some union leaders could drive companies from Victoria, what action will the government take to stop Wally Curran destroying totally Victoria's important meat export industry?

**Mr POPE** (Minister for Labour) — It is absolutely amazing what we hear from the opposition, the supposed coalition. The Leader of the Opposition outlined the opposition's industrial relations policy in a speech to the Building Owners and Managers Association — BOMA — but it has been discredited by everyone. It was discredited by Claude Forell in the *Age* today.

**The SPEAKER** — Order! The question by the Leader of the Opposition was quite specific. The Minister does not have the opportunity of using it as a vehicle to attack the opposition, and I ask him to direct his remarks to the question.

**Mr POPE** — We have a choice in Victoria of going down the track and bringing industrial harmony or adopting the confrontationist approach put forward by those opposite. Look at the industrial record of the opposition when it was in government between 1971 and 1981 and compare it with the industrial record of this government. During the period 1971 to 1981, 800 industry days were lost per thousand employees, compared with the Labor government's record from 1982 to 1990 of some 200 industry days lost per thousand employees.

We keep hearing about the situation in New South Wales where the Premier, Nick Greiner, has supposedly brought about industrial peace! During the past twelve months up to November 1990 — the last Australian Bureau of Statistics figures available — 600 000 days were lost compared with the situation in Victoria for the same period, when 350 000 days were lost. Obviously the confrontationist attitude used by Greiner and Thatcher of unfettered enterprise bargaining — —

**The SPEAKER** — Order! In answering the question the Minister must make his comments relevant to the question. I ask him to indicate the relevance of his answer to the question and to come to the point of the question.

**Mr POPE** — I thought it would have been clear to you, Mr Speaker, and everyone in the House because the question is about industrial relations and industrial harmony or disharmony in the State. People have two choices: the first is to adopt this government's attitude of maintaining industrial harmony through a number of areas, and the second choice is to follow the confrontationist attitude adopted by the opposition recently. It is a hairy-chested position which is never acted upon and was never acted upon when the opposition was in government. The former Liberal government is listed in the *Guinness Book of Records* because of its payment for lost time to the Builders Labourers Federation during a strike at Loy Yang. All we get is rhetoric from the Leader of the Opposition.

**Mr BROWN** (Leader of the Opposition) — I raise a point of order, Mr Speaker, relating to relevance. Since 1989 this State has lost some $100 million in meat exports. I asked the direct question: what action will the government take to stop Mr Curran totally destroying Victoria's important meat export industry? It has nothing to do with the *Guinness Book of Records* and nothing to do with past governments. What is the government, which is supposedly running this State, going to do to fix up the outrageous farce where Wally Curran and his mates are out of control?

**The SPEAKER** — Order! The Leader of the Opposition has raised the matter of relevance. In doing so he has repeated the question which includes some rhetoric in the manner in which it is expressed. As such it is tempting no doubt to the Minister to respond in like manner. However, I uphold the point of order and I direct the Minister to relate his remarks to the question that was asked.

**Mr POPE** (Minister for Labour) — Unlike honourable members opposite this government and every other government in Australia supports the Industrial Relations Commission that actually handles industrial disputes in this country. We support the Victorian and Australian industrial relations commissions which have produced far more industrial peace than in other countries that do not have a centralised system.

Commissioner Harrison has the task of conducting an inquiry into the meat industry in this country. That inquiry has been going on for some time. He will conclude the inquiry within the next couple of months and I believe that is where industrial relations matters pertaining to the meat industry should be determined. That is occurring within the Federal Industrial Relations Commission.

Commissioner Harrison is conducting the inquiry on behalf of the Full Bench and he will be making recommendations sometime in the next couple of months.

## MEAT INDUSTRY

**Mr McNAMARA** (Leader of the National Party) — I refer the Minister for Labour to the fact that over the past ten years the number of meat workers in Victoria has fallen from 7000 to 2000. Within the Federal industrial system will the government apply to deregister the Australasian Meat Industry Employees Union or support an application to deregister the union given the statement of the Minister that people like Mr Curran have nothing for their members or the industry?

**Mr POPE** (Minister for Labour) — I feel like saying "ditto", but the position is that Commissioner Harrison is conducting an inquiry, the recommendations will be made shortly and will be going to the Full Bench which will be making a decision.

## FEDERAL INDUSTRY STATEMENT

**Mr BATCHELOR** (Thomastown) — Has the Premier examined the implications of yesterday's landmark industry statement by the Federal government and, if so, could she advise the House of the implications for Victoria and the car industry in particular?

**Ms KIRNER** (Premier) — I thank the honourable member for his question and for his participation and that of other members from our side of the House in the fight to restructure and retain the car industry in Victoria.

The first thing we needed from the Federal government's statement was a statement about certainty for the future for the parameters of investment and I am pleased to say we got just that. We got a clear statement on tariffs and a clear statement on incentives for investment. We will grab the opportunity that that policy has presented to us and run with it in cooperation with the industry and the unions.

*Honourable members interjecting.*

**Ms KIRNER** — It is interesting that the opposition has the temerity to interject on this seeing it does not even have a policy. I have not heard one word from the opposition about what should happen to the manufacturing industry in this State with regard to incentives and training. In fact I doubt that it has a training policy. I have not heard about its policy on incentives for exports or re-equipment. I find it a most important issue and I am amazed the opposition does not have a policy.

With regard to the detail of the statement by the Prime Minister, our government had two major concerns when it started its campaign at the end of last year.

Before Christmas the Industries Commission put forward a report recommending that tariffs be reduced by 5 per cent a year to the year 1996. In the government's view, that was too far and too fast. The government won that argument. The decision of the Federal government was that the target for tariffs would be pushed out to the year 2000.

**Mr Bildstien** — What have you done for the citrus fruit industry?

**Ms KIRNER** — If you would like me to comment on the food processing industry I will, and I thank you for the interjection.

This government stated quite clearly to the Federal government that a tariff policy was not sufficient. One cannot talk about a level playing field argument in the economics of the manufacturing industry as simply a tariff policy. One has to link macro-economic reform with incentives for industry, and that is exactly what happened. This government called for and won more flexible use of export credits, and is particularly pleased that it was won for the component industry.

This government called for and won tax breaks for the purchase of new high technology equipment. That will be crucial for the decision of the Toyota company to invest $600 million in the Altona area. It also called for improved training opportunities and said that if there is down-time in the car industry that down-time should be used to retrain workers on the basis of the Nissan plan. The government won that too.

I should like to take the opportunity, as I will at lunchtime today when I meet with the industry and unions in Parliament House, to congratulate the manufacturing industry, the unions and the people in the government who worked on the policy for the work they did to ensure we got a package that would suit Victoria's car industry. I want to say to the honourable members for Geelong and the Mayor of Geelong, Mr Brian Fowler, and the industry workers in Geelong that they have won an important step forward.

The step forward is that prior to this new car industry package it was the assembly industry that actually had the export breaks. Now we have an agreement from the Federal government that there will be export incentives and tax breaks for the component industry. The component industry is the skill base of the whole industry and our skills must be saved.

There is no doubt that for this industry the road will continue to be tough. We are considering massive reconstruction, re-equipment and changes in work practices, investment and in the pattern of national, international and local organisation, but there is a clear way forward for economic reform. The government will be going back to Canberra and saying that it wants to work with the Federal government on this issue.

It will also be saying that there is one thing that has not been clearly spelt out in the package and without it Victoria and Australia will have difficulty in moving forward. It does not sufficiently spell out micro-economic reform and infrastructure reform. That is the subject of another set of comments. Again I wish to say that the government believes it can grab this new manufacturing industry policy in the car industry, run with it and run with it for all Victorians.

## MEAT INDUSTRY

**Dr NAPTHINE** (Portland) — I ask the Minister for Labour whether the government will legislate to derecognise the Australasian Meat Industry Employees Union within the Victorian industrial system in the same way as it derecognised the Builders Labourers Federation, or is the Minister's statement that militant union leaders, such as Mr Wally Curran, are driving industry out of Victoria merely hollow rhetoric?

**Mr POPE** (Minister for Labour) — I do not know how many times members of the opposition will ask the same question, but I will give the same answer and they will get tired of it. Commissioner Harrison of the Australian Industrial Relations Commission is handling this matter. That is where the matter lies and that is where it should lie. That is where employers, the government and others have made submissions, and indeed that is where a decision will be made with respect to recommendations.

**Mr BROWN** (Leader of the Opposition) — On a point of order, Mr Speaker, clearly, the Minister did not hear the question. The honourable member for Portland asked whether the government will legislate to derecognise this rogue union.

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

## TRANSPORT AND PEDESTRIAN ACCESS IN MELBOURNE

**Mr COLE** (Melbourne) — Will the Minister for Transport inform the House what steps he is taking to improve transport and pedestrian access to the Melbourne central activity district?

**Mr SPYKER** (Minister for Transport) — I thank the honourable member for Melbourne for his question and the amount of work he has put into ensuring that Melbourne retains its status as one of the greatest cities in the world with a vibrant, clear future.

All honourable members will recognise that over the past 20 or 30 years the nature of the metropolitan area has changed. In the past people came to central Melbourne to do their daily or weekly shopping. With the development of regional shopping centres in the metropolitan areas providing the same services as inner-city stores, the attraction of the city no longer exists.

There is also a lot of frustration with traffic problems, and that needs to be dealt with. I am considering taking action in relation to car pooling to ensure that the custom and practices adopted over many years will slowly change and more people will be encouraged to use car pooling instead of choking the city with private motor vehicles.

The government is faced with a clear choice: one can ensure that cities are for people and pedestrians or one can use footpaths on which to run motor cars and choke the city to death with pollution, as has happened in some international cities.

In cooperation with the Melbourne City Council the government has decided that towards the year 2000 Melbourne will become a city for people. The first project is to "green up" Swanston and Elizabeth streets. Some 99 per cent of the traffic in that area is through traffic; it does not stop in the central city. By establishing attractive landscapes and ensuring that stores and other facilities are open, people will be attracted to the city, but that is not currently happening. With the government and private enterprise working together, the city of Melbourne will become a city of which we can be even more proud.

Public transport, including the tram network, will be upgraded so that it can be used instantly by people in the inner city. Victorians and Melburnians will be proud of the government's action to ensure that the Ministerial statement made yesterday by the Premier is put into action.

## COMPULSORY UNIONISM

**Mr GUDE** (Hawthorn) — I ask the Minister for Labour: will the government legislate to end coercion of workers by officials like Mr Curran and give workers the legal right to choose whether to belong to unions or not, given that the destructive power of Mr Curran's Australasian Meat Industry Employees Union survives only by compulsory unionism, or are his attacks on union militancy merely hollow rhetoric?

**Mr POPE** (Minister for Labour) — In connection with the situation of supposed voluntary unionism and freedom of association and so on, the Industrial Relations Bill has been supported by all the major employers in this State bar one or two groups. It is a Bill that is before this House and is not supported by honourable members opposite.

One of the clauses in the Bill concerns the conscientious objection provision in the Federal legislation which presently does not have any relevance to the Industrial Relations Act 1979 that the previous government put in place. There is a Bill before this House that will allow people to resign from unions on the basis of conscientious objection. It is along similar lines to the Federal Act.

That is exactly the Bill the opposition is not supporting, yet its members stand up here and ask me a question on this issue.

**Mr STOCKDALE** (Brighton) — On a point of order, the Minister's remarks quite clearly anticipate debate on this matter. Despite his rhetoric the reality is that the question had nothing to do with the Bill and it addresses compulsory unionism. I ask you, Sir, to bring him back to the question.

**The SPEAKER** — Order! The nature of the question as I heard it invited the Minister to raise the matters that he is raising in his reply. At this stage I do not uphold the point of order.

**Mr POPE** (Minister for Labour) — It is quite evident that the honourable member for Hawthorn and members opposite have not read the Bill that is before the House at the moment. Admittedly, it has been here only since November last year, but obviously they still have not read the Bill or understood what is in it. The answer to the question that has been put forward is in the Bill they are opposing.

The Bill is supported by all employer groups to the point where they had to have a summit to work out their differences and they agreed to disagree. On the question of derecognition of corrupt unions such as the Builders Labourers Federation, the government totally stands by that. It is the same union that was corrupt back in the days of Malcolm Fraser, who derecognised it, yet when the opposition was in government it would not do it in Victoria. It would not derecognise the BLF when Fraser moved for that many years ago.

This government believes a corrupt union like the BLF should be ridden out of this State, and it has been.

## MEAT INQUIRY REPORT

**Mr W. D. McGRATH** (Lowan) — I ask the Premier whether she will confirm that after she gave her close factional friend Mr Curran access to the government's submission to the Harrison inquiry the substance of the report, amounting to eleven pages, was removed?

**Ms KIRNER** (Premier) — I am having a little difficulty in understanding the question. I wonder what the honourable member is talking about? Perhaps the government should assist him with his question because I did hear on the grapevine this morning from the bush messenger that the opposition was going to do its number in question time today on the meat industry and the submission to the Harrison inquiry, which is what I think he is talking about. However, I am pleased that the subject is going to be one for today's question time. The bush messenger is still effective, but it is a pity the questions are not.

The submission the government sent to the Harrison inquiry, which is what I believe the honourable member for Lowan was referring to, went through the normal processes of the Premier's department coordinating the various contributions, both from the departments and consultation with the industry and the unions. I have listened with great interest to the questions on the meat industry so far today. Of course, during the process of developing the submission there were changes.

I listened with great interest to the questions this morning on the meat industry because they were not about the meat industry, which the government is genuinely concerned about. They were about one issue that the opposition cannot get out of its head and that is the matter of its industrial relations aggression policy.

The meat industry in Victoria is worth, as honourable members would know, $945 million from livestock slaughtering alone and $400 million from export earnings. Approximately 8000 people are employed in the meat processing industry, and 2000 in slaughtering. The future is clearly in the meat processing industry.

**Mr Kennett** — You are processing them live!

**Ms KIRNER** — You should know; you have been processing the Leader of the Opposition alive for the past few months. It would be useful for the Leader of the Opposition if you stayed in your can instead of escaping so frequently.

A number of issues have to be addressed if we want to tackle the drop in export trade in Victoria mentioned in the Prime Minister's report. Not only industrial issues have to be tackled — and we should not walk away from them — but also there are issues of quality.

Honourable members know as well as I do that one of the key issues that has been undermining our export meat trade is the constant questioning about quality. The former Minister for Agriculture and Rural Affairs, now the Minister for Small Business, and the

now Minister for Agriculture have and are doing something about that with the clean agriculture program.

The other issue is one of marketing. If we are to have a marketing program we have to have a niche for the kind of product that other people want. New Zealand has done that brilliantly with its lamb marketing industry. New Zealand is paddocks ahead of us!

We are now looking at ways of getting producers to target the niche for lamb sales. We have been backward and perhaps in the past this is the most backward industry of all in terms of research and development.

Under this government, the Food Research Institute in Werribee has gone ahead in leaps and bounds — you, Mr Speaker, will be well aware of that research and development, which you have encouraged — and that will identify the factors that will put the meat industry, particularly the meat processing industry, on the front foot.

Another issue is that of meat inspections. We now have a meat inspection working party that is looking at the whole issue of quality.

I would be delighted for there to be real concern from the opposition about the future of the meat processing industry, but it is not interested. We knew this morning that it would ask a range of beat up questions on meat and union issues. The public wants to see real concern from the opposition for Victorian industry but they are not getting it.

## ERADICATION OF BLACKBERRIES

**Mrs GARBUTT** (Greensborough) — Will the Minister for Conservation and Environment outline to the House the progress of recent initiatives to eradicate the blackberry menace in Victoria?

**Mr CRABB** (Minister for Conservation and Environment) — As honourable members will be aware, blackberries are a most pernicious weed. Whatever activities have been undertaken by government agencies and private landowners over the years, or whatever you seem to do to blackberries you cannot get rid of them; no matter how hard you try, they spread again. It is a little like the problem that the Leader of the Opposition has with the honourable member for Burwood; whatever he does the honourable member springs up again. Today, as I understand it from the *Bulletin* poll, he is up 10 per cent. It is amazing what a job at 3AW during the holidays can do for you!

I am pleased to say that after years of European research into blackberries — that pernicious weed — my department together with the Commonwealth Scientific and Industrial Research Organisation have isolated a rust which has the capacity to kill new growth, to stop the spread of blackberries and ultimately to kill them.

It took some more years to persuade the various interest groups around Australia to give permission to import the rust into Australia; the last recalcitrant group was the beekeepers of Tasmania. Last year we eventually persuaded it that the rust was not harmful.

Seven weeks ago I was pleased to release the first of the rust on a blackberry bush in the Ferntree Gully National Park, not far from where I live. The object was to trial the rust during winter prior to a much larger release in the spring. However, last week when departmental officers checked the blackberry bush they found that the leaves with the rust had been pinched. Someone had actually pruned the sections that had the rust applied, and no doubt was selling them somewhere around the pubs. Apart from giving an insight into the entrepreneurial views of horticulturalists, it gives a new meaning to the word "rustling"!

Despite the fact that the blackberry bush at Ferntree Gully has been pinched, the community can be assured that in September there will be a huge release of this rust. The experts tell me that over the next two years the rust will spread across Victoria and will signal the beginning of the end of blackberries. My department may have to do that in secret; I may not be able to tell the television cameramen where the release will happen but I am happy to say my department is well on top of the problem, and I am more than happy to offer the services of my department to the Leader of the Opposition so he can get rid of his pernicious weed!

## PETITIONS

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

### Family planning services

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 House the 20 per cent reduction in the family planning services. We feel very strongly that women of all ages who have relied on this service will be considerably disadvantaged and many put at risk by this negative action.

Your petitioners therefore request the House to stop the 20 per cent reduction of the family planning services as actioned by the government of Victoria.

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

**By Mr Richardson (3310 signatures)**

### Funding for school music programs

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

The petition of the undersigned citizens of the State of Victoria shows that they are greatly concerned that the Kew East Primary School band which was established in 1938 and is the only remaining primary school brass band in Victoria will not be able to continue as a result of the special needs allocation for the school being reduced.

Your petitioners therefore pray that the Legislative Assembly take action to ensure the ongoing availability of funding for school music programs with proven records of excellence for the benefit of the schoolchildren involved and the community generally.

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

**By Mrs Wade (1083 signatures)**

### Free bus service for country students

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 sheweth:

Objection to any changes of school buses which disadvantage country students, forcing secondary students to attend the nearest government school rather than a school of choice served by a school bus service.

Your petitioners, therefore, pray that you take all action possible to ensure the provision of free and comprehensive bus services to schools of choice to meet the needs of country students.

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

**By Mr Delzoppo (1509 signatures)**

**Laid on table.**

## VICTORIAN GOVERNMENT MAJOR PROJECTS UNIT

**Mr KENNAN (Attorney-General), by leave, presented a report of the Victorian Government Major Projects Unit for the year 1989-90.**

**Laid on table.**

## PAPERS

**Laid on table by Clerk:**

Grain Elevators Board - Report for the year ended 30 September 1990.

MTA Superannuation Fund - Report for the year 1989-90.

## COMMUNITY PROTECTION (AMENDMENT) BILL

*Introduction and first reading*

**Mr KENNAN (Attorney-General) introduced a Bill to amend the Community Protection Act 1990 and for other purposes.**

**Read first time.**

## VICTORIAN RELIEF COMMITTEE (AMENDMENT) BILL

*Introduction and first reading*

**Ms KIRNER (Premier) introduced a Bill to amend the Victorian Relief Committee Act 1958 and for other purposes.**

**Read first time.**

## MEDICAL PRACTITIONERS (AMENDMENT) BILL

*Introduction and first reading*

**Mr KENNAN ( Attorney -General) introduced a Bill to amend the Medical Practitioners Act 1970 and for other purposes.**

**Read first time.**

## HEALTH SERVICES (CONCILIATION AND REVIEW) (FURTHER AMENDMENT) BILL

*Introduction and first reading*

**Mr KENNAN (Attorney -General) introduced a Bill to amend the Health Services (Conciliation and Review) Act 1987 and for other purposes.**

**Read first time.**

## SENTENCING BILL

*Introduction and first reading*

**Mr KENNAN (Attorney-General) introduced a Bill to revise and restate the sentencing powers of courts, to provide sentencing principles to be applied by courts in sentencing offenders, to repeal the Penalties and Sentences Act 1985, to vary the penalties that may be imposed in respect of offences under the Crimes Act 1958, to make consequential amendments to various Acts and for other purposes.**

**Read first time.**

## METUNG LAND BILL

*Introduction and first reading*

**Mr CRABB (Minister for Conservation and Environment) introduced a Bill to authorise the granting of long-term leases over land near Metung and for other purposes.**

**Read first time.**

## WERRIBEE SOUTH LAND BILL

*Introduction and first reading*

**Mr CRABB (Minister for Conservation and Environment) introduced a Bill to revoke the reservations of certain lands at Werribee South, to reserve those and other lands for recreation and tourism, to authorise the granting of long-term leases over those reserved lands and for other purposes.**

**Read first time.**

## AUSTRALIAN CATHOLIC UNIVERSITY (VICTORIA) BILL

*Introduction and first reading*

**For Mr A. J. SHEEHAN (Minister for Finance), Mr Roper introduced a Bill relating to the Australian Catholic University and for other purposes.**

**Read first time.**

## ACCIDENT COMPENSATION (AMENDMENT) BILL

*Introduction and first reading*

**Mr POPE (Minister for Labour) introduced a Bill to amend the Accident Compensation Act 1985 and for other purposes.**

**Read first time.**

## EQUIPMENT (PUBLIC SAFETY) BILL

*Introduction and first reading*

**Mr POPE (Minister for Labour) introduced a Bill to provide for public safety in relation to prescribed equipment and equipment sites and to amend sections 38 and 59 of and clause 43 of Schedule One to the Occupational Health and Safety Act 1985.**

**Read first time.**

## POLLUTION OF WATERS BY OIL AND NOXIOUS SUBSTANCES (AMENDMENT) BILL

*Introduction and first reading*

**Mr SPYKER (Minister for Transport) introduced a Bill to amend the Pollution of Waters by Oil and Noxious Substances Act 1986 and the Marine Act 1988, to make further provision for control over pollution from ships, to make a consequential amendment to the Magistrates' Court Act 1989, and for other purposes.**

**Read first time.**

## CRIMES (SEXUAL OFFENCES) BILL

*Second reading*

Mr KENNAN (Attorney-General) — I move:

That this Bill be now read a second time.

BACKGROUND TO THE BILL

Each year hundreds of Victorians are the victims of sexual crimes. The extent of the problem is not known because many victims do not complain to the police. One reason for this reluctance is a widespread perception that being a complainant in the criminal justice system is a traumatic experience. Some of the consequences of victims failing to complain are that offenders remain at large to continue their activities, and the deterrent effect of the law is weakened.

Stress on complainants and other witnesses cannot be removed completely. Victims must recount terrible experiences; people who stand accused must have the right to thoroughly test the evidence against them. But there are measures that can be taken to ease the degree of stress, without undermining the integrity of the system.

The reforms contained in the Bill will significantly increase the effectiveness of the law in protecting the sexual autonomy and integrity of all members of the community.

The reforms are based upon a major review of sexual assault law undertaken by the Victorian Law Reform Commission. The review involved extensive community

consultation in Victoria, original research, and an examination of the laws and procedures in other jurisdictions, both in Australia and overseas. The review resulted in four reports being tabled in Parliament. I commend the Victorian Law Reform Commission for the excellent quality of those reports.

PURPOSES OF THE BILL

The main purpose of the Bill is to reform the procedural and evidentiary rules in order to increase the access of victims to the criminal justice system.

The Bill also amends a number of substantive offences in order to remove anomalies. Concern has been expressed in another place that the drafting of the Bill may have the unintended consequence of making serious offences, that are currently indictable, summary only. I have sought advice from Parliamentary Counsel on this point and on the basis of that advice I am satisfied that the argument is without substance.

The argument turns on the fact that the offences of rape, rape with aggravating circumstances and indecent assault with aggravating circumstances are expressed differently from other offences. I am advised that the offences relating to rape were drafted in the traditional manner to ensure that common law rape was included. Indecent assault with aggravating circumstances is drafted in a manner consistent with rape with aggravating circumstances. The other offences are expressed in the more modern form that a person "must not" engage in the conduct in question. This form is not novel, as suggested by an honourable member for East Yarra Province, Mr Storey. There are literally hundreds of offences on the Victorian statute book expressed in this manner. It is a form of expression permitted by section 97(1) of the Penalties and Sentences Act 1985.

I am advised that there can be no real doubt that all the offences contained in the Bill expressed in this modern form, except the offence contained in proposed section 60 of the Crimes Act, are indictable. Section 2B of the Crimes Act 1958 provides that offences under that Act are, unless the contrary intention appears, deemed to be indictable offences. There can be no contrary intention when clause 14 of the Bill refers to a number of the offences as indictable offences triable summarily. Similarly, the express statement that proposed section 60 is a summary offence would be unnecessary if the offences were summary in any event.

I turn now to the major reforms contained in the Bill.

SEXUAL OFFENCES AGAINST CHILDREN

The legal system treats children as a very unreliable class of witness. If a child does not understand the nature of the oath, the accused cannot be convicted on the basis of the child's evidence unless it is corroborated. Even if a child can give sworn evidence, the judge is obliged to warn the jury about relying on that evidence unless it is corroborated.

The Law Reform Commission found that these rules deter the reporting and prosecution of offences. However, neither the oath test nor the corroboration rules are essential to ensuring that justice is done. Courts can use a more direct test of assessing competence

to testify. Research cited by the commission indicates that the assumptions on which the special requirements of corroboration are based are largely unfounded.

The Bill therefore provides that a child is competent to give evidence if he or she understands that there is an obligation to tell the truth in court, and can give a rational reply to questions about the facts in issue.

The corroboration rules are abolished but a judge retains the discretion to comment upon the reliability of the evidence of a child witness where the circumstances of the case make such comment appropriate. The task of assessing the credibility and weight of the child's testimony is then left to the jury, as is the case for other witnesses.

MAKING IT EASIER FOR CHILDREN TO TESTIFY

Giving evidence can be intimidating for witnesses of any age, but children can be especially vulnerable. The Bill contains three measures which will significantly ease the stress on child complainants.

The first is to give cases involving children priority in prosecution, so that the matters are dealt with as soon as reasonably possible.

The second measure is to provide an option whereby a video or audio-recording of an interview of a child complainant may be admitted as evidence. The recording would serve as the child's evidence-in-chief, saving him or her from having to recount the allegations in detail and presenting the court with the freshest possible account of the alleged events.

The third measure is an option which permits the court to modify the environment in which a child gives evidence. This can be done in a variety of ways, ranging from modifications to the courtroom itself, to permitting the child to testify from another room by closed-circuit television.

The last two measures — admitting prerecorded interviews and modifying the place of giving evidence — are not mandatory. If a child is willing and able to testify in the courtroom without any special measures, he or she will be able to do so.

PROCEDURAL REFORMS FOR WITNESSES GENERALLY

Legal rules and processes exclude, deter and distress adult as well as child complainants. The Bill contains a range of measures to assist them. The major ones relate to: people with impaired mental functioning; closure of courts; jury warnings about late complaints; and the admission of sexual history evidence.

(1) People with impaired mental functioning

People with impaired mental functioning are particularly disadvantaged. Like children, they face the barriers of the oath test and corroboration rules, and are likely to find the court environment extremely intimidating. The Bill therefore extends the reforms applicable to children to this class of vulnerable witnesses as well.

The Bill also amends section 51 of the Crimes Act, the special offence protecting people with impaired mental functioning from sexual exploitation by those employed to care for them. The amendments sharpen the definition of the circumstances of the offence to achieve a clearer and better balance between the aims of protecting people with impaired functioning and recognition of their right to express their sexuality. Further, the offence is extended to prohibit indecent acts generally, not only acts involving sexual penetration.

(2) Closure of court

The principle that justice should be conducted openly is an important one, and should be maintained unless there are exceptional circumstances. Those circumstances should include consideration of what the complainant is going through. The Bill provides that a judge or magistrate may order members of the public to leave the court to protect a complainant from undue distress and embarrassment. It provides also that a complainant may have a support person present through the committal and trial proceedings, even if the court is otherwise closed.

(3) Late complaints

For a variety of reasons it is not uncommon for victims of sexual attacks to delay telling the police. They may feel embarrassed about the physical circumstances or be worried about the reactions of family and friends. But the mere fact of a late complaint can be used by the defence to suggest that the allegations made by the complainant are false. It is therefore important that juries are warned against presuming that delay necessarily reflects upon the truth of an allegation, and that there may be good reasons why victims of sexual assault hesitate to complain. The Bill provides that a judge must give such a warning if the issue of a late complaint arises.

(4) Sexual history

The law restricts the admission of evidence about the sexual history of complainants. This prevents cross-examination which is intended to undermine complainants' credibility by attacking their character. There have been criticisms that, despite the restrictions, irrelevant but prejudicial examination about sexual history is permitted occasionally. To ensure that the effectiveness of the restrictions is kept under review, the Bill provides that a court must issue written reasons for allowing sexual history evidence to be admitted.

REMOVAL OF ANOMALIES

The Bill removes a number of anomalies from the substantive offences. I will briefly outline three examples.

(1) Penetration by a part of the body

In 1980 the offence of rape was extended to include penetration of the anus or vagina by an object, not including parts of the body other than the penis. Conceptually, and from a victim's perspective, there is no basis for treating penetration by a finger, for example, as

a significantly less serious offence than penetration by any object. The Bill removes this anomaly by including penetration by parts of the body other than the penis.

(2) Continuing penetration

It is rape for a person to sexually penetrate another person knowing that the other person does not consent. However, if consent is withdrawn after initial penetration but the person continues the act of penetration, most authorities say the offence is indecent assault only. There is no good basis for this distinction. The Bill will define this conduct as rape.

The view was expressed by the honourable member for East Yarra Province in another place that continuing penetration may already constitute rape at common law. The Bill will remove any doubt on this issue.

(3) Incest by de facto spouses

Incest is an offence related to the exploitation of power within the family. For that reason it applies to step-parents as well as to natural parents. De facto marriages are now very common, and the power of a de facto spouse over a child may be no less than that of a natural or step-parent. The Bill therefore extends the offence of incest to de facto spouses.

REFLECTING CONTEMPORARY VALUES AND BEHAVIOUR — THE AGE OF CONSENT

The age of consent to sexual intercourse is eighteen years. Between ten and eighteen years a child can give legally effective consent if there is only a small age difference between the child and the other person - two years in the case of a child aged ten to fifteen years, and up to five years if the child is sixteen or seventeen years old.

The Law Reform Commission identified two unsatisfactory elements of the offence relating to sixteen and seventeen-year olds. Firstly, it does not realistically reflect contemporary social patterns of behaviour and the ability of young people to make personal decisions. Secondly, although age difference might be a reasonable indicator of power imbalance in relation to young people, it is preferable to use a more direct indicator for the older age group.

The commission recommended that the offence be replaced by a new offence. This would have prohibited a person from taking part in an act of sexual penetration with someone aged sixteen years if the person occupied a position of authority over the young person, regardless of age difference. The offence proposed by the commission lowered the age of consent by one year, from eighteen years to seventeen years, and strengthened the protection of young people from exploitation by people in positions of power over them.

As a result of concern expressed in another place the government has agreed not to implement the first part of the commission's proposal. The Bill now retains the current age of consent of eighteen years, and prohibits a person from taking part in an act of

sexual penetration with someone aged sixteen or seventeen years who is under his or her care, supervision or authority.

There is one provision in the Bill with which the government strongly disagrees, and that is the proposed new offence of maintaining a sexual relationship with a child, which was included by the coalition in another place. I will outline the reasons for the government's opposition to this provision and our alternative provisions at a later stage. I foreshadow also a Chamber amendment to deal with the question of consent obtained by way of a false representation that sexual penetration, or sexual contact not amounting to penetration, is for medical purposes. The Chamber amendment will provide that consent obtained in this way is not effective.

CONCLUSION

The reforms in the Bill will put Victoria in the forefront of criminal justice systems in dealing with the horror of sexual crime. It advances the interests of complainants significantly and — except for the new offence included by the opposition — does so without compromising the fundamental rights of accused people to a fair hearing of the charges against them.

I make it clear that the government will be putting forward amendments, as I indicated, to deal with the issues raised by the opposition in another way.

I make it clear also that the government does not see this Bill as the final word on reform in this area. Firstly, the commission identified non-legislative issues which are also of considerable importance. For example, it can be very distressing for a complainant to encounter the accused or his associates in the court corridor or waiting areas.

The commission recommended that my department review the possibility of providing separate facilities for complainants in existing court buildings and ensure that new buildings have separate facilities. Both of these recommendations will be implemented.

Secondly, further legislative reforms may be desirable. Since the Law Reform Commission completed the reports on which the Bill is based, a number of sexual assault centres have been established. They have gained considerable knowledge about the operations of the law and legal systems from the viewpoint of victims. While supporting the measures in this Bill they have strongly urged the government to consider the need for further reforms, particularly in relation to the issue of consent as an element of the offence of rape.

In response to these representations I have requested the Law Reform Commission to undertake a detailed study of rape prosecutions as the basis for a further report on the need for additional legislative changes. I believe the release of that report is anticipated next month. If, after receipt of that report, the government concludes that further legislation is necessary, it will be treated as a matter of priority.

I commend the Bill to the House.

**Debate adjourned on motion of Mrs WADE (Kew).**

**Debate adjourned until Wednesday, 20 March.**

## CORRECTIONS (PRISON MANAGEMENT AND PRISONERS) BILL

**Order of the Day read for resumption of debate.**

**The SPEAKER** — Order! Before calling the next speaker on the Bill I remind the House that I am of the opinion that the second reading of this Bill requires to be passed by an absolute majority.

*Second reading*

**Debate resumed from 12 March; motion of Mr SANDON (Minister for Corrections).**

**Mr LEIGH** (Malvern) — The government is aware that the opposition is not opposing the Bill. It is fair to say there are many elements of the Bill that the opposition is supporting fairly enthusiastically. I say that with some reluctance, not because of the proposed legislation but because of the way the government has operated the prison system since it became the government in 1982.

One could describe the government's administration of the prison system as incompetent. Not only has it wasted vast amounts of taxpayers' money but it has mismanaged the system for a long period. Honourable members are aware of some of the problems that were encountered with prison industries over the past few years. I suppose the various Ministers for Corrections could not wait to get out of the job as quickly as they could.

As I said, the opposition supports enthusiastically most of the Bill's provisions, but I should like to give some examples of the sorts of machinations that have been occurring within government.

As a member of the opposition's police and emergency services and corrections committee, which examines Bills such as this, I have spent much of my time visiting various prisons. I have certainly been to Pentridge Prison — as a visitor, I might add — and to Lara.

**An honourable member** interjected.

**Mr LEIGH** — I have been there only as a visitor; I recall leaving on the same day that I arrived.

**Mr Maclellan** interjected.

**Mr LEIGH** — As the honourable member for Berwick says by interjection, that is not unique under this government's early release schemes! With regard to Pentridge Prison, it is obvious that any sane individual would not want to stay in the place for any longer than he or she has to. However, what we see at the prison at Lara — which is more commonly known to the community as the "Barwon Hilton" — and at the "Loddon Regency" is outrageous.

As part of its social justice strategy the government has built what can be described as reasonable motel accommodation for the prisoners to occupy. I do not believe in or support the concept of the old days of making the prisoners drag around a ball and chain, nor do I agree with the way Pentridge Prison currently operates, but when one examines the "Barwon Hilton" one sees how outrageous it is. It is totally air-conditioned and the electricity costs for that prison are extremely high because of the types of systems that have been installed there. It costs about double the amount that it costs to run Pentridge Prison. In fact, in its first year of operation, it cost $46 000 a year to keep a prisoner at the "Barwon Hilton".

**Mr Shell** — What is the cost at Pentridge?

**Mr LEIGH** — It costs about $31 000 a prisoner at Pentridge. It is worse when one goes to the "Loddon Regency". According to documents from the Minister's own department it is costing something like $56 000 a year to keep each prisoner there. One has to question what is happening when you have a prison system in which you are paying middle-level executive fees to keep someone in gaol. That is lunacy.

**Mr Shell** — It is 24 hours a day.

**Mr LEIGH** — I suggest that the honourable member for Geelong, if he has not already done so, should have a close look at these prisons. Not only are Barwon and Loddon prisons fully air-conditioned but the "Barwon Hilton" has swimming pools and a whole range of activities and facilities available to prisoners.

The "Loddon Regency" goes one better: not only does it have tennis courts and swimming pools but also it has an in-house video system and the prisoners are given menus from which to choose their dinner. One must wonder about the administration when it provides even menus for the prisoners. That is incredible. That is this government's social justice policy at work! No wonder it costs $56 000 a year to keep each prisoner in that gaol. I dare say the menus at the "Loddon Regency" are probably better than the ones we get in this place.

As the honourable member for Glen Waverley says by interjection, the victims are the last ones considered in all of this. It is quite clear that the government's deliberate philosophical approach to prisons has been to provide the best available facilities for prisoners.

No-one questions the concept of a remand centre being hotel-type accommodation because people who are on remand are innocent until they have been found guilty. I do not have any problems with providing better quality accommodation for people in those

circumstances. Indeed I believe a great injustice has been done in the past to many people who have been on remand; young first offenders were locked up with hardened criminals, and in some cases there were virtually apprenticeships in crime as well as sexual assaults being committed against some of these people. That is clearly not good enough. I applaud the government for taking the approach it has taken with the remand centre, although there have been some questions about its management.

However, when one considers the conditions at the "Barwon Hilton" and the "Loddon Regency" one really must question the government's approach. If you were a victim of crime in this State at present you would really feel that you were the one who was guilty rather than the person responsible for the crime. Too often the victim has felt like the guilty party, and this government does not care. Clearly we must do something about the situation, and I hope to see something positive happening in that regard as a result of the approach the government has taken in this Bill.

Can I say to the Minister — when he bothers to listen — that one of the things he ought to do if he is really interested in cutting back the costs of government in Victoria is to look at how he is running the prison system; he may save a substantial amount of money. It has come to the point where one could pay a criminal $40 000 to stay out of prison and save the government $16 000.

As a person who has had the experience of having a look at the prison system I am not opposed to providing reasonable accommodation for prisoners. It is most important, if we hope to rehabilitate them, but I think it has gone overboard. Because the new prisons the government has provided are of the expensive, totally air-conditioned type it will be difficult to cut costs.

The opposition supports the proposed legislation. Some honourable members — I like to think I am one of them — are concerned about children being allowed to reside in prisons. There are some examples of mothers with young children, but it is not really the atmosphere in which I would like to see children raised. I express my concern in that regard and hope that after the Bill is passed the Minister will look closely at that issue to ensure it is properly administered.

The opposition supports the introduction of urine tests for drug use and the power to conduct random searches, which are obviously good ideas. The opposition is not trying to be negative and oppose the Bill per se. For a change we do not want the government just to pass legislation that makes it look good and then do nothing about it.

One thing of great concern to many honourable members is the use of the telephone system in prisons. At the moment prisoners appear to have free access to telephones. That is well and good if they are used properly, but when there are instances of prisoners ringing up former victims and threatening people — —

**Mr Sandon** — Give me one example of where that has happened.

**Mr LEIGH** — How do you know — —

**The SPEAKER** — Order! I advise the Minister that his interjections are disorderly. I ask the honourable member for Malvern to ignore interjections.

**Mr LEIGH** — Mr Speaker, I hope you will provide the Minister with some Valium so that he can calm himself. The prison system does not even monitor the phone calls these people are making.

**Mr Sandon** — Rubbish!

**Mr LEIGH** — It does not, and you know it. How can one monitor it when calls are made on a pay phone and prisoners can just ring out? You know that as well as I do. You can talk as much as you like about it, but you do not know — —

**The SPEAKER** — Order! The honourable member should address his remarks to the Chair.

**Mr LEIGH** — The opposition wants the government to police the prison system properly, and telephones are only one aspect. Numbers of opposition members have had correspondence from prisoners about issues in the past, and one or two have received phone calls. If prisoners can ring up members of the opposition they can certainly ring up their victims, or perhaps organise escapes — I do not know!

Those things are going on in the prison system, and the government's view of civil liberties is that one must not infringe the rights of a prisoner. In my view a person who commits a crime and goes to prison has lost many of the rights and privileges enjoyed by the rest of society. That is part of the reason prisoners are in prison.

For heaven's sake, we have a government that believes in holiday camps and some sort of retraining program. As I said about the Loddon prison, prisoners are actually involved in fixing the sewerage system — they are teaching them how to be tunnellers! That is how ludicrous it has become; presumably it will get to apprentice safe cracking schemes. The government has adopted the wrong philosophical approach in dealing with prisoners and crime.

For a change the opposition wants to see the victim looked after first and the prisoner looked after second. After all, the person who has done nothing other than to be in the wrong place at the wrong time is the one who consistently suffers. There are many people in the community at the moment — as Howard Brattan of the Victims of Crime Assistance League will tell you — who feel it is not the crime that is the problem but what happens afterwards, because the government does not care. If the government is really interested in the civil rights of people in the community it must have a higher regard for victims.

To illustrate the type of prison management that is going on I refer to our visit to the Barwon prison. Cells in that prison have toilet bowls worth $1400 each. The honourable member for Glen Waverley was with me when they admitted that in the "Barwon Hilton" they have toilet bowls that are worth $1400. It is a joke!

We said to the governor, "What in heaven is going on — you have all these glass shower screens in the prison cells; won't they get broken?" He said, "Of course they are going to get broken, but I am not in control of developing this prison. I have kept an amount of money aside to replace all the glass with plastic once they have broken them." That is how silly the whole thing is.

The Minister dares to pick on members of the opposition. He says I do not know what I am talking about when he and the director-general of his department do not know what is going on in the prison system. In case he doubts that what I am saying is correct, I point out that the honourable member for Glen Waverley was present when the prison governor was telling me about it.

**Mr Sandon** interjected.

**Mr LEIGH** — You are in control of your department and you do not know about the $1400 toilets! It was on the front page of most of the Melbourne newspapers. The Minister asks for evidence: on the day the Premier opened the "Barwon Hilton" I released to the media the documentation that showed that and the media took up the slogan of the "Barwon Hilton" from the opposition. What did the Minister do about it? The same things that were practised when the prison was open are still practised now! He says, "Give me some evidence!" For heaven's sake, Minister, you do not even read a newspaper.

**The SPEAKER** — Order! The honourable member should address the Chair.

**Mr LEIGH** — Although the material was made publicly available and was obtained under the Freedom of Information Act from the Minister's own department, he says, "Give me some evidence"! We pay this Minister of the Crown a large sum of money to administer a department yet the opposition has to dig under the Freedom of Information Act to give him material he should have been reading in any case. He says it is our fault. You have been in government for eight years, Minister — —

**Mr Sandon** interjected.

**The SPEAKER** — Order! I again remind the honourable member that he must address the Chair. The honourable member is not at liberty to address other members directly.

**Mr LEIGH** — I was speaking through you, Sir.

**The SPEAKER** — Order! The honourable member seems not to understand that he must address his remarks to the Chair, not through the Chair.

**Mr LEIGH** — I was addressing them to the Chair; it was the Minister who was saying, "Give me some evidence!" The evidence is available. If he would like a copy I will provide him with his own department's information; I will fax it to his office!

I would like to know why the government of Victoria needs to put $1400 toilet bowls in prison cells; it is a lot of money! The Hilton and Hyatt Regency hotels probably do not have such expensive fittings, but the Minister thinks it is a good idea and then wants the

opposition to give him the evidence. We gave you the evidence — it came from your department!

**Mr Sandon** — Years ago.

**Mr LEIGH** — Last year.

**Mr Sandon** — You are not up with it.

**Mr LEIGH** — No wonder they call the Minister the Mogadon Man. With respect, it is quite clear the Minister is frustrated because he does not have the capacity to cope with his job. The opposition understands he is in the second eleven.

**The SPEAKER** — Order! I suggest the honourable member address his remarks to the Bill; the Bill is not an opportunity for a personal attack on any other member.

**Mr LEIGH** — With respect, the Minister says I should fight him with the evidence, which has come from his own department, and he consistently interjects. I am, through you, Mr Speaker, trying to address the problems.

The prison system in this State is in chaos. The Minister knows it, the opposition knows it, the press knows it and everyone else knows it. Even the government backbenchers, who are a fairly bland lot these days, and government backbench committees know it. Hopefully they are out there trying to sort out the mess; at least I should like to think they were.

If the Minister for Corrections is to survive as a Minister in the dying days of this administration he must address the problems in the prison system. Opposition members are enthusiastic supporters of the legislation and are happy to support most of what the government is doing but we want to see action, not pieces of paper. We are not seeing action.

I will fax the Minister's office with the documentation from his department so that he can read it. He ought to be dealing on a better basis with the director-general, who supposedly runs the prison system. The opposition is not advocating that we revert to the days of prisoners crushing bluestone blocks, but many people these days spend a lot of money on physical exercise so surely we could provide that opportunity free for prisoners. It would not be a bad idea for them to get rid of their frustration in that way.

The opposition wants the prisons mess to be sorted out. It wants the in-house video network at Loddon to be removed. The swimming pools at the "Barwon Hilton" are supposed to be used for fire prevention, and if that is the case it is fine, but I find it difficult to believe that tennis courts are used for the same purpose. If the State could afford such facilities it would be fine but the fact is that many people in this State live in poverty through no fault of their own, and many of those people are victims of crime.

The government looks after prisoners first. It is a government of the same political party that made the pledge "No child will live in poverty in 1990". The government is not addressing the fundamentals of the prison system or setting proper priorities in the administration of the State.

In the coming days I hope the Minister will take a closer look at the operations of the "Barwon Hilton" and the Loddon "Regency" Prison to ensure that they are operating efficiently and at the cheapest possible rate because there is a considerable difference between the $50 000 a year spent on each prisoner at Loddon and the $31 000 to $32 000 spent on each prisoner in Pentridge Prison.

As I said at the beginning of my contribution, Pentridge Prison is a horrible place. Prisoners must be looked after in the best way possible but it is with regret that I note that the government does not accord the rest of society the same priorities it gives to prisoners. It is fine to look after prisoners well but the issue also relates to your government's social justice policy.

**The SPEAKER** — Order! I remind the honourable member that he must address his remarks to the Chair, rather than having a personal conversation with another member of the House.

**Mr LEIGH** — The government must come back to the fundamentals. It has failed in running the prison system. Its philosophy of social justice for all has let it down. The documentation released by the Minister's own department refers to social justice for prisoners and so forth. That is fine, but what about social justice for everyone else in the community?

The opposition supports much of what is contained in the Bill but I would like to be able to make a freedom of information request of the Minister's department that does not reveal information such as that I received on the "Barwon Hilton" where $1400 was spent on a toilet bowl in one cell of the prison. That sort of nonsense must stop.

Unfortunately, from all the indications I have seen, I do not believe the government is capable of stopping it because it does not know how to manage the State. The Minister for Corrections has clearly demonstrated that he does not understand his portfolio and does not understand what is going on in his own department. He can shout abuse in this Chamber as much as he likes but the fact remains that he has mucked it up and the government has mucked it up. I wish the Bill a speedy passage but I should like to see evidence of action rather than this legislation.

**Mr I. W. SMITH** (Polwarth) — I thank you, Mr Speaker, for the opportunity of making remarks on the Corrections (Prison Management and Prisoners) Bill. I have had some experience in this area, having established the former Social Welfare Department in 1970. For three years prisons were under my administration.

The government has made a fundamental mistake in placing the administration of prisons under the Ministry for Police and Emergency Services because, philosophically, the approach of a detection-oriented Ministry towards a correction and rehabilitation problem does not serve the community as well as the requirement that I should like to see implemented; that is, to place the corrections and prisons system under the department of community services, where I think it is more appropriately placed, not just for the individuals whose liberties are temporarily removed but more particularly for the connections of those individuals because most people who go to prison leave

behind dependent spouses and children, and other close relatives, who lose the breadwinner and find themselves in a greater state of deprivation than the prisoner, who leads a more orderly and structured life and who has the fundamentals provided for him. I say "him" because female prisoners are in the minority these days. I do not see the need for many of the female prisoners to be in prison. A reform process could be introduced to do away with the need for females to be placed in prisons.

In considering this legislation we must face the reality that the current government, in its dying months, has retained the administration of prisons within the responsibilities of the Minister for Police and Emergency Services. The age-old argument of whether the environment or genetics, or both, induce criminality will wage on unabated forever. From the experience I have had I believe that genetics probably plays the dominant role in antisocial behaviour leading to incarceration. Nevertheless, I concede that environment certainly plays a significant role. In altering the environment for those in prison the government has done some commendable things. There is no doubt that all governments in this country have neglected the physical facilities provided for prisoners simply because of a shortage of funds and because a low priority has been given to improving prisons because there are few votes in doing things within and for the prison system.

Some of my colleagues have appropriately focused on the greater need of the victim, and although our society has provided some facilities for victims of crime, they are still not sufficient. In fact I have acted on behalf of some of my constituents who have required assistance from the Crimes Compensation Tribunal. One could be forgiven for thinking the priorities of assistance were far more with prisoners than with the victims of crime. I appeal to the government to reallocate its priorities slightly so that victims of crime are given more assistance.

I have long held the belief that there is a great need in the prison service for a routine training job discipline program. Most people are in prison because they lack self-discipline; they lack routine training or skill training. Most prisoners have intellects below the community average. They tend, by and large, to drift to crime because they see it as a practical and easy alternative to holding down a job and behaving in a normal structured socially acceptable way, as most of us do in the community. The kindest thing any government could do for any prisoner would be to change his lifestyle and attitude by producing an environment within the prison system which was conducive to the prisoner becoming more self-reliant and more self-disciplined and, in particular, establishing a work routine.

No prison system anywhere in the world has properly come to grips with the need to cater for a full work week for each prisoner. It would be an expensive program, because when prison shifts are organised invariably the work shift for prisoners would be approximately 2 hours less than the actual shift of the prison officers simply because of lockup, ablution time, regimental time and moving off to the workplace time. Unless the shift times of prison officers are extended to cater for a normal work week for prisoners to perform they will work only a shortened week. That is the reverse of what should

occur. If anything prisoners ought to be given the opportunity of working their way out of prison by productive effort.

Traditionally the trade union movement and employers have spurned their public responsibility to provide government with plans and capacity to utilise prison labour appropriately. No matter what the rhetoric is from the trade union movement and employer organisations, their responsibilities will, by and large, be neglected in the future.

I believe only one practical solution is possible, and it is timely that it is suggested now because it is not news to honourable members that settlement in this country - a particularly fragile environment - has led to significant land degradation and an increased need for reafforestation. Most honourable members would be aware that Australia imports $2 billion worth of paper and timber products which could be grown here if we had the foresight to have organised it some time ago.It is not too late to start. The growth in imported paper and timber products grows worse by a factor of twice the rate of inflation each year.

That problem offers the Minister for Corrections a wonderful opportunity to cope with the overcrowding in police cells and to have prisoners on remand given a work option. I understand that because remand prisoners have not been convicted they are not compelled to do a whole range of things that the convicted prisoner is compelled to do. I believe it is perfectly acceptable for a remand prisoner to be offered the option of working in work camps. I see nothing wrong with the principle, particularly if there are early retirees from the armed services who want to operate a prison camp in areas where land degradation is a problem or reafforestation is a need. These former military personnel could be offered a commercial arrangement and together with experienced forestry people could assist prisoners with this program. I know in my own area people in the timber industry would cooperate and provide the raw materials such as tools and seedlings, plus supervision, in return for logging rights down the track.

A proper working week could be undertaken by prisoners in this type of prison camp environment that would have many benefits. It would create a job discipline, a routine and a sense of satisfaction in the majority of prisoners who took part in the program. It would have the environmental benefit of doing some of the things the government says it is going to do but never gets around to doing, particularly with land degradation. Whatever happened to the former Soil Conservation Authority and the good work it did? It has been absorbed into the Department of Conservation and Environment, and the much heralded and practical work done by that authority is now driven past by the plethora of officers in four-wheel drive vehicles who would not lower themselves to do practical work and, in fact, have no one supervising that work.

The important benefit of this type of scheme is that it would be relatively cheap to administer. It would produce a new ethos within the prison system, and the reward for those who took part in it would be in job discipline, self-satisfaction and performing a nationally advantageous task. It would reduce overcrowding in prisons and police cells and would be heralded as a significant initiative.

It would not be necessary for this to operate from a Hilton-type base. These establishments could be operated in the same way as prisoner-of-war camps were operated. The prisoner would have his own tent and be responsible for looking after himself. Some prisoners would be dedicated to self-sufficiency of the establishment and would be required to supervise vegetable gardens, run livestock and so on. I see nothing wrong with that principle.

**Mr E. R. Smith** — Is it voluntary?

**Mr I. W. SMITH** — In answer to the interjection I think it should be pushed on to those prisoners who lack self-discipline and who desperately need to go out into their seemingly rehabilitated release with some sort of work ethic or self-discipline.

I have been concerned to learn of the deterioration of self-sufficiency within the present system. I do not pretend that in the time I was responsible for the system it was anything like ideal, far from it, but every prison had its own vegetable garden and the prisoners were detailed to maintain that garden which contributed markedly to the food supply within that prison and also to the health and well-being of the prisoners taking part in that activity and having the benefit of fresh fruit in some prisons like Dhurringile Prison and vegetables in all the remaining prisons.

There has also been a lessening of the tendency for the remote prisons to have work camps going out into the community to perform community tasks. I see no reason why, under supervision, selected employers could not employ prisoners on specific tasks.

Much more job training is needed so that when a prisoner leaves the prison he does not leave with the bias that he now has or with the bitter, twisted memories of his experiences and the injustices that he perceives have been done to him. Generally speaking he has little remorse and no concept of the damage he has done to his victim or victims. He should rather be able to look back on his experience in prison with some pride in that he has achieved something; if he has not restored degraded land, he has planted trees or has gained a skill in one of the crafts of carpentry, cloth making, plumbing or whatever. Too little emphasis is placed on that.

I understand, for example, that whereas the former Geelong Prison used to make all the clothing for the prison system and much of the clothing for use by the Social Welfare Department in the 1970s, it does not now have that cloth-making facility. That is a labour-intensive activity and it provided people with relief from the boredom of prison life and gave them the self-satisfaction of achieving something towards their own self-sufficiency.

Although it is expensive to initiate, I believe enormous scope remains and will remain for some time to come for cooperation with industry so that work parties can be sent out from prisons under supervision and the prisoners can over a period effectively begin to pay off not only the cost of the dependants left behind — for inevitably that falls mainly on the government at one level or another — but also, where appropriate, the cost of the crimes.

Until we have a system that has more commercial realities I believe we will neither properly provide the deterrent the prison system should provide nor will we have the proper rehabilitative factors that should apply. Nevertheless with all the shortcomings I have mentioned the Bill does take a small step towards giving those empowered with running prisons a few more tools to use.

In conclusion I say to the Minister, as no doubt he would be aware, there is a lot of discussion in the community about the system of remissions. Courts should set minimum sentences which absolutely must be served and perhaps maximum sentences which can be served for uncooperative and recalcitrant prisoners. It is within those two terms, minimum and maximum, that the authorities operating the prison system from day to day must have the latitude to provide, on the one hand, incentives for cooperation and good behaviour and, on the other hand, disincentives and punishment for those who do not comply.

I hope with these few remarks someone will take some notice and the prison system will take on a slight improvement as a result.

**Mr J. F. McGRATH** (Warrnambool) — I welcome the opportunity of joining the debate to make a few comments about some of my concerns and those of members of my constituency and Victoria generally about the conduct of prisons and the product of prisons.

In the debate on prisons we sometimes fail to emphasise the fundamental reasoning behind the establishment of prisons which is, in a correctional sense, to provide people with the opportunity of taking the direction needed in their lives to allow them back into the community to take their place as law-abiding citizens.

People are in prison for a variety of reasons. I listened with interest to the valuable, detailed and concise contribution by the honourable member for Polwarth about prisons and why people end up in prison and whether it is genetic, circumstantial or social. He introduced an interesting concept into the argument irrespective of the reasons why we should be asking ourselves whether the prison system is providing the product we expect of it.

By the product I mean the people being put through the system and being turned out to the public. Grave concern has been expressed that over time the system has not addressed the basic question of why the overwhelming majority of prisoners in our system are recidivists and why they seem to enjoy the environment of the prison system. Is it because we have failed in our attempts to rehabilitate them along the lines of the civil libertarian view that has certainly directed prison activities in this State for the past decade or is it because of the lavish surroundings of some of the prisons? I emphasise "some" because I have visited some of the prison systems and many are badly in need of upgrading. However, some have lavish facilities available, considering they provide accommodation for people who have perpetrated crimes on the community and have failed to comply with the statutes set by this House over time.

We must question where our prison system is going. It is clear that the incentive program offered through the system over time has failed and our direct shift away from a disciplinary or punishment mode has been largely responsible. We have given the system of incentives through rehabilitation, early release and so on, sufficient time to work if it were capable of working. It is obviously not working and I guess the Bill is a single step on a long journey towards correcting the anomalies of the system.

We ought to take drug testing of prisoners a step further and test for AIDS as well, to protect not only AIDS sufferers but their fellow prisoners and the warders who can sometimes find themselves in frightening and horrific circumstances. It is absolutely vital for these people to know who they are dealing with and what sort of problems are being brought into the prisons so they can assist with counselling.

I listened with interest to the honourable member for Polwarth as he was detailing some of the previous activities of the prison system. I had the privilege of visiting the Cooriemungle Prison Farm as a community visitor when it was in operation and I saw the tremendous work that was carried out by prisoners who had already demonstrated a willingness to do something positive about restructuring their lifestyles. The prison farm was based on what the honourable member for Polwarth was talking about: self reliance and primary production, both with stock and crops.

The produce was sold in the area as well as used to stock the prison with the requirements of one of the fundamental processes of a prison system, which is nutrition. We should ensure that we not only give people the opportunity to learn about modes of behaviour but nutritional value and the things they can do for themselves and their bodies to further enhance a feeling of self-worth as they prepare to return to the community and to take up the challenge of overcoming the stigma of prison.

Apart from the practical rehabilitative value of market gardening and mini-farming, we have a responsibility to provide the fundamental lessons about nutrition. I believe that for too long we have taken the soft option. We have granted early releases, good behaviour bonds and community-based orders and yet recidivism is higher today than it ever was.

More horrific crimes are being committed than were committed ten years ago. This is a changing society but if that is so, we need to change to accommodate the demands of the time. Today those demands are far higher and more challenging and more serious than they were ten years ago.

I welcome the opportunity today to say a few words on the proposed legislation but I do it with an appeal to the Minister and the government to address the fundamental issues that have failed our prisons in Victoria. We have to put in place a system that provides a disincentive for people to return to prison. By and large there is no disincentive; there is no punishment as such and we have to think about the fundamentals of behaviour that people of my generation learned as children. If one did not comply with the rules of the day appropriate discipline was taken. It might be that one could not go to see a favourite football team on Saturday or one got a smack on the bum or maybe one did not get

dinner in the evening, but there was a disincentive to continuing the offending behaviour.

That does not work in the prison system. It is not there and it needs to be. The Minister shakes his head. If he goes through the statistics of his department he will see that there is no disincentive for people to stop reoffending because they feel safe and comfortable in prison. Unfortunately, it is a type of university for them. We have led them into it and now we have the very difficult task of leading them out, offering something different and giving them an opportunity to go back to the work force and become citizens again.

Prisons should provide a product the community can be proud of and able to work with and befriend. That is important. It is important that that exists in varying degrees. The current system does not do that. It is a stupid system. We punish the innocent and let the guilty walk free after they have served only part of their sentence.

There can be no greater demonstration of the injustice of our judicial system than that perpetrated on a constituent of mine in relation to a murder trial. Above anything else, that example should surely throw doubt on where the judicial system is going. It can destroy an innocent man — and he has been declared innocent by a court — and take two years of his life, lock him away for seven months and have him humiliated by being handcuffed in and out of court, and yet people reoffend because we have failed to take the tough options.

The reality is there is no equity in the system. The community must be protected but we also have a responsibility to the people who offend to ensure they get the maximum opportunity for redevelopment, not for the continuation of their living skills, so they can change. If we do not change them they will do in the future what they did in the past and, that is, reoffend.

The system has failed us greatly. I welcome this very small step forward and I call on the Minister to think seriously about his Ministerial responsibility in relation to the security of the citizens of Victoria, whether one lives in metropolitan Melbourne or rural Victoria. Perhaps these people are in circumstances not of their own making. Perhaps law-breaking is part of their genetics. The community ought to be attempting to help them redirect themselves and it is not. I hope this Bill is just the start of many amendments that will reshape the prison system in Victoria, make people safe in their own homes again and give the products of our prisons an opportunity to reinstate themselves in public life.

**Mr LIEBERMAN** (Benambra) — I support the Bill because it contains many valuable elements, and I welcome the opportunity of drawing attention to some of the problems I have observed over the years within the prison system and society generally.

I state categorically that I do not believe in a genetic link that will inevitably lead a person to a life of crime. Overwhelming evidence indicates that most people who have offended have done so because of problems with drugs and alcohol. Too many crimes are committed because of drug and alcohol-related problems.

I remember visiting Fairlea Prison not long ago as part of a Parliamentary committee inquiry. It became apparent as I spoke with some of the female inmates that the majority were there because they had been involved in drug-related crime. I was also disturbed and startled to glean that many of them were continuing their drug habits in gaol. They were still dependent on drugs and it was clear they were getting drugs in the prison.

I welcome the fact that the Bill empowers governors to carry out the necessary tests. I know some civil libertarians have problems with that, but what is happening in the prison system must be balanced. If prisoners are to be subjected to the activities of the monsters who traffic drugs even while they are in prisons, something must be done.

Prisoners must be helped to overcome dependencies, and that is a major problem. Not all drug rehabilitation programs work for everyone; it is a matter of finding the right one for the individual.

**Mr Maclellan** — They work better than not having any program at all.

**Mr LIEBERMAN** — That is right; those who do not receive the full benefit of a program at least get some benefit. The lack of programs being offered is a worry, and that has been alluded to by members of the opposition for the past two or three years. Due to the government's Budget strategy and problems of mismanagement of the economy, alarmingly, the programs are being cut back. Cutbacks are occurring in the very areas that need to be maintained and expanded.

Society has been very slow to give governors of prisons legal power to have tests carried out to determine the extent of drug taking in prisons. I echo the comments of the honourable member for Warrnambool in relation to testing for the AIDS virus. It is a problem to subject a person to testing when that person does not want to be involved. However, one must be realistic. Prisoners, officers of the prison system, doctors and medicos try to provide good quality protective and custodial care, and that cannot be done unless they know what they are dealing with and are able to use the full resources of science and technology to deal with problems.

If a prisoner has the AIDS virus and is likely to infect others, that fact must be known and must be addressed. I have no problems in supporting the notion that governors of prisons, subject to proper controls, should be able to authorise AIDS tests to be carried out.

I shall refer to the genetic links between criminal and custodial positions. I do not subscribe to the view about genetic links. However, I strongly subscribe to the view that many of the people involved in criminal activities could be stopped if given the right attention at the right time. If they were counselled they could be steered away from lives of crime.

I have a lot of experience in that regard, and I shall briefly refer to a person in Wodonga for whom I have much respect. He is a retired detective, Max Gray, who served in Wodonga for many years and decided to retire there.

Some years ago I had the privilege of being invited to his farewell testimonial dinner held at the Wodonga Civic Centre. The centre accommodates some 500 to 600 people and the place was packed with people who came to pay tribute to a good policeman and to what he had done in the community and for them.

I spoke to some of the people there and it was interesting to learn that many of them had some years ago been involved in questionable criminal activities. Some of them told me stories of how Max Gray had taken an interest in them and given them the right amount of discipline -- it may have been frowned upon in some areas. Max Gray communicated with those people in their younger years and he showed them a different way of life. By counselling them and taking an interest in them Max Gray managed to turn them away from the path leading to a life of crime.

I have reflected on the work of Max Gray, and I believe an opportunity exists to use the resources of Victoria's senior citizens, such as Max Gray. Retired police officers and others could be enlisted to provide counselling services on a voluntary basis to people having difficulty coping with life, particularly young people.

If 1000 Max Grays were walking around helping out, every day they would prevent some people from becoming involved in crime. I suggest the Minister discuss with the Chief Commissioner of Police and others the possibility of enlisting the help of retired senior police who have special qualities for counselling young people. A section of the community will respond to that sort of advice and counselling. I acknowledge that not everyone will, but some certainly will. Some people have never been disciplined at home, either because their families did not know how or because they did not have families.

More attention should be given to family support. Much of the reason young people become involved in crime and drugs is because of the breakdown of their families for various reasons, including poverty, stress, lack of education and opportunities, and the loss of self-fulfilment.

I belong to one of those schools that believe the more one puts into helping a family cope with some of these problems the better the outcome for everybody; for the individual, for the family and for the nation and society generally. I should like to see more attention given to that by everyone because the benefits are there for us all to reap.The net effect would be a need for fewer correctional services, not more. There will always be a need for some, but in the medium and long term it would be less.

I also believe very strongly that education can be one of the most effective weapons in preventing crime and moulding people's development away from the path of crime. The education curriculum should be re-examined to include lifestyle knowledge and awareness to help people understand that there are means and systems in communities to help those in distress overcome difficulties and problems.

Young Australians should understand that with a good education they have the world at their feet, the world is their oyster and they can see beyond poverty. Unfortunately, many children in Australia know only about violence and problems at home and not

much else, so when they go to school — sure, it is a break from that routine — there is not much inspiration there, either.

There needs to be a review of the curriculum to include teaching about opportunities and encouraging people to achieve fulfilment and climb out of the hole they think they have been put into and believe they will not get out of. I spoke with some people at the Killara House Drug and Rehabilitation Centre near Albury-Wodonga last year. One man had been there for three months. It has quite a successful drug rehabilitation program; it is vigorous and not everyone can sustain it, but this man told me he had been a heroin addict and involved in crime.

He was sent by a judge in the South Australian courts to this program as an alternative to gaol. In talking with this man I discovered he was aged about 35, came from a wealthy family and had been quite a successful young business person but had got into drugs and crime. It was obvious to me that he would never have profited or benefited at all if he had been sent to gaol. I was glad that the judge had had the wisdom and insight to send this man to Killara because his progress was excellent and he believed he was going to make it out of his drug addiction and dependency and life of crime.

For the first time in many years he was looking at rebuilding his life and had been encouraged to look inside himself, at his talent — which he undoubtedly had — and to rekindle the interest he previously had in achieving fulfilment by getting on with work, business and life. I do not believe that person would have found that awareness in a prison environment.

There are many alternatives to prison. The number of people in prison today who are there because of drug addiction and drug-related crimes is a graphic illustration of where the crime problem lies at the moment. Frankly, that is the area that needs more work.

I draw to the attention of the Minister for Corrections an experience I had in my electorate dealing with a prisoner who had been released to attend his father, who was ill. This prisoner has been involved in some hideous crimes and has been referred to as Mr Stinky. There was quite a lot of alarm in the community when this person was released to visit his father, who was said to be dying.

The release of this prisoner was done efficiently and effectively. He was escorted by three warders with proper restraining mechanisms. There was no question about that. The area where the release was unsuccessful — and I ask the Minister to take this up with the authorities — was in connection with inadequate preparation. For example, it was alleged that the police in north-eastern Victoria had not been briefed about the prisoner's appearance in that area to visit his father. That caused alarm to the police and to the citizens generally.

How could it be that a prisoner like this, who has been associated with such violent crimes, could be in that community? It was disturbing to many people. If the police had been adequately briefed that concern could have been headed off.

The second thing I learned from it was that there were families of some of the prisoner's victims in north-eastern Victoria and the first they heard about this person being released was in the media. There was a lot of media portrayal of his visit and recollections of his hideous and sadistic crime record. It was traumatic for those family members to read about it and see it on television and hear about it on radio.

These sorts of visits, whilst in many cases justified on humanitarian grounds, should only occur if the families of victims who are likely to be in the vicinity of the prisoner are counselled and told about it. They should be told about the three warders, the handcuffs and the precautions that have been taken so that they are not concerned about their safety. Obviously they would still be distressed because one can understand that a victim or a family of a victim would not easily shake off the anger, fear, disgust and horror associated with the offender being back in their environment, particularly a person of this reputation.

I know that the Minister will canvass the matter with the Director-General of Corrections to ensure that mechanisms are looked at. If that is done that sort of practice will gain more acceptance where it is required, in the community.

I wish the Minister well with the introduction of these provisions, but I do record my strong appeal once again to the government to pay more attention to the preventative side and to put more effort into that and to use volunteers and the resources in the community more. They are there to be used and it is more effective for the community.

My final plea arises from my experience when I was practising and appearing in the Coroners Court. It concerns a former prisoner who had died three or four days after release from Pentridge. The man was intellectually disabled and had been sent to prison by a magistrate in desperation; the person had been offending by committing burglaries and other non-violent crimes. He was not in control and was not coping with society and life.

The magistrate sent him to Pentridge prior to the Christmas period. He did that because he had nowhere else to send this person for both his own and the community's safety. The intellectually disabled person with physical disabilities and illnesses finished up in gaol over Christmas-New Year and was ill in gaol. He was treated by doctors in gaol and then discharged in the New Year with no home to go to, and no friends or family or support systems to help him. The illness he had became worse and he died on the floor in a St Vincent de Paul Society home in Albury.

The coroner's inquest established that death was caused by chronic illnesses that worsened over the last three weeks of that person's life. It highlighted to me the inadequacies of our system because we put people into prisons who are not criminals and there is no adequate help for them.

Brain damaged and intellectually disabled people should not be allowed to commit crimes. I agree there should be a half-way house for them so that they are kept safe and so that the community is protected as well. I should like that to be one of the major items on the agenda for this government and for all future governments in Australia.

**Mr SANDON** (Minister for Corrections) — I thank honourable members for their contributions to the debate. I welcome the support for the Bill given by the opposition.

Accusations were made that things are out of control in the Office of Corrections. That is absolutely untrue. When one contrasts the operation of the Office of Corrections in this State with the similar office in New South Wales the proof is in the pudding because of our effectiveness and efficiency compared with other jurisdictions. We are clearly far in front of comparable offices in other States.

I have not met a better collection of senior managers than those in the Office of Corrections both in the custodial area and in the community-based area. They are dedicated men and women who do an outstanding job and I compliment them for it.

The Leader of the National Party made a number of points. His contribution was particularly worthwhile. He mentioned his concern about children in prisons. I am happy to offer him a briefing on that matter. He raised the issue of prisoners making telephone calls. We have had no evidence about a problem with prisoners abusing the privilege of telephone calls. It is not a right as has been suggested by speaker after speaker. It is a privilege and therefore it should be understood that because it is a privilege that privilege is taken away from time to time.If any honourable member has evidence that he or she wishes to put before me I shall be more than happy to ensure that something is done about it.

Currently we are moving towards the use of Phonecard in correctional institutions. A Phonecard will be provided with only the numbers a prisoner is able to ring listed on the card. Those numbers will be vetted. A Phonecard has been introduced in the institution in Geelong and with it prisoners will be able to make telephone calls only to those numbers recorded.

Honourable members have also raised prisoners' work, one of my highest priorities when I became Minister. I was surprised by how few prisoners were working and I indicated to the department that I expected the numbers of prisoners working to be doubled within twelve months. The department is on track. I offer to the opposition an opportunity for a detailed expose of prisoners' work and I urge it to take up that opportunity.

Each year in this State thousands of prisoners are doing community work and major environmental work. Each major prison has minimum security prisoners working out on private and public land. I believe prisoners should be repaying a debt to society and that they should not be in prison for punishment. By undertaking work they can repay their debt in a meaningful way. The programs and operations currently in place deserve applause. They indicate the extent and depth of prison officer and public servant commitment to ensuring that that happens.

The Abbott report was mentioned by the Leader of the National Party who suggested the report should be taken up. Only one recommendation of that report has not been implemented, and that recommendation requires legislation. The report recommended

that urine sampling be done by regulation but that must be legislated for. The proof is in the pudding in terms of the extent of that implementation.

The only area that has not been taken up relates to the taking of urine samples of public servants and we did not believe it was appropriate for that to occur at head office. All other areas have been dealt with. I am more than happy to take the opposition through a detailed briefing about the Abbott report recommendations and the way they have been carried through.

It is interesting that the opposition shares the government's commitment to prisoner employment. It is not true to say there is overcrowding because the musters show that, although there is a capacity for 2400 prisoners, the current figure is only 1977. When they look at the extent to which prisoners are involved as billets or in service industries and the Victorian prison industries, of which there are 26, with 1738 prisoners involved, honourable members will appreciate that more than 80 per cent of prisoners are involved in the day-to-day activities of servicing the prison.

I do not say that is good enough; it is not. I intend to go further but I assure honourable members that prisoners are not sitting on their bums! We have introduced programs and measures to ensure that they are doing something more meaningful than being condemned to daytime television.

An extensive range of programs has been introduced and I indicate to the opposition that if it wishes to have a briefing — because time does not allow me to deal with these matters now — I will arrange it.

The honourable member for Glen Waverley raised matters yesterday that I found disturbing. If he has material or evidence of the accusations he has made he should place them before me. I am opposed to him using this Chamber to make accusations and I ask him to at least pay me the courtesy of providing me with any evidence he has. I spent all day in the Chamber yesterday and at no stage did the honourable member approach me to offer material or evidence about the accusations he made.

The honourable member for Glen Waverley spoke about morale, a problem made worse by people making assumptions and allegations about what is happening in prisons. If honourable members have material or evidence it should be put before me so that I am able to respond. Unsubstantiated allegations should not be made about what happens because that causes morale problems.

I ask that in future the honourable member for Glen Waverley puts any evidence he has before me about any aspects of the prison system. He suggested there was a riot and that a number of people were involved. Those matters were denied when I had them checked this morning. I hope the honourable member will do me the courtesy of providing me with any evidence he has.

The honourable member for Berwick referred effectively to the director-general locking up people and throwing away the key. I believe that is a fair assumption of what he said. That is not the intention. The Bill clarifies the custody of prisoners when they must move

from one department to another such as from the Office of Corrections to the jurisdiction of Health Department Victoria or from the Office of Corrections to Community Services Victoria. All that is intended is a tidying up when a person is moved from one department to another when that person is in custody. I believe the department should be responsible and not the director-general. That is the intent. I commend the Bill to the House.

**Sitting suspended 1.00 pm to 2.3 pm.**

Mr SANDON — I will now respond to the aspects of the Bill referred to by the Leader of the National Party relating to permits for leave of absence.

The House would be aware that the Bill provides for a custodial community permit, and the Leader of the National Party sought an overview of that provision. The leave of absence permit is overseen by a committee of senior public servants, and that committee is monitored by an external committee chaired by a former member of this House and a former Minister, Mr Walter Jona.

If any honourable member has a concern about the operation of the leave of absence permit I should be more than happy to arrange a briefing for him or her, or indeed to offer that person an invitation to look first-hand at the work of the committee.

From a personal point of view it has been most valuable having an external body involved in this particular aspect because the leave of absence permit issue is a contentious one, and one about which concern has been expressed.

The composition of the committee is a good mixture comprising representatives of the Police Force and also Mr Howard Brattan, who is the President of the Victims of Crime Assistance League. The committee is to be commended for the work it has done in assisting me. I am pleased that the Office of Corrections has independent people available to provide assistance on these matters.

In addition, the community visitor scheme provides us with independent advice, and I record my thanks to the people involved in that scheme for the work they have done.

The government has embarked on a whole range of programs within the prison system, trying to get more prisoners out to work, and as I have indicated each week thousands of offenders are involved in environmental work and community work, which is most beneficial both in them repaying their debt to society and acquiring new skills.

Rehabilitation has been mentioned in the debate. Although rehabilitation is a laudable aim it is not something we can force upon prisoners. Nevertheless it is offered to them through the innovative work programs.

In the near future I look forward to making an announcement of a joint venture with a private company at the Ararat Prison where prisoners will be supervised by the private firm. That is a new and innovative step and I have made a commitment to that program.

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 the members of the House present, I ask the Clerk to ring the bells.

**Bells rung.**

**Required number of members having assembled in the Chamber:**

**Motion agreed to by absolute majority.**

**Read second time.**

**Committed.**

*Committee*

**Clause 1**

**Mr E. R. SMITH** (Glen Waverley) — A main purpose of this Bill is to introduce a number of reforms, which the opposition has supported. As we said earlier in the second-reading debate, we do not think the Bill goes far enough.

However, one point that has not been raised is the remedy for dealing with prisoners who escape from custody. A system is presently being tried in New South Wales whereby prisoners who escape from custody, particularly from minimum security prisons, are never again permitted to be returned to a minimum security prison.

The opposition believes this sort of measure could be implemented in Victoria. I am not sure whether we should go to the same extent as New South Wales and prevent the prisoner from ever again being placed into minimum security — that will need some research — but I believe a measure that is so draconian in its application to prisons would surely make prisoners take heed before trying to escape particularly from minimum security prisons.

What occurs is that a young prisoner, for example, escapes from one of the country prisons; he is caught and returned to a gaol like Pentridge. Under the current system it is not unusual for recalcitrant prisoners to again become involved in crime when they get out. However, the rule in New South Wales is that they will never be allowed back into a minimum security prison.

Honourable members should consider the implementation of such a system in Victoria and also whether the practice of never again allowing such prisoners to be placed in minimum security should be used here. It is certainly a measure worthy of consideration as a deterrent to prisoners thinking of escaping.

**Clause agreed to.**

**Clause 2**

**Mr E. R. SMITH** (Glen Waverley) — I move:

1. Clause 2, line 11, omit the words "or days".

**Amendment agreed to; amended clause agreed to.**

**Clause 3**

**Mr MACLELLAN** (Berwick) — During the second-reading debate I raised the issue of clause 3 with the Minister for Corrections. Clause 3 provides that, in addition to being able to move a prisoner to an institution such as a prison, police gaol or hospital for specialist clinical, medical or psychiatric assessment, examination or treatment in a hospital approved by the director-general or a centre for examination or treatment of alcoholics or drug-dependent persons, the director-general will have power to direct prisoners to be taken to and held at places for the detention and care of persons who are mentally ill or intellectually disabled.

The concern is not, as the Minister may have suggested at the end of the second-reading debate, that there will clearly be occasions where it will be appropriate for prisoners to be sent off to specialist institutions for treatment and health; that is not the worry. The worry is how the director-general will come to the opinion that a prisoner or class of prisoners ought to be shifted. The answer is, I suppose, that somebody will give him a report. However, the Bill and the Act do not say that he has to be of such an opinion on proper grounds, on medical grounds, on psychiatric grounds or on any other grounds. He simply sends the prisoner to that place and the receiving institution is bound to receive the prisoner.

I want a clear exposition from the Minister of the fact that the director-general will not send somebody to an institution for the detention and care of the mentally ill unless he has before him reasonable grounds for believing the prisoner is mentally ill. That is what is needed.

The next question concerns the sending of someone who is not ill. If there is credible and proper evidence before the director-general that the prisoner is mentally ill, by all means the prisoner should be sent to the caring institution for assessment, but if he is not mentally ill — in other words, if the receiving institution concludes that he is not mentally ill, not an alcoholic, not drug dependent and not in need of medical attention — the institution should have the automatic right to return the prisoner.

In other words, after a prisoner has been sent to hospital for an appendix operation and is stitched up and ready for discharge, is there an automatic requirement for the prisoner to go back to the prison or could that prisoner be left in the hospital indefinitely? Obviously there are few worries with appendix operations but with less obvious and

less determinable conditions such as "intellectually disadvantaged", "mentally ill" and "needing psychiatric assessment" there could be much argument.

The first question is: does the director-general need credible, valid, bona fide, honest evidence that the prisoner needs the attention of the specialist institution?

The second question is: under what circumstances are prisoners returned to the corrections system? Will they return only if the director-general wants them back, or will they come back because they are cured or because they no longer need specialist attention?

I now ask the broader and perhaps more important question: while the prisoner is in the institution for alcoholics, the mentally ill or the intellectually disadvantaged is his condition reviewed? In other words, is it independently reviewed to determine whether the prisoner is still mentally ill, intellectually disadvantaged or unwell?

We have gone through exquisite agonies in this Parliament about the refusal of medical treatment. I do not know what a prisoner's rights are in regard to reviews in medical treatment but if the director-re-general were kind enough to send a prisoner who did not want to be in hospital to hospital, what is the situation? The prisoner is now in bed in a hospital but does not want medical treatment. For all the good reasons in the world I am sure this power might be needed and might be appropriate but what seems to me to be inappropriate is that there is nothing in the principal Act that we are amending and nothing in the Bill before us that says the director-general has to believe anything.

The director-general simply says, "Prisoner, go!" and the receiving institution is bound by the proposal to receive the prisoner. I find that unsatisfactory. I know what the government has attempted to do in the past. I know legal advice the government received previously with regard to a prisoner occurred in very controversial circumstances. I know the government tried to get a prisoner out of prison and into a mental institution even though the prisoner was found not to be mentally ill. The government fought that with the highest legal counsel every inch of the way for about three weeks before the Mental Health Review Board and I understand even threatened to take the decision to the Supreme Court to have it further argued before the case was finally dropped. I know that when the government wants to it will fight to have a person classified as mentally ill.

However, I should like to know about the rights of the prisoner who says he is not alcoholic, sick, mentally ill or intellectually disadvantaged. If a prisoner says that, is there any credible reason, without proper inquiry, for the director-general to direct that the prisoner be sent to an institution other than a prison and be held there against his will? Here we are dealing with vulnerable people. They may have some intellectual disability that is perhaps not sufficient for them to score below 70 on the magical IQ test. Many people in the prison system are borderline intellectual disability cases. Case after case comes to our attention of people who are on the borderline of intellectual disability and who may or may not be scoring the magic 70 on the IQ test.

I do not think the Minister at first appreciated what I was asking him. I was not asking him whether what was in the Bill might be needed because at some time I am sure it would be. I am sure it may be appropriate for a prisoner to be moved to a caring situation and it may be that that prisoner is moved to a caring situation for a long time and it may take him a long time to recover or he may never recover.

My concern is that I do not think the director-general, who has never met the prisoner and has no idea about whether the prisoner is mentally ill, sick or intellectually disadvantaged, should, without credible evidence, be given the power to send somebody off, as one would have put it in grosser times, to a psychiatric ward. We need only see *One Flew Over the Cuckoo's Nest* to know why. One does not give that sort of power unless it is subject to review.

Unless the Minister can convince me there will be regular review, whether it be in the alcohol wards, the wards for the intellectually disadvantaged, the psychiatric wards or the wards for the mentally ill, and that prisoners will not be sent there unless there is credible evidence to suggest they need that attention, I shall be looking to inspire a colleague in another place to move an amendment. I hope that will not be necessary because it is not a matter of contention. I am sure the Minister and I have the same desire — we want to ensure that the power is suitably hedged with reviews and appeals to ensure no-one is put into an institution inappropriate for that person's needs.

I am not saying prisoners should not go to institutions for the mentally ill; I am not saying they should not be sent to alcohol treatment clinics. I am saying that we must ensure the provision is subject to the appropriate reviews.

If the Minister can give that undertaking, I shall be happy for the clause to proceed. That is why the Leader of the National Party signified support of the Bill by the opposition parties. However, there is a slight reluctance on my part about this provision because I have seen legal advice given to the government by the Solicitor-General in an outrageous scandal that amounted to a conspiracy to affect the rights of a person whose prison term has now expired. His rights were not respected in the way that makes me believe this provision will be properly administered without proper safeguards.

**Mr SANDON** (Minister for Corrections) — Clause 3 clarifies the custody of a prisoner transferred from a prison to an institution. It is not a matter of the whim of the director-general to decide that prisoner A or prisoner B should be transferred; such a decision is made on the advice of officers within both institutions involved. If someone with an intellectual disability is to be transferred under the provisions of the Intellectually Disabled Persons' Services Act, a joint decision must be taken by the Office of Corrections and Community Services Victoria. The appropriate officers make the recommendation with the best interests of a particular person in mind. There must be agreement between respective agencies, and I make it perfectly clear that the onus is not on the director-general.

Whether a prisoner returns to the original institution depends on whether he or she has received satisfactory treatment and whether the institution to which he or she was transferred believes sufficient treatment has been given.

The honourable member for Berwick referred to the reviews involved. A person with an intellectual disability would be examined by the Intellectual Disability Review Panel, which would consider any accountability mechanisms included in the Intellectually Disabled Persons' Services Act. The Mental Health Review Board would also be involved, and both those agencies will provide the mechanisms referred to by the honourable member for Berwick.

**Mr MACLELLAN** (Berwick) — I thank the Minister for the explanation, but I want him to go one step further. In the event that the Mental Health Review Board decides that a person is not mentally ill, I presume that person will be returned to the corrections system, in other words, the person will not be left in the mental health institution. If it is found that a person is not intellectually disabled — the Bill refers to a person being intellectually disadvantaged — I want to ensure that the processes provided for under the Intellectually Disabled Persons' Services Act 1986 will be implemented. In other words, the person will go back to the correction system. The person will not be left in the institution after the review has been made.

I accept that the Minister says there will be a review, but I want to ensure that once the review has occurred the review decision will be accepted and the person will be returned to the corrections system to complete his or her prison term.

By his silence the Minister indicated that there is no review of an alcoholic. If an alcoholic prisoner were sent to an alcoholic rehabilitation centre will there be a review and if it is found that the prisoner does not need continuing care for his alcoholism will he be left in the centre or will he be returned to the prison to serve the sentence placed on him by the court? That is the real issue.

I do not call the Minister into question but I want to ensure that the Committee is proceeding on the basis that this provision gives certain powers to the director-general and that the director-general's power does not override the review and that it will not be used to set aside the decision of the review.

**Mr SANDON** (Minister for Corrections) — The director-general's powers cease when the appropriate agency takes over the custody of the prisoner. Once the prisoner is transferred to the receiving agency and the receiving director that director accepts the responsibility. That grey area is being amended in terms of a prisoner who goes to a rehabilitation program for alcoholics. If that person has been successfully rehabilitated I would assume a recommendation would be made about that person and if the receiving agency recommends that the person goes back to the prison I would take cognisance of the fact that the person has changed and is in different circumstances and I would hope that in fact —

**Mr Maclellan** — Not hope, will!

**Mr SANDON** — Given the duty of care we have in the correctional system, a person in different circumstances, where there has been some change in behaviour and a recognition that the treatment has been successful, would then be placed in an appropriate area within the correctional system.

**Mr McNAMARA** (Leader of the National Party) — I do not believe the Minister's response has answered the question raised by the honourable member for Berwick. The Minister said he would "hope" and he would "assume" what would happen if a person has been to, for instance, a psychiatric institution and had received care and treatment and was certainly rehabilitated. The honourable member for Berwick asked whether the prisoner would automatically be returned to a penal institution.

All the Minister has said is that he would "hope" that would happen and that he would "assume" that would happen. We want to know: yes or no? Is it maybe or is it a matter of fact that once the individual has been cured of the complaint the person is returned to serve the balance of his or her sentence? It is a direct question and it is not involved at all.

**Mr SANDON** (Minister for Corrections) — The reason I cannot be explicit is that it would be necessary to look at the case study as to whether the person was in gaol for rape or murder and whether the person committed the crime under the influence of alcohol because the person was an alcoholic. The program designed for the prisoner would be directed to the cause of that person committing the offence in the first place.

It may be that the prisoner would go back to somewhere in the correctional custodial area to complete his or her sentence. The reason I do not give a definitive answer is that I do not believe that can be done. It is necessary to look at each case. I accept the merit of what has been said: if someone has a particular problem that needs to be addressed and is sent somewhere for treatment for the problem I have no difficulty whatsoever in saying the person should not go back into the particular area he came from. There may be a better place within the system; for example, in a minimum security area.

It is necessary to take account of what the individual has done and why he or she is there for before a blanket statement can be made or an unequivocal assurance can be given that the person would not be going back.

**Mr McNAMARA** (Leader of the National Party) — The Minister for Corrections has confused the matter even further. Not only has he not given a clear answer to what I thought was a precise question asked by the honourable member for Berwick, he is now talking about a new program for remissions. The Minister said if a person were, for example, receiving treatment for a mental complaint, an intellectual disability or a problem related to alcohol dependence, consideration would then have to be given — according to what the Minister told the Committee — as to whether, when he resumed his sentence, those afflictions from which he was suffering had an impact on his offence. I should have thought that was a consideration for the courts at the time of sentencing. The courts have delivered a sentence with, one hopes, an understanding of all the events that led to the crime. If there is a need for further treatment or the involvement of another section within or outside corrections once the individual is sentenced, and he

needs to be placed for a time to receive appropriate treatment, I assume he would then resume his sentence as it had been before the treatment.

Are we now to second-guess the courts? Are we now to say that because of the advice of the treating agencies, whether alcoholic rehabilitation or treatment for some intellectual disability is involved, we will now override the sentence given by the courts? That is what the Minister said.

**Mr Sandon** — No, I did not.

**Mr McNAMARA** — Let us clarify what the Minister did say. He said he would have to take into account, in considering whether he would resume the sentence, whether the ailment he was suffering from had an impact on the initial crime committed. They were the Minister's words.

**Mr Sandon** — No.

**Mr McNAMARA** — When we get *Hansard* we will examine it. It is clear what the Minister said. I hope the Minister will clarify the problem. I should like him to answer the question asked by the honourable member for Berwick: if a person received treatment and resolves the difficulty he had — —

**Mr Maclellan** — Or refuses treatment.

**Mr McNAMARA** — Yes, or refuses treatment — when that is completed and he is deemed to have overcome those problems I would assume he would then automatically complete the sentence under the Office of Corrections. The Minister then raised another complication by saying he would have to take into account whether the problem the person was suffering from had an impact on the crime. I see that as a decision for the courts, not for second-guessing by another institution.

**Mr SANDON** (Minister for Corrections) — May I clarify that? I was suggesting in response to the honourable member for Berwick that when a person returns he may not return to the location from which he came. As I interpreted it, that is what the honourable member was suggesting.

Let us return to the substance. I am suggesting that the intent of this clause relates to someone being transferred from the corrections system to another agency as a result of a particular program considered desirable for the person. I am trying to seek clarification about the custody of a prisoner and the transferral of the ownership, if you like, of that particular prisoner.

As to his return, if the receiving agency believes there is no longer a need to keep that person in hospital, he comes back. That is the intent.

**Mr E. R. SMITH** (Glen Waverley) — We are almost there. The Minister has nearly given the assurance the opposition needs but unless he can give an absolute assurance we will need to clarify this while the Bill is between here and another place. If that is not satisfactory we will move an amendment in another place so that we get the exact assurance, and have the matter completely clarified so that the lingering doubt left in the minds of the people involved in the debate can be overcome.

The honourable member for Berwick has raised an extremely important issue. I am sure the Minister did not understand what the honourable member meant but we want an absolute guarantee this is to be the case — otherwise we will fix the matter while the Bill is between here and another place.

**Mr CLARK** (Balwyn) — I remain confused about what is the correct application of clause 3. At one stage I understood the Minister for Corrections to say that, if a prisoner were transferred to an institution such as a place for the detention and care of persons who are mentally ill or intellectually disabled, the rules of that institution would apply. Whether he meant by that that the provisions of the Mental Health Act or the Intellectually Disabled Persons' Services Act would apply to that person, I am not sure. If that is the case, I have my doubts about whether the proposed legislation has the effect desired and, if it does, whether it is desirable for those Acts to be applied to a person simply by the act of the director-general transferring that person to the relevant institution. In other words, those pieces of legislation lay down their own procedures, and those procedures should not be bypassed simply by directions given by the director-general. However, as I indicated, I am not sure whether that is the effect of the proposed legislation.

Proposed section 56(4B), as set out in clause 3(4) of the Bill, provides:

> The chief executive of an institution who is deemed to have custody of a person under sub-section (4A) must comply with any instrument of the Director-General under sub-section (2) authorising the transfer of the person from that institution to another institution or from place to place within that institution.

It seems to me that, although a prisoner is transferred by direction of the director-general to a place for the detention of persons who are mentally ill or intellectually disabled, nonetheless the director-general retains control over that person. The director-general can say, "I am going to pull that person out of that institution and put that person into a mainstream prison, or move that person from one institution to another". The person is not properly within the system laid down by the Mental Health Act or the system provided for in the Intellectually Disabled Persons' Services Act. The concern raised by the honourable member for Berwick remains.

There remains also the other concern raised by the honourable member for Berwick, that relating to there being no criteria governing the control by the director-general over those who are mentally or intellectually disabled. There is nothing to stop a perfectly sane and intelligent prisoner being transferred by the director-general to such an institution. It may be that there is some way in which such a decision could be collaterally attacked by appeal to the Administrative Appeals Tribunal or the Supreme

Court or so on, but it is undesirable that the proposed legislation should be so ambiguous.

Members of the government pride themselves on their concern for civil liberties and making sure that the institutions of the State are not used to abuse individuals, yet in the very Bill the Minister is bringing before the House there is this blatant opportunity for abuse that can deprive a prisoner of his or her rights and force him or her into having to take action or to assert that he or she is not mentally ill or intellectually disabled. I thought the trend of civil liberties support by the government was that the onus should lie on the State to demonstrate that it is entitled to exercise those coercive powers over the individual. For all those reasons there remain serious doubts about clause 3.

I am sure the Minister is genuine in his desire to introduce appropriate procedures. I urge him to ensure that proper procedures are set out in the legislation to protect the rights of individual prisoners.

**Mr SANDON** (Minister for Corrections) — The honourable member for Balwyn raised the issue of criteria. I point out that criteria exist so that a direction that a prisoner be moved from one institution to another is not made merely at the director-general's whim. The director-general responds to reports on prisoners who suffer from disabilities prepared by the staff of the Office of Corrections and Community Services Victoria. The Minister for Community Services is required to approve the transfer. That needs to be taken account of when considering transfers from one agency to another.

**Mr CLARK** (Balwyn) — I am sure the Minister is describing in good faith the administrative procedures he believes will apply. The point I was making is that these administrative procedures are not reflected in the legislation, which says nothing about reports being initiated by Community Services Victoria or by anybody else. The legislation simply says that the director-general may transfer a prisoner. That is something that, so far as the powers conferred by the legislation are concerned, is completely unilateral.

The Minister should consider amending the legislation to insert some requirement that the director-general must act on reasonable grounds or have a reasonable belief or suspicion that a prisoner requires care in a place for the mentally ill or the intellectually disadvantaged, or, more explicitly, that the director-general must act on a report from the appropriate officers of Community Services Victoria before such action can be taken.

If the Minister were to make such an amendment I believe it would resolve the problem of principle raised by the honourable member for Berwick; but until that is done the problem will remain.

**Mr SANDON** (Minister for Corrections) — The procedures to be followed for transfers are contained in the Mental Health Act and the Intellectually Disabled Persons' Services Act.

**Clause agreed to.**

**Clause 4**

**Mr MACLELLAN** (Berwick) — I ask the Minister the effect of proposed section 29A(1)(*c*), which says that "Tests under subsection (1) must be carried out by an officer within the meaning of Part 5". Is it government policy that the urine testing of prisoners will be done only by officers of the Office of Corrections - that is, officers within the meaning of Part 5, whatever that may be - or is it the government's intention that certain long-term prisoners might be trained as part of their prison occupations to test urine samples for drug use?

If in Victoria Hell's Angels bikies are capable of dealing with the chemistry needed to make amphetamines - and they have been and are - as well as importing the reagents to do so, it would not be beyond the wit of some of our longer term prisoners to be trained, as part of their mission of recovery, to become people who test and check urine samples and who counsel and urge their fellow prisoners not to become involved with the drug culture within the prison system.

I want to know why it says that such tests must be carried out by an officer within the meaning of Part 5, as opposed to leaving the option open for a broader section of people to be able to carry out the tests. Since occasionally people with medical qualifications fall foul of the law and end up in our correction system it would seem utterly useless to turn them into batmen to polish the governor's boots when they are perfectly able to perform medical functions and, again, earn remissions towards their eventual return to the community.

There are other examples of ways in which life skills could be either learnt or used within the prison system. We ought not to limit unreasonably the opportunity for the carrying out of such testing to certain classifications of officers under whatever Part 5 might prescribe.

I would like the Minister to give details as to, firstly, who are the officers within the meaning of Part 5 and, secondly, why the urine testing would be limited to those officers and not extended to the sorts of people I have indicated.

**Mr SANDON** (Minister for Corrections) — The officers concerned would be prison officers, governors and other community officers working within the Office of Corrections. I am not particularly interested in expanding to having prisoners involved in urine testing as I do not believe it is appropriate. The appropriate training and so on that needs to be done should be carried out by fully fledged officers. Prisoners should not be involved in such activities.

**Mr E. R. SMITH** (Glen Waverley) — I do not think the Minister can get off the hook as easily as that. It says clearly that the testing must be carried out by an officer within the meaning of Part 5 of the Act. I do not know what Part 5 the Minister has or whether the one I have has not been amended, but I would like to know exactly what the Part 5 referred to in the proposed section 29A is, in order that we can have that matter clarified.

I see the new provision in clause 4 makes it mandatory for a prisoner to submit to a drug test if the governor so decides. In addition to the clarification of Part 5, I ask the Minister to give an undertaking concerning one of the practices that has been reported to the committee as occurring inside prisons — that prisoners are given warning of tests. At present, although tests can be carried out, they are not mandatory. This provision in the Bill makes the tests mandatory.

We are reliably informed that prisoners can be given a tip-off that the tests will be conducted within 24 hours. It means prisoners take cognisance of that advice and refrain from taking drugs — if that has been the case until that time. I am told this practice is particularly rife in K division, the old Jika Jika, where prisoners are given 24 hours notice, advising them the night before that they will be tested. At present the tests are conducted by medical aides.

I want an undertaking from the Minister that, firstly, the matter will be thoroughly investigated by him and secondly, that as a result of that investigation the practice will cease forthwith.

**Mr SANDON** (Minister for Corrections) — There is no practice of giving 24 hours notice of testing. I am trying to stamp out drugs in the prison system. The honourable member for Glen Waverley should present me with evidence. He has made allegations during this debate — he should put up or shut up!

*Honourable members interjecting.*

**Mr McNAMARA** (Leader of the National Party) —Clause 4 proposes to insert in the Corrections Act a new section 29A. Proposed subsection (2)(c) talks about the tests being carried out by an officer within the meaning of Part 5. I draw to the Minister's attention that under Part 5 of the principal Act:

"Officer" means a person who is —

(*a*) a Governor; or

(*b*) a prison officer; or

(*c*) a volunteer; or —

which I suppose includes anyone within the prison service –

(*d*) an officer or employee in the Public Service or the Teaching Service or the Technical and Further Education Teaching Service who is working in a prison or with prisoners; or

(*e*) an officer or employee of the Victorian Prison Industries Commission; or

(*f*) a member of a prescribed class of persons who works in a prison as a psychiatrist, medical practitioner, dentist, nurse or health worker.

I ask the Minister to indicate whether it is proposed that all those persons — which seems to mean almost anyone — will perform the test.

**Mr SANDON** (Minister for Corrections) — The people doing the testing will be prison officers, governors and community corrections officers.

**Mr McNAMARA** (Leader of the National Party) — The amendment refers to an officer within the meaning of Part 5 of the Act. I direct the attention of the Minister to Part 5 entitled "Prison Officers and other Officers working in prisons". It does not refer just to those officers indicated by the Minister, but to all those people listed in the principal Act.

**Mr SANDON** (Minister for Corrections) — I indicate again that the amendment covers prison officers, governors and community corrections officers. They are the only people who will be given the responsibility of undertaking the testing requirement.

**Clause agreed to; clause 5 agreed to.**

**Clause 6**

**Mr McNAMARA** (Leader of the National Party) — I ask the Minister to indicate what is proposed for maintaining children in prison. This matter is of some concern to the opposition, not just because of the welfare of the children, but because of community expectations generally.

**Mr SANDON** (Minister for Corrections) — As I indicated during the second-reading debate, it is proposed to examine each case on its merits. A committee located at Tarrangower Prison, comprising the resident doctor, a psychologist and the Director-General of the Office of Corrections, will have oversight of each case. The committee will examine the needs of the mother and child, the age of the child, whether it is appropriate for the child to be in a prison environment and whether the child can be relocated.

I am more than happy to provide a further briefing to the Leader of the National Party if that is desired.

**Clause agreed to.**

**Clause 7**

**Mr E. R. SMITH** (Glen Waverley) — The opposition has received ample evidence, particularly from the prison officers federation, in spite of what the Minister said this morning, which indicates there is no incentive for prisoners to work.

The opposition was advised by the director-general that prisoners receive $1 a day if an offer of work is made to them and they refuse the offer. If prisoners want to work and there is none available, they receive $2.50 a day every day. If prisoners are allocated a job they receive between $4.50 and $6.50 a day, depending on the skill component of the job. For instance, a cook receives $6.50 a day, seven days a week.

The incentive for prisoners to work has diminished during the past five years, particularly since the establishment of the Victorian Prison Industries Commission, which runs at a loss. What is the Minister doing to stop the commission from running at a loss?

Years ago prisons were self-sufficient and they should still be self-sufficient. Pentridge Prison does not have a vegetable garden because it has been allowed to run down. When I visited the prison recently I found no evidence of prisoners growing anything. One of the worthwhile rehabilitation measures that ought to be examined by the government and reinstituted is the growing of vegetables so that prisons can be more self-sufficient. At the moment all food is bought. As the Minister indicated, some of the country prisons try to make themselves self-sufficient but in the main prison — Pentridge — there is no such incentive at all.

In the old days prisons ran their own bakeries and sometimes even sold the bread but today everything at the prison is bought. The system in Pentridge is not working. The Minister has a responsibility to the Committee to explain what action he is taking so this measure can be reintroduced.

**Mr J. F. McGRATH** (Warrnambool) — Clause 7 deals with prisoners working within the system which is a matter I dealt with in my second-reading comments. It is vital for their rehabilitation to have people doing something useful for the hours they spend in prison each day. To have them just sitting around and not being productive or constructive does nothing for their well-being.

During a recent visit to Pentridge I was amazed to find all of that area which was probably the pride of the prison ploughed in and under grass.

**Mr E. R. Smith** — Barren!

**Mr J. F. McGRATH** — Barren, as the honourable member for Glen Waverley says. Prisoners were sitting around in their cells or in the exercise yards when they could have been gainfully employed in providing valuable foodstuffs for that institution and taking the opportunity to learn something about nutrition and even organic farming, if one wants to take it that far.

I want to raise a matter for the attention of the Minister but he is not really listening so I will wait until I have his attention. I hope he will deal with this matter in the near future. We talk about work programs and the general prison system but we take no account of the importance of isolating the first offender from the repetitive offender. That is something we should examine from a rehabilitation point of view.

Putting a young inexperienced person in a cell, exercise yard or workplace with what might be described as a hardened criminal who has been in prison several times is not giving that young person a chance to be a valuable product of the prison system. That is the point we have missed. The system should be able to produce people who can go back into the community and operate within the laws handed down by the Parliament. That is not being done.

It is one issue that would have bipartisan support in this place. Young and first time offenders should be segregated from the rest of the gaol community and given some sort of program and direction that could take them out of what is a growing percentage of people who return to prisons. It is a very important matter and is directly related to the work issue. I should like the Minister to take it on board.

**Mr SANDON** (Minister for Corrections) — The honourable member for Warrnambool needs to understand that there is a detailed classification system that takes account of that very point. A first offender may well be a murderer. The offence and the age of the offender and other details are taken into account. When a person has been sentenced and removed from the remand centre, he or she is located within the system according to his or her particular level or stage.

Clause 7 relates to work and is giving the director-general the power to direct people to work. Under the Victorian Prisons Industries Commission Act that power is there but it is not under this Act. It is in keeping with the government's commitment to getting more prisoners working.

The Barwon Prison is involved in import replacement. It is involved with one of Australia's oldest firms, Hills Industries Ltd, which makes rotary clothes-lines, and the making of picnic tables. Australia was importing them but they are now being made in prisons. A local firm in Geelong came along and begged the prison to use its facilities and services. Eighty per cent of prisoners in the system are working but that is not enough. It should be 100 per cent. This clause is giving the director-general those powers.

**Clause agreed to; clauses 8 and 9 agreed to.**

Clause 10

**Mr MACLELLAN** (Berwick) — I suggest to the Minister that in regard to the question of the censoring of mail, even the most innocent-looking mail may be offensive. A postcard sent to the victim of a sexual offence could be offensive, even though on its face it has nothing to attract attention.

I suggest to the Minister that he might contemplate those people or victims who do not wish to receive mail from a nominated prisoner indicating that and having their decision acted upon. I can see the situation which has arisen in the past of people being harassed with massive mailings of hundreds if not thousands of letters — the postage paid with public money.

I can think of a few people on the receiving end of that mail who would have cared not to have received it. When a victim or any person wants to write to the prison and say, "I do not want mail from that person" that wish should be respected. Perhaps the governor of a prison or a departmental officer may write to the victim and say, "We have 100 letters from this prisoner addressed to you; their purport is to apologise for what happened; do you want to receive them or not?" and act upon the person's wishes. I do not see that the mail should be used for harassment. Just saying that censorship will

work is not enough. There are subtle forms of harassment that can be easily achieved. Then there will be complaints made that this power has not been effectively used. Rather than just leaving it that governors and officers are going to be clever enough to detect what ought to be censored and stopped, there ought to be some acceptance on the other side that, if one does not want mail or contact from somebody within the prison system because of a past relationship or victim status because it causes distress, one should be able to indicate that and those wishes ought to be acted upon.

**Mr McNAMARA** (Leader of the National Party) — I support the comments made by the honourable member for Berwick. There should be an appeal procedure where a prisoner could perhaps appeal to the Ombudsman if there are letters being censored that he believes should not be. Perhaps he might be complaining about the conditions in the gaol or the problems that he is having with prison officers.

There should not be censorship on the basis of preventing the prisoner from having those matters aired publicly.

The other matter that needs to be addressed is access to telephones; in most prisons there are public telephones available with no restriction or monitoring.

**Mr SANDON** (Minister for Corrections) — Where a member of the community receives mail of a threatening or abusive nature it will be referred to the governor and the governor will inform the prisoner that henceforth mail to that address will be incorporated in the prisoner's property and it will not be continued.

With regard to the issue of telephones, I am introducing phone cards that have specific numbers placed on them. I should be more than happy to give the honourable member a detailed briefing if he so desires. This system was started in Geelong and will soon be in use throughout the prison system.

**Clause agreed to; clauses 11 to 43 agreed to.**

**Reported to House with amendment.**

**Report adopted.**

*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. As there is not an absolute majority of the members of the House present, I ask the Clerk to ring the bells.

**Bells rung.**

**Required number of members having assembled in Chamber:**

**Motion agreed to by absolute majority.**

**Read third time.**

## NATIONAL PARKS (MISCELLANEOUS AMENDMENTS) BILL

*Second reading*

**Debate resumed from 22 November 1990; motion of Mr CRABB (Minister for Conservation and Environment).**

**Mr EVANS** (Gippsland East) - The Bill was introduced during the spring sessional period, rather belatedly, and the debate was resumed in the final weeks. Fortunately the House agreed to its adjournment until the autumn sessional period.

At the outset I express my opposition to the Bill despite the fact that the coalition has indicated support for it.

In the light of considerable publicity in recent weeks I find it difficult to understand why the opposition would not list this Bill as among one of the first to be thrown out by this House; it serves no valid purpose whatsoever.

All the land under consideration in the Bill is under the jurisdiction of the government. It is entirely in the hands of the government of the day as to whether or not that land is used as a national park during the term of the particular government, and the only purpose served by the Bill is to remove the option for some future government to implement more sensible and scientifically based policies in relation to forest management in this country.

It is interesting to note that back in 1918 when Parliament debated the setting up of the Forests Commission the Bill was more or less acclaimed for the fact that it was removing forest management from the political arena. That is why the Forests Commission of Victoria was established in the first place.

Much of the forested land in this country was subject to the dictates of politics rather than to sensible management, and the attitude of the government and particularly the attitude of the people who are claiming to be conservationists and protecting our forests have turned back the clock 100 years for forest management.

Now, more than ever, the decision on how forests in this country will be managed is decided by the whims of the voters in marginal metropolitan seats rather than on sound scientific and logical reasoning.

Certainly, many mistakes have been made in the past in forest management just as mistakes were made in relation to land management, but it is a serious mistake for the people of today to lay the blame on the practitioners of today — either in the farming sector or in the forest management sector.

Considerable advances are being made in the farming community. Many of the early farmers found that the practices of their European background just did not work in the rather unusual Australian environment. Similarly, forest managers found that forest management practices in Europe just simply did not work in the forests of Australia.

Indeed it should be readily apparent to even the most unobservant among us that the type of tree most prevalent in the European environment is the deciduous tree. The leaves fall to the ground each year and rapidly crumble away.

This is distinctly different from the sclerophyll forests in Australia, and indeed the term "sclerophyll" virtually means having leather-like leaves. These do not disintegrate the way the others do; they drop leaves and twigs and build up litter on the forest floor.

Because of this there is not a shadow of a doubt that one of the major considerations for forest management in this country should be protection from fire. Only recently we have had illustrations of the disastrous combination of people living in areas of native forest without the adequate protection and management that is required.

Over recent years the idea has developed within the community that by politicians sitting in this place and agreeing to words written on a bit of paper and declaring certain areas to be national parks, in some strange way these areas are being protected. That is a very dangerous line of thought because there is no doubt that the only way our forests will be protected is by working on the ground in the forests themselves, and all the window-dressing in the world done in this place will not do a thing towards protecting those forests unless the work is done on the ground.

That is the plea I have been making for many years — that we should allow forest management in the first place to be determined by experts in the field rather than by political views of a few outspoken people in the metropolitan area, in the main, people who do not seem to have put much faith in the future of their forested country.

After all, many of the people who support my point of view are actively involved in forest management. They respond to the calls to fight fires and so on and they do it partly because of their interest in the forests and partly for their own self-protection because they know that one day their property will be affected by fire, and therefore they hope that their good turn will be reciprocated by someone else.

Another reason why I find it difficult to understand why the Bill will pass tonight is because of the welcome beginnings of change that we are seeing in the Commonwealth arena. At long last the Commonwealth government is starting to talk about sustainable development in the forest products area. At long last we are seeing some logic, and the Federal government is talking about the waste of material that has been so apparent over

many years. I am certainly sick of raising the issue in this House when nobody seems to be prepared to listen.

If one reads the debate in 1918 on establishing the Forests Commission of Victoria, one of the major complaints concerned the waste of resources. I can produce references from the 1920s, 1930s and 1940s to prove this point.

In the past 20 or 30 years there does not appear to have been anything like the waste that is occurring now in our forests. Literally $1000 million worth of material is just wasted. It does not even burn away; the great majority of it still lies on the floor of the forests of Gippsland.

They are massive charred logs. The only fault with them in many cases is that they are affected by white ants. They are perfectly good for use as pulp and paper but the great majority of these trees were found not to be suitable because people like you, Mr Speaker, and your colleagues in this House will not buy timber affected by white ants, and that is why these fallen logs are not sawn up.

People in the community will not buy timber affected by white ants, so for that one and only reason $1000 million worth of material has gone to waste. The government of Victoria, which has been crying poor over the years, is denying itself at least $10 million a year alone in royalties.

It seems extraordinary that at a time when we are talking about resource security in the timber industry we are going to tie up even more of the resources , the utilisation of which could at least be an option for a future government.

I shall not argue for one moment that the areas referred to in this Bill, particularly in East Gippsland, should be logged. I do not pass judgment on that, just as I am not prepared to pass judgment on any individual area because I do not have the expertise to do so. In the same manner I would not expect to go into a hospital, stand alongside a doctor and tell him that a person should be operated on for appendicitis. He is the expert; he is the one who is trained to make such judgments. But when it comes to forest management every Tom, Dick and Harry in the city makes the decision, regardless of whether they have any knowledge or expertise.

It is peculiar that the Resource Assessment Commission established by the Commonwealth government has been asking voters selected at random from the electoral roll about matters concerning forest management. A number of constituents have come to me expressing their concern about these questionnaires. They have received questionnaires on forest management signed by a judge, giving it a degree of authority which overawes them. The majority of people have never seen or talked to a judge in their lifetime. When they receive a letter from a judge it has a certain amount of authority that worries them.

The questionnaire raises all sorts of issues about forest management. It is ominous that these people are asked for their political opinions. What has that to do with the management of Australian forests? It is also strange that, despite being asked their

political opinions, they are not asked about their experience or knowledge on which they base their opinions on how our forests should be managed. They are not asked whether they have been in a forest in their lifetime. But their opinions will be weighed up by the Resource Assessment Commission in deciding whether the resource should be made available.

Honourable members have probably come across this strange term concerning the notional value that is given to qualities such as a visual area or what people think about something. Organisations and government are trying to put a monetary value on a view or an attitude towards trees and so on. Of course, one can come up with whatever figure one chooses in such situations.

The people who are heavily involved in forest management are those who have dedicated their lives to forestry. Until the Labor government intervened these people were proud of the title by which they were recognised. They were called "foresters". In the former Forests Commission of Victoria there were divisional foresters, regional foresters and foresters, titles which signified their rank in the hierarchy. These people dedicated their lives to forest management.

Over the years I have thoroughly discussed forest issues with these people. It is fair to say that my view on forest issues has been far more influenced by these people than by anyone else. It is aggravating that often there is an attitude in the community that the only people who are opposed to the concept of national parks are those who belong to the timber industry and that therefore they have a vested interest in not having forests taken out of commercial production.

I believe there is scope for national parks but they must be very special places, not vast areas of unremarkable forests that are little different from what one can find in eastern Victoria. It may be a different matter in western Victoria — and I will not argue that issue — but if anyone thinks Victoria is running out of trees, he or she should take a flight over eastern Victoria, or even have a good look at ground level. I should be amazed if they then tried to tell us that Victoria is running short of trees. That is an absurd proposition.

Victoria will run into difficulty in the future if the forests are not properly managed. One major tool in forest management is the ways and means of controlling fire. The timber industry has an absolutely vital role in that area. There is much evidence that the forests in Aboriginal times were far more open and parklike than they are at present. I have advised honourable members on previous occasions that one of my forebears travelled from southern New South Wales with his wife and seven or eight children in a bullock dray to Bairnsdale, the very area referred to in the Bill. I suggest that anyone who travels through that area today would claim such a journey to be impossible.

It is not possible to drive a bullock dray through the forest country that is now being claimed as being in its pristine state. It is not in its pristine state. It is getting into a dangerous state because the undergrowth that has been allowed to grow throughout forest areas represents the greatest threat to forests. Once a fire starts it will inevitably get into the undergrowth and will burn until the fire reaches the heads of the trees. That is

when a major forest fire is truly under way and destroys our forests. I suggest Victoria should use its logging operations to protect the very special areas of which there are so many throughout the State.

I refer the House to a statement by a gentleman who was very well known in conservation circles a few years ago but has been outmanoeuvred in recent years by people whose motives are perhaps not as purely conservationist as are those of Mr Dick Johnson. In his book *The Alps at the Crossroads* he says:

> The questions which bedevil conservationists relate to their wish to protect life and property, a recognition that uncontrolled wildfire can do enormous harm under the wrong conditions, and yet a desire to see a return to a natural fire regime, in which the random pattern of summer lightning strikes created a self-controlling mosaic of burnt and unburnt patches throughout the bush.

I could not agree more with Mr Johnson's argument that that is the ideal, but he overlooks the influence of Aboriginal occupation of our bushland over 30 000 years. In addition to the lightning strikes creating the mosaic of burnt and unburnt country there was a mosaic of burnt and unburnt country created by the Aboriginal people.

The natural process as well as that undertaken by the Aboriginal people went a long way towards controlling but not eliminating the incidence of the sorts of massive fires that occasionally occur today. Those massive fires are part of our environment, too, and in some instances they are necessary to destroy the old forest to enable new growth.

It is interesting to note that part of the reason for this proposal to include certain areas, including some in East Gippsland, in national parks is, in the Minister's words, "to protect some old growth forests". By definition, "old growth forests" are forests that have never been logged.

I do not know how long they can remain old growth forests under the regime to which I referred earlier, because there is not a shadow of doubt that certain circumstances must arise eventually.

It is a fact that trees can get too old to produce viable seeds. It is a fact that trees can overshadow and suppress the growth of their own kind. It seems to me that simply tying up old growth forest areas just for the sake of their being old growth forests is untenable for the regeneration of the forest.

I do not know what the conservationists' explanation for all this is. Eventually we will get to the stage where the old forest will become just an area of decaying, rotting, white ant ridden old trees that are of no use to anybody. They would not be using up any of the greenhouse gases; in fact, they would be more likely to be contributing to the greenhouse effect when they reached that stage of growth.

Forests are very much like people: they reach the stage in life where they cease to grow any further and they start to lose a little bit in some respects. We must recognise that we cannot keep old growth forests forever. There has to come a time when they should eventually be destroyed. Nature's way of doing that is by fire, because their destruction

by fire stimulates the seeding process. Most of our native species are what are called fire climax species — they require fire to generate the new growth.

Therefore we must occasionally have fires in our forest areas. Yet, what do we do when a fire occurs in a period when it is natural to have fire, when there is a lightning strike — and there is no doubt that a lightning strike is a natural occurrence? We race off to put out the fire! We must do so because the forest is no longer a mosaic of burnt and unburnt land, as Dick Johnson describes it in his book.

We need a timber industry that creates that mosaic of burnt and unburnt land. As a result of a number of studies over the years, the former Forests Commission established that the best regeneration of an area that is logged will occur if there is only a minimum of trees left — that is, the habitat and seed trees — within the area and when everything else is removed.

However, despite all the evidence in support of that view this government and, indeed, the previous government have closed their eyes to the reality that this material should be used and have bowed to the pressure of the extremists.

Quite frankly I wonder what the extremists' real motivation is. I cannot believe they are really keen on forests as they claim to be. I have never heard or seen any evidence of their being present to fight forest fires when they have occurred.

I believe they are mainly people who sit in the city writing volumes and volumes of reports and who receive subsidies from the government to help them do it. But they are never out there helping to protect Victoria's forests on the ground. The people who are helping to protect Victoria's forests on the ground are the people whose judgment I respect, not the judgment of those who sit in Melbourne writing reports using reams of paper.

I do not disagree with the argument that we should be trying to conserve and recycle paper and restrict the use of packaging and so on. If these people concentrated on that aspect I would say they were true conservationists. My understanding of the meaning of "conservation" has always been the avoidance of waste. That is what people do with fruit — they conserve it by making it into jam so that it does not rot on the trees.

From the beginning of civilisation man decided he just could not rely on nature to meet his needs and set about trying to improve on nature. There is nothing wrong with seeing what we can do to improve on what nature does in relation to our forests.

It is difficult for country people to come to terms with the argument that the fact that old growth forests have never been logged is sufficient justification to tie them up forever and a day. That is what this Bill is attempting to do.

What makes it even more aggravating is that, as you know very well, Mr Speaker, over the past twenty years we have had a very complex and expensive method of examining all the public land in this State to determine how it should be managed and whether it should be put into national parks, flora and fauna reserves, or protected in some other way as a special area like those to which I referred earlier.

We have gone through that examination in East Gippsland twice in about the past fifteen years at great expense to the community and at great expense and time to the local people who wrote volumes of submissions to the Land Conservation Council. In fact, most of those people believe their submissions were totally ignored, and many even doubt whether they were read. However, they had to go through this sort of exercise and make recommendations.

I point out that these people are busy just trying to make a living, not sitting on their backsides in the city in front of word processors and other paraphernalia that is available to conservationists to enable them to produce their reports. These people have to do the hard work, write out their submissions by hand, then get someone to type them up and pay for that service – it is usually to no avail because no-one takes any notice of them.

We went through that whole process. After two bites at the cherry the Land Conservation Council made certain recommendations. It did not recommend locking up the areas in national parks dealt with in this Bill. If that were the case, perhaps the LCC should be thrown out because it has got it wrong again, according to the government. Of course, that is not the true picture. The government wants it both ways. Not only did it go beyond the LCC's recommendations when it declared national parks in East Gippsland on a previous occasion — in 1985, I believe — but it created more national parks than the LCC recommended, and yet the conservationists expressed their agreement with the LCC's recommendations in the first place. Obviously that is not satisfactory to the government, which now wants more.

The justification in this case is that the areas it proposes to include in national parks are in National Estate areas. Where do the National Estates fit in? Of course, they are superimposed over all the rigmarole that this and previous Victorian governments have set up over the past twenty years with the Land Conservation Council.

The Commonwealth wanted to get into the act to grab a few greenie votes, so it set up the register of National Estates. As a result we have a few faceless people in Canberra that nobody knows. At least we see and know who the Chairman of the Land Conservation Council is, but I do not believe the Australian Heritage Commission even knows where East Gippsland is! It knows enough about it to indicate some areas on the map as being listed on the National Estate. As I understand it, according to the guidelines of the Australian Heritage Commission Act, National Estate listing does not require any change in management. The areas are listed as being areas of particular interest to our heritage. I often wonder whose heritage it is — it does not seem to be the heritage of the people of East Gippsland because, in the main, they do not want the areas to be listed. We are not too sure whose heritage it is but we often feel that we are not part of this country because what we think should happen in our own area seems to be the last thing the government will do. Our criticisms and complaints are met with deafening silence from the government; it totally ignores them.

I know the Minister for Conservation and Environment will say he flew to the electorate in a helicopter last Saturday. He has made a few trips to see what goes on in East Gippsland, and I might add that he is responsible for probably the most expensive tree in

Victoria because about twelve months ago he issued me a challenge about planting a tree on Arbor Day. I took up the challenge and the Minister flew to Paynesville, planted one tree and flew all the way back to Melbourne. I would say that is probably the most expensive tree in Australia, all for a bit of window-dressing.

As I predicted when I took up his offer, he did not want to go to an area where he would have to clamber over barbed wire fences or take time digging out blackberries or where the television cameras could not follow him. Such an area did not interest him. It had to be a neat bitumen road so that the television cameras could follow him.

**Mr Crabb** interjected.

**Mr EVANS** — I am always hospitable to people who visit my home ground, no matter how much I disagree with their politics. However, this is the place where I will make the point. I hope that is understood.

**Mr CRABB** (Minister for Conservation and Environment) — On a point of order, Mr Speaker, while the honourable member is gathering his thoughts I point out that he has been speaking for more than 30 minutes and no time is indicated on the clock. I ask for your clarification. If he is speaking in the place of the Leader of the National Party and therefore on behalf of the National Party, I point out that he has indicated his opposition to the legislation, notwithstanding the fact that the spokesman for the opposition coalition who spoke in this debate before the recess indicated that the opposition coalition would be supporting the legislation.

Any member in Parliament is entitled to express his or her opinion but in that circumstance the member has only 30 minutes in which to express it. The only variance from that practice is for Leaders of the three parties in the House or someone speaking in place of and deputed by the Leaders of those parties to speak on behalf of their party. I ask for your clarification on whether the honourable member for Gippsland East is speaking on his own behalf and therefore ought to have only 30 minutes in which to speak.

**Mr EVANS** (Gippsland East) — On the point of order, Mr Speaker, it has been traditional for a long time in this House that the first speaker on behalf of the third party has unlimited time. In my understanding it has never been by the approval, authority or anything else on the part of the Leader of the third party, although obviously it is by his tacit agreement. It has been the tradition for the lead speaker of the third party to have unlimited time, so I do not think there is any point of order. It is a matter of convention.

**The SPEAKER** — Order! Standing Order No. 104 provides that the Leader of the third party or any member deputed by such Leader may speak for an unlimited time in a debate where that person is the first speaker in the particular debate — in this case, debate on the second reading of the Bill. It has not been necessary for there to be any formal advice to the House of such member being deputed and, as such, I do not uphold the point of order.

**Mr EVANS** — I understand that the Minister is anxious that I should not have too much to say on this issue.

**Mr Crabb** interjected.

**Mr EVANS** — We are not hard and fast like peas in a pod, like the members on the government benches. There is scope for differences of and variations in opinion in the National Party, which reflects the important fact that the government often overlooks, namely, that differences in approach among a great many people are often influenced more by geographic considerations than by philosophical considerations. The fact that people in East Gippsland or even people in all of Gippsland or eastern Victoria may have different views from people in western Victoria suggests that the geographical factors are very different.

**Mr Crabb** — You have not been deputed by the Leader of the National Party.

**Mr EVANS** — I have had the role of spokesman on these issues for a considerable period and no question has arisen about that. If the Minister wants to conduct a question time in the middle of my speech, I suggest he is out of order. His question has been answered and the point of order has been ruled upon, and he should shut up and accept the ruling with good grace.

**Mr CRABB** (Minister for Conservation and Environment) — I raise a point of order, Mr Speaker. From the interchange arising from the disorderly interjections of mine, for which I properly apologise, it is apparent that the honourable member for Gippsland East does not satisfy the requirements of Standing Order No. 104. He has not been deputed to stand in the place of the Leader of the National Party in this debate and he ought therefore to have had only 30 minutes to speak.

**The SPEAKER** — Order! The honourable member for Gippsland East has advised the House that he has a general responsibility on behalf of the National Party for this portfolio area and, as such, I accept that as an indication that he has been deputed as the lead speaker for the National Party in this debate. There is no point of order.

**Mr EVANS** (Gippsland East) — It is strange that the Minister did not raise this issue in the debate on the Forest (Timber Harvesting) Bill, which was considered in tandem with this Bill. I spoke for a little more than half an hour on that occasion. Obviously, he does not like what he is hearing on this occasion. In fact, it goes further than that — he wants to suppress the right of the people of East Gippsland to have their point of view heard in Parliament. That is what I have been elected to do and I intend to continue doing it.

As I was indicating before I was so rudely interrupted, the legislation includes a number of areas of old growth forests in East Gippsland which were determined to be old growth forests by the Australian Heritage Commission and were so entered in the listing of the National Estate. They were supposed to have no change in management. The managing authority was to continue to manage the forests in the same way as previously. Of course that happened to include the National Estate area in East

Gippsland. After all the exercises by the Land Conservation Council and the detailed timber strategy report which decided on the allocations of timber that would result in a sustainable yield industry in East Gippsland had been agonised over, all the reports written and the submissions made — and the timber industry had been rather reluctant to accept that it would continue in East Gippsland on a somewhat reduced scale — the carrot dangled in front of the industry was that it would be on this reduced scale in perpetuity.

However, it did not take into account National Estate listings and the greenies. The next thing was that we had all these — I hesitate to use the description I would like to use because I know there would be some well-meaning people among them — professional protesters.

As I said before there have been strong reports around East Gippsland that a certain high-flying businessman funds them. Each protester who gets his or her face on television or name in the paper receives a payment and if any of them find themselves in court they have their expenses paid. They are not doing it just for fun although they are probably enjoying the publicity. If you get 1 or 2 or even 20, 30 or 50 protesters up at Brown Mountain, which is remote from the city, the press will fly helicopters up there and the media will be there in their dozens to faithfully report the protest.

**Mr Crabb** — Not this year.

**Mr EVANS** — No, they did not turn up this year despite their threats before Christmas. Nevertheless the Minister is deluding himself if he thinks they will not be there in the future especially if the Commonwealth government persists with its intelligent course of action and decides to do something about resource security.

The protesters got into the act with the full and total support of the media and people in Melbourne started jumping up and down about how terrible it would be if the old growth forests were logged. I remind the House that not a tree on public land is cut down legally without the approval of the government and its department. People should not blame the timber industry because it is the government that authorises all the timber extraction from public land and that should always be remembered.

All the well-laid plans of two Land Conservation Council studies, the timber industry strategy in East Gippsland, the Ferguson study and the like were totally thrown overboard because the removal of this old growth forest area from the areas available for logging in East Gippsland prevented the industry being able to operate on a sustainable basis. The industry either had to continue on the same basis for 80 years and stop for 20 years until it caught up or the industry had to cut down by another 20 per cent on annual allocation to retain it on a sustainable yield basis.

Of course there was a Federal election in the offing and the greenie vote was important so Senator Cook put his nose into the business and the Federal government decided that all these old growth forests would have to be excluded from logging. I discussed this matter with Senator Cook at Cann River more than twelve months ago and I told him that if the government were to push the forest industry into lower grade forest there

would be even larger areas of forest cut down to get the quantity of timber the community needs. The industry does not produce any more than the community needs. In fact, it does not go anywhere near producing the community's needs. However, if the industry were pushed into lower grade forest the amount the industry is allocated would have to be obtained from an even larger area and there would be even more waste because it would be lower quality timber.

To my astonishment the senator said, "That will be all right; we are going to let them woodchip it". I looked at him in astonishment and I asked him how he could possibly get away with that in the light of the State government's adamant refusal to agree to the woodchipping of this waste material. His response to me was, "They won't have any say in it; I'll give them an export permit through Eden". The State of Victoria has effectively lost control of its forest management to the Federal government. The Federal government makes these decisions but it does not have the people on the ground.

The people in the Minister's department are expert in the field of forest management. My only wish is that they are allowed to do their job as forest managers properly and it is rather sad that so many of the top, experienced men in the department are grabbing their opportunity for early retirements and getting out because they cannot stomach the idiotic policies thrust on them by people who do not know what they are doing.

The government is pretending to the community that it is protecting our forests and preserving them for future generations whereas the opposite is the case. It is condemning future generations to clapped out, rotting, decaying, white ant ridden areas of trees. They will not be forests in the sense of the word as we know it because it is just as inevitable as the sun will rise tomorrow that that is what will happen to these forests. Yet the Minister panders to the power of people who do not know what they are talking about and talks about the wonders the government is achieving by putting some old growth forests into the national parks to protect them.

It is a sad day for the forests and for future generations that we have such idiotic reasoning as that mentioned by the Minister on behalf of the government. I do not say the Minister is entirely responsible because that attitude has prevailed in the State for more than twenty years. I have always hoped I would be responsible for ensuring that future generations had the best forests we could possibly provide for them. Instead we will hand them rubbish and, in the process, place the livelihoods and the profit of many thousands of people who live in and near these forest areas under threat from the uncontrollable wildfires that will inevitably hit those areas over the years.

The advent of fire is part and parcel of the Australian environment. We must recognise that and do something about it or we will have more people like those at Warburton last week crying about what has happened. This has been a wonderful, mild summer for fires but there has also been an enormous build up of litter on the forest floor. It has been estimated by a gentleman whose judgment on these issues I respect that there is something like the energy of 5000 atomic bombs, of the Hiroshima type, on the forest floor at Bairnsdale. That is lying there waiting to be released. Of course it will not be released in the fraction of a second it takes an atomic bomb to explode but that amount

of total energy is there on the forest floor and that is the dimensions we are talking about. If any honourable member chose to do some research in the Parliamentary Library my words would be confirmed in scientific documents available there.

I have expressed my views on the issue and I believe the majority of people in the electorate I represent support the views I have put forward. I re-emphasise that it is crazy for anyone to believe honourable members sitting in Parliament House, Spring Street, are doing something to protect forests by declaring national parks. That has nothing to do with it; the only way to protect national parks is by doing work on the ground. The people who live in the area have the greatest responsibility.

As long as the government continues to ignore what the people living in the area have to say, any measures it introduces will be counter-productive. There will be more irresponsible lighting of fires and people will become worried about the menace of excessive growth on their doorsteps. They will try to protect themselves and their properties from that menace.

I have not dealt with many other issues in the Bill because I respect the point made by the Minister. However, there are matters of concern for neighbours of national parks. Management plans contain many peculiar requirements and they can often affect the viability of adjoining private land.

I heard an extraordinary suggestion that people riding horses in the limited areas in national parks in which they are permitted to do so should put old shoes on the horses. Many people who own four-wheel drive vehicles and use them for recreation are concerned that many access roads are being closed off. People with other recreational pursuits, such as deer hunters, have also expressed concern about limitations being placed on their activities.

The government often claims national parks are for the people, but people are the last thing most advocates of national parks want to see in them. The parks are there for the private enjoyment of a small, select group of people, and that is becoming more evident as more tracks are being closed off either by the use of gates or the lack of maintenance. The only people who will see a lot of this wonderful country will be bushwalkers, and they number few indeed in comparison to the large area set aside for their benefit.

The Minister also said part of the area being added to the Snowy River National Park joins major access roads in that area. I presume he means it joins the Bonang Highway, a road which masquerades under the title of a highway. Anyone who proposes to visit that area must be prepared to face a tedious drive north of Orbost along a winding gravel road. The road is usually either dusty or muddy, depending on the weather conditions, and it is poorly maintained.

Although vast areas are tied up supposedly for the good of the community at large, the government does not accept its responsibility in looking after the roads so the community can have access to the parks. Recently the government handed the responsibility of the Bonang Highway to the Shire of Orbost. The shire already has a heavy burden in looking after the far-flung ratepayers in the municipality, 87 per cent of

which is public land. Honourable members have heard references to the low proportion of uncleared public land in this State. In the Shire of Orbost almost 50 per cent of private land is still uncleared, but that is another issue for another time.

I strongly disagree with the extension of national parks in East Gippsland, but I shall not pass judgment on the other extensions in the Bill. Parliament is establishing a bad precedent by declaring national parks not because they are recommended by the Land Conservation Council and not because it has heard both sides of the story but purely and simply because of extremists. Twelve months ago extremists got onto Brown Mountain and made idiots of themselves. The press was there to support them and they gained the sympathy of the people of Melbourne.

My plea is for experts to be given the job of running our forests; the operation of forests should not be subject to the political whim of the day because that will turn back the clock in this State by 100 years.

**Mrs GARBUTT** (Greensborough) — I am happy to support the Bill and to place on record my support for the further extension of national parks. I shall take up some of the issues raised by the honourable member for Gippsland East. He seems to be advocating that protection of forests, particularly in East Gippsland, can be done only by private ownership. I have a basic philosophical difference with what he described as a geographical principle.

Forests in East Gippsland are not best protected by private ownership. The honourable member for Gippsland East is not talking about protection of the forests but the exploitation of them for private profit. He quoted figures about the value of the forests if they were used for timber production. That activity does not protect forests; it exploits and alters them. It may protect them for the private owners who benefit from them, but it does not protect them for the public.

The honourable member for Gippsland East totally ignored issues such as access to forests. He totally ignored recreational activity for the general public. He mentioned four-wheel driving activities - apparently he approves of them, but where would that recreation be if all forests were privately owned? Not many private landowners will allow four-wheel driving in their forests.

The honourable member for Gippsland East is cutting out the public from the enjoyment of forests. He is not talking about protection; private ownership involves locking up the land, keeping out the public and denying them their heritage.

If forests are in public ownership and are open for the public to enjoy, they can become part of the heritage of all Australians. In that way forests become our heritage and not simply the heritage of those who happen to have an ownership certificate. Protection by private ownership cuts out the public and it does not protect the forests - it alters the forests and certainly does not ensure that they remain in their natural state.

A forest for many years subjected to timber gathering or other forms of exploitation, including cattle grazing, will be altered irrevocably. I am gravely opposed to the idea of forest protection by private ownership. I believe it is absolute rubbish.

I now turn to the charade that has occurred today with the two official spokesmen for the opposition parties. Earlier we had been led to believe the honourable member for Syndal was the official spokesman on the Bill for the opposition parties, and he said the opposition parties supported the Bill. He said that several times, chapter and verse, clause by clause. When he referred to the Tarra-Bulga National Park he said the opposition supported that land swap. He said the opposition supported the inclusion of land in the Lerderderg State Park. When he referred to the Goolengook River being added to the Errinundra National Park, he said the opposition supported that. Later he said the opposition supported the Bill.

Then today the honourable member for Gippsland East insisted on a point of order that he was the official spokesperson for the National Party and he said he was opposed to the Bill.

It is now revealed that the National Party and the Liberal Party are split on the Bill and the idea is that the coalition will present one policy to the people of Victoria. It is a sham and a charade for the Liberal and National parties to have two separate policies, one supporting the Bill and one opposing it.

One official spokesman supported the Bill chapter and verse but the second official spokesman from the National Party opposed it. It will be interesting to see whether he votes against it because he said clearly that he was opposed to it and that his party was opposed to it. It will be interesting to see this division emerge. It has been exposed and the people of Victoria will now know what the coalition means. It is a facade behind which the two parties are hiding.

I support the Bill, particularly the provisions that build on the government's proud record of expansion of national parks. Currently 12 per cent of Victoria is protected in national or State parks compared with only 4 per cent when the Labor Party came to government.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clause 1**

**Mr CRABB** (Minister for Conservation and Environment) — I thank honourable members who spoke during the second-reading debate for their support for the legislation except for the National Party with which I register my continued disappointment with its remarkable out-of-date attitude to national parks. I move:

1. Clause 1, lines 6 and 7, omit paragraph *(b)*.

I foreshadowed that I would move this amendment to omit the tenancy provisions for the Mount Buffalo Chalet. I have not changed my mind about the chalet being run by the private sector but rather my department has not been as swift as I should have liked in finalising the arrangements with the private sector.

We have received six valid expressions of interest from private organisations to lease the chalet and the other facilities so that they can be run on a commercial basis, but those dealings with the persons expressing interest have not been finalised and I believe it is more appropriate that I introduce other legislation to deal with the specifics of the preferred tenderer.

**Mr MACLELLAN** (Berwick) — On behalf of the honourable member for Syndal I indicate that the opposition does not oppose the amendment in view of the fact that it eliminates the clause referring to the Mount Buffalo Chalet and because of the Minister's indication that that will be dealt with on another occasion. I am happy for that matter to be left for that occasion when the honourable member for Syndal will indicate the reaction of the opposition at that time.

**Amendment agreed to; amended clause agreed to; clauses 2 and 3 agreed to.**

**Clause 4**

**Mr CRABB** (Minister for Conservation and Environment) — I move:

2. Clause 4, lines 4 to 20, omit this clause.

**Clause negatived.**

**Clause 5**

**Mr CRABB** (Minister for Conservation and Environment) — I move:

Clause 5, line 33, after this line insert -

"(3) Despite sub-section (2) *(c)*, the regulations may not empower the Minister or Director to increase any toll, fee or charge or to introduce any new toll, fee or charge.".

This matter was raised by the Victorian National Parks Association, which was concerned that the present arrangements are that the Governor in Council has the power to increase fees. What was intended by the amendment to the legislation was to enable me, as Minister, or the Director of the Victorian National Parks Association to discount tolls for particular persons or particular situations and it was not intended to give to me,

as Minister, or the Director of National Parks, the capacity to increase the charges at will. Therefore the amendment not only meets the request of the association but it also meets the original intent of the Bill.

**Mr MACLELLAN** (Berwick) — On behalf of the honourable member for Syndal, the opposition has a very high regard for the Victorian National Parks Association and its work over very many years. In view of their advice to the Minister regarding this matter, the opposition will not oppose the amendment.

**Amendment agreed to; amended clause agreed to; clauses 6 to 8 agreed to; schedule agreed to.**

**Reported to House with amendments.**

**Passed remaining stages.**

## WITNESS PROTECTION BILL

*Second reading*

**Debate resumed from 15 November 1990; motion of Mr SANDON (Minister for Police and Emergency Services).**

**Mr MACLELLAN** (Berwick) — The opposition does not oppose this Bill. I shall make some remarks only on the basis that I am the honourable member for Berwick.

Some time ago it came to my attention that under a witness protection program a document had been prepared in the name of the present Minister for Conservation and Environment when he was the Minister for Police and Emergency Services. The case concerned a witness who had offered assistance to the police. The document was signed and forwarded by, I believe, the then Acting Minister, I think the present Minister for Small Business who was the acting Minister for Corrections and/or the acting Minister for Police and Emergency Services.

That deed provided a new identity for the cooperating witness who was under threat and was costing about $500 000 from the police budget for around-the-clock protection. That person was living in a rather remote area of Victoria under most unsatisfactory circumstances.

Opposition members were approached, as I am sure the Minister must have been approached at the time, regarding the living conditions of that person and the family because the conditions were anything but pleasant. They were existing in a most oppressive atmosphere.

This Bill takes matters a further step and my curiosity relates to a number of issues about this Bill. I make it clear that the Opposition is not opposed either to legislation or to the witness protection program but I must raise issues when the Minister is here that need to be reinforced for his benefit.

I raise an issue that may involve the former wife, the wife or spouse who does not wish to change names. If one assumes there is, firstly, a witness and, secondly, a group of people that is willing to seek protection and to change, what happens in the circumstances when a spouse says, "I do not want to change my name or be part of the witness protection program; the evidence the witness has given is his but I want to go on with my life using my name"?

The Bill suggests that the witness who cooperates will be given a new Medicare facility, a new tax file number, a new birth certificate, a new name, a new life and everything else new, and that the former name will be eliminated from all records. The wife will continue with her married name while her spouse will have a new name. One has to go only a few years ahead, perhaps to when a separation occurs, to wonder what will happen further down the track when she wishes perhaps to take legal proceedings in the Family Court of Australia to terminate the marriage.

What then is the situation when her former spouse is now officially hidden with a new identity and all records have been blocked? Also, the children or the family have rights to know about a parent after the change of identity through the witness protection program. One can imagine a whole range of issues which could come into play on the basis of an outstanding legal action.

Perhaps the witness who is about to be given a new identity because of the program may be involved in a motor vehicle accident. Perhaps a claim is made two years later when injuries have stabilised but in the meantime the witness protection legislation has come into effect. So far as everyone is concerned, the former witness does not exist and now has a new identity. How can anyone take necessary legal steps to give justice to the person who, in this example, was involved in the accident?

The Bill concerns a witness who has given evidence. The government wants to protect that person and provide a new identity. Everyone cooperates and there is no problem. If one puts the "sunshine and nice day" approach onto any Bill, it can work but a number of real life issues can arise so that difficulties must be faced.

I imagine the Leader of the National Party, on behalf of the opposition, may say that the Bill should be further examined; not that it should be opposed or not that someone who is costing the police budget hundreds of thousands of dollars for a 24-hour guard should continue to cost that amount on the budget. I do not make that suggestion but the provisions of the Bill may be inadequate.

Various sophisticated aspects of life become obvious under a witness protection program. All aspects cannot be covered by a Bill. Perhaps the Ombudsman stands as the Parliamentary officer who may be used and be useful as the "post box" for the former wife or the wife now separated, but who uses the name applicable before the witness protection program considerations. At the same time the husband, to use the male term, has gone with a new official identity.

Also, the Ombudsman may be the appropriate vehicle for children who have grown up and who wish to contact the father who disappeared from their lives with a new identity

so many years earlier. It may be that the Ombudsman may be the appropriate legal officer for prosecution of someone who has been given a witness protection identity change. The issues are as I have described them.

I was curious to see the name of the Minister for Conservation and Environment on the deed in which he promised to provide new tax numbers, new birth certificates, a new identity and new cover for a witness who had given evidence. I think I would not be wrong in saying that the evidence provided by the witness concerned the bombing outside the Russell Street police headquarters. Clearly the public interest is involved both in obtaining the evidence and in protecting the witness; an obligation exists in respect of that outreach. Sometimes the situations being dealt with have a high public interest both in terms of the protection of the witness and the relevance of the evidence the witness might give.

Members of both the Liberal and National parties are strongly in favour of witness protection, where appropriate. However, some issues have not been covered by the Bill.

Here is another Bill concerned with the administration of the Ministry of Police and Emergency Services that has come out as a half-baked measure, not having addressed the problems. It is as if members of the caucus committee — if I could put it that way — have gone to sleep, because they are not bothered with these Bills. The Bills relating to this area of government administration seem to be prepared with no regard being given to other areas of government administration; outrageous Bills are produced by that caucus committee.

As a result it falls on the opposition to point out the deficiencies in the Bills, as have been pointed out earlier today in the debate on the Corrections (Prison Management and Prisoners) Bill and now are being pointed out in respect of the Witness Protection Bill. It may be that the Legal and Constitutional Committee is the appropriate body to examine the matters I have raised as well as others that will be raised.

For instance, I do not know if the opinion, views or advice of the Law Institute of Victoria have been sought. I think it would have strong views and they ought to be taken into account.

Issues of privacy and other people's — that is, third-party — rights must be addressed. I refer to the rights of partners and children as well as the rights of people who may have legal claims. It does not take a lot of imagination to understand that a change of identity could have quite remarkable results.

Although it is appropriate to have around-the-clock protection for witnesses, the matter must be fully addressed. I shall leave it to the Leader of the National Party to put the formal position on behalf of the coalition.

**Mr McNAMARA** (Leader of the National Party) — I thank my colleague the honourable member for Berwick for his remarks.

**Mr Crabb** — For filling in while you were not here!

**Mr McNAMARA** — I was at another meeting when the Bill was brought on for debate, quite unexpectedly.

The Witness Protection Bill is designed to help police officers to combat organised crime and hopefully solve major crimes, particularly crimes of violence. It provides power for the police to have access to a computer terminal in the Registry of Births, Deaths and Marriages and to create a new entry without the knowledge of the registrar. The Bill provides for witnesses to be offered — both before and after giving evidence — the chance to change their identities and to start new lives in other locations.

The Bill provides for documents, including birth certificates for the whole family, to be issued in new names. Through the Chief Commissioner of Police an application will be able to be made to the Supreme Court for an order authorising the creation of a new entry in the Registry of Births, Deaths and Marriages. As I said, police officers will have access to a computer terminal in the registry and will be able to create a new entry. As a safeguard, the Victoria Police will be required to maintain a record of witnesses' old and new names; a fresh birth certificate will be issued for a new entry.

I welcome the Minister for Police and Emergency Services into the Chamber; he was probably in a similar position to me.

In his second-reading speech, the Minister indicated that the Bill forms part of the first step being taken towards the creation of a national scheme that is currently being developed under the auspices of the Australian Police Ministers Council. He indicated also that twenty people have already been issued with new identities and relocated under the Victorian scheme.

The proposed legislation has a sunset clause; it will be in force for only three years. Although the Minister indicated that the Bill represents the first step in the creation of a national scheme, Victoria is the first State to introduce this form of proposed legislation. I am not aware that other States are going down this path.

The Minister indicated that twenty people have been issued with new identities. I presume that those identities have been issued illegally and the Bill will legitimise that process. As I understand it, new identities have been issued over a number of years and the Bill will legalise that process.

The opposition supports the concept of the proposed legislation. However, clarification is needed on that part of the Bill dealing with access to a computer terminal in the Registry of Births, Deaths and Marriages. Concerns have been expressed about the need to be careful in the general community, and more particularly in the criminal community, so that people are not aware of who knows the new identity of an individual, the details of the birth or marriage certificates and all the other documentation that will be provided. The person who knows those details — and more particularly his or her family — would be placed in some jeopardy. For example, children could be kidnapped or a partner could be seized in an attempt to have information divulged and the identity of the person revealed.

Criminals — or people party to a criminal act — who are prepared to inform the police about the activities of others involved in an offence are being offered immunity and they are being offered a new identity. The opposition appreciates that such informants are necessary, particularly in the attempts being made to break up organised criminal activity, especially in the area of drugs. At the same time, an assurance must be given that the system will not be rorted.

As I have said before, I have no problem with the majority of police officers in this State. However, the temptation will always be there for corrupt practices to develop from time to time. For example, in New South Wales even the former Minister responsible for police and corrections was involved in his own early release program. Mr Jackson — better known as "Buckets" Jackson, I understand — initiated an early release program under which people could actually buy an early release and that proved quite profitable to him. I do not think that problem has ever arisen in Victoria.

**Mr J. F. McGrath** — That is bordering on private enterprise!

**Mr McNAMARA** — I suppose it is a form of privatisation of the corrections system. It may be seen by some members of the community as showing singular initiative!

**Mr J. F. McGrath** — That's insider trading.

**Mr McNAMARA** — There are varying emphases that can be put on that. Nevertheless the community is not prepared to accept such behaviour from a Minister of the Crown, so Mr Jackson is now an inhabitant of the correction system in New South Wales, and justifiably so. Any person can fall to the temptation of corruption, and members of the National Party have been embarrassed by the corruption in our political party in Queensland, which I found disgraceful. Any politician involved in political corruption deserves to feel the full force of the law.

I ask the Minister to say what the controls will be on members of the Police Force who are granted access to the computer terminal over which the Registrar of Births, Deaths, Marriages and Names will have limited control. If a police officer is granted permission to use the terminal to give a criminal a new identity, using marriage and birth certificates, he or she may be tempted to use the opportunity to "privatise" the activity and issue several others for illegal immigrants who might be willing to pay substantial sums of money for new identities.

I ask the Minister to give an assurance about the mechanics of the system and about what the controls will be. If a new entry is made the registrar must be able to be sure that one and only one entry is authorised; the mere authorisation of access to the terminal could lead to 100 entries being created when there should be only one. How will checks be made on who has received a new identity? The Bill says that police officers will be required to maintain that record, but one wonders how security will be maintained. Will it be the responsibility of one or several police officers within a section of the police department, or will it be a record kept by the whole department, to which several people will have access? What security procedures will be followed to ensure the anonymity of the individuals involved and the confidentiality of their previous and new identities?

I have been advised by members of the Minister's staff that if a person who has received a new identity subsequently commits an offence he or she will forfeit all entitlements and lose the new identity and the benefits that go with it. I ask the Minister to advise the House of that formally; although he is nodding, I ask him to say that that is the case.

Members of the opposition are concerned about several administrative matters. We support the concept of the Bill and will suggest that the Minister give a reference to the Legal and Constitutional Committee to monitor its operations for three years. At the end of that time we can decide to either introduce substituting legislation or re-endorse the existing Act.

Parliament should scrutinise the mechanics of the Bill, which is not to say that members of Parliament should be given access to the identities of the individuals involved. The scrutiny of Parliament will ensure that the mechanics of the Bill operate properly, taking into account what is happening in other States and attempts to develop a national scheme.

In the other place the opposition will move, with the passing of the Bill, that a reference be given to the Legal and Constitutional Committee. I should like that to be done on a bipartisan basis — in other words, with the support of the Minister — because this is not about political grandstanding. Some of my colleagues thought it would be appropriate to delay the passage of the Bill until a reference was given to the committee. I believe the Bills should be passed; but I also believe members of the Legal and Constitutional Committee should be given the opportunity of monitoring its performance over three years as well as advising the government of the day about the future of the measure after that time.

The opposition has no other objections to the Bill.

**Mr E. R. SMITH** (Glen Waverley) — Witness protection has been used by police officers as a tool of their trade since time immemorial as a means of giving witnesses changed identities.

At a recent briefing given to members of the opposition by the current Chief Commissioner of Police and his deputy, we were told of the enormous cost of administering the current scheme, although both men urged us to support the Bill because they want solved any problems involved in giving witnesses new identities.

There are civil libertarian objections to be examined, one of which I believe has not been satisfactorily addressed. It concerns the possibility that a corrupt police officer may be given access to the terminal. While giving a new identity to a witness under the witness protection program he might also take the opportunity of giving new identities to organised crime figures. I have been assured by one of the Minister's advisers that a compliance activity report will come through the computer system. To satisfy my concerns and the concerns of my colleagues I hope the Minister will give us the opportunity of seeing the system in operation.

As the Leader of the National Party has said, it would put the matter beyond dispute if the issue were examined by the Legal and Constitutional Committee which could, in a professional way with the help of the director of research, examine in camera if necessary witnesses such as police officers and the Registrar of Births, Deaths, Marriages and Names so that members of Parliament could be satisfied that the procedures to be followed are foolproof, because the possible creation of new identities for organised crime figures is a cause of anxiety to all of us interested in civil liberties.

Although the cost of the present scheme is high the benefits of the new measures are many. As the Victoria Police point out, police officers have been giving witnesses in criminal proceedings new identities for many years. In company with the Leader of the National Party I recently visited New South Wales and was told by the responsible New South Wales Minister of a case being examined by his department.

In his second-reading speech the Minister for Police and Emergency Services says that at present there are twenty cases awaiting new identities. The safeguard of allocating the new identities is a matter for the Supreme Court. I have great faith that would be done without causing any concern to honourable members. If a stage is reached where there is even the slightest concern by any member of Parliament, the matter should be fully investigated. The police themselves say they need our urgent support.

The one safeguard Parliament has is that there is a three-year sunset clause. It was a matter of some conjecture in the consideration of the matter by the opposition parties. Some opposition members suggested that the life of the sunset clause be reduced.

I believe the Commonwealth and other States will be looking to see how well the scheme works in Victoria. As previous speakers have said, this is the first time in Australia this concept has been put up for consideration.

Once a person's identity has been changed how will a person who has litigation against him or her get on? What safeguards are there if a person owes money or has any other form of litigation concerning property, contracts or anything else pending against him or her?

Perhaps the Minister can explain what has happened in the past where people's identities have been changed and there has been litigation against them. Does the litigation take place in their first or second names, or do they just run away from it? In the latter case we could be helping people to escape the law and I am sure that is not the intention of the Bill.

What about the situation where the Bill says the identities of whole families are changed? What happens if a person has a spouse or adult or teenage children who do not want to change their identities? The Minister should explain these things to the House because they are practical concerns which any thinking person would desire to have answered.

As the Leader of the National Party and the honourable member for Berwick have said, in principle the Bill is another very important tool of trade for the police. It is a shame that in the dying days of this administration the Minister has not been able to set up

some of the other important issues for the police: taking the names and addresses of suspects; taking fingerprints without the administrative encumbrances that currently surround the process; the ability to hold identity parades; and the ability to take body samples without administrative encumbrances.

These are very important issues the police are calling for to add to their armoury in their fight against criminals in Victoria. We realise the Minister probably had a great battle to get through a left-wing caucus the three important Bills we have seen in the past two days. It would be almost too much to expect this government to address the issues of the taking of names and addresses of suspects and the taking of fingerprints.

In the dying days of the government the Minister ought at least attempt those measures because he knows, as does everyone else in Parliament, that the police desperately need those measures to do their job fully and to be in line with police forces in other parts of Australia. I should think honourable members would be horrified to think that Victoria is the only State in Australia where the police force does not have the measures I have mentioned.

Many people say, "The Liberal Party was in power in Victoria for many years, why did you not bring it in when you were in government?" The answer is very simple: when we were in government the criminal element in the community believed the police had the right to take names and addresses and fingerprints without any of the administrative encumbrances that now exist. As senior police like former Deputy Commissioner Delianis would tell us, they did not need them years ago when the Liberal Party was in government. Now, with a cleverer class of criminal and the publicity that has surrounded trials, those powers are needed urgently by the police.

As any police officer on the beat will tell you, about 50 per cent of suspects they would be inclined to ask for a name and address would simply say, "I do not have to give it to you, copper, and I am not going to give it to you". This is a very serious state of affairs and something I hope the Minister can rectify in the dying days of the government.

I commend the Minister for the Bill now before the House. I hope he gives us a commitment to refer the whole matter of witness protection to the Legal and Constitutional Committee. If the Minister does not give that commitment here we will be seeking it later. If that commitment is given by the Minister the Bill will have a speedy passage through both Houses; if the commitment is not given the Minister will have difficulty with the Bill in the Upper House until the commitment is given.

The Bill is another step in the fight against crime in Victoria; another way of showing the people we care more for the victims of crime than for the criminals — although we must ensure that criminals receive a fair trial.

This measure is urgently needed by the police and I have pleasure in wishing the Bill a speedy passage through the House.

Mr SANDON (Minister for Police and Emergency Services) — I thank honourable members for their support of this very important piece of legislation — its importance has been recognised. The American experience in solving major crime indicates that the ability to provide protection for witnesses has been one of the single most important determinants. It has not been police powers or numbers that have given police the ability to solve major crimes and deal with major drug busts and conspiracies; the protection of witnesses has been the most important factor in apprehending major criminals in that country.

Victoria is leading the way by introducing this Bill. Not only will it assist in bringing major criminals to task but, as enunciated in the second-reading debate, it will also have a very significant impact on the resources available to the police to provide protection. An enormous amount of person- power and resources goes into providing protection for witnesses, and this measure will provide significant alleviation in that area.

Currently protected witnesses have to keep coming back to the police to seek identification changes. It does not allow the police to create new lives for these people by providing birth certificates — the cornerstone of the documentation — and other documents. The amendments also allow people moving interstate to cut their ties with the police.

The opposition has rightly raised concerns about the procedures to be adopted. We all believe these procedures are vital, and it is essential that we get them right. I assure the House that the procedure set in train will go a long way towards alleviating the concerns expressed by the opposition. Police from the Witness Protection Unit will have to obtain a Supreme Court order to create a new entry in the Registrar of Births, Deaths and Marriages.

The Leader of the National Party was concerned about false certificates for immigrants and other people. The involvement of the Supreme Court of Victoria should ensure that proper procedures are adopted.

The second part of the procedure is for the registrar to make available to the police a computer terminal on which they will create the new entry. The terminal will not be accessible to public servants so they will not know what is going on. That will alleviate the risk of criminal elements targeting public servants.

The computer will be programmed to create compliance activity reports for the registrar, which will indicate the number of entries created but not the number of birth records amended. The record will then be compared with the court order to ensure that the police have not exceeded their authority.

The Witness Protection Unit is a segregated unit within the police department and it is the only unit that will have access to the appropriate records. It is worth noting that protected witnesses who are given new identities may lose the protection of their new identities if they engage in criminal activity. It is part of a parcel. When protected witnesses give a commitment to become witnesses and, as a result, receive new

identities, they give an undertaking that they will not become involved in criminal activity again.

**Mr E. R. Smith** — What about litigation — for instance, if the wife does not want to change her name?

**Mr SANDON** — That must be their decision. The person would have to make that decision when he decided to be a witness in a major criminal case.

I am not opposed to the notion that these matters be referred to the Legal and Constitutional Committee, and I shall reflect on that and talk to the honourable member while the Bill is between here and another place.

**Motion agreed to.**

**Read second time.**

**Passed remaining stages.**

## LOTTERIES GAMING AND BETTING (AMENDMENT) BILL

*Second reading*

**Debate resumed from 30 November 1990; motion of Mr SANDON (Minister for Police and Emergency Services).**

**Mr AUSTIN** (Ripon) — This Bill amends the Lotteries Gaming and Betting Act and the Liquor Control Act. The Bill does a number of things, but principally allows for the playing of two-up on Anzac Day. In making that amendment the opportunity has been taken by the government to make further amendments to various sections of the Lotteries Gaming and Betting Act and the Liquor Control Act.

I shall deal with each of those amendments in turn. Clause 4 amends section 6AAA of the principal Act by increasing the lotteries prize limit from $200 to $500. This means a milk bar or a grocery shop which wishes to conduct a trade promotion lottery can do so without a permit for a prize up to $500.

In the case of a series of trade promotions the limit is raised from $1000 to $2000. An example would be a radio station which may choose to give away free theatre tickets.

Clause 5 increases the length of time for which a permit will last. Currently that period is six months and the amendment increases the period to twelve months. In practice it has been found that six months is unsatisfactory because permits often expire with people not realising it, and if permits are extended to twelve months the Raffles and Bingo Permits Board can send out reminders to those organisations holding permits.

Clause 6 changes the requirements necessary to obtain a bingo permit. It should be understood that there have been blatant and serious abuses of the Act over time. Hopefully the amendment will prevent people from obtaining dodgy permits and

generally improve the conduct of bingo. I am sure some of my colleagues, particularly the honourable member for Gisborne, who have a better understanding of bingo than I will have more to say on that aspect later. When I played bingo during the war it was known as housie-housie. Some organisations with dodgy constitutions were often issued with permits by the Raffles and Bingo Permits Board but the board did not have sufficient control over where the funds finished up.

Clause 7 will make it mandatory for the board to pay any surcharge — the government's commission — directly to the Hospitals and Charities Fund rather than into the Consolidated Fund, which is what occurs at present.

Clause 8 subsection (*b*) allows the board to give its approval to suppliers of lucky envelopes rather than those who print the tickets. That makes sense and it should be recognised that many tickets are printed outside the country or interstate. This will tighten it up so the people who actually supply the tickets are the ones who will be controlled.

Clause 9 amended section 6B (1) of the Act deals with the various conditions which apply to bingo permits and the playing of bingo games. It will overcome the loopholes which have been exploited by some bingo operators in recent times. Some bingo operators attract players to their centres by running a game of bingo as a gratuitous lottery.

Clause 10 is what this Bill is really all about. Presently under section ll of the Act the playing of two-up is unlawful. This amendment will allow two-up to be played on Anzac Day at any premises used on that day by any sub-branch of the Returned Services League. In addition, it could be played in any area which is approved of by the Minister after consultation with the RSL.

In other words, if the RSL writes to the Minister requesting that two-up be played in the Royal Botanical Gardens, the city square or anywhere else, it is up to the Minister to decide whether or not to grant permission.

Under this legislation there is another aspect which deserves special mention. It relates to subsection 3(*a*). Under that subsection two-up could be played on any of the seven days leading up to Anzac Day with the permission of the Minister. That is designed to allow for sub-branches whose members may wish to appear in Melbourne for the big march. Members of country branches make a point of coming to Melbourne on that day to meet with the people with whom they were in the army, navy or air force during the war. They can obtain permission to play two-up on any of the seven days leading up to Anzac Day.

That raises an interesting situation. I suppose professional two-up players could play the game every day for seven days before Anzac Day.

Clause 11 will amend section 38 by recognising the Victorian Wheelman's League as the principal cycling body of Victoria and in so doing will allow betting on bike races. The reason for that is that betting is allowed only on professional bike races and the Victorian

Wheelman's League is the professional body. I do not think any amateur cycling body will have its nose put out of joint by that particular clause.

Clause 12 relaxes the provisions of the Act in relation to the supply of betting information. Currently sports betting is only permitted on football or tennis but that will be expanded and under the new amendments bookmakers betting on a sport will be allowed to advertise the odds on such things as which team — hopefully it will be Geelong this year — will make the final six.

It also allows bookmakers to publish the market price or, if a prospective punter rings in, to quote current odds.

To protect the public from the professional tout it will be necessary for the Minister to authorise in writing approval for that particular person or body and in addition the Minister must consult with the Chief Commissioner of Police. That protective clause is to save the public from someone who has a past record of SP betting.

Clause 13 provides consequential amendments to the Liquor Control Act and clause 14 is simply housekeeping amendments made at the request of Parliamentary Counsel.

I am sure the revival of two-up will conjure up many memories in the minds of old diggers and as a returned serviceman I hope to review the particular skill necessary to toss two or three pennies with their heads or tails up. It is a skill and very much an Australian game, and it is quite an exciting thing for returned servicemen to look forward to on Anzac Day in future.

The opposition does not oppose the general thrust of the legislation but it has some concerns as to what additional revenue, if any, may be generated through the various clauses of the Bill. While the Bill is between the Houses I ask the Minister to inform the opposition what revenue-raising measures will be put in place and how much that might be so we can make a decision in relation to that matter. I give notice that the opposition reserves that right.

There are some figures I find interesting. Last year the lucky envelope turnover amounted to $36 million which gave the government a revenue of $2.5 million. The bingo turnover was $145.3 million and yielded $3.9 million to the government. The surcharge or tax on charitable organisations for lucky envelopes is 5 per cent of turnover and that same tax for sporting bodies is 8 per cent of turnover. That is the formula that provides the figure of $2.5 million which is the government's revenue from lucky envelopes.

In the case of bingo the tax on charitable organisations is 2 per cent and for sporting bodies it is 3 per cent. That is the formula which provides the $3.9 million of tax to the government. It is interesting to note that with lucky envelopes there is an increase in turnover of some 70 per cent this year on last year and that has come about largely because there are more machines in operation and there is better inspection. The machines that are now coming into vogue are more popular. In the case of bingo, the increase in turnover is up by some 7 or 8 per cent.

The opposition does not oppose the Bill, subject to that information being provided by the Minister.

**Mr WALLACE** (Gippsland South) — I rise to add support to the Bill. The opposition is not opposing it although there are some concerns. A lot of the Bill consists of machinery but the most important part is clause 11A which deals with the game of two-up being played on Anzac Day. That has been a tradition for returned servicemen over a number of years.

Members of the Returned Services League (RSL) are keen to play two-up on Anzac Day on their own premises. As honourable members know, it has been a tradition for a number of years. The honourable member for Ripon spoke about the lucky envelopes and the honourable member for Gisborne will probably highlight that. Apparently he has had a lot of information relating to that.

The two-up situation is an area that has been of concern to the general public. Between this place and another place a number of areas will be highlighted and I hope the Minister for Sport and Recreation will take note of them.

The further one goes through the consequential amendments of the Liquor Control Act 1987 that was part of the Bill one relates back to that particular area. That is one of the reasons the RSL is involved, because it relates to two-up being played on Anzac Day.

Betting will now be allowed on Victorian Wheelman's League events. They are areas that should be brought into line because they have been sitting back over a number of years and the Ministry has now looked very carefully at them and is going to move along in that direction. There is a relaxation of restrictions to the supply of betting information. Bets and odds will be accepted on a particular sporting contingency under the Racing Act 1958.

The opposition and I do not have any major concerns regarding this Bill although there are some consequential amendments to be made, but they will be talked about between here and another place. The main concern relates to the game of two-up but the opposition has no objection to it.

**Mr REYNOLDS** (Gisborne) — I will speak briefly on the Lotteries Gaming and Betting (Amendment) Bill which by virtue of 14 clauses makes a number of amendments to the Lotteries Gaming and Betting (Amendment) Act.

As has been pointed out by the honourable members for Ripon and Gippsland South many of the amendments make very minor alterations that are only tinkering at the edges or are housekeeping matters, such as in clause 14 where it picks up a series of oversights in the re-writing of the Act or in previous amendments. Clause 11 corrects something that should have been corrected years ago regarding the betting on professional cycling. Whereas now the Victorian Athletic League has the permit for that body, the Victorian Wheelman's League will be able to obtain that permit themselves. Many other amendments fall into the same category.

I hate to upset the honourable member for Gippsland South because I am not going to mention lucky envelopes, they are not of great consequence in the Bill. One can now obtain a permit to distribute lucky envelopes or conduct bingo for twelve months instead of six months.

This does not mean an increase in the permit fee, and that is unusual given the government's shortage of money. The Bill allows two-up to be played on Anzac Day or in premises belonging to an RSL club for their Anzac Day celebration in the seven days prior to Anzac Day. The permit is to be granted by the Minister for Sport and Recreation on the recommendation of the RSL.

There are not to be any regulations in this matter and there will be no need for a permit fee to be paid. That is admirable. This would be one of the first amendments ever produced by this government in the past nine years that does not require a permit fee or regulation. I am sure the nodding of heads by honourable members opposite indicates they agree with me.

Two-up will be able to be played for the whole week and one person could go from one RSL club to another to play it, that is a possibility. Maybe it is the thin end of the wedge. Two-up is the fairest gambling game known and is considered a national gaming pastime by Australians. It was promulgated by people who represented this country overseas at times of war.

It is a game that Victoria could use as the central piece of its casino. Victoria is going to have casinos as part of its gambling-led recovery — God help us, we are in enough trouble now yet we are going to gamble our way out of it — but it is late on the scene. There are casinos in South Australia, the Northern Territory, Western Australia, Tasmania and Queensland. Victoria will probably beat New South Wales to the punch — which is unusual for Victoria — when it comes to the initiation of gambling.

Two-up could be the central game in the casino if it is properly conducted. I have always believed that, and it will make Victoria's casino different from other casinos. It will be unique and will attract overseas visitors and become a tourist attraction. I make that proposal to the Minister.

I have had some experience of the game, like the honourable member for Ripon, illegally. The game is played in Broken Hill where the police wander in and out of the place. It is illegal, but they turn a blind eye to it. The night I was playing there the police wandered through and saw that everything was conducted fairly and above board and then went on their way.

I can assure honourable members that some of my colleagues got into even more difficulty when they tried to transfer the same game to the bar of a hotel in Ballan and were asked to leave. I ask the Minister to give consideration to my suggestion. Two-up is a fair game, although there are methods of cheating, but I am sure regulations will not be required to control it.

There is no definition within the Bill as to how the game should be played — whether it is by the two or three penny method or by using the heads or tails dice, which is the dice with the "H" or "T" marked on an equal number of sides.

But that does not matter because those playing will see that it is conducted fairly and with no problems for those who enjoy the privilege, and this will be a privilege granted by the government to those people who attend RSL celebrations or RSL days prior to Anzac Day. I wish them well. It is a step in the right direction.

The other matter of great consequence in the Bill concerns amendments to the conduct of the game of bingo. The Bill will outlaw the concept of free games which has been used as an attraction to induce people to go to bingo centres. It seems that bingo centres have tried every method known to man to skirt around the law when bingo was re-legitimised back in the 1970s. At that time the intention of allowing bingo to be run legally was to enable small social clubs, sporting clubs and charitable groups to run their own bingo sessions on their own premises to raise money.

It is now out of hand because the entrepreneurs saw an opportunity of establishing bingo centres to provide comfortable conditions for the players and at the same time raise money for charities but some greedy people who opened bingo centres controlled permits that may not have been quite as legal as they should have been, and the take from the game of bingo was diminished because of the amount the operator of the bingo centre took from the permit holder. In the finish the bingo centre operator was receiving more out of it than the holder of the permit.

Legislation introduced about twelve months ago endeavoured to address this situation but still the smarties are endeavouring to get around it. When dealing with the game of bingo we have to get back to basics and help the people who hold legitimate permits — the little sporting clubs that we all have in our electorates and the social groups and little charitable organisations — to gain the benefit of the game run in their name.

In the past the actions of the Raffles and Bingo Permits Board have not allowed for proper scrutiny of the game of bingo and that is a black mark on the board's performance over many years.

Thirdly, clause 13 of the Bill relaxes the restrictions on the supply of betting information, and I should like the Minister to provide more information on this point. The opposition is concerned that there may be an opportunity for this clause to raise additional money for the government.

Currently in Victoria four bookmakers are betting on what is known as sporting contingencies on metropolitan race courses. They are bookmakers Norm Short, Gary Walsh, Philip Nott and Peter Schroeder. They have been licensed by the Victorian Bookmakers Association to field on AFL football and tennis at the metropolitan courses.

It is intended to allow this betting to be conducted on all courses throughout Victoria, and that is as it should be. There is no doubt that if there is to be TAB betting on

everything that walks, talks and moves, why should not bookmakers be allowed to bet also?

The Victorian Bookmakers Association has appointed two additional bookmakers — one in the north-west of Victoria and one in the north-east of Victoria — to bet on sporting contingencies, so that the whole of Victoria is covered.

There will be four in the metropolitan area, one in the Port Phillip area, one in the Gippsland district, one in the Ballarat and Western districts, which makes seven, and one in the north-west and north-east of the State so they can bet not only on football but on those sports for which the Minister gives approval.

That will include the National Basketball League, motor racing, golf, and maybe — if anyone likes to take on the odds — the 5 to 1 on about the Liberal Party winning the next State election! That could be considered a sporting contingency, although I do not know whether the Minister would consider it to be very sporting at all.

The opposition needs information on how much extra revenue the new initiative will raise for the government. An accurate estimation is needed. Personally I do not think it will be a great deal but we need to know how much benefit to government will be its share of turnover tax. We all know that turnover tax in country areas is 1.75 per cent and in the city it is 2.25 per cent, of which the government receives approximately two-thirds.

With the advent of these bookmakers and clause 13, these activities will be allowed to be advertised in a way in which to increase the turnover. It follows therefore that there has to be an increase of some amount to the government. I want the Minister to estimate for me the amount the government will raise. That is the one question.

Given that the TAB currently can bet on most things and advertise all over the place throughout its agencies it only seems fair that it should be opened up because at present bookmakers can bet only on a registered racecourse on a day of a race meeting and within certain hours of the race meeting.

Therefore, bookmakers have been at an extreme disadvantage compared with the Totalizator Agency Board, which is allowed to advertise its betting on sporting events in Victorian hotels and TAB agencies on all days of the year other than Christmas Day, Good Friday and Sundays. Why should bookmakers not be entitled to the same benefit? I understand the Minister for Sport and Recreation is endeavouring to relax all the restrictions on bookmakers and I am in favour of that.

Subject to the conditions I have spelt out, the opposition agrees with the measure. The Bill reflects a general relaxation of community apprehension about gaming issues. There is no doubt that there is less antagonism now towards the extension of gaming activities in Victoria than there was five or six years ago when I was particularly interested in this issue. I shall not go into detail, but I am sure the Minister would not want to hear me talking about the biggest gambling flop introduced in this State - "Crabbaret" - or yesterday's announcement by the Premier that 10 000 gaming machines would be introduced. I hope they work but I do not believe they will.

**Mr TREZISE** (Minister for Sport and Recreation) — I thank the honourable members for Ripon, Gippsland South and Gisborne for their contributions. The Bill will bring the Lotteries Gaming and Betting Act up to modern requirements, particularly the introduction of two-up to be played on Anzac Day, which follows a trend set in legislation in New South Wales.

For some time two-up has been played illegally in Victoria, particularly on Anzac Day by Returned Services League clubs. The Bill will now allow that to be done legally.

RSL leaders such as Bruce Ruxton will be pleased the government has legalised two-up on that day. Over the next few weeks I will be arranging for seminars to be held so that RSL clubs can learn the proper rules for gambling on two-up. I will seek agreement for Bruce Ruxton and Nappy Ollington, who has been described as the king of two-up in Victoria, to sit down with RSL people to discuss the appropriate betting rules so that two-up is introduced in an orderly fashion.

The other matters raised in the debate concern mainly machinery measures. The government was asked what revenue it would receive as a result of the increased betting by allowing bookmakers to advertise their bets on sporting events such as football and so on. No-one can estimate how much will be bet on football. I defy any person to predict how much will be bet on football in the future. The measure will not increase tax rates but will assist the livelihood of bookmakers. It will allow Victorians the opportunity of betting legally on sporting events that were previously unavailable to them.

The honourable member for Gisborne referred to the operation of bingo parlours. When the former government introduced the legislation ten or twelve years ago it was expected by all parties and the community that 100 per cent profits would be made by sporting clubs, community organisations and charity groups. Today large bingo parlour operators have utilised the loopholes and established themselves all over Victoria. Some 60 per cent of bingo games are played in comfortable surroundings in these parlours. If the government banned them overnight there would be a general community outcry. The Raffles and Bingo Permits Board will examine the position and I am sure it will take into account the comments of the honourable member for Gisborne.

I thank honourable members for their contributions. I am sure the Bill will be of great benefit to the State.

**Motion agreed to.**

**Read second time.**

**Passed remaining stages.**

# ADJOURNMENT

**Mr ROPER** (Treasurer) — I move:

That the House do now adjourn.

## Department of Agriculture office refurbishment

**Dr NAPTHINE** (Portland) — I raise for the attention of the Minister for Agriculture the expenditure of $62 500 on renovations and new carpets for Ministerial offices in the Department of Agriculture's building in Wellington Parade, East Melbourne, in October last year. I ask the Minister to investigate why these works cost 625 per cent more than the estimate the former Minister for Agriculture and Rural Affairs provided to Parliament on 9 October and why these works seem to go beyond the specific instructions given on 8 August by the former Minister to his acting chief general manager.

This is an important issue, particularly in view of the proposed relocation of the department's headquarters to Bendigo, at considerable cost to the Victorian taxpayer. Victorians have every reason to demand that the Minister provide an assurance that this 625 per cent blowout in the budget will not occur when the department refurbishes offices in Bendigo.

As background I point out that on 9 October 1990 the Deputy Leader of the National Party asked a question without notice of the then Minister for Agriculture and Rural Affairs - now the Clayton's Minister for Small Business - concerning renovations to his Ministerial offices in East Melbourne. In his response the Minister said the government was spending $10 000 on improvements, particularly to upgrade security for secretaries in the area. He also referred to a directive he sent to the acting chief general manager on 8 August 1990 which asked that full renovations of the offices of the Minister and staff be put on hold and that only minor works be done to improve security.

What happened with these renovations? The amount of $21 970 was spent for renovations, and only $6000 of that was for security upgrading; $27 750 was spent on the purchase and laying of new carpet; $9505 was spent on the painting of offices; and $3275 was spent on the purchase of new blinds. That was a total of $62 500, which is 625 per cent higher than the figure the former Minister gave to this House in October last year.

I can understand why the Minister would be reluctant to tell how much was spent on his Ministerial offices in Wellington Parade, especially when it was known the government was considering moving the Department of Agriculture to a country location, which has recently been announced as Bendigo.

The matter certainly requires some investigation by the current Minister. Why were those expenditures allowed to continue? The Minister should also examine why $62 500 was spent on office renovations in direct contradiction to the Minister's directive to his acting chief general manager in August, which said that only the security work should be done.

These security measures account for only $6000, or less than 10 per cent of the total expenditure. Why was this directive disobeyed? The Minister should investigate and, if it is their responsibility, bring the officers concerned to order. If the Minister has reneged on his statement to the House that he would do only the security upgrading and if he has changed his mind and decided to add to his palatial offices, he should explain his reasons for doing so.

It is up to the Minister to explain to the House why these costly renovations were carried out when we know the Minister at the time was considering relocating the office to Bendigo. This is a scandal and a disgrace. The Minister needs to explain what has happened and why these costly renovations were undertaken when he knew there was a possibility of relocating the office.

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

## Revenue subsidies to water boards

**Mr JASPER** (Murray Valley) — The matter I raise for the attention of the Minister for Conservation and Environment concerns the problems being faced by many water boards in country Victoria, and particularly two in my electorate, the Chiltern Water Board and the Tungamah Water Board. I will not go into the detail of their history because there is not sufficient time to do so, and the changes that have been made over a long period to the operation of water boards in country Victoria.

The Minister for Conservation and Environment was involved in the Public Bodies Review Committee when in the 1980s it inquired into and made recommendations about changes to the operation of country water boards and, as a result, amalgamations and various changes occurred.

In the past financial support was provided by the government to water boards throughout country Victoria. In fact, it enabled those water boards to provide water supply and sewerage facilities that they could not have provided without funding support.

Changes were made to the provision of funds to those water boards throughout the 1970s and 1980s. It is the most recent changes that I am concerned about. Water boards were told they receive funding over three years, after which the revenue subsidy would be phased out, with the second year being 1989-90 and the final year being 1990-91.

I could argue the toss about what should happen and that continued financial support should be provided to country water boards. However, at this stage, I just direct to the Minister's attention the changes that have been made, the obligations on the Office of Water Resources to continue to provide the revenue subsidy and the problem that has been caused to the Chiltern Water Board and the Tungamah Water Board with the change and the removal of that subsidy part of the way through this three-year period.

I shall quote part of a paragraph from one letter I received from the Chiltern Water Board:

> The financial burden being placed on these water boards by the government will force even the strongest into an unviable position, particularly when the government owes them revenue subsidies from previous years.

In fact there was a three-year period for the revenue subsidy. In the second year, 1989-90, of the three-year period the Chiltern Water Board approved, through its business plan, the receipt of a revenue subsidy of $92 026. However, it has received only half that revenue subsidy, $46 013, and has not yet received the second half.

Therefore, the board is now in the situation where the business plan approved by the Office of Water Resources has been thrown out because the board has not received its full revenue subsidy for the 1989-90 year. Now, although the business plan for this financial year has been approved, apparently the board is being told it will receive no revenue subsidy from the government. This places the board in a difficult position because it has set its water charges in anticipation of receiving the revenue subsidy.

Action is needed from the Minister to restore what is justifiably and rightfully the funding these water boards should receive. As I said, the Chiltern Water Board is owed $46 013 from last year's subsidy, and it will receive no subsidy this financial year. In the case of the Tungamah Water Board, which is a smaller body, the revenue subsidy involved is only $11 000, but it is important for that board to get its $11 000.

It is important for the Minister to review this change immediately and ensure that these boards are paid the subsidies which have been rightly allocated to them and approved in their business plans, but on which the government is now reneging.

## McDonald's outlet at Royal Children's Hospital

**Mr COLE** (Melbourne) — I raise a matter for the attention of the Attorney-General who is the representative in this place of the Minister for Health. I am concerned about the decision of the Royal Children's Hospital to allow a McDonald's restaurant to be located on its premises. I express opposition to that and ask the Minister to intervene and change the hospital's decision.

It is important that we address the issue of the McDonald's outlet being located at the hospital because of the marketing that the McDonald's chain undertakes and the danger of placing it in the Royal Children's Hospital, given that McDonald's gears its advertising campaign to the children's market.

I have received assurances from the board members of the hospital that the McDonald's restaurant will cater only for outpatients and that McDonald's food will not be fed to children who are ill and trying to recover — it might make them worse! At least we have received an assurance that the McDonald's restaurant will be servicing only the outpatients and also that there will not be a drive-through service in Flemington Road, which would have pleased the Melbourne City Council in terms of the planning issue. We are pleased about that.

We know nutritional experts within the hospital have made it quite clear that they do not seek to defend McDonald's as an everyday source of food and also that they do not wish

to endorse the product as being nutritious. In fact, there is a clear case for arguing that it is to be considered only as a treat by families.

In a document that they produced, the nutritional experts at the hospital advise that a wise family regards a visit to McDonald's as a treat to be indulged in only occasionally. When nutritional experts at the hospital are saying those sorts of things, it is of some concern that the imprimatur is being given and that the Royal Children's Hospital — which is one of the best hospitals in the world — is lending itself to a McDonald's restaurant. It is outrageous that it is taking this course of action.

The opposition will be pleased to hear that the nutritional value of McDonald's food has been compared with that of Jean-Jacques by the Sea and Stephanie's Restaurant. Therefore, perhaps we should change the names of the restaurants and make them McJean-Jacques by the McSea and McStephanie's! The comparisons made are extraordinary.

According to these comparisons, to get the nutritional value of one Big Mac, one regular serve of French fries, an apple pie and a chocolate milkshake, at Jean-Jacques by the Sea one would have to eat 10 oysters, 20 grams of tartare sauce, 100 grams of fillet of rockling, julienne of winter vegetables, 150 grams of chocolates, 25 grams of camembert cheese, 50 grams of biscuits and 2 glasses of wine; at Stephanie's one would have to eat 100 grams of asparagus, coddled eggs and fresh herbs, 130 grams of fillet of beef, 50 grams of carrots, 100 grams of French beans, 120 grams of French fried potatoes, 30 grams of bearnaise sauce, 120 grams of lemon meringue pie, 15 grams of coffee, petit fours, and 2 glasses of wine.

It is clear that the hospital going down this path is a disaster for the nutritional education of children in this State. It is an absolute disgrace that McDonald's is using this vehicle to promote its product.

It is unfortunate that the hospital has chosen to take on McDonald's in this manner. Obviously it is doing so because the McDonald's chain has an excessive amount of money and this is clearly the best marketing tool McDonald's can come by to infiltrate our children's lives.

I hope the Minister for Health in another place will intervene in this matter to ensure that a McDonald's restaurant is not established in the Royal Children's Hospital and we are not seen and the hospital is not seen to be promoting those products as an alternative to a regular meal in the home.

## Ballan water and sewerage service

**Mr COLEMAN** (Syndal) — The matter I raise for the attention of the Minister for Conservation and Environment relates to an article that appeared in last Saturday's *Ballarat Courier* headed "Mystery of Ballan's water and sewerage". The article quotes the Director of Water Industry Management, Department of Conservation and Environment, Mr Peter Sheehan, saying that a poll of ratepayers would be held in Ballan on that day. It subsequently turned out that the poll will be held this coming Saturday. The article said an options paper was being distributed to households in Ballan, Blackwood and Gordon-Mount Egerton. The article states:

> "But the decision rests with the ratepayers," Mr Sheehan said.

That was the outcome of the negotiations over the amalgamation procedure with the Geelong and District Water Board.

The Minister would have an intimate knowledge of the structure of the Ballan sewerage and water functions, given that they amalgamated at the behest of the Public Bodies Review Committee when he was a member of it. In a letter today the Shire of Ballan indicates that the first it heard of the poll of ratepayers was in the article to which I have referred. It had not been approached by the Director of Water Resources about the matter. The letter also indicated that the council is still holding discussions with the Office of Water Resources and that the matter is unresolved. Discussion is ongoing.

The Director of Water Resources is planning to poll only the water and sewerage ratepayers of the Shire of Ballan. All of the Shire of Ballan ratepayers are carrying some of the burden or perceived risk of the operation of the sewerage authority and it would seem only reasonable that all of the ratepayers should have an opportunity to vote, not just the water and sewerage ratepayers.

The Minister suggested there was a 100 per cent turnout. I suggest it depends on the questions asked, because if the Minister asks questions such as he asked at Mallacoota, one of which was, "Do you want lower rates?" he will receive a good response. In that case 70 per cent of the people said they wanted lower rates. If the Minister poses the same question in Ballan he will get the answer he is looking for.

No notice has been given to the shire, even though it has picked up the water and sewerage functions of the surrounding district. The ratepayers of the shire will have to bear the burden but they are not being given a say in the outcome.

Unless the process is perceived to be democratic, it will fall into disrepute. The Minister needs to intervene in the matter by calling off the poll next Saturday. He should ensure that it is properly based and that all ratepayers in the Shire of Ballan have a say on matters affecting their properties and the way it will be disposed of.

The Minister is offering the Geelong water board $2.4 million to take over $1.6 million worth of debt at Ballan. In times of economic hardship one must wonder how it is possible to offer an inducement of $2.4 million to the board to take over a debt of $1.6 million at Ballan. The Minister ought to address the matter and take it under his charge if

it is not under his direction at present. He should ensure that a democratic process is followed so that the ratepayers of Ballan have a say in the disposal of their assets.

## Geelong-Melbourne train service

**Mr SHELL** (Geelong) — I direct to the attention of the Minister for Transport the 7.40 a.m. train from South Geelong to Melbourne, which consists of a five-car set of blue carriages. The people who travel on that train complain about the standard of the transport they must use to commute to work in Melbourne. A number of improvements are being made on the Geelong-Melbourne line, including the provision of new rolling stock, N-class carriages and tangerine cars that compete favourably with other services. They are air-conditioned, carpeted, comfortable and keep time fairly well, and the people travelling on the 7.40 a.m. train want that same sort of comfort.

The standard of the blue car is better than what it was in previous times. During the nine years of Labor government it has replaced the old red rattlers that the Liberal government left for us. It was a luxury in Liberal government days to ride in a blue car. A blue car is not up to scratch for today's traveller.

A large number of people catch the 7.40 a.m. train. To find out the current situation I travelled to Melbourne last Friday week and caught that train. There were 232 passengers and there were still some empty seats. It would require two of those three-car sets to replace that train with a tangerine set or N-class car set and accommodate the number of people who travel on the train. It is used only twice a day. The blue-class set returns from Melbourne to Geelong at 5.40 p.m. It is a very crowded train.

At one stage the government provided a bus to accommodate the additional people who wished to travel on that service. To replace that five-car blue set I understand we would need two or three car sets of the tangerine or N-class carriages. I know the government refurbished some of the old Harris sets from the metropolitan system and put them on the country system, especially the Bacchus Marsh line, and one set on the Geelong line, and they are comfortable even though there are no first-class facilities.

What we need is either an additional two-car tangerine set or a rotation of the six cars in the tangerine set so that the people on the 7.40 a.m. service can experience the comfort that the government has provided to commuters on the Geelong-Melbourne rail line and, in that way, those who regularly travel on that train can experience the additional comfort and better timekeeping. The same arrangement could be repeated for the 5.40 p.m. train that returns to Geelong.

The ideal situation is to replace the blue car set with the tangerine set, but if that is not suitable or able to be done, I suggest a rotation of the carriages so that the people who regularly travel on that service can enjoy the additional comfort that has been provided by the government.

## WorkCare

**Mr RICHARDSON** (Forest Hill) — I direct a matter to the attention of the Minister for Labour as the Minister responsible for WorkCare. The matter I bring to his attention is one that is close to me in that it relates to the failure of WorkCare to meet its obligations to a member of my staff.

The thrust of this government's WorkCare proposals is that it is an opportunity to encourage the rehabilitation of injured workers and get them back to work. That has been promoted with considerable strength. When the arrangements were made by Parliament to enable members of the Legislative Assembly to employ research assistants, I employed on a half-time basis a talented young journalist who had been on WorkCare for some time and had not been working after having sustained a spinal injury.

This young woman was keen to return to work and it was thought that she would be capable of working half time. So she was employed and has worked to my satisfaction. Parliament did not provide any office furniture for these additional employees but I did have a desk and a chair that had been provided to me earlier by Parliament and that was put in place in a spare room.

The young woman started work. I was conscious of the fact that probably the furniture she was using was not ergonomically sound so a friend of mine, who is a health and safety specialist in a Federal government department, was kind enough to call on me and inspect the work station at which this young woman worked. The result of that inspection was that practically everything about the place was wrong. The furniture was wrong and the lighting was wrong. There was little that could be said to be correct apart from the air conditioning which was provided by the owner of the building and even that was a bit dodgy at times. I sent a letter to the secretary of the House Committee listing the furniture and the attachments that should be provided according to the report that was given by the friend of mine who is an authority on these matters.

Representatives of the House Committee and health and safety officials visited my electorate office and they agreed that virtually everything that was provided for this research assistant was wrong and recommended that a variety of pieces of furniture and equipment should be provided. In due course I received a letter informing me that although it was agreed the work station was inappropriate and that the furniture and equipment were wrong, unfortunately the replacement furniture could not be provided with the exception of an ergonomically sound chair which would be provided and could be expected within the next couple of weeks.

As I recall that was about five months ago and we have neither seen the elusive chair nor have we had any response to the request for the other items of furniture. This is a serious matter. The young woman who is employed as my research assistant is off work at the moment with the recurring spinal problem. I am not claiming that it was the inappropriate furniture that caused the recurrence of the problem that was caused by the injury to her spine but I suggest to the Minister that the injury she sustained would not have been assisted by the inappropriate furniture she was forced to use.

I ask the Minister for Tourism, who is at the table, to raise this matter with his colleague as a matter of urgency. The Minister at the table was previously responsible for WorkCare matters and would therefore have a keen interest in the subject. I ask that immediate action be taken to resolve this crisis in my office.

## Responses

**Mr BAKER** (Minister for Agriculture) — The honourable member for Portland has misinterpreted the facts. The matter of the carpet relates to a Budget period some two or three years before so clearly it was not relevant.

The Minister did send a memo to the department asking for minimum cost and the notes in the question on notice that I have already sent to the honourable member for Portland explained the reasons why there was an over-run.

**Mr CRABB** (Minister for Tourism) — The honourable member for Murray Valley raised for my concern the subsidies or the non-subsidies for water boards at Chiltern and Tungamah. I have to admit I have no personal knowledge of his specific concerns. The honourable member reminded me of my days on the Public Bodies Review Committee — which seems to be a long time ago — and I think it was before the Labor Party was in government when it demonstrated to everyone that the system which existed of proliferating small water boards was not in the best interests of the community.

I am surprised there are still water boards in Victoria where the number of board members exceeds the number of employees. That does not necessarily mean they are not efficient organisations but it is the sort of thing that suggests one should ask some questions.

The government is not prepared to continue to subsidise non-viable water boards. They must amalgamate into some viable organisation because they cannot expect the government to keep pouring good money after bad. I do not know if that is the case at Chiltern or Tungamah but I shall look into the matter and see what can be done.

The honourable member for Syndal raised his concerns about the attempt at participative democracy in the Shire of Ballan. Certainly there are some substantial differences of opinion between the Shire of Ballan and the water resources department about what should happen with the Ballan water board. The department is sure it should be amalgamated with a larger organisation and the shire is sure it should be kept. I understand the shire's view is that were it not for the economies of scale that are achieved by merging the activities of the shire and the water board it would have to put up the shire rates if it were not there.

**Mr Coleman** interjected.

**Mr CRABB** — I shall have a chat with the honourable member for Syndal afterwards because that is the fourth version of the story I have heard so far. I shall take on board what he said but these processes of polling or public meetings or whatever that are gone into with all the suggested amalgamations are not final; they are a means of trying to communicate with the communities concerned about the issues and an attempt to find some feedback about what the local people want to do. I hope the problem can be solved in the relatively near future.

The honourable member for Melbourne raised his concern about the McDonald's hamburger shop at the Royal Children's Hospital. I shall direct that to the attention of the Minister for Health. Comparing McDonald's with Stephanie's Restaurant and Jean-Jacques by the Sea is like comparing them with the Parliamentary dining room and I am not sure honourable members would be interested in hearing the comparison!

The honourable member for Geelong raised for the attention of the Minister for Transport the concern of his constituent that some commuters are more luxuriously treated than others and that the luxury should be distributed with more equity. I shall refer that to the Minister for Transport.

The honourable member for Forest Hill directed a matter to the attention of the Minister for Labour. I am surprised that it took him five months to do something about the matter if it was as serious as the honourable member has said. I would have expected him to have been banging on someone's door a little earlier.

**Motion agreed to.**

**House adjourned 6.28 p.m.**

**Thursday, 14 March 1991**

**The SPEAKER (Hon. Ken Coghill) took the chair at 10.35 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.

## QUESTIONS WITHOUT NOTICE

## PRIVATISATION OF ASSETS

**Mr BROWN** (Leader of the Opposition) — I refer the Minister for Finance to his statement last night that the privatisation of assets such as the State Electricity Commission, essential services, education and health was not in the best interests of the community. How does he reconcile that statement with the statement of the Premier this morning that the government is still examining the sale of the Loy Yang B power station?

**Mr A. J. SHEEHAN** (Minister for Finance) — I did not notice the Leader of the Opposition at the meeting last night; however, it was well attended. I addressed the meeting on the issue of privatisation.

It is no secret that privatisation is an important issue for Victoria and what I said at the meeting was that there is a very strong case for public ownership of essential utilities and services and that the government - and this is an internal party discussion - had to be very clear in its reasons for wishing to have public ownership.

The government has to be clear on the outcomes it wants and the reasons for retaining public ownership and it has to know what it wants to retain and why. There is also a clear need to attract as much private investment into public infrastructure as possible in a way which is compatible with public ownership.

That statement is quite consistent with the position of the government which is committed to public ownership of the major utilities and essential services. That is where the government is at odds with the opposition, which would sell anything or chop anything down.

Members of the Labor Party and the Australian community have a strong commitment to public ownership of essential services and major public utilities. However, within that the government also wishes to explore the potential for private investment. That is well known, and it is important that within the party and the community the government spells out its commitment to both public ownership and the attraction of private investment into public infrastructure.

**Mr McNAMARA** (Leader of the National Party) — I refer to the proposed privatisation of the Loy Yang B power station and ask the Premier whether she is backing the Leader of the Government in the Legislative Council, who has advised he wants to proceed with the privatisation, or the Minister for Finance, who appears to be bowing to the socialist left and union militants when he stated yesterday evening that he does not want to proceed with the deal.

**Ms KIRNER** (Premier) — I thank the Leader of the National Party for his question because, as the Minister for Finance just said, it is an important issue which requires a lot of debate in the community and in the Labor Party.

It is extremely interesting that the opposition can say with a click of the fingers that it would sell the Gas and Fuel Corporation, which brings to Victoria $300 million a year. The opposition says it would hand over that profit to the private sector. Despite that, the opposition will not allow the sale of the State Insurance Office. What hypocrisy! Can one imagine a bigger act of hypocrisy than actually saying the Liberal Party in government would sell the State Insurance Office but this government cannot? The government is saying it is an appropriate current public asset to put on sale now.

The Leader of the Upper House and the government have made no decision to sell any part of the State Electricity Commission, and that has been made absolutely clear from the start by me and the Minister responsible. However, the government will not walk away from the discussion about how Loy Yang B1 and B2 are to be funded. A government committee is currently considering that issue; it will look at it just as the government is considering other issues in terms of private investment in public infrastructure. The government will continue to look at it and it will make a decision in the best interests of the community.

The government and the opposition know — it is rightly an issue on the table — Australia is spending less money now on infrastructure per person than was spent 40 years ago. The Leader of the New South Wales government, the Premier of South Australia, John Bannon, and myself will put on the table at the May Premiers Conference that a particular matter must be addressed by the National government and State governments cooperatively. That matter is what is needed in terms of public infrastructure in Australia now, how it can be funded by the public sector, what part of it should be owned by the public sector and what contribution the private sector can make.

They are big questions and the government will not walk and has not walked away from them. It has walked up to them; it has established a committee to consider those questions; it even has a public-private sector committee checking the guidelines.

My view and that of the community is that the issue is far too important for it simply to be a one-off ideological position of the opposition.

## SCHOOL RETENTION RATE

Mr ANDRIANOPOULOS (St Albans) — Can the Premier inform the House of the most recent advice she has received regarding the government's efforts in having more students complete year 12 schooling?

Mr McNamara — They've got nothing else to do.

Ms KIRNER (Premier) — The Leader of the National Party interjects, "They've got nothing else to do". That is a good example of why the retention rate in country areas is 5 per cent behind metropolitan areas; people like him do not care about country kids staying on at school.

My government has a commitment to allowing all young people the same right as honourable members opposite would want for their children to complete year 12. That goes for kids in the country, in working-class areas and for women and kids with disabilities.

I am delighted to inform the House that this year the year 12 retention rate has jumped dramatically by 12 per cent. When this government came into office only 27 per cent of young people stayed on to year 12; this year the figure is 75 per cent.

The opposition seems to have a fixation — particularly when it is the shadow Minister making the statement — about the issue of social justice. It seems to have apoplexy. It does not understand what the words mean. "Social justice" means a fair go for all kids to complete year 12, and we are almost there.

In one decade the government has changed the face of opportunity for children in Victoria, an opportunity to excel at and complete year 12. When this government came to power there was nowhere in normal schools for kids with disabilities, now 4500 kids with disabilities are in normal schools — by their choice and that of their parents — and many of them are going on to year 12.

This government is not going to let it rest there because if one stays on to year 12 one wants to have somewhere to go, to make real choices.

Victoria has the highest participation rate of any State in tertiary education. The government is now in a position to look at the further extension of training opportunities on the basis of the announcement made by the Commonwealth government.

Finally, I am delighted to note that the Commonwealth government in its recent industry statement on achieving excellence has adopted this government's position on a school improvement program of identifying good schools and practice.

There are not many times when one can say that the whole community agrees on something that is important for the future of its children, but the opportunity of staying on to year 12 as a result of the changes in education that this government has created

through the Victorian certificate of education gives us one of those occasions. I congratulate the teachers, parents and students of Victoria on this enormous change that is in the interests of the children themselves.

## SALE OF STATE ASSETS

**Mr STOCKDALE** (Brighton) — I refer to the Treasurer's recent trip to Europe which he described as being to investigate the sale of State assets, including the sale of the State Electricity Commission. Has he now abandoned these plans to protect his Labor Party preselection?

**Mr ROPER** (Treasurer) — I thank the honourable member for Brighton for his question because I do not seem to be able to get those kind of capital questions up in our questions committee. I am happy to have the opportunity of answering it.

As was made clear there were a number of purposes behind my visit to Europe, which followed — —

*Honourable members interjecting.*

**Mr ROPER** — Listen to the honourable members opposite! After only two days they can no longer remain disciplined. It shows they are two-day discipline people.

As a result of discussions with officers and members of the Committee for Melbourne, it was the view that it was important that direct discussions about the Victorian and Australian economies be held with the leading financial houses in Europe. In cooperation with the Committee for Melbourne, a kind of business organisation from which we have had a lot of cooperation — unlike members opposite — a program was organised so that we saw the main banks directly and discussed the Victorian and Australian situations with them.

As the Minister for Finance and the Premier have just said, we also discussed the opportunities that would be available over time for private sector involvement in infrastructure.

That has not occurred suddenly in terms of public debate. It was specifically mentioned in last year's Budget and, indeed, a group of people involved in the private sector and also leading trade union officials have been working in that area for the past couple of months.

**Mr McNamara** interjected.

**Mr ROPER** — I take up the interjection of the Leader of the National Party. It involved BOMA, representatives of the AFCC and other leading representatives of the financial community who have volunteered their time to work on programs such as this.

As honourable members know, during the past few years the level of capital works funds available, not just to this State but to other States, has been significantly decreased as a result of the macro-economic policies adopted in Canberra. We are responding by examining opportunities in which the private sector can participate.

Guidelines have been developed in New South Wales and we have talked about them with officials from that State. We will continue those discussions to develop appropriate guidelines for Victoria which will ensure we can provide the infrastructure we need and also ensure we are able to obtain effective input into that infrastructure whether it is, as the Premier mentioned, the way we provide capital in the long term for authorities such as the State Electricity Commission or whether it is a particular hospital project, working with a particular hospital management to ensure works are done that would otherwise not be done, or whether it is roadworks.

The opposition might not want to involve itself in the private sector in that cooperative way but we certainly intend to do so in the future.

## FUNDING FOR LOCAL GOVERNMENT

**Mr HARROWFIELD** (Mitcham) — Is the Treasurer aware of the recommendations made by the Federal Grants Commission recommending major reductions in funding to local government in Victoria and, if so, will he indicate to the House the government's response to those recommendations?

**Mr ROPER** (Treasurer) — It is an important issue not only for Victoria as a whole but for the 210 municipalities throughout the State that would see their funding significantly cut if the Commonwealth were to accept the Grants Commission report on fiscal equalisation.

I must say that the government condemns the basis on which the report has been put together. For the information of honourable members who may not be aware, there would be a reduction in funds, under one of the scenarios for Victorian municipalities, from $182 million to $90 million; that is, effectively, a halving of funds for local government.

It has taken some time for the Commonwealth to move to a per capita payment system for local government. Any steps along the lines of this so-called fiscal equalisation would severely affect every local government body in Victoria.

For example, in the electorate of the honourable member for Mitcham, the City of Nunawading would have its funds from the Grants Commission reduced from about $2.5 million to about $1.2 million; the City of Berwick would face a reduction from about $2 million to about $1 million; the funds allocated to the City of Geelong would drop from $600 000 to $300 000; the City of Ballaarat would have its funds cut from $1.2 million to little more than $500 000.

Such examples apply throughout Victoria and clearly show how the so-called principles of fiscal equalisation would penalise not only municipalities in Victoria but also Victoria as a whole. The cuts would increase the level of subsidy from Victorian taxpayers to the taxpayers of all other States, apart from New South Wales. They would have a very severe effect on the situation of local government services and of local government rates because if the reductions were to occur — and I certainly believe the Commonwealth

government will not adopt this report — it would mean either councils having to cut services significantly or to increase rates very substantially, or a combination of both.

The government is well aware of the efforts local government in Victoria is making to improve its efficiency; if these recommendations were to be adopted — and I certainly believe the Commonwealth will not do so — it would mean its moves towards increasing efficiency would effectively be knocked on the head.

The analysis in this report confirms the prejudice against New South Wales and Victoria in the current fiscal equalisation scheme, whereby Victorians provide about $700 million towards services in all States except New South Wales; New South Wales provides more than $800 million. There needs to be a total re-examination — and I understand the New South Wales government agrees — of the principles of fiscal equalisation that may have applied in 1900 but should not apply now.

Certainly there will be a continuing need for the two big States to look after Tasmania and the Northern Territory but there is absolutely no need any longer for the taxpayers of New South Wales and Victoria to be subsidising the other States to the present extent.

The government condemns any suggestion that these new principles should be adopted in local government financing and it will work with local government in Victoria — and, for that matter, New South Wales — to ensure they are not.

## ENTERTAINMENT EXPENSES

**Mr COOPER** (Mornington) — My question is directed to the Minister for Finance. I refer to the statement made last Tuesday by the Minister for Agriculture that the honourable member for Albert Park spent more on liquor than he did when Minister for Property and Services. Will the Minister confirm that allegation and will he make available to the House documentary evidence of the waste of taxpayers' funds by the Minister and the former Minister?

**Mr A. J. SHEEHAN** (Minister for Finance) — As I understand it, the honourable member has quite an extensive telegram bill about which he may need to make an explanation!

Whatever information is available under freedom of information legislation will be made available to the honourable member; if he makes a request, it will be fulfilled.

## MEAT INQUIRY REPORT

**Mr W. D. McGRATH** (Lowan) — I refer the Premier to her answer yesterday when she said the government's Harrison inquiry submission went through the normal processes of consultation with industry unions and I ask: why were the unions, and Mr Curran in particular, consulted but not the key industry bodies such as the Victorian Farmers Federation and the Meat and Allied Trades Federation?

**Ms KIRNER** (Premier) — I should be very happy to show the honourable member for Lowan the diary entry recording my meeting with the meat industry employers on the issue of industrial harmony or lack of it in the meat industry, and on the issue of the future of the industry, and also the diary entry of the meeting with Mr Alex Arbuthnot, the President of the Victorian Farmers Federation.

No-one, not even the employers in the meat industry or members of the Victorian Farmers Federation or the meat union, determines the content of government submissions to the Harrison inquiry.

They were all consulted on the future of the meat industry; all of them reported, indirectly, to the House on the inquiry and all of their views were taken into account. Probably just as importantly, the expert views of the departments were taken into account, and that submission proceeded.

## CHEMICAL STORAGE ON COODE ISLAND

**Mr COLE** (Melbourne) — Will the Minister for Labour inform the House of the response of both the community and industry to the current review of the future of chemical storage on Coode Island?

**Mr POPE** (Minister for Labour) — Currently the government is conducting a comprehensive review and inquiry into the chemical industry in this State under the hazardous chemicals secretariat established by the government some nine months ago. During those nine months we have consulted with industry, unions and the community on chemical storage and pursued a full consultative approach on the issue.

This is in stark contrast to the consultation that occurred back in October prior to the Leader of the Opposition producing a fifteen-paragraph press statement on the relocation of hazardous material from Coode Island. According to one industry source the consultation that occurred between the Leader of the Opposition and industry was one quick telephone call.

Industry was quite flabbergasted at the announcement by the opposition that toxic and dangerous chemicals at Coode Island would be moved within the first term of its government — if indeed the opposition became government. The Australian Chemical Industry Council publicly stated that, first of all, the opposition's position on the dangers posed by Coode Island was an exaggeration and, secondly, on a number of other issues the Liberals did not seem to have their facts straight. The spokesman actually making these statements is an employee of the Australian Chemical Industry Council. He intimated that the Liberals had not thought through their policy properly. Once again, I am not sure whether this council is another employer body which the Liberal Party intends to condemn as being a Labor apologist — the council spokesman was Rudi Michelson, who a few years ago was a Liberal candidate for the Federal seat of Henty.

According to industry the Liberal Party has now walked away from its position of last October on Coode Island. It is now saying that industry can stay until its leases have

expired, which is until the year 2006. This indicates that the Liberal Party's public stance of October last year was a sham, and that the Liberals never answered the hard question.

I challenge the Leader of the Opposition, firstly, to reaffirm his position taken in October last year but, more importantly, to tell us publicly where he is going to move it to!

*Honourable members interjecting.*

**The SPEAKER** — Order! The Minister is entirely in order to provide information on factors being considered by the government in relation to existing and proposed government policy. However, he is not at liberty to use the answer to a question simply as a vehicle for attacking the opposition.

**Mr POPE** — The question asked of me was: what is the community and the industry saying with respect to the future of chemical storage on Coode Island. That is the specific question asked by the honourable member for Melbourne: what does the community and industry have to say in respect of the relocation of hazardous materials on Coode Island?

I was saying that industry sources are telling me that consultation is the right way to go. They want a decision, they want one quickly and we will provide a decision. However, the industry is saying also that what was put in October last year by the Leader of the Opposition was a sham. Now they are being told, "Don't worry about it; you can stay until your leases have run out".

The issue of Coode Island is important. It is not a matter of a fifteen-paragraph press statement and a quick telephone call — as one industry source told me: a quick telephone call, that was the totality of the consultation. We are doing it in full consultation with the community and industry.

## LOSS OF MEAT EXPORT MARKET

**Mr GUDE** (Hawthorn) — Will the Premier confirm that the eleven pages of the government submission to the Harrison meat industry inquiry deleted after Mr Curran provided his critique of the submission documented $100 million lost to the Victorian economy in lost meat exports as a result of industrial disputation over the past eighteen months?

**Ms KIRNER** (Premier) — I thank the honourable member for Hawthorn for a repeat of the question asked yesterday by the Leader of the Opposition. I must say that his control of his backbenchers is weakening.

*Honourable members interjecting.*

**Ms KIRNER** — They have been told to behave. Not only do they not behave but they have forgotten what Parliament is about, as usual. Today, led by the honourable member for Burwood, they are back to their old tricks.

Yesterday I went carefully through the issue addressed by the honourable member for Hawthorn in his question, that is, the loss of export trade in Victoria. I went through all the reasons for it, part of which is industrial disputation. Others include the issue of the

lack of quality, the need to improve quality, the need to have a niche in the market — and all those issues that are an appropriate part of the future of the meat industry and an appropriate part of the Harrison inquiry.

I know that the opposition would much prefer to have a single-minded approach to the development of industry and the future of unions. That is what they have always done; they have always had a single view about industry and unions.

That is not the view of any successful Western country. If one considers Germany one finds that Germany quite clearly has a view about industry in which both industry and unions — often together on boards, I might say — have a view of how the industry should go forward and have agreed training policies. Which country has one of the best economies in the world? The answer is: Germany.

I cannot understand the constant preoccupation of the opposition with a single-track approach to industry in Victoria. We are not going down that track because the road to recovery is to take an industry seriously in all its parts, and take the employers, the unions and government along with reconstruction.

## PETITIONS

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

### 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 showeth that members of 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 (247 signatures)**

### Victorian School for Deaf Children

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

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

The "Directions for the future" for students who are deaf in government schools proposes that all post-primary aged students will be educated in integrated settings in hearing schools, and therefore the Victorian School for Deaf Children will cease to function as a post-primary setting.

Your petitioners therefore pray that:

Both the primary and post-primary programs at the Victorian School for Deaf Children are maintained and adequately resourced so that the school can continue as a school of excellence and be a viable educational option for deaf students in Victoria.

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

**By Mrs Ray (2301 signatures)**

**Laid on table.**

## PAPERS

**Laid on table by Clerk:**

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

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

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

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

Eastern Suburbs Geriatric Centre — Report and Statement of Accounts for the year 1989-90.

Hospitals Superannuation Board — Report and Statement of Accounts for the year 1989-90.

Hospitals Superannuation Fund — Report on the Actuarial Investigation as at 30 June 1989.

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

Myrtleford District War Memorial Hospital — Report and Statement of Accounts for the year 1989-90.

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

William Angliss Knox and Sherbrooke Community Hospital — Report and Statement of Accounts for the year 1989-90.

Yarrawonga District Hospital — Report and Statement of Accounts for the Year 1989-90.

## PAY-ROLL TAX (SUPERANNUATION) BILL

*Introduction and first reading*

**Mr ROPER (Treasurer) introduced a Bill to amend section 3 of the Pay-roll Tax Act 1971 and for other purposes.**

**Read first time.**

# INDUSTRIAL RELATIONS (FREEDOM OF ASSOCIATION) BILL

*Introduction and first reading*

**Mr GUDE (Hawthorn) introduced a Bill to provide for the recognition of individual rights of persons to belong or not belong to an association and to amend the Industrial Relations Act 1979, and for other purposes.**

**Read first time.**

**Ordered to be printed.**

**Mr GUDE** (Hawthorn) — I move:

That this Bill be read a second time tomorrow.

**Mr POPE** (Minister for Labour) — On the question of time, Mr Speaker, given that the Bill was first listed on the Notice Paper by the honourable member for Hawthorn on 26 February 1987 and that it has been continually put back on the Notice Paper with exactly the same wording, either after Parliament has been prorogued or an election has been held, and has been around for more than four years. I believe the Bill should be debated forthwith.

Over the past few weeks honourable members have heard a lot about the opposition's industrial relations policy. The honourable member for Hawthorn should have his second-reading speech prepared, together with the Bill. I suggest it would be appropriate for him to debate the Bill forthwith, and I am prepared to grant him leave to do so.

**Mr GUDE** (Hawthorn) (*By leave*) — Mr Speaker, I have a manuscript copy of the Bill. I am quite happy to debate the measure but I do not have sufficient copies of the Bill or of the second-reading speech for hónourable members.

I make a further point: yesterday, in discussions with the Minister for Labour about the Bills listed on the Notice Paper under my name, we had an agreement and understanding that the first three items of General Business would be dispatched quickly and we would then deal with Notice of Motion, General Business, No 4.

I seek your advice as to how the matter can proceed in the absence of printed copies of the Bill. I should be happy to amend the motion by replacing "tomorrow" with "later this day".

**Mr ROPER** (Treasurer) — On the question of time, Mr Speaker, certainly the government expected to see the Bill today. This Bill, as the Minister for Labour said, was first listed on the Notice Paper in February 1987, some four years ago. I stand to be corrected, but my recollection is that it was read a first time in 1988. Copies of the Bill would have been ordered to be printed at that stage.

I do not know whether the Bill has changed since 1988, when the proposed legislation was read a first time by the honourable member for Hawthorn, but after such a long period of it being listed on the Notice Paper in both this and the previous Parliament I should have thought the opposition would be ready to deal with it.

The government is very keen to see what is in the Bill. It is keen to have it debated. I am sure that the community, after waiting four years to see the Bill, is also keen to have the matter debated. It is not as though this is something that has suddenly arisen. Presumably some years of preparation have gone into the proposed legislation. I should be pleased if copies of the Bill could be made so that the House could debate it as soon as possible. I hope the Bill can be printed before lunchtime today.

**Mr GUDE** (Hawthorn) (*By leave*) — Mr Speaker, I seek leave to withdraw my request to have the Bill read a second time tomorrow and to move a motion allowing it be be read a second time later this day. When honourable members have full copies of the Bill, which I have here, and copies of the second- reading speech, which I also have here, I would be happy to debate it.

**The SPEAKER** — Order! Is leave granted?

**Mr ROPER** (Treasurer) — Yes.

**Motion withdrawn, by leave.**

**Mr GUDE** (Hawthorn) - By leave, I move:

That this Bill be read a second time later this day.

**Motion agreed to.**

## PREVENTION OF SECONDARY BOYCOTT BILL

*Introduction and first reading*

**Mr GUDE (Hawthorn) introduced a Bill to promote industry trade and commerce, to outlaw secondary boycott action, to provide for a right of action for loss or damages should a secondary boycott occur and to amend the Trade Unions Act 1958, the Industrial Relations Act 1979, and for other purposes.**

**Read first time.**

**Ordered to be printed.**

**Mr GUDE** (Hawthorn) — By leave, I move:

That this Bill be read a second time later this day.

**Mr POPE** (Minister for Labour) — On the question of time, Mr Speaker, the Bill was listed on the Notice Paper on 17 July 1985, almost six years ago. The honourable member should have the ability to debate the Bill forthwith, but if he wants to debate it later this day, so long as it is before lunch, that is fine.

**Mr MACLELLAN** (Berwick) — On a point of order, Mr Speaker, before any debate on the motion can take place it will be necessary for leave to be given. I am not sure whether leave was given.

**The SPEAKER** — Order! I did call for leave to be granted, and leave was granted.

**Mr ROPER** (Treasurer) — On the motion, if the honourable member for Hawthorn faces the same difficulty he faced before because he cannot make available copies of the Bill, I am sure that the House will be tolerant enough to allow the second reading to proceed now, so long as before the end of the day he distributes copies of the Bill to all honourable members and everyone else interested in it. We would be happy to facilitate that process.

**The SPEAKER** — Order! In speaking on the motion before the Chair the Leader of the House suggested that the second reading proceed forthwith in the absence of copies of the Bill. I believe that is an undesirable practice. I shall make every effort to ensure that copies of the Bill are printed quickly so that its second reading can occur today at the earliest opportunity.

**Motion agreed to.**

## PROMPT PAYMENT OF STATE ACCOUNTS BILL

*troduction and first reading.*

**Mr GUDE (Hawthorn) introduced a Bill relating to the payment of commercial accounts payable by the State or by an authority of the State.**

**Read first time.**

**Ordered to be printed.**

**Mr GUDE** (Hawthorn) — By leave, I move:

That this Bill be read a second time later this day.

**Mr POPE** (Minister for Labour) — On the question of time, Mr Speaker, again I have no problems with the Bill having its second reading before lunchtime today, but given that notice of its introduction was first given on 26 February 1987, some four years ago, I should have thought the honourable member would have been able to read the Bill a second time forthwith rather than waiting until sometime before 1 p.m.

**Mr GUDE** (Hawthorn)(*By leave*) — I thank the House for its generosity in finally granting leave to allow these Bills to be debated.

**Motion agreed to.**

## COMPULSORY UNIONISM

**Mr GUDE** (Hawthorn) — I move:

That this House condemns compulsory unionism as is practised in Victoria, especially in the building industry, because it represents a violation of the fundamental right of freedom of association laid down in the United Nations declaration of civil and political rights.

The right to join a trade union is no less a basic and fundamental right than the right not to join one. An individual should be free to make his or her decision to exercise the basic human right of freedom of association that everyone of us holds so dear.

The right is contained in article 22(1) of the Universal Declaration of Human Rights adopted by the United Nations, which says that everyone has the right to freedom of peaceful assembly and association and that no-one may be compelled to belong to an association. Yet in Victoria the very opposite occurs, with the imprimatur of the government.

Concern has been expressed that if the law gives Victorians freedom of choice and freedom of association — and that is the purpose and intent of the Industrial Relations Act — it is important that such rights are upheld and maintained. It is equally as important to maintain the lawful rights applying to the formation and work of trade unions. The law protects the rights of unions in the same way as it protects the rights of other organisations that are of equal importance to the community.

The denial of freedom of association, which is a basic human right, is currently the norm in Australian workplaces. If an Australian worker decides not to join a trade union, more often than not he or she is subjected to vilification and harassment and sometimes loses his or her job as a result.

**Mr POPE** (Minister for Labour) — On a point of order, Mr Speaker, it is evident to anyone sitting in the House that the honourable member is reading his speech. Given that the motion has been on the Notice Paper since 10 August 1988 I should have thought the honourable member would be so well versed in the issues he wants to raise as not to need to read his speech.

**The SPEAKER** — Order! Will the honourable member advise the House whether he is reading his speech?

**Mr GUDE** (Hawthorn) — I am referring to notes, and the Minister knows full well that that is so.

**The SPEAKER** — Order! The honourable member for Hawthorn has advised me that he is referring to notes, and the Chair is obliged to accept his assurance. I remind him that the custom and practice of the House is that speeches should not be read.

**Mr GUDE** — As I said, freedom of association is a basic right that currently is being denied to Victorians. In workplaces throughout the State trade unions are harassing and vilifying those people who freely choose not to belong to a trade union; and for years workers in this country have been pressured in that way. Such practices are a denial of human rights, which we ought to ensure does not continue. Freedom of association is a cherished right; it is an important right which every decent Victorian ought to defend.

Recently a former Minister for Health, the Honourable C.J. Hogg, sent out letters to employees of the health Ministry extolling the virtues of trade unionism. That was a none-too-subtle way of trying to increase trade union membership, particularly in the Public Service.

I have no objections to unions in the health industry contacting employees at their workplaces and encouraging them to join trade unions, giving them the opportunity to join or not to join, as the case may be. But it is well and truly over the top when a Minister of the Crown attempts to recruit employees for trade unions. I realise that she was only following the example set by the former Premier, the honourable member for Bundoora, who readily gave to the unions involved the names and addresses of all of Victoria's public servants, again to assist compulsory unionism. That was an inappropriate invasion of civil liberties perpetrated by a senior public figure who should have known better.

The rights of men and women to exchange their labour for payment is now considered to be one of the most important, basic human rights, which I guess we take for granted. In the days of industrial serfdom it is fair enough to say that the powerful factory owners of Western Europe in particular did not assist in the development of trade unions. It was from such experiences that the trade union movement was born, to define and protect the rights of workers.

I have no quarrel with the historical reasons for the formation of trade unions. However in the late twentieth century I believe trade unions have outlived their usefulness, a view clearly shared by the vast majority of Australians. Now more than ever we see evidence of unions constraining the liberties that they were formed to foster and protect.

Trade union leaders are aware of the union movement's increasing lack of relevance to today's society. For evidence of that one need look no further than the declining membership of trade unions. According to the Australian Bureau of Statistics trade union membership has fallen from 51 per cent of the work force in 1976 to 42 per cent in 1989. Only 32 per cent of private sector employees belong to trade unions.

A recent Morgan research survey found that 87 per cent of Australians believed membership of trade unions ought to be voluntary. The point I made a few moments ago was that the Australian community, who are the prospective members of trade unions, have voted with their feet because only 32 per cent in the private sector believed unions were worth belonging to and the silent majority, the 68 per cent who are not represented in the industrial relations systems of this State or the Commonwealth, resented the fact that they had been effectively excised from the system. It is no wonder that almost 100 per cent of Australians believed that membership ought to be voluntary.

It is interesting and worth observing that in the 1990s the typical trade unionist in Australia is a middle-aged male, blue-collar worker. I noted with interest that recently the Prime Minister's wife, Hazel Hawke, was brought in to launch a program to recruit young women into the union movement. Although I admire Mrs Hawke for being prepared to stand by the ideals she supports and for lending her name to the

encouragement of young women and to a cause in which she believes, it is a clear public demonstration of the desperate nature of the union movement in Australia that it needs to resort to what one might call a stunt to try to generate interest in a flagging movement.

Among the many noteworthy cases in the history of industrial disputes that have involved the question of union membership is the famous Dollar Sweets case. That case is not unique and represents one of the small number of cases from the late 1970s and 1980s which have had a profound and beneficial effect on the pattern of industrial relations in Australia.

At page 1582 of the *Hansard* report of the Senate on 19 October 1988, Senator Jim Short is reported as pointing out the sorts of concerns that employees at Dollar Sweets felt concerning the compulsory procedures they were confronted with and the concerns that eventually led to a most unfortunate dispute.

Senator Short described it as:

> ... the campaign of violence, thuggery and lawlessness then being waged by a militant, extremist, Libyan-backed union, the Federated Confectioners Association against Dollar Sweets Co. Pty Ltd, a small business in Melbourne. That dispute involved, amongst other things, an attempt by the union to overturn an agreement reached voluntarily between the company and its employees on terms and conditions of employment. History records that the Dollar Sweets case subsequently became one of the landmark cases in Australia's industrial relations history. Following action initiated in the courts by Dollar Sweets, in early 1988 the union made an out-of-court settlement of $175 000.

That dispute was significant for three fundamental reasons. Firstly, it gave an indication that the pursuit of proper processes of law will lead to just outcomes. As a result, civil courts are increasingly being used by those who find themselves subjected to the sort of vilification I have referred to. We have seen examples of disputes in recent times which, although I am certain they were not disputes occurring in the Victorian industrial relations jurisdiction, were of importance and, had they gone on much longer, may well have resulted in the same sort of civil action.

Secondly, resistance by small business to union black bans, strikes and so on has strengthened and has had an enormous impact on the behaviour of some trade unions. Thirdly, it has proved that trade unions are no longer invincible in these areas. That is important because 68 per cent of Australians choose not to be subjected to the process of vilification of being required to become members of trade unions.

The motion is about the right of the average Australian who wants to be independent to remain independent and still hold a job. That is pretty important and fundamental. It is about whether in our civilised society we are prepared to stand aside and allow thuggery and intimidation to coerce workers into union membership and to take over and rob us of essential rights.

Under the coalition closed shops will become — are increasingly becoming — a thing of the past. Government contract agreements will not occur in future in the way in which the government has introduced and become involved in them. I can assure the House

that there will be no more agreements like the National Tennis Centre agreement, where the predecessor of the Minister for Industrial Relations was castigated by no less a person than Mr Justice Ludeke, a Deputy President of the Australian Industrial Relations Commission, for creating and supporting an industrial agreement that was outside the national wage guidelines. The same can be said of the Melbourne Remand Centre agreement.

There will be no more Barwon Bridge agreements, with workers not working for over a year, as a direct consequence of the policies and views of the government and the way it has pursued industrial relations processes.

As an example of the direction the government has taken I will quote from a document titled the Victorian Building Industry Agreement 1989-1992, although the agreement has been in place for some time. I remind the House that this is a debate about compulsory unionism. On page 56, part 19 is headed "Union Membership (No Ticket-No Start)". This is an agreement negotiated by the government in association with other affected groups. On page 59, under point 19.5, "Subcontractors" it says:

> The principal contractor shall inform his/her subcontractor/s, in writing, prior to the acceptance of any tender, that non-unionists or unfinancial union members are not permitted to work on site.

If that does not reflect compulsory unionism in this State, practised directly by the Victorian government, then I do not know what it does.

In question time earlier this week the Minister tried very feebly to indicate that there is no compulsory unionism in Victoria. He referred to the Industrial Relations Bill that is now before the Parliament for debate, although I notice it is moving down the Notice Paper. It is clear that, while the government sought to embarrass me earlier today and did not succeed, it is doing exactly the same thing: it is failing to debate a Bill it claims is going to change fundamental structures of industrial relations in Victoria.

Turning to page 125 of the agreement one sees the agreement was signed on behalf of the Victorian government by the Minister for Industrial Relations, and the text above his signature reads:

> The Seal of the State Government of Victoria (Department of Labour) was hereunto affixed in accordance with its Constituent Documents and in the presence of ...

Immediately above that entry is the name "John Halfpenny" who has signed on behalf of the Victorian Trades Hall Council. Apart from the people directly involved in that agreement our old mate, the Premier's friend and factional colleague, John Halfpenny, is riding shotgun over the Minister for Labour.

I now turn to some of the ways in which the agreement has borne down on the opportunity of people to work and the way in which it has been used unsatisfactorily. It is important to note the way compulsory union membership has impacted on a number of disputes throughout the State. I refer, for example, to the Leighton Contractors Pty Ltd St Kilda Road dispute where picket lines, thuggery, police involvement and workers

brawling with workers occurred. Union bosses are telling the workers what they should do.

The government practises a revolving door industrial relations policy. John Cummins, an employee of the Builders Labourers Federation, has moved in and out of prison more times than the Minister has had his beard clipped, if not his wings.

The Leighton's dispute was resolved in an unfortunate way for the Victorian community. Unions use their muscle to demonstrate to the community that the union bosses and their members are above the law. It is clear that Australians and Victorians in particular are sick and tired of two standards of law applying. If you, Mr Deputy Speaker, or I were driving home in our cars and had a temporary lapse, exceeded the speed limit and were fined, we would do the right thing and pay the fine without question. However, if you are a trade unionist who has bashed a policeman on a picket line you can walk in and out of gaol through the revolving door! The community does not like these double standards. The Leighton's dispute was ultimately resolved by a settlement of $2000 being paid to each picketer to make up for the loss of wages they incurred. It was not widely publicised that most of the workers who remained on the site were also paid $2000 for having to put up with walking through the picket line.

If industrial relations has been reduced to that standard as a consequence of compulsory union membership then enough is enough. People want to get on with their jobs. That was the case with the vast majority of the workers who worked at the Leighton site. I know that because I took the trouble to talk to many of them and they told me that they wanted to get on with their jobs and did not want to be part of the union, but they were not given the opportunity of opting out. If they had been the dispute would have been resolved a lot earlier than it was and it would not have cost $2000 per employee.

The government places the interests of union officials above the interests of the rank and file union members. That is contrary to Australian Labor Party philosophy, not that the Labor Party holds true to its philosophy, as can be seen from the answers given during question time today.

The government is dependent on the trade union movement in many ways. For instance, it is dependent on the union movement for its income. Approximately $1 million in union dues is given to the Australian Labor Party. The government has a direct pecuniary interest in advancing compulsory union membership because it receives a kickback from that union membership. What about the many people who do not want to join unions and who do not want to pay money to the Labor Party? They have no say at all. That is part of the pernicious nature of union membership.

**Mr McNamara** interjected.

**Mr GUDE** — As the Leader of the National Party says by interjection, it is almost theft and it is a denial of basic rights. It is an indication of the way the government is prepared to conduct its affairs.

I remind honourable members of the way a former Premier and the Minister for Health have directed their energies to "encourage people into union membership". It is the role and responsibility of officials who are paid by the unions to carry out that function. The government wants a closed shop so the trade unions do not have to make the effort.

I invite honourable members to examine the amount of contributions that trade unions have made to the government from the affiliation fees of union members and the amazing number of offsets that the government has made by way of grants to the union movement. Millions of dollars have been channelled into the trade union movement over the past few years. I do not say, nor do I want the Minister for Labour to misrepresent me when he refers to this point, as I am sure he will, that all government grants to the trade union movement are pay-backs. Some government grants to unions, particularly in the occupational, health and safety area, have been used properly. I am strongly supportive of the need for education in that area.

I refer honourable members to the time when the former Minister for Labour, now the Minister for Conservation and Environment, was ridding the State of the Builders Labourers Federation with the support of the opposition parties. The opposition discovered, through freedom of information requests, innumerable examples of government grants being misused by a particular union. Funds were being channelled to the union to enable it to employ officers to carry out functions other than occupational health and safety functions. The government knows that, the business community knows that, the trade union movement knows that and the opposition knows that. The opposition will not support that system and it will not continue when the coalition is elected to government, whenever the next election is held.

The Minister for Labour indicated that the Industrial Relations Bill, now on the Notice Paper, contains a conscientious provision in it. That is true, there is a conscientious provision, but what does it provide? Firstly, a person has to prove he has a conscientious objection to joining unions. Secondly, he has to pay an amount of money equivalent to the union membership fee. Having done that the person is granted a certificate of exemption which will last for one year. If the Minister calls that freedom of association then he and I walk to the beat of a different drum. That is not freedom of association. Freedom of association is where a person can make a free choice and has the right to do that through the jurisdiction of law. Although that process might be cleverly hidden from the untrained eye, the Bill is yet another attempt to enforce the old adage: no ticket, no start.

I shall now turn to the ways the people of this State have been badly affected by government decisions with respect to the Victorian Building Industry Agreement and other industrial agreements to which I referred earlier. Firstly, I refer to a report written by Mr Tom Dobson on the Westgate freeway negotiations. His report states:

> However, an industrial demarcation dispute which erupted early in the contract, delayed the erection of the factory for five months while it was arbitrated, and ultimately for more than a year because of subsequent industrial disruption by the particular union. The contractor claimed that the delay arose from the government's having negotiated a site agreement which included dispute settlement procedures with the Victorian Trades Hall Council and certain other unions, but incorrectly excluded the BLF from the agreement, so when the demarcation dispute developed, both government and VTHC were powerless to resolve it.

It is bad enough that he had an agreement that had within it compulsory unionism but then to deny people who were carrying out part of that work an opportunity of having a say is even worse. The report continues:

> Neither the RCA nor the contractor were party to the site agreement, and the contractor claimed that since the delay was the result of an action by the government, the Road Construction Authority, as the government's agent, was liable for the contractor's costs.

He concludes on this point by saying:

> The argument was ultimately accepted by both RCA and the Minister, and the contractor was awarded delay costs of $5.6 million.

The people of Victoria paid those delay costs as a direct consequence of the process of industrial relations that had been entered into by the government by virtue of its compulsory unionism arrangements and its industrial agreements which one would have presumed were designed to avoid demarcation disputes. In fact the opposite has occurred at a cost of $5.6 million.

This morning I introduced a Bill, which it is hoped we will debate later this day, relating to prompt payment of government accounts. An interesting item comes up in this report. It refers to the very late payment by the government of the money that was duly owed to the contractor, so it is bad enough that it was necessary to have an independent arbitration to find $5.6 million but now we find the following described in the report:

> The contractor's argument was ultimately accepted by the Road Construction Authority, although only after the dispute had progressed to arbitration...
>
> The government wanted to argue it all the way and the result was that the contractor was awarded $1.52 million in interest on the outstanding amount.

Here we have the worst examples of what the government has been up to with industrial relations. I encourage people interested in this matter to get a copy of the *Herald-Sun* of 23 February and read a major article on pages 2 and 3 that mentions how the taxpayers are footing the bill for a flyover controversy and it relates directly back to the issue before the House: compulsory union membership and the way the government conducts its industrial relations processes.

One example is the National Tennis Centre project where a $50 over-agreement wages deal was done by the former Minister. That went up to $70 for some of the union members working on the contract but not to others. Eventually the government was caught out and had to pass it on to all employees on the project. The Victorian Building Industry Agreement was added to as a result. As I said earlier, Mr Justice Ludeke, a deputy president of the Federal Industrial Relations Commission, said the deal was

illegal and improper but, because of the arrangements between the government and its mates, the taxpayers of Victoria ultimately bore that cost. As we all know, the project is in some financial difficulty as a result of the arrangements entered into.

I have a copy of some documents obtained by the honourable member for Gisborne under freedom of information some time ago relating to the National Tennis Centre when the $52 a week campaign was being waged by the unions. The claim related only to the plumbing subcontractors and it amounted to $1.5 million. That is another example of how the process of union membership by compulsion has had an impact on the broader interests of the community.

I summarise by saying again that the opposition is totally opposed to the notion of compulsory unionism, that the processes that have been followed slavishly by this government since 1982, initiated by the Premier, supported by successive Ministers of the Crown, the Minister for Health and the Minister for Labour, in encouraging and coercing people into union membership and the way the Victorian Building Industry Agreement has been used to hand on money to union mates are unhealthy. It is a clear demonstration of two sets of laws that no decent Australian or Victorian would ever want to be part of. The coalition is totally opposed to that process.

I come back to where I started: I enjoin the House to support the motion condemning compulsory unionism as it is practised in Victoria, especially in the building industry. I have given ample evidence of the violation of the fundamental right of freedom of association laid down in the United Nations declaration of civil and political rights: everyone has the right to freedom of peaceful assembly and association and no-one may be compelled to belong to an association. I commend the motion to the House.

**Mr POPE** (Minister for Labour) — Last night on the ABC television program *Lateline* the compere, Mr Kerry O'Brien, put to the Leader of the Opposition, "When are you going to come out with your various policies?" The Leader of the Opposition replied to the effect that the opposition was already releasing its policies and he said, "Last week I released our industrial relations policy".

The Leader of the Opposition was obviously referring to a speech he made at the Building Owners and Managers Association meeting he attended last Thursday where, among a number of issues in his speech, he spoke for two pages on industrial relations. He claimed in the *Lateline* program last night that those two pages comprise the opposition's industrial relations policy for the future. Those two pages referred to the issues that were raised today by the honourable member for Hawthorn and are, according to the Leader of the Opposition, the totality of the opposition's industrial relations policy in this State. As the honourable member for Mitcham said, it is a pretty thin policy. In fact, it is very thin if it is only two pages long. Somewhere in the two pages the Leader of the Opposition said:

> We do not intend to blindly go out to battle.

It is not a matter of the opposition saying, "Let's consider how we can improve industrial relations; let's see what we can do to have some industrial harmony in Victoria". Blindly

go out to battle! These are quite fitting words when one takes into account that the honourable member for Hawthorn is reported as having said in the *Sunday Sun*:

> We will use the Army if necessary.

He has tried to move away from that statement, while his Leader is saying the opposition does not intend to blindly go out to battle.

What is the opposition's industrial policy? A paltry two pages that are all about confrontation! The honourable member for Hawthorn quoted the United Nations declaration of civil and political rights but he did not quote the United Nations when he started talking about the need, as he said, for civil courts, which are being used, to be used more. He did not quote the United Nations which recently stated:

> The ILO recommends against the use of common law damages against unions during industrial disputes.

The honourable member for Hawthorn cannot have it both ways. He is quoting the United Nations on one side and not on the other.

He spoke at length about the Victorian Building Industry Agreement and his version of the potted history of the Builders Labourers Federation and how he supported the government's moves to get rid of it. When the then Prime Minister, Malcolm Fraser, deregistered the BLF in the late 1970s the Liberal government in Victoria walked away from the issue; it did not want to know. It happened under a Labor government in Victoria, and it happened because the union was corrupt.

When he talked about the building industry and the VBIA, the honourable member for Hawthorn did not alert the House to the fact that signatories to the VBIA include a number of employer groups. There is an agreement between the unions and employers on how they want the Victorian building industry conducted. Until the recent economic downturn in Victoria the building industry was booming. Every statistic testifies to the fact that the building industry in Victoria has outstripped the industry in every other State in recent years.

At the moment there is a downturn but one of the reasons why the industry has been so successful in recent years is because the employers and unions have an agreement called the Victorian Building Industry Agreement, which they abide by. It gives greater regulatory control over industrial relations than occurs in New South Wales and elsewhere. It is a shame for the honourable member for Hawthorn to decry it. It is also a shame that he did not mention the fact that employers, apart from the two he selectively drew out of the VBIA document, are signatories.

I turn to the issue of compulsory unionism. The honourable member for Hawthorn would have us believe there are closed shops throughout the work force and that everyone is compelled to be in a union. The reality is that 90 per cent of the work force does not come under the umbrella of a closed shop. Only 10 per cent comes under a closed shop agreement. That is not the widespread compulsory unionism we are led to believe exists if we listen to the honourable member for Hawthorn.

There are existing laws that protect the rights of individuals who do not wish to join a union. Presently there is the Federal Industrial Relations Act which goes to the area of conscientious objection. The Industrial Relations Act 1979, which was brought in by the opposition when it was in government, does not go to the issue of conscientious objection. This government is putting it in the Bill before the House — the same Bill the opposition is opposing, even though every major employer group says it should proceed. The Federal Industrial Relations Act already covers the situation of conscientious objection.

Of the 10 per cent of the work force in the closed shop situation, the majority come under Federal awards, not State awards which come under the present State Industrial Relations Act. That Act does not cater for this issue. The government is catering for it and calling upon the opposition, as is every other major employer group, to support it. The Act will introduce a legislative provision to ensure a person has the right to withdraw from a union.

I believe in unionism and I believe it is appropriate to support the issue. Workers in Australia are receiving pay increases and improved conditions which in the main were won by the unions or negotiated by the unions and employers. The most important agreements between parties, which take into account the union movement, are probably the various accords negotiated by the ACTU. They have not only assisted in bringing about industrial harmony but have catered to the economic well-being of this country by the very nature of the negotiations.

With the accord negotiations there has been a reduction in unit labour costs which was necessary for this country to prosper. There has been a 10.5 per cent fall in unit labour costs because of collective bargaining or because of the ACTU determining the matter with the Federal government and going through the Industrial Relations Commission of Australia.

Workers are very pleased to receive condition improvements or salary increases, and quick to put their hands out, as they should be because the vast majority of workers deserve the increases they receive.

All I am saying is that I support unionism and the issue of collectivism with respect to this issue. I support the position of people paying their way with respect to receiving benefits. They should contribute. I think that is also all that the union movement is saying: people should pay their way. If they do not belong to a union for some reason they have the capacity to opt out under the Federal Industrial Relations Act. At the moment that option does not exist in Victoria but it will exist if the Bill before the House is passed by the Legislative Council. As I said the Bill is supported by all the major employer groups in Victoria.

The so-called industrial relations policy described by the Leader of the Opposition on ABC television involves a number of issues which will help the opposition blindly go out to battle. The opposition would call in the Army if it were in government.

What other areas does the opposition examine? Honourable members heard some when the honourable member for Hawthorn read out the tired old motions which have been hanging around for four or six years — motions he did not have a second-reading speech for when I called upon him to proceed.

These ideas are tired old things dressed up as some new industrial relations policy. The policy refers to prevention of secondary boycotts. Sections 45D and 45E of the Trade Practices Act currently caters for such events. Why is further legislation needed when the Federal legislation covers all workers in Victoria? The Federal legislation allows action to be taken against unions; such provisions already exist on the statute books.

Why is new State legislation necessary? It is all about members of the opposition beating their chests and trying to dress up an industrial relations policy. The policy contains issues the opposition has talked about year after year. When the Liberal Party was in government it wimped away from taking strong action. Earlier this week the honourable member for Hawthorn said he supported the government's derecognition of the Builders Labourers Federation. However, the opposition wimped away from doing that when the former Prime Minister, Mr Fraser, deregistered the BLF. The Liberal Party wimped away when the BLF went on strike at Loy Yang, demanding a record deal for lost time.

Most people are sick of the rhetoric from members of the opposition on this issue. They are trying to get populist approval of their hairy-chested position, but they are failing.

The opposition's policy refers to secret ballots. Section 99 of the current Industrial Relations Act covers that, as does the Federal Industrial Relations Act. All workers throughout Australia are covered by legislation regarding secret ballots. However, the opposition wants more legislation because it sounds good to beat the drum and get on another front page of the *Herald-Sun*.

The government's Industrial Relations Bill currently on the Notice Paper retains the use of secret ballots, but the opposition wants more legislation because it sounds good.

Members of the opposition talk continually about enterprise bargaining. That is being supported by the government and the Australian Council of Trade Unions in the Australian Industrial Relations Commission in the current wage fixing hearing. It is being supported on the basis of the need for enterprise bargaining between collective units of employers and employees under the auspices of the Industrial Relations Commission.

What does the government's Bill say about that? Through the use of certified agreements and by loosening up the system, the Bill does away with conciliation and arbitration boards so employers and employees can get speedy hearings in front of commissioners. The Bill provides flexibility.

**The ACTING SPEAKER (Mr Evans)** — Order! The Minister should take account of the rule of anticipation in debate. He is not at liberty to canvass the details of the Industrial Relations Bill currently on the Notice Paper. The motion before the House is narrow in confining itself to compulsory unionism.

**Mr POPE** — I commented on it only because the issue was raised by the honourable member for Hawthorn.

The Leader of the Opposition and the honourable member for Hawthorn have put forward their so-called industrial relations policy, which says the Liberal Party will ensure workers are able to cross picket lines. Workers can already cross picket lines and they are supported by the government, through the activities of the Police Force if necessary, to do so.

The opposition policy refers to consideration of the industrial relations system with reference to promotion and facilitation of legally enforced enterprise bargaining agreements. I have already mentioned that enterprise bargaining is catered for; the government supports that under the auspices of the Australian Industrial Relations Commission.

The industrial relations policy refers to using the courts to recover damages. Following the recent Heinz dispute even the President of the Victorian branch of the Liberal Party, Mr Michael Kroger, said that employers can take action through the court system. I have said already the Trade Practices Act covers action that can be taken, but the opposition has whacked in that issue to appeal to the populace.

The opposition's industrial relations policy is a hotchpotch of sloganeering and rhetoric that will never be carried through. The Liberal Party will not go blindly out to battle; it sounds good for the *Herald-Sun*, but the Liberal Party will not "use the Army", as the honourable member for Hawthorn said in the *Sunday Sun*. The honourable member said the Liberal Party would use the Army as necessary. Perhaps he could refloat *HMAS Cerberus* because Victoria has not had an army for a century.

**The ACTING SPEAKER** — Order! The Minister should get back to the subject of the motion, which deals with a specific question. This is not an appropriate opportunity for canvassing the ambit of industrial relations.

**Mr POPE** — I sat in silence and listened to the honourable member for Hawthorn as he widely canvassed the issues. I recall him mentioning how the opposition would deal with unions in this State. However, I take note of what you say, Mr Acting Speaker.

The issues covered in the motion are part of the supposed centrepiece of what the opposition will do for industrial relations in this State. It is a hotchpotch of hairy-chested rhetoric that has no substance. As political commentators and employers have said, it is nonsensical and empty.

If it is the opposition's industrial relations policy, as the Leader of the Opposition said last night to Kerry O'Brien on ABC television, what consultation took place with employer groups?

**The ACTING SPEAKER** — Order! I again remind the Minister that the motion does not deal with broad industrial relations matters. It deals with compulsory unionism, and the Minister should come back to that point.

**Mr POPE** — The policy is a hotchpotch; it will not be implemented by the opposition if ever it gets into office, and heaven help us if it does. The motion deserves no further comment because it can be seen for exactly what it is — absolute rhetoric and political grandstanding to appeal to the editors of the *Herald-Sun*.

**Mr W. D. McGRATH** (Lowan) — The motion moved by the honourable member for Hawthorn relates to compulsory unionism and how it violates fundamental rights under the United Nations declaration of civil and political rights.

For the past 20 minutes I have listened to the Minister for Labour speak about industrial relations and where the government sits in contrast to the opposition. Mr Acting Speaker, you would agree with me that the role of industrial relations in the next five years in Victoria — whether it relates to the building industry or other industries — is going to be vitally important in determining whether this State and this nation survive.

The Minister destroyed his own argument because recently he has been quoted in the press talking about the role of unions and the problems relating to the union movement — the extreme union movement, as he has said on a couple of occasions — and how there need to be changes in its operations.

There is nothing wrong with that and I applaud the Minister for doing it; the sorry part is that he had to apologise to the Premier for his statements. It was a front page story.

**Mr Micallef** interjected.

**Mr W. D. McGRATH** — Isn't it good the way the left winger jumps up when the nerve is touched? I support the Minister for Labour's comments relating to compulsory unionism in areas such as the building industry, manufacturing or whatever. The fact that he had to apologise was quite disconcerting to me.

I remember when a former Federal Minister for Primary Industry, Mr Peter Nixon, opened the Victorian Farmers Federation (VFF) conference in Echuca some ten years ago. A farmer at that conference asked whether the then Federal government would move to bring about compulsory unionism within the farming community because it wanted all farmers to belong to the VFF. To his credit Mr Nixon was able to give a very good illustration of the dangers of making it compulsory for a farmer to belong to the VFF.

I hear what the Minister for Labour says about belonging to a union and I support the concept that if people want to join a union they should have the right and freedom to do so, but if they do not wish to join a union they should not be forced by the hierarchy within the union movement to belong to one.

One continually hears of incidents of union thuggery — the Minister used the words "industrial harmony". I totally agree with that. If there were industrial harmony there would be a good work ethic, a good work force and management, with profits, and the economy would be doing well rather than being on its knees. I support industrial harmony.

Too often in the building industry industrial thuggery has taken place. For an example one has only to look at what has happened on the Leighton site in St Kilda Road in the past six or twelve months. Why did the Minister not give honourable members an outline of the government's position on that dispute?

**Mr Pope** interjected.

**Mr W. D. McGRATH** — You did not talk about the building industry. You had a great opportunity this afternoon to address compulsory unionism as it relates to the building industry and tell the House what the government's philosophy or approach is. I sat here for 20 minutes and did not hear you speak about the Leighton site.

Mr Speaker, many industrial disputes have taken place in Victoria, some examples of which are the disputes at Hoechst and at Heinz, the tram strike a few months ago and the St Kilda Road building project I mentioned earlier. They were all about industrial relations. If this nation is to go anywhere we all have to address industrial relations and get back to a work ethic. Whether it is management, worker, or whoever, it has to be a combined and joint venture in industrial relations to achieve one common goal.

This is where in recent months the Labor government has let Victoria down badly. It has been far too sympathetic to the left wing union movement, which is strongly committed to compulsory unionism. It is very dominant in the building and meat industries, both of which are highly orientated towards taking up employment and giving job opportunities.

What has happened in Victoria in the past twelve months because of the dominance of the left wing union movement in the building industry is that there has been an enormous growth in unemployment and a tremendous loss in job opportunities. People are getting tired of the way the union movement is dominating politics in Victoria.

The honourable member for Hawthorn has put forward a very constructive explanation of the ambitions and direction of the next coalition government of Victoria. Victoria has an enormous debt problem which has to be addressed on many fronts if we are going to come to terms with it. Bringing it all together will require a strong building industry, manufacturing industry and mining industry, and a strong agricultural sector. That is not being encouraged under this government.

People lack a strong commitment to a work ethic in this State. How do you get a strong work ethic? It has to be given by example by the leaders of our State, whether they are leaders from government or the union movement. That example is not forthcoming at this particular time. What the honourable member for Hawthorn is endeavouring to do today is to increase awareness of and give substance to the fact that there needs to be a work ethic. He is saying, "Go out there, workers, you do not have to belong to a union; it does not have to be compulsory."

The opposition is not going to stand for union thuggery; it is going to look for the industrial harmony that the Minister for Labour spoke about. Putting those two thoughts together, we could well have the Minister for Labour behind the scenes, although it might not be politically expedient for him to do so, silently agreeing with the honourable

member for Hawthorn — and that is different from the views of some of his left wing colleagues — that there needs to be industrial harmony rather than the sort of industrial thuggery that has been seen in the building industry.

**Mr Pope** interjected.

**Mr W. D. McGRATH** — The interjection of the Minister for Labour about sending in the army is not what one would expect from him. I should have thought the Minister would have been a little above that type of remark.

Resolution of the industrial dispute that occurred at SPC Ltd would have come out strongly on the side of enterprise bargaining had it not been hijacked by the Trades Hall Council and brought before the Industrial Relations Commission. The dispute could have been dealt with at the local level but, because there was a compulsion for unionism to become involved, the opportunity of dealing with it at that level was denied.

I shall highlight where the coalition government will be going: it will give workers with strong work ethics who want to get on with the job a commitment to work together with them so that the $40 billion debt facing Victoria can be paid. An enormous job awaits the coalition government. It will not allow the workplace to be dominated by union thuggery. We must have industrial peace and harmony and we must have a strong work ethic before we will get anywhere in this State. I commend the honourable member for Hawthorn for his motion.

**Mr MICALLEF** (Springvale) — I acknowledge the contribution of the honourable member for Lowan purely for the fact that he had two thoughts — one more than he normally has. He was good with the rhetoric about hijacking and thuggery. He used colourful terms of the gangster era, an era that he was obviously brought up in. He spoke about a Labor government that has let the left wing position on union thuggery and hijacking prevail but I shall put on record the benefits the government has put in place during the past eight years.

**Mr Evans** — What about all those rotten tomatoes!

**Mr MICALLEF** — I shall examine the government's record. Let us forget the rhetoric and the tomatoes that the honourable member for Gippsland East appears to be obsessed with. In the twelve months to November 1990 New South Wales, the so-called Premier State, lost 600 000 working days as a result of industrial disputes but in the same period Victoria lost only 350 000 working days.

**Mr Perrin** — That has nothing to do with it!

**Mr MICALLEF** — It has a lot to do with the industrial scene. It is an acknowledgment that Victoria is performing much better in industrial relations terms than is New South Wales. The record speaks for itself. The days lost per 1000 employees under the previous conservative government — —

**Mr PERRIN** (Bulleen) — On a point of order, earlier the Acting Speaker ruled on a point of order that narrowed the debate before the House to the specific motion. I believe the honourable member for Springvale is canvassing the wider subject of industrial relations but the motion before the House relates to compulsory unionism. The honourable member for Springvale has been on his feet for a few minutes but he has not mentioned that subject. He was in the Chamber during the Acting Speaker's ruling but he is clearly now flouting the Chair's ruling, and I ask you, Mr Speaker, to bring him back to order.

**Mr POPE** (Minister for Labour) — On the point of order, the honourable member for Springvale was also here when the honourable member for Hawthorn was speaking to his motion, as was the honourable member for Bulleen. When the honourable member for Hawthorn spoke he covered the industrial situation in Victoria. He certainly went into a wide-ranging debate about industrial relations and I believe it is more than appropriate for the honourable member for Springvale to be replying to those matters raised by the honourable member for Hawthorn, which included the issue of too many strikes in Victoria.

The honourable member for Springvale is showing that it is a nonsense to suggest that Victoria is the stricken State that the honourable member for Hawthorn suggested. In fact, the honourable member for Springvale is putting this information in rebuttal of the points made by the honourable member for Hawthorn.

**The SPEAKER** — Order! On the point of order, unfortunately I was called outside the Chamber at the early stage of the debate referred to in discussion on the point of order. At the time the honourable member for Springvale was interrupted he had spoken for only 2 minutes and it then appeared he was setting the context within which he would speak to the motion. I remind the honourable member for Springvale that the purpose of the debate is to debate the motion but in the circumstances I believe he should have some latitude in setting the context in which he will make his remarks.

**Mr MICALLEF** (Springvale) — I was responding to the last speaker, the honourable member for Lowan, who said Victoria was strike ridden. I was setting the record straight and I was responding directly by saying the number of working days lost under the previous Liberal-National Party regime between 1972 and 1981 was 800 days lost per 1000 employees, but under the leadership of the Labor government it is down to 200 days lost per 1000 employees.

If you relate the comparison to New South Wales, Victoria is well down on days lost. If you relate this to the current administration compared with the previous administration, the days lost are significantly down. Therefore, the facts do not bear out the rhetoric.

Victoria has an effective system of industrial relations. It is delivering industrial harmony. The Minister for Labour said that under the Thompson government a scandalous situation occurred of public money being used to bribe people to strike for six months.I am an avid unionist. Millions of dollars from government coffers were used

by the Thompson administration, but it was still unable to organise its industrial relations policy for the benefit of the community.

*Honourable members interjecting.*

**Mr MICALLEF** — I turn now to compulsory unionism. The opposition is not only opposed to compulsory unionism, it is really opposed to effective unionism. It has couched the motion in terms of compulsory unionism being an undemocratic denial of human rights, but it is actually saying it does not want any form of effective organisation. The only unionism the opposition wants is token unionism; it is the type of organisation the opposition would accept and support.

Today the House is having a classic exercise in union bashing. The rhetoric about union bashing seems to become more exaggerated the longer the opposition is out of office. I suggest next year we will see more of the colourful terminology used by the honourable member for Lowan and more of the colourful characters on the other side; they may read public notices in the *Herald-Sun* and then come out with some of the rubbish in that newspaper!

The record of the government is very good. The reason it has been successful is that the government has been consultative. It has relied on tripartism in industrial relations. It is no accident that members of employer organisations — for example, Ken Crompton — have come to an understanding with the government. From a very hostile position a number of years ago they have worked with the government on the basis of its consultative approach.

The government is supportive of tripartite mechanisms, whereby unions, employers and government work together in areas such as manufacturing, industrial relations, industrial training, and so on. The package of tripartism has really delivered an effective cooperative consultative approach to the Victorian industrial relations scene. Unions have a fundamental position within that tripartite position and the opposition should come to terms with that.

Unions are fundamentally democratic institutions; one must note that in past and present repressive regimes around the world the first democratic organisations to be attacked by any tyrants are trade unions. One need look only at the trade union role in Solidarity and the way Solidarity protected the democratic rights of not only the workers but of all the people. Unions have always had a broader view and it is about time the opposition accepted the legitimate role of trade unions and their very real impact in supporting and guarding the human rights records of ordinary people throughout the world.

Freedom of peaceful assembly now exists. That is one of the fundamental rights for which the trade union movement has fought, and it has won. Only a few years ago you were not allowed to hand out leaflets in Melbourne's streets. I remember some years ago I was booked by a Melbourne City Council officer for handing out leaflets — —

**Mr PERRIN** (Bulleen) — On a point of order, Mr Speaker, I again point out that the debate is very narrow. The motion before the House talks exclusively about compulsory unionism. Apart from the point of order I made previously, which probably occupied about 1 minute, the honourable member for Springvale has been speaking for 10 minutes but has not touched on the subject matter of the motion before the House.

The honourable member is talking about being fined for distributing pamphlets in the city. That has nothing to do with the motion before the House and I ask you, Mr Speaker, to bring him back to order and to the motion which, as the Acting Speaker pointed out previously, is very narrow.

**The SPEAKER** — Order! I have been listening to the honourable member for Springvale and I certainly believe in large measure he has been addressing the motion before the Chair. It is difficult for the Chair to relate some of his more recent remarks to the motion and I ask him to relate his remarks to the motion now before the House.

**Mr MICALLEF** (Springvale) — Mr Speaker, I did see some error in mentioning the United Nations covenant on human rights; I was referring to that subject in my contribution, and saying that trade unions have played a substantial role in winning those sorts of freedoms in Melbourne. I understand the honourable member has some difficulty linking those issues, and that is the point I have been making. The opposition has a very narrow and blinkered view; it does not acknowledge that trade unions have played that important role.

The opposition objects to unions being effective in organising and representing workers. Any interference with the ability of unions to be effective and to organise must cut across their ability to deliver those well-established benefits to their members.

For example, this week the people of Melbourne have been acknowledging and celebrating the Australian 8-hour day; it was a world first and was achieved by the Australian Labor movement. The trade union movement was important in establishing those pioneering rights for workers throughout the world.

The opposition criticises so-called compulsory unionism but its attack is really a fallacy; it is all about the unions' abilities to organise effectively and to deliver on behalf of their memberships. Why not be honest? Why not say it? The community will appreciate some honesty. I am sure the *Herald-Sun* and the honourable member for Brighton will appreciate some honesty from the opposition about its attitude to the trade union movement in this country.

I have had some experience as a shop steward in a so-called closed shop; I represented about 1500 workers belonging to twelve unions. During twelve years not one day was lost by workers I represented on the issue of compulsory unionism.

The only occasion that provided the potential for a strike concerned a person who refused to join the union and was dumped in the organisation. The workers quite rightly rejected that approach and every worker in the establishment refused to work with that person because the issue at the time was politically motivated; extreme right-wing

groups were prevalent at the time and were manipulating the compulsory unionism issue to their advantage by attacking the trade union movement. That is an example of the issues that may surface on the compulsory unionism issue.

On the question of political levies, the rules of trade unions must be registered in the Industrial Relations Commission. Political levies are organised by the trade unions and that is a legitimate process. The trade unions introduce and support their own rules that must be registered to ensure the unions comply with the IRC guidelines. Therefore, although workers pay political levies via their trade unions that is an acknowledged and accepted practice.

The misuse of funds was alluded to by the honourable member for Hawthorn in his very narrow contribution. He particularly referred to occupational health and safety grants and their relevance to trade unionism. He said the funds allocated to the Victorian Trades Hall Council had been misused. One must become a little suspicious because not one specific allegation can be substantiated by the honourable member for Hawthorn.

It is very easy to generalise, as does the *Herald-Sun*, and become involved in glib stuff. Certainly the community expects details of allegations that can be substantiated before someone can effectively be labelled with having misused public funding.

Another issue raised was conscientious objection. I have had some experience as an industrial shop steward, and I have found that often people have misused the conscientious objection process purely to get out of paying a particular union membership fee. But, as the honourable member for Morwell points out, there is never any doubt that they will accept the rights won for them by the trade unions such as the 8-hour day, penalty rates, holidays and annual leave loading.

One should be able to assume that if they accept the benefits won by trade unions the reason for not joining a union would be monetary. If they do not want to join purely because they do not want to pay the membership, that is a different issue to being a legitimate conscientious objector.

The bona fides of conscientious objection can be established easily and clearly by asking a conscientious objector to donate an equivalent amount of money to their favourite charity or a designated charity. This would then remove from them any need to prove that they are not using the conscientious objection purely to get out of paying the membership fee. I think that stance is quite reasonable.

The secondary boycotts provision is another furphy. A number of the things the honourable member for Hawthorn spoke about are provided for under Federal legislation and secondary boycotts are covered. Therefore, I do not see the need to introduce such a provision at a State level as it would be merely a duplication and a widening of our bureaucracy.

Secret ballots are another amazing furphy often heard about from the conservatives who do not understand the nature of industrial relations. The fact is that secret ballots already

exist within the Act and there is no need to reintroduce something for the purposes of political grandstanding.

I would prefer to see a little basic honesty from the opposition. I would perhaps be more understanding if the opposition were to say that it was opposed to trade unions, rather than it throwing up the red herring about secret ballots when secret ballots already exist.

The unions and the community have certainly learnt how to deal with the fact that industrial processes, when they break down, lead to disputation but when those relations do break down people need to remember that there are two sides.

During the Heinz dispute people were concerned about the tomato growers, and that was a legitimate concern, but people need to remember the two sides to industrial relations - the employer and the worker. If there are bad industrial relations it is difficult for rational discussion to take place within that climate. When John Halfpenny intervened the Heinz dispute was resolved in the Trades Hall Council very quickly.

The rhetoric of the opposition just does not stand up under scrutiny. Previous speakers spoke about enterprise bargaining. What these people are saying is that they want the ability for organisations and unions to enter into agreements that go below a base rate. That is what it is all about.

The ability for companies and unions to enter into enterprise bargaining already exists; they have the facility to register those agreements within the Industrial Relations Commission, but the opposition is saying it wants agreements that will break the existing award structure. In this instance a little bit of honesty would help. The government's record is second to none. As opposed to the previous Liberal government in Victoria or the present New South Wales government our record stands on its own.

An understanding exists between the Trades Hall Council, government and the police about the conduct of people involved in picket lines. The agreement seems to work well, apart from the odd extreme circumstance when truck drivers drive through picket lines causing potential harm to workers and picketers. That is when it gets out of control.

Picket lines exist at present and the police escort workers or scabs, I should say, through picket lines, and they do it on a regular basis so I do not know what the opposition is on about when it refers to picket lines because existing processes and rights are available to the workers and I can only say from my experience with industrial disputes that in the area of police resources there seems to be no shortage of police, wherever a picket line exists.

In the case of the Dollar Sweets dispute or the Hoechst dispute it is easy for the employer to pick up the telephone and ring the police, and within a matter of seconds there can be ten or fifteen police cars at the site with three reinforcements to supervise the crossing of picket lines. So this issue by the opposition is another furphy which also raises the question of the allocation of police resources.

The police seem to give a high priority to ensuring that that agreement works, so I guess one could say the opposition has an ally on its side in that respect, or at least most employers do, and that understanding has worked very well.

The trade unions have delivered quite a peaceful industrial relations scene in Victoria. They have represented workers effectively and will continue to do so. On many issues the trade unions have been at the forefront, such as on award restructuring, work practices, demarcation issues and amalgamation, along with the accord which has delivered major industrial harmony in this country.

Most employers understand that the organisation delivering this industrial harmony is the trade union movement. The union then organises to represent the workers and that delivers the peace and consultation to the work environment.

If ever there is a change in government the unions will rue the day when a Phil Gude or somebody like that — who has a total lack of understanding and has completely alienated everybody in dealing with the unions — is in charge. He has even alienated Ken Crompton from the industrial process.

The conservatives have put forward a load of rubbish. It is union-bashing, colourful rhetoric and no substitute for a policy.

**Mr HONEYWOOD** (Warrandyte) — My contribution to the debate will be brief. Prior to being asked by the government whip to pad out his speech by 10 minutes the honourable member for Springvale made a very important point. His point was that the first democratic institution to be attacked by a tyrant is a trade union. Nothing could be further from the truth. As we all know from the history of revolutions, the first democratic institution to be attacked by a tyrant is the media. This morning honourable members have heard a constant attack on one particular newspaper, the *Herald-Sun*. What the *Herald-Sun* has to do with compulsory unionism, I do not know!

*Honourable members interjecting.*

**The SPEAKER** — Order! The Chair will be resumed at approximately 2 p.m. The honourable member for Warrandyte may continue his remarks when the matter is next before the Chair.

**Debate interrupted.**

**Sitting suspended 1.1 p.m. until 2.3 p.m.**

## POSTPONEMENT OF BUSINESS

**Mr GUDE** (Hawthorn) — By leave, I move:

> That consideration of Orders of the Day, Government Business, the remaining Notices of Motion, General Business, and Orders of the Day, General Business, Nos 1 to 29 inclusive, be postponed until after the following Orders of the Day, General Business:

Industrial Relations (Freedom of Association) Bill — *Second reading;*

Prevention of Secondary Boycott Bill — *Second reading;* and

Prompt Payment of State Accounts Bill — *Second reading.*

**Mr KENNAN** (Attorney-General) — Leave is refused.

**Mr GUDE** (Hawthorn) — Mr Speaker, on a point of order, earlier this day, when these Bills were introduced and read a first time, the government indicated that it would give leave to have the Bills debated later today. I seek an indication from the Attorney-General as to when later this day the Bills will be called on for second reading.

**The SPEAKER** — Order! There is no point of order. Any member has the right to refuse leave.

**Mr W. D. McGRATH** (Lowan) — On a further point of order, Mr Speaker, I respect your ruling but I submit there is an issue of credibility relating to all of this. I refer to the debate that took place just prior to General Business being undertaken. The Treasurer made the claim that he was keen to debate the Bills to which the honourable member for Hawthorn has referred. The Treasurer said that he hoped copies could be made available quickly and, in fairness to him, he made mention of a time, that is, before lunchtime today.

Immediately after that, the honourable member for Hawthorn moved and was granted leave to move that the Bills be read a second time later this day.

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

## VICTORIAN RELIEF COMMITTEE (AMENDMENT) BILL

*Second reading*

**Ms KIRNER** (Premier) — I move:

That this Bill be now read a second time.

The purpose of the Bill is to give the Victorian Relief Committee power to sell goods collected by it, subject to Ministerial guidelines.

The Victorian Relief Committee is a longstanding publicly funded organisation whose function is to provide relief for persons in distress. The committee has a proud and enviable record of achievement in Victoria in performing this important task.

The Victorian Relief Committee is an organisation with a distinctive role in the Victorian welfare field. It is unique in Australia as the only instrumentality set up by an Act of Parliament to dispense material aid continuously throughout the year. Bedding, furniture, kitchenware, food, clothing and all manner of other household items are provided from a reserve of carefully selected materials, with considerable assessment of the needs of those who will receive them. Professional counselling services are available to all clients of the committee.

Today the Victorian Relief Committee is a major provider of material aid in this State. The number and diversity of welfare groups and agencies applying to it on behalf of their clients is testimony to this. While the committee and its small staff are coping admirably with the increased demand for services, there is concern that the diminished income received in recent years may limit the capacity to meet requests.

The committee is very grateful for all items generously donated to it. However, often items that are donated, although valuable, may not be of a nature or condition to be of the greatest practical application for those to whom the committee provides assistance. A power to sell such goods to augment the committee's income and purchase more appropriate items would increase the resources available to the committee in carrying out its valuable work. The Bill will give the committee that power, subject to Ministerial guidelines.

In conclusion, on behalf of the government and all Victorians, I thank Dame Phyllis Frost for her untiring and selfless devotion to the work of the Victorian Relief Committee and for the leadership and character she has always displayed.

I commend the Bill to the House.

**Debate adjourned on motion of Mr PESCOTT (Bennettswood).**

**Debate adjourned until Thursday, 28 March.**

## EQUIPMENT (PUBLIC SAFETY) BILL

*Second reading*

**Mr POPE** (Minister for Labour) — I move:

That this Bill be now read a second time.

The purpose of the Bill is to preserve statutory control over equipment safety in the public domain, and in doing so contribute to the process of consolidation and rationalisation of legislation controlling equipment safety.

A major rewrite of the primary regulations covering equipment safety is now being carried out. The main objective is to modernise the regulatory control of cranes, boilers and pressure vessels and other equipment used in the workplace. This modernisation process is being done by bringing all the occupational safety regulatory controls within the ambit of the Occupational Health and Safety Act. This is in keeping with the original intentions of that Act, which included the repeal of the earlier equipment safety legislation.

In carrying out this process it is essential that government retains the ability to regulate the design, manufacture and use of potentially dangerous equipment in the public domain. The Occupational Health and Safety Act, for the most part, can regulate equipment and activities only in the workplace. The specific equipment safety legislation

— the Lifts and Cranes, Boilers and Pressure Vessels and Scaffolding Acts — regulates equipment with no regard to whether or not the equipment is in a workplace. That is, the legislation covers the safety of the equipment in the public domain as well as the workplace. Consequently, a separate Act is required which will continue control over equipment safety in the public domain.

It is intended that the Bill will not extend obligations or duties beyond what generally applies under the existing equipment safety legislation. The types of equipment covered by the Bill will also remain comparable to the older legislation and in any case will not be more extensive than the types of equipment regulated under the Occupational Health and Safety Act.

KEY FEATURES OF THE BILL

The general style of the Bill follows the Occupational Health and Safety Act model to ensure different administrative and enforcement systems are not needed. Inspectors under the new Act will be able to issue improvement notices and prohibition notices. Inspectorial powers will, for the most part, duplicate those under the Occupational Health and Safety Act. There is a capacity for the Minister to issue codes of practice and the regulation-making powers also follow the Occupational Health and Safety Act provisions.

The Bill contains an amendment to allow municipalities to appoint inspectors under the Occupational Health and Safety Act. These inspectors' powers will be limited to covering occupational health and safety matters related to scaffolding in their municipal districts. In addition, the legislation will continue the practice of municipalities retaining scaffolding permit fees. This will perpetuate comparable provisions under the Scaffolding Act, but also extends these municipal scaffolding inspectors' powers to allow them to exercise the powers available under the Occupational Health and Safety Act. The intention is that these powers will be strictly restricted to matters related to scaffolding.

It is intended that regulations under the proposed legislation will essentially duplicate the revised equipment safety regulations now being drafted under the Occupational Health and Safety Act.

I commend the Bill to the House

**Debate adjourned on motion of Mr GUDE (Hawthorn).**

**Debate adjourned until Thursday, 28 March.**

## METUNG LAND BILL

*Second reading*

**Mr CRABB** (Minister for Conservation and Environment) — I move:

That this Bill be now read a second time.

The Bill provides for the granting of a 50-year lease for marina development at Storth Ryes near Metung.

The Storth Ryes resort is a major residential resort development proposed on 160 hectares fronting Lake King, 2 kilometres west of Metung on the Gippsland Lakes. The focus of the development will be a marina with public boating facilities on the reserved Crown land being part of the foreshore and bed of Lake King.

The proposed $50 million development includes a 450-room resort hotel-motel with convention facilities, 250 residential apartments, land for 450 house lots, a 350-berth marina, an 18-hole golf course, lake and harbourside service and marina commercial centres.

The developer, Victorian Properties Pty Ltd, which owns the 160 hectares freehold, initially prepared an environment effects statement in July 1986 for the proposed resort. Later a supplementary report for a revised proposal was prepared at the request of the then Minister for Planning and Environment to include a number of government requirements for public facilities and access to the lake foreshore and redesign of components of the freehold development.

Following the public exhibition and independent panel hearing and assessment the then Minister for Planning and Environment approved a planning scheme amendment and granted planning permission in December 1989. The amendment and agreement with the developer establish an ongoing development approvals process that requires continued monitoring, discussion and approval of development plans by the responsible authority and referral agencies.

The development guidelines issued by the Minister include a requirement for staged development with tourism facilities and residential development preceding the marina. This will ensure that the developer completes components on the freehold land in a satisfactory manner before entering into a lease for development of the marina and associated facilities on Crown land.

The development is consistent with government policy relating to the Gippsland Lakes zone and is identified as a priority project in the government's Gippsland Lakes tourism development program. In addition, it is identified in the East Gippsland Regional Economic Development Review as a beneficial development to the Lakes regional economy which is expected to generate some 80 jobs during and after construction as well as the indirect economic benefits.

The developers have requested that a long-term lease of up to 50 years over the Crown land component be approved by government for the marina. Existing legislation under the Crown Land (Reserves) Act 1978 provides for maximum lease periods over reserved Crown land of 21 years with the approval of the Minister. As substantial capital costs would be involved in construction of the marina and because of its relationship to the development and operation of the resort as a whole, a lease for a maximum period of 21 years is not viable. A 50-year lease would be appropriate for the developer to amortise investments and ensure the long-term viability of the project.

The Bill enables a lease of 50 years over the Crown land component of the proposed Storth Ryse development to be granted by the Minister or by a committee of management to overcome the 21-year limitation contained in the Crown Land (Reserves) Act.

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.

I commend the Bill to the House.

**Debate adjourned on motion of Mr COLEMAN (Syndal).**

**Debate adjourned until Tuesday, 26 March.**

## WERRIBEE SOUTH LAND BILL

*Second reading*

**Mr CRABB** (Minister for Conservation and Environment) — I move:

That this Bill be now read a second time.

This Bill provides for the revocation of two permanent reservations over coastal Crown land at Werribee South, the reservation of that Crown land and an adjoining area of the bed of Port Phillip Bay for recreation and tourism purposes and the power to grant leases over that reserve for any period up to 50 years for marina development. Particulars of the reserves and plan of the relevant land are contained in Schedule 2 to the Bill.

The creation of safer and more convenient boating facilities is part of the government's boating strategy for Port Phillip Bay. As part of this strategy Werribee South was one of four locations identified by the government for initial investigation by a government task group.

Investigations into alternative sites at Werribee South were conducted and the one considered most suitable is that situated adjacent to Duncan's Road approximately 2 kilometres east of the mouth of the Werribee River. This site contains approximately 11 hectares consisting of freehold land, Crown land permanently and temporarily reserved for public purposes and unreserved Crown land forming part of Port Phillip Bay. The freehold is currently under a contract of sale to the Werribee City Council.

Evaluation of this site in relation to environmental and social impacts under the government's two-stage approval process has been completed. An environmental effects statement has been assessed and a planning scheme amendment has been approved. The planning scheme allows the construction and operation of the boat harbour complex incorporating a 300-berth marina, boat ramps, safe haven areas, berth facilities for commercial and casual use and associated tourist, recreation and parking facilities. The development will provide for public access and facilities.

It is envisaged that the marina, boat ramps, commercial marine facilities and some public parking will be undertaken under the terms of a lease granted under the Act. Such a lease can be granted by the Minister or by a committee of management under conditions approved by the Minister. The present legislation provides that ownership of improvements reverts to the Crown or the committee of management at expiry of the lease, but limits to 21 years the maximum period for which such a lease can be granted.

As substantial capital costs will be involved in marina construction at this site a maximum lease period of 21 years is not considered financially viable. A 50-year lease would be appropriate for the developer to amortise investments and ensure the long-term viability of the project. This Bill enables a lease of 50 years to be granted over the Crown land component of the proposed marina development at Werribee South.

The Bill also provides for the removal of the current reservations over the foreshore which is reserved for public purposes and for the reservation of the Crown portion of the total site for recreation and tourism purposes.

Although no proponent has yet been selected to develop the site, the government wishes to complete the planning process by ensuring that the Crown portion is appropriately reserved and that long-term leasing arrangements can be offered to a successful developer.

The City of Werribee has conducted an expressions of interest process which began in May 1990. One of the respondents has put forward a well documented proposal which is currently being assessed.

It is the government's intention to appoint the City of Werribee as a committee of management over the new Crown reserve so that the whole site can be managed as one. Suitable leasing provisions will be developed once a preferred developer has been selected. However it is the government's intention that any development will proceed only on a commercial basis with rent reflecting market values.

Lease rental may be shared, under a formula to be agreed, between government and the city, where it will be applied to Crown reserve foreshore management within the municipality. However the likely rental income will depend on the nature and extent of the development on the Crown portion of the site. This will only be known following the acceptance of a preferred proponent and approval of a detailed design plan.

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.

I commend the Bill to the House.

**Debate adjourned on motion of Mr COLEMAN (Syndal).**

**Debate adjourned until Tuesday, 26 March.**

# ACCIDENT COMPENSATION (AMENDMENT) BILL

*Second reading*

**Mr POPE** (Minister for Labour) — I move:

That this Bill be now read a second time.

This Bill supports two of the key policy objectives of the 1989 reforms to WorkCare, namely:

restoration of the financial position of WorkCare while retaining the fundamental social objectives of the scheme; and

a greater emphasis on health and safety in the workplace to improve safety and claims performance and a strengthened bonus and penalty scheme to encourage employers to improve their claims records.

There is evidence to show that the 1989 reforms are having the desired effect:

the financial position has improved sharply with a reduction in the unfunded liabilities which could mean that WorkCare is fully funded by 1995;

there is a speedier and lower cost disputes resolution system;

employers have strong incentives for improved performance and lower costs as a result of an expanded range of levy categories and an increased scale of bonus and penalties; and

there has been a significant reduction of 32.7 per cent in the number of open claims between the end of September 1989 and December 1990 and a 10.1 per cent reduction in the number of long-term claims for the same period.

This Bill contains amendments designed to implement the recommendations of the 1991 levy review, initiated by the Premier, and to address some anomalies in the legislation.

LEVY RELIEF TO EMPLOYERS

Two amendments offer levy relief to employers and reflect the recommendations of the levy review. All employers will benefit from the decision to exclude award and non-award superannuation from the definition of leviable remuneration.

The Bill also permits the Accident Compensation Commission (ACC) to provide, through regulation, retrospective relief to employers who suffered net levy rate increases on 1 July 1990 exceeding 100 per cent. Generally net levy rate increases for individual establishments in this category will be capped at 100 per cent. This is worth $25 million to these establishments in 1990-91. The 100 per cent cap on net levy rate increases will also apply in future years.

BONUS AND PENALTY SCHEME

Two amendments are specifically targeted to improve claims performance through adjustments to the bonus and penalty scheme. An employer's bonus or penalty for

claims performance is determined by two factors: the total claims for the previous two calendar years, and the level of certifiable remuneration for the previous financial year.

Some employers are avoiding penalties under the bonus and penalty scheme by manipulating these factors. One such method is to delay the reporting of claims incurred near the end of a calendar year until the next year. The Bill imposes a three-month limit on employers seeking reimbursement from the ACC for claims payments, unless the commission is satisfied that there is good reason for a longer delay. This will prevent employers avoiding levy increases for poor claims records.

A complementary provision limits the manipulation of certifiable remuneration. Currently a non-certification penalty is imposed on employers who are late to certify. Under the current legislation the commission does not have the power to retain the penalty as a general rule. The Bill provides that regulations may make non-certification penalties generally non-refundable. This will remove the incentive for employers to delay the certification of remuneration. This amendment also reflects the recommendations of the levy review.

INDEXATION OF COMMON LAW CAP

A specific problem is the need to ensure that the $140 000 cap on common-law claims, introduced in 1987, is appropriately indexed. This action is required because a recent Supreme Court judgment pointed to legislative anomalies which negated the original legislative intent in relation to the indexation of the common law cap. This amendment ensures that in future common-law claims have a ceiling equivalent to $140 000 indexed annually from 1 July 1988.

CERTIFICATES OF INCAPACITY

The government has reviewed the entitlement to issue initial and continuing certificates of incapacity. The Bill extends to physiotherapists the right to issue continuing certificates of incapacity. This will help minimise the duplication of time and cost involved when a WorkCare claimant is undertaking a course of physiotherapy, but must regularly obtain a continuing certificate from a doctor, chiropractor or osteopath.

However the government remains concerned about the need to monitor carefully the quality of certification by all health professionals. This extension of the right to issue continuing certificates of incapacity will be supported by an improvement in quality control to ensure that WorkCare claimants receive the highest standard of diagnosis and treatment.

ERROR IN REPORTING REQUIREMENTS

The Bill also contains an amendment to the reporting requirements of the Victorian Accident Rehabilitation Council. The council is currently required to provide reasons in its quarterly and annual reports for not providing rehabilitation. One of the reasons specified in the Act is that the employer has not provided employment. This needs to be corrected by deleting the word "not".

PRISONERS DETAINED INTERSTATE

While there is a provision in the Act preventing prisoners detained in Victoria from obtaining weekly WorkCare benefits in respect of any period for which a prison sentence is served, the Act does not provide for prisoners detained outside Victoria. The Bill removes this anomaly. The Bill also contains a number of statute law revision amendments.

The reform measures contained in this Bill are intended to fulfil the government's commitments arising from the levy review and to refine the operations of the Accident Compensation Act.

I commend the Bill to the House.

**Debate adjourned on motion of Mr STOCKDALE (Brighton).**

**Mr POPE** (Minister for Labour) — I move:

That the debate be adjourned until Tuesday week.

**Mr STOCKDALE** (Brighton) — I seek the two-week adjournment which has been the norm in this House. This is an important matter. I do not anticipate it will be particularly contentious, with perhaps one exception, but it is necessary for the opposition to consult with a very wide range of business interests in relation to this matter. Most of the persons at law interested in the matter are organisations rather than individuals, and it is often difficult for them to respond within a short period.

The adjournment moved by the Minister constitutes no more than eight working days. Even in past sessional periods, with an off week in the middle, it would have meant an effective adjournment of more than two weeks. It now means an adjournment of only eight working days.

One must consider the exigencies of the mail and what has frequently been the case where, with upwards of 100 organisations to be consulted, the Papers Office has been unable to provide sufficient copies of the Bill for an immediate mail out. In addition, consultation must take place before the coalition parties can consider the Bill in light of that consultation.

I put it to the House that it is simply inadequate to adjourn a matter of this kind — I would put it as high with any Bill but particularly with this Bill — for as little as eight working days. That is legislation without proper consultation. If any issue arises we are forced to raise it in the Upper House, with all the difficulties that involves, rather than raising it here so that the Minister can consider the results of the consultation we undertake.

I appeal to the House and the Minister to provide a reasonable opportunity — a minimum of two weeks — to facilitate proper consultation with people who will be affected. I do not doubt the government has undertaken consultation but, particularly with measures of this importance, it is important that the opposition parties also have the opportunity to consult on the actual Bill and not on some abstract proposal.

**Mr POPE** (Minister for Labour)*(By leave)* — Last Friday I instructed officers of my department to telephone the coalition spokesperson on WorkCare to arrange a mutually agreeable time to brief him on the contents of the Bill. My understanding is that the briefing was to take place yesterday. I do not know whether it did take place — I understand it did.

I will consider allowing more time if it proves to be necessary. The difference between an adjournment until Tuesday week and an adjournment of two weeks does not really affect Parliamentary party meetings and so on; it has the effect of allowing only two additional days. If more time is required I will be more than happy to talk with the Deputy Leader of the Opposition.

**Motion agreed to and debate adjourned until Tuesday, 26 March.**

## HEALTH SERVICES (CONCILIATION AND REVIEW)(FURTHER AMENDMENT) BILL

*Second reading*

**Mr KENNAN** (Attorney-General) — I move:

That this Bill be now read a second time.

Honourable members will recall that legislation was enacted last spring to repeal the sunset clause in the Health Services (Conciliation and Review) Act 1987. This was done because it was obvious that the trial period of operation of the Health Services Commissioner had proved it to be an outstanding success.

Victoria has the only such position in Australia and I am pleased to report that the community is taking advantage of the opportunity to air its grievances. Over the calendar year 1990 the commissioner received 4808 contacts from members of the public, 1546 of which were treated as complaints under the Act.

I am pleased to say that two-thirds of these complaints were resolved through providers — hospitals and private practitioners — responding directly to consumers. Of the remaining one-third, most were resolved by conciliation or referral to an appropriate agency; only a fraction have had to be further investigated either by the Health Services Commissioner or an appropriate professional body. This is the highest rate of complaint handling by any similar agency anywhere in Australia. It shows that the commissioner — independent of both government and health care providers as he is — clearly has credibility with the community. The tenure of the Health Services Commissioner is now secured by the Health Services (Conciliation and Review) (Amendment) Act 1990.

At the time this legislation was introduced, the government foreshadowed further amendments which would improve the operation of the Act. These amendments are contained in the Bill which is now before the House. The Bill is designed to implement a number of recommendations made by the Health Services Commissioner to clarify and improve the principal Act. It makes no changes of fundamental principle to the Act, but

rather aims to ensure that the Act works effectively by resolving some problems which have arisen over its administration. It will enable the commissioner to operate with generally greater flexibility, a need which has been identified since the position was created.

Rather than take up the time of the House by describing in great detail each amendment proposed in the Bill, I have attached comprehensive clause notes to the Bill for the assistance of honourable members. These set out the problems addressed by this Bill and the effect of each proposed amendment.

These amendments have been sought by the Health Services Commissioner and are endorsed by the Health Services Review Council. I am sure honourable members will agree that they will be of considerable assistance to the commissioner in fulfilling the role envisaged for him by Parliament.

I commend the Bill to the House.

**Debate adjourned on motion of Mr WEIDEMAN (Frankston South).**

**Debate adjourned until Thursday, 28 March.**

## COMMUNITY PROTECTION (AMENDMENT) BILL

*Second reading*

**Mr KENNAN** (Attorney-General) — I move:

That this Bill be now read a second time.

BACKGROUND

Last year, this Parliament enacted the Community Protection Act, to provide for the preventive detention of Garry David. It did so with great reluctance, because the Act encroached upon the principle that a person should not be deprived of liberty except as punishment for a crime or for the treatment of a mental illness.

But, as elected representatives of the Victorian people, we also have a responsibility to protect the community from threats to its safety. By his words and deeds, Garry David indicated that he was a serious threat to community safety, a threat that could not be adequately dealt with by conventional measures. I regret to inform the House that this remains the case.

The Community Protection Act contains a one-year sunset provision. That was included because it was anticipated that within that period we could resolve the general issues surrounding mental disturbance and community safety — there was a serious threat to safety in this case.

That has not been possible, and will not be possible before the Community Protection Act expires on 24 April. The issues are complex, and the Parliament and the community must have a reasonable period to consider thoroughly any proposals.

MAIN PURPOSE

It is the intention of the government to introduce such general legislation later in this session. Until the arrangements provided by that legislation are in place, the Community Protection Act must be extended, and that is the main purpose of the Bill.

RIGHTS REMAIN PROTECTED

The essential elements of the Act which protect the interests of Garry David remain in place. An order for his detention must be made by the Supreme Court, not the government, or any individual officer or mental health professional. Further, the court can make such order only after it has heard all the relevant evidence, and on the basis of the evidence is satisfied that Garry David is a serious risk to public safety, and that he is likely to commit an act of violence against another person. A court order is necessary before his place of detention can be changed.

DURATION OF ORDER EXTENDED

The Bill provides that an order can be made for up to twelve months, not six months as currently provided. This reflects a realistic assessment of the serious difficulties which are involved in Garry David's rehabilitation. But it may be that within the life of an order Garry David will make substantial progress. The Bill allows for this possibility by providing Garry David with the right to apply for an order to be reviewed. This would allow the court to shorten the duration of the order, to revoke it entirely, or change the place of detention.

TECHNICAL AMENDMENTS

As well as these substantive amendments, the Bill makes a number of technical amendments which are thought desirable because of the experience of the administration of the Act. For example, the court is currently entitled to make an interim detention order only pending determination of the initial application for a preventive detention. This may, for example, create a gap between the expiration of an order and the determination of an application for an extension.

The Bill therefore provides that the court has power to make interim orders pending the determination of any application under the Act. None of the technical amendments upset the careful balance which the Act strikes between Garry David's rights and the need to protect the community from violence.

CONCLUSION

The Community Protection Act is a measure the Parliament was compelled to take because of extraordinary circumstances. The persistence of those circumstances compels the government to extend its duration.

I commend the Bill to the House.

**Debate adjourned on motion of Mr PESCOTT (Bennettswood).**

**Mr KENNAN** (Attorney-General) — I move:

That the debate be adjourned until Thursday, 21 March.

**Mr PESCOTT** (Bennettswood) — I have had discussions with the Attorney-General and I have asked him to agree to a further extension of time if that is required.

**Mr KENNAN** (Attorney-General) *(By leave)* — I agree to an extension of time. The existing legislation expires next month so there is some urgency with the Bill. It is a vexed question and the opposition may require more time, but the government wants the Bill adjourned, in the first place, for one week so that Parliament ultimately will have the opportunity of debating the matter before the Community Protection Act expires. If the opposition wants more time beyond next Thursday, it will be granted but I do not say that in an unlimited sense, because we are clearly all mindful of the expiration of the existing Act.

**Motion agreed to and debate adjourned until Thursday, 21 March.**

## BURRUMBEET LAND BILL

**Order of the Day read for resumption of debate.**

**The SPEAKER** — Order! I advise the House that I have examined this Bill and am of the opinion that it is a private Bill.

**Mr CRABB** (Minister for Conservation and Environment) — I move:

That this Bill be treated as a public Bill and that the fees be dispensed with.

**Motion agreed to.**

*Second reading*

**Debate resumed from 15 November 1990; motion of Mr Crabb (Minister for Conservation and Environment).**

**Mr COLEMAN** (Syndal) — The Bill provides an opportunity for a family who have leased a small portion of land in the parish of Burrumbeet for approximately 90 years to purchase that land and convert it to the use for which they have been using it.

The land was originally reserved as a water supply because there was a spring on it and that spring served a community before the storing and reticulation of water became as

effective as it is today. For that reason the land was originally taken out as a Crown allotment so that it could be used for water access.

The family who have occupied and farmed the land have a small building on it and are disinclined to make any changes to their building while the land is held by the Crown. They are interested in taking over the land on a freehold basis and the Bill allows for that. On that basis the opposition supports the passage of the Bill.

**Mr LEA** (Sandringham) — I support the comments of the honourable member for Syndal. I was attracted to the Bill by the unusual nature of the clauses, so I did some research at the Registrar-General's Office and found that it is essential that any reserve land become unreserved by the passage of an Act of Parliament and that is why the Bill is necessary.

Water has historically been of great importance to that area because it was in short supply on the goldfields that operated before the turn of the century. An interesting book *Watering the Garden State* by the Monash University historical geographer, Dr Powell, states at page 30:

> Rainfall variability was the bane of European settlement: a seemingly capricious environment held out its own rewards and sanctions, and time and again the alien rhythms of farming and grazing were dangerously out of phase with nature's pace and patterns.

In fact, the preservation of water was often more rewarding than the results of goldmining. I support the Bill. It is unusual, but clearly deserves the support of all parties.

**Motion agreed to.**

**Read second time.**

**Passed remaining stages.**

## WATER (MINERAL WATER) BILL

*Second reading*

**Debate resumed from 15 November 1990; motion of Mr CRABB (Minister for Conservation and Environment).**

**Mr COLEMAN** (Syndal) — The purpose of the Water (Mineral Water) Bill is to double the government's take on mineral water extracted in this State. The issue was comprehensively canvassed during debate in this House on the new Water Act, and it was assumed that groundwater, especially mineral water, would continue to be extracted under the arrangements that existed previously; that is, a levy of 1 cent a litre to be paid by those extracting the water with the levy being used for the maintenance of supply and facilities in the area.

The committee that is supposedly in charge of spending this money has spent considerably more than the levy has earned — that is not unusual for this government — and the remedy seems to be doubling the levy rather than cutting the spending.

The opposition finds some difficulty with that attitude because the previous honourable member for Ballarat North, Tom Evans, was heavily involved in implementing the levy and putting together a group of civic-minded people in the Daylesford area to allocate the funds towards facilities of community benefit.

The government's argument for the increase in levy is that the 1 cent a litre apparently charged is not keeping up with inflation. That argument is invalid because the collection of the 1 cent a litre has increased each year it has been in place and has certainly kept up with inflation. It has also increased because of the development of flavoured mineral water which has found a niche in the market, not only in Australia but also overseas.

Clearly this is an attempt by the government to raise additional money. On that basis the opposition is opposed to the Bill.

**Mr LEA** (Sandringham) — I support the honourable member for Syndal because I have had representations from people in the Sandringham area with interests in mineral waters. Because their operations are small they would be adversely affected by the increase from 1 cent to 2 cents a litre; their operations would be placed at risk and that would lead to monopolies by the large operators.

One constituent mentioned the quality of mineral water produced across the State varies to a considerable degree and he asked me to raise questions in the House and through freedom of information about the operation of mineral water producers and whether there were any favourites among the larger companies.

The 100 per cent increase in levy is outrageous and would favour the larger operators and adversely affect small mineral water producers. I register my strong concern.

**Mr ELDER** (Ballarat North) — The Bill affects part of my electorate, the town of Daylesford, which is renowned as the spa capital of Victoria. Not only is it a beautiful environment but it is also world renowned for the many varieties of mineral water extracted from the basins within the area.

The levy that was first imposed was to assist tourist operators to promote tourism in the area. It certainly worked and the bathhouse development at Hepburn Springs is a credit to the community and an example of how funds were spent in the right way.

The levy was also used for general improvements in the spa areas from Kyneton across to Ballan, taking in Daylesford. Of course the government made as much mileage as it possibly could from the improvements that were made. When funds were sent to the government they were reallocated on the recommendations of the Mineral Springs Advisory Committee which advised the government on how these funds should be spent.

Interestingly enough just prior to the last Federal election, Mr Neil O'Keefe, a Federal member of Parliament, and the Victorian Minister for Conservation and Environment unveiled plans for the new bathhouse at Hepburn Springs. These were also used in the 1988 State election by the government as a ploy to attract votes. However, the government did not do its homework and overspent on the facility that it had promised in the election campaign. Of course that promise is on record and the government has had to deliver.

The problem for the government is where to get the extra funds. Honourable members know the State is strapped for funds at the moment. The answer the government came up with was to increase the levy from 1 cent to 2 cents a litre to pay for the promised redevelopment of the bathhouse.

The bathhouse looks magnificent and I have no problems with that. My only concern is that when times are tough we should be cutting our cloth to suit. In a promotion exercise during the last election campaign the government committed the funds despite the fact that it was overspending.

Spa water is a gift from God. The government has nothing to do with putting it under the ground or with extracting it. The levy is nothing more than another tax that is being passed on to the people bottling the mineral water.

Daylesford, like most other towns in rural Victoria, is being hard hit by the current economic crisis which is affecting small and large businesses all around country Victoria. Daylesford is getting to the stage where it has almost more people on social security benefits than people in gainful employment.

Recently the Daylesford abattoirs closed as a direct result of Federal government policy when the Department of Primary Industries and Energy increased its rates from 60 per cent to 100 per cent for meat inspection services. The local State Electricity Commission office at Daylesford has also closed. The Cadbury-Schweppes bottling factory at Daylesford, which bottled mineral water for consumption in Australia and for export to the United States of America and Europe has also closed. These are all nails in the coffin of a small country town because with the closures jobs are lost in the area.

The government has not consulted with local bottlers, local transport operators or the local council. The 100 per cent levy increase will put many people out of work because operators will not be able to compete with counterparts in New South Wales who do not have this levy imposed. Ultimately what will happen is that the large bottlers and even the small ones will say,"We are going to close down because we cannot compete with New South Wales, which does not have this 2 cents a litre tax on each bottle of mineral water".

The government has failed to realise the low margins on bottles of mineral water. In fact, the government has been ready to praise local bottlers who have tried to get into the American market and are starting to make inroads. Before they even start there is a 1 cent a litre tax on the commodity they are trying to sell, and they are operating on very low margins. They are trying to get volume in the markets but it is very hard when one

cannot price the bottle of spa water one is selling at a low enough price to get market share.

On a dozen bottles of mineral water — boxed and exported — the margins are around 3 cents a bottle, and in some cases even less than that. This tax does not help at all.

The people who are actually transporting mineral water to Melbourne are local people — private contractors — and the tax will mean the death of their industry because large bottling companies in Melbourne will say, "We are going to close down and go interstate". Being a chemist, Mr Acting Speaker, you would be aware that mineral water can be manufactured in a factory by adding the necessary chemicals. I think manufacturers have to call it table water on the label but it is the same product.

The government's present revenue is based on increased volumes which have risen as follows: in 1980-81 the figure was $156 000; in 1984-85 it was $325 000; and in 1988-89 it was $540 000. These volumes are estimates; they are not metered measures.

The bottlers, including the major ones that operate out of Melbourne, believe the increase in tax from 1 cent to 2 cents would kill the industry as it exists in Victoria, put more people on the dole queues and have a severe impact on small rural communities such as Daylesford where this industry is a major employer.

One of the problems with the levy is the fact that it does not go into a trust fund but straight into government coffers and it supposedly is allocated on a regional basis as the funds are generated. However, no interest is being accumulated on the money that is generated and it is believed — I cannot say whether it is correct — that the money has not been allocated back to the spa regions for which the levy was established but has been lost or used by the government on another of its high-flying schemes.

I am pleased that the coalition has decided not to support the government in its move to increase the levy. The people of Daylesford, which has been a traditional Labor town until now, are pleased the coalition has said it will not have the Bill and will jettison it in another place.

**Mr REYNOLDS** (Gisborne) — I support the honourable members for Syndal and Ballarat North as I represented Daylesford when the levy was first imposed. I commend the honourable member for Ballarat North on his speech and the views he expressed on behalf of the Daylesford people, and concur wholeheartedly with his comments.

On behalf of portions of my electorate, which also includes the spa area, I say that they see little of the funds and rarely have. We have to fight tooth and nail all the way. The Mineral Springs Advisory Committee thinks all mineral water comes out of Daylesford, but that is not exactly right. There are springs just north of Craigieburn and out of Kyneton and Taradale. To obtain some of the funds available we have to make an awful lot of noise.

Therefore, I understand the honourable member for Ballarat North when he talks about the effect this may have on the economy of Daylesford, which is a battling town at the

best of times. It also affects other small areas which could benefit from the levy but do not seem to.

The Mineral Springs Advisory Committee needs to have more teeth to administer the fund and we need to look longer and harder at the levy and what it achieves.

**Mr CRABB** (Minister for Conservation and Environment) — I am grateful to honourable members for their responses. However, I am a bit disappointed that the opposition has apparently taken the view that it does not support the increase in the levy on mineral water. I thought this was the sort of measure about which one would have consensus. The idea of putting a 1 cent levy on mineral water was raised in the late 1970s and I recall the discussions and argument about it. There was a great argument about real mineral water as opposed to fake mineral water.

The idea was to try to get a source of funds which could be used to protect the natural mineral water because at the time there were piggeries operating in the catchment and other things that were not conducive to ensuring the quality of the water system in the area.

Since the 1 cent levy was introduced in 1980 it has worked extremely well. To be honest, if the levy had been set at 1 per cent or some such pro rata level we would not be debating this matter at all. It would just be increasing with the CPI, I suppose. In actual fact, since 1980 there has been no increase; it is harder to increase by fractions of a cent because of the way the system is established. The experts in my department said that if the CPI was applied to the 1 cent levy, it would now be 2.2 cents. It has been expressed as an index figure. The increase from 1 cent to 2 cents is entirely appropriate compared with the prices in 1980.

The second issue is that the money is intended to be spent on enhancing the mineral water area and the capacity — —

**Mr Coleman** interjected.

**Mr CRABB** — The honourable member for Syndal interjects and suggests we isolate the money in a fund. There is no question that the amount of money raised by the levy, and more, has been spent since 1980. A lot of money is being spent on the protection and improvement of mineral water reserves: that is, the monitoring and research into how mineral water works and the eventual protection of all the activities within a substantial radius of all outlets of mineral water. That costs a lot of money.

The local people and the people producing mineral water regarded this an appropriate way of going about things. All that is being done here is, effectively, to index a levy Parliament was unanimous about in 1980. It is disappointing to see there is now no consensus when all that is being done here is to index the levy in the light of the changing value of money.

**Mr Elder** interjected.

**Mr CRABB** — The CPI has doubled since 1980. It is a fact of life. Things are twice as dear as they were in 1980.

**Mr Coleman** — So mineral water has to be twice as dear?

**Mr CRABB** — It is the things that are done to the mineral reserves that now cost twice as much as they did in 1980. No doubt wages are twice what they were in 1980 but no-one works twice as hard.

The methodology for spending the money is the same as it was, and no-one has voiced any criticism about it. The opposition is scoring cheap political points, not at my expense but at the expense of the mineral water industry and the people who live and have businesses in the relevant areas. I am extremely disappointed in the position taken by the opposition.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clause 1**

**Progress reported.**

## FISHERIES (ABALONE LICENCES TRANSFER CHARGES) BILL

*Second reading*

**Debate resumed from 15 November 1990; motion of Mr CRABB (Minister for Conservation and Environment).**

**Mr COLEMAN** (Syndal) — The Bill represents a gross breach of promise by the government. It attempts to increase the fees for the transfer of an abalone fishing licence from $10 000 to $50 000. That can be described only as an astronomical increase and one which totally disregards the economic crisis in Victoria. It also disregards the situation under which the industry has existed and the commitments it has been given by the government over a period of years.

The government has tried before to increase the fee to $50 000, or 5 per cent of the amount of the transfer. At that time it was the subject of much negotiation with the industry, and the then Minister for Conservation, Forests and Lands, the current Minister for Community Services, gave some undertakings. I should have thought the government would respect those commitments.

I shall refer to a letter from the then Minister for Conservation, Forests and Lands, Mrs Setches, while the Fisheries (Abalone Licence Charges) Bill 1989 was being debated in the

other place. The then Minister met with the industry group and came to an understanding about the process that would be followed in increasing the transfer fees.

I shall read the letter because it is instructive about the way the former Minister approached the issue and it also gives an indication of the negotiating process carried out. I do not know whether the current Minister was privy to this information, but I assume he would have been advised about what occurred. On that basis, I wonder why the Minister is determined to press on with the substantial increase in fees.

The letter of the former Minister states:

> On the afternoon of 7 March I met at the Parliament with Ms Melita Proebstl representing the Victorian Fishing Industry Federation (VFIF).
>
> The purpose of our meeting was to discuss matters relating to the Fisheries (Abalone Licence Charges) Act 1989 which, as you know, is currently on the Notice Paper for the Legislative Council to consider.
>
> You should also be aware that there was consultation between my department and the VFIF prior to 7 March and as a consequence of this, the government believes that the current Bill requires further amendment.
>
> On 7 February my department received from the federation a detailed submission which had been prepared by the VFIF on behalf of the abalone diver. Essentially this submission contained four elements and these were:
>
> 1.Licence Renewal Fee
>
> That a formula would be used for determining the renewal fee paid for the abalone licence fee each year.
>
> This formula would take into account movements in the beach price for abalone and any changes in individual quota in relation to the quota attached to each licence in 1988-89.
>
> That the average beach price for abalone would be determined for each financial year immediately preceding the year of licence renewal and such information would be obtained from documents which processors will be required to submit to my department.
>
> That the licence fee for this year will be $23 450 and this reflects a fee determined by the application of this formula.

That is the licence fee, not the transfer fee. Already operators in the industry are paying annual licence fees of $23 450. The letter continues:

> I have agreed to all these and the proposed amendments would set these provisions into the Bill.

Negotiations took place, and the Minister agreed to a formula for a licence fee of $23 450. Negotiations continued on that basis. I again quote from the former Minister's letter:

> The Bill which is presently listed proposes a transfer fee of 5 per cent of the value of the licence or $50 000.

That proposal is contained in this Bill. The letter continues:

> Concerns were expressed by industry about their requirement to meet such an increase in the transfer fee (at present $10 000) and also charges under the government's proposed Goodwill Tax (Stamps Miscellaneous Amendments) Bill.

It was proposed that the transfer fee be set at 5 per cent of the value of the licence or $50 000, whichever is the greater. Running concurrently with that situation was the 5 per

cent goodwill tax the government proposed but which it is now not game to put on the Notice Paper.

In the circumstances people selling abalone licences would have been exposed to the 5 per cent goodwill tax or $50 000, whichever is the greater, in the transfer fee. They would have faced double jeopardy and would have had to pay 10 per cent on the transfer of the licences. They objected and it was the subject of a considerable amount of negotiation between the opposition, the government and the Victorian Fishing Industry Federation. The former Minister, Mrs Setches, went on to say:

> There has been discussion between my department and the VFIF on this matter and it is now proposed that the transfer fee will remain unchanged...

That is, that it will remain at $10 000. The letter continues:

> ...the industry being fully aware that they will be subject to the goodwill tax. The charges made in this area will take into account the transfer fee being paid. I have agreed to this.

That is what the former Minister said, that was her undertaking. On today's Notice Paper the Fisheries (Abalone Licences Transfer Charges) Bill is listed as Item No. 18 and the Stamps (Amendment) Bill is listed as Item No. 23. That Bill provides for a 5 per cent goodwill tax.

This government wheels up here on Thursday afternoon and jumps across ten items to bring on the Fisheries (Abalone Licences Transfer Charges) Bill; why not bring on the Stamps (Amendment) Bill first? The opposition parties are determined to defeat the Stamps (Amendment) Bill because it has the double jeopardy principle in it; it provides for the 5 per cent goodwill tax that these people object to paying twice.

The Minister for Conservation and Environment needs to call on his department to provide him with the undertakings of the former Minister, Mrs Setches, and to honour them. Most honourable members in this place have had dealings with the Minister on a range of portfolios, and whilst there may be some haggling at the end of the day he is prepared to honour agreements. Here is an agreement that, in my view, is set in concrete. Undertakings were given by the former Minister that this legislation would not proceed and that the 5 per cent would be collected by way of the goodwill tax provided for in the Stamps (Amendment) Bill.

On that basis the opposition intends to oppose this Bill. The government sets the abalone industry on some sort of pedestal and then constantly attacks it; it introduced a licensing system that provides a value for the licences which the government looks at through rose-coloured glasses every time there is an opportunity to seek additional funds.

The operators in the industry are successful people, but the government put the licensing process in place and now wants to collect from each transfer $50 000 or 5 per cent of the value. What the former Minister proposed and agreed to was that this process would not continue until the passage of the goodwill tax legislation was determined. Her letter continues:

That a formal register of fishing rights, similar to a property register conferring upon the prescribed parties — licence holders and financial interests — security and title in the licence similar to that given under the registration of land, be established. I have indicated that I will not agree to this. I have told the VFIF and abalone industry that I do recognise that licences have an access right.

As I said earlier, the discussion revolved around transfers on licences. There is no objection on the part of the abalone licensees and licence holders — and they are part of the negotiations to set the licence formula based on a bench price that allows the licence price to fluctuate on a land price — to paying for access to a resource. They do not see it as a resource tax but they are prepared to pay a licence fee to access the resource.

They are adamantly opposed, as are the opposition parties, to the application of this transfer fee. The Leader of the House ought to consider what is to be the process of dealing with some of these issues on the Notice Paper in the coming weeks.

The Stamps (Amendment) Bill has a hook in it and the failure of the Leader of the House to bring that Bill on for debate ahead of the debate on the Fisheries (Abalone Licences Transfer Charges) Bill is evidence that the Leader of the House recognises that.

The opposition flagged its position on the process it would follow on 10 December. The government was left in no doubt as to what the opposition would be doing because a press release issued under my name on that day said that the government must resolve the issue either by bringing on the Stamps (Amendment) Bill for debate in Parliament or withdraw the Bill. The government was warned that the opposition would object to an abalone licence fee if the government tried to push it through Parliament. One is contingent on the other.

If the government puts the Stamps (Amendment) Bill up and allows it to be dealt with and follows it with the Fisheries (Abalone Licences Transfer Charges) Bill, the opposition will consider it in that course of proceeding.

Because of the way the government has put it up, at present the opposition has no option but to oppose the Bill.

**House divided on motion:**

*Ayes, 45*

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

*Tellers*
Mr Cole
Mr Leighton

*Noes, 38*

| | | |
|---|---|---|
| Mr Austin | Mr Honeywood | Mr Pescott |
| Mr Bildstien | Mr Jasper | Mr Plowman |
| Mr Brown | Mr John | Mr Reynolds |
| Mr Clark | Mr Kennett | Mr Richardson |
| Mr Coleman | Mr Lea | Mr E.R. Smith |
| Mr Cooper | Mr Lieberman | Mr I.W. Smith |
| Mr Delzoppo | Mr W.D. McGrath | Mr Steggall |
| Mr Dickinson | Mr McNamara | Mr Stockdale |
| Mr Evans | Mr Maclellan | Mr Tanner |
| Mr Gude | Mr Maughan | Mr Wallace |
| Mr Hayward | Mr Perrin | Mr Weideman |
| Mr Heffernan | Mr Perton | Dr Wells |

*Tellers*

Mr Elder
Dr Napthine

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clause 1**

**Mr CRABB** (Minister for Conservation and Environment) — Clause 1 establishes the purpose of the Bill. During the second-reading debate there was discussion about the appropriateness of increases in the charges payable on the transfer of abalone licences. It is fair to say that abalone licence charges are quantitatively higher than many other licences for fishing, in that the fees are far beyond what you might call a fee-for-service notwithstanding that a lot of money is spent pursuing abalone poachers and indeed enforcing the fishing laws and regulations.

We spend more money on pursuing abalone poachers than on pursuing anybody else. It is not the casual ethnic illegal fisherman that we pursuing, but professional criminals because such an enormous volume of abalone is sought, particularly from Japan.

I am advised that the charges more than pay for these costs. The process of adjusting the fee is entirely appropriate in that regard. There is a need to establish a transfer fee at the time licences are transferred so that the public receives some percentage of the value licence-holders receive, not by virtue of them having built up any business acumen necessarily but simply because they have a licence to do something that nobody else is allowed to do without a licence. Licence fees have increased in value and the principle is a good one.

There is only a limited amount of abalone in our seas. Only a small number of licence-holders, currently 71, benefit from this fishery. Although it is a dangerous occupation it provides substantial incomes. Nevertheless the fee is appropriate as licences now worth approximately $1.3 million might well have cost $200 when licences were first introduced twenty years ago. That increase in value ought be repaid to some

extent so that the community benefits. That is the principle on which the Bill is based; it is entirely appropriate and has been used in other areas.

During the second-reading debate the honourable member for Syndal referred to the double taxation of the abalone fishermen because of stamp duty on goodwill and the transfer of business duty that is to be introduced. He was concerned that a fisherman would have to pay both fees. It is the government's intention that when the Stamps (Amendment) Bill is dealt with it will introduce a House amendment to exclude:

> . . .any fee or charge (that) is payable under any other Act in respect of the transfer of any property acquired with the business, (that) the amount of that fee or charge shall be deducted from the amount of duty payable under this subdivision...

Goodwill is an example. It is the government's intention to ensure the Bill will contain a provision whereby people will not be taxed twice on the same transaction.

However, it is not unreasonable that we look for ways of perhaps incorporating that provision in this Bill and to that end it is my intention during debate on the next clause to seek to report progress so we can consider an amendment.

**Mr COLEMAN** (Syndal) — One could say the offer being made by the Minister about a proposed amendment would be acceptable in any other circumstances but in this case already there has been a clear breach of an undertaking. It could be said we need to see the colour of his money. Probably the best resolution of the present situation is to adopt his proposal that we report progress, and have discussions.The industry that is directly affected by the proposal has not been invited to any meaningful consultations — —

**Mr Jasper** — That's not surprising.

**Mr COLEMAN** — No, it is not surprising. Given the process followed in the previous instance, which resulted in the former Minister giving an undertaking on this issue, at least the industry should have been consulted. That did not happen but I hope, having heard the Minister's statement that he is prepared to enter into discussions on this matter following an adjournment of the debate, he will meet a deputation of abalone fishermen to hear their grievances — —

**Mr Roper** interjected.

**Mr COLEMAN** — Perhaps abalone fishers, or perhaps the people involved with abalone fishing — do you like that better?

There is a desperate need for the Minister to understand the issue and have confidence that the proposal for the exemption from the goodwill tax is acceptable to the industry, which does not wish to pay the 5 per cent transfer tax on its business twice.

Accordingly, I will support the Minister when he moves that progress be reported to allow discussions to continue.

**Clause agreed to.**

**Clause 2**

**Progress reported.**

## INDUSTRIAL RELATIONS BILL

*Second reading*

**Debate resumed from 30 November 1990; motion of Mr POPE (Minister for Labour).**

**Mr GUDE** (Hawthorn) — During recent weeks the Bill has had a substantial amount of media publicity, for very good reasons. The government has introduced the Bill without any political mandate; it went to the people at the last election on a lie. It did not tell the community its forward program and it certainly did not indicate to the community its intention to tear up the industrial relations law in Victoria and replace it with completely new legislation.

At the time of the last election a number of prominent features have lead the coalition to take a firm stand on certain legislation introduced in this place. The question of a political mandate is most important; it is of prime importance when one considers this Bill.

On 19 February last the Leader of the Opposition made it clear that the coalition intends to reject legislation on a number of grounds; the relevance of that statement to the Bill is in the phrase referring to "defeating Bills involving new major social, industrial relations and financial change for which Labor has no 1988 election mandate". Be that as it may, the Bill contains a number of features that are of concern to the opposition.

I turn to the question of discussions that are normally conducted. A number of draft Bills have been produced and distributed in various ways by the department. As the Minister has publicly stated — and I believe him to be accurate — principal negotiations have taken place between officers of his department and a small representative group of employers from the Victorian Congress of Employer Associations. I think the employers were involved in two principal negotiations — the Minister nods his head that that is so.

On about 17 September last the Minister for Labour was good enough to give me a copy of a draft Bill which contained a number of features that have found their way into the final document, and which are of considerable concern to the opposition.

We have made no secret of our concern. My concerns, as expressed to a policy assembly meeting of the Liberal Party, were extensively reported in the media on the following day. On another occasion I attended a function jointly convened by the Department of Labour and the Industrial Relations Society of Victoria at the University of Melbourne. I am not certain who sponsored that popular seminar but representatives of the Minister attended. After my address I sat at lunch next to the President of the State Industrial

Relations Commission and I made it clear that the opposition has a number of concerns about the Bill.

As to the consultative process, it is worthwhile observing at the outset that when the opposition parties contacted employer groups they found they were quite willing and prepared to discuss early drafts and the final Bill with them.

The 30 employer organisations with which the opposition had meetings about the Bill were not only involved with arrangements with the Minister but were people directly affected by the Bill. Representatives of the Victorian Public Service Association and some other unions made a response to our request for consultation; but the Secretary of the Trades Hall Council and the Trades Hall Council itself refused to consult with the opposition, or at least they did not avail themselves of the opportunity.

People can draw their own conclusions from that, but I would have thought that it was very important that the Trades Hall Council offer its views to the opposition parties on the legislation.

Regrettably, I have to point out that this is not the first occasion on which this has occurred. I do not know whether it is because the Secretary of the Trades Hall Council does not pass on anything in writing to his elected body or whether he has just taken it upon himself not to consult, but it is a pretty crumby arrangement, and I place on record my disappointment at the Trades Hall Council's attitude in this matter.

It is also fair to say that notwithstanding the opposition's concerns about the Bill, there are a raft of organisations with varying views on it. The main players who have had consultation with the Department of Labour have indicated a measure of support for the Bill but it is not wholehearted support. They believe a number of variations need to be made to the Bill.I do not know whether the Trades Hall Council wants any amendments made, but certainly they have not conveyed that to the opposition.

A number of organisations from which I have received a communique indicate qualified support for the Bill but I notice, for example, that the Victorian Farmers Federation is not attaching its name to that document. One would have to recognise that the federation represents roughly a third of the Victorian work force and, being out of the metropolitan area, many of them are involved with farms and associated businesses that go with them.

By far the largest group of employers, not just in this country but in Victoria, are the small business employers, and again I have to say that the Australian Small Business Association's Victorian Division, and indeed its national body, have expressed antagonism towards the Bill. I have been inundated with calls and communiques from a range of employers also expressing concern.

In addition, not all of the trade union movement supports the Bill, and I should like to quote, just by way of example, from a document of the Victorian Affiliated Teachers Federation which states:

I advise that the Victorian Affiliated Teachers Federation, which is recognised by the Industrial Relations Commission of Victoria, supports the opposition's stance in blocking the passage of the government's Industrial Relations Bill for the following reasons:

1.The Bill gives more power to larger unions.

2.It does not appear to allow automatic recognition for unions currently recognised which do not have seats on conciliation and arbitration boards.

3.It does not provide for secret postal ballots before strikes.

4.It discriminates against employees who choose not to belong to unions.

5.It allows for preferential treatment and preferential conditions of work for union members in the workplace.

6.It paves the way for compulsory unionism.

7.It does not provide for voluntary employment agreements.

The VATF would only support changes to the Industrial Relations Bill which incorporated measures to counter the above. We request that changes to the Industrial Relations Act made by the Liberal Party when in government incorporate the given points outlined.

This is an indication of some of the concerns we have received from an organisation affiliated with the Trades Hall Council. Also in this pre-consultative process I would have thought that it was incumbent on the government to forward copies of the draft Bills, and indeed the final Bill, to all organisations which are recognised organisations under the State Industry Act, and we are talking about approximately 200 organisations.

Regrettably, the first time the vast majority of those organisations had any knowledge of the draft Bills, let alone the real Bill, was when they received advice from my office which was looking for their comments and communique on matters raised in the Bill.

I would have thought that in a democracy where people have a direct connection with legislation which impacts on their capacity to represent their constituency, whether it be employer or employee, they were entitled to at least a consultation or advice or request for information from the government, particularly when the Bill is throwing out completely the old legislation. So much, then, for the question of consultation.

The main reason for the Bill being rejected by the opposition parties is that the government has no mandate for this type of legislative reform. The honourable member for Mitcham says that this is nonsense, but the government was re-elected on a lie in a whole raft of issues. I will give examples of where that mandate is fallacious: only days before the last election the people of Victoria were told that WorkCare was on target to be fully funded at 2.4 per cent of payroll. Within six weeks the now sacked Treasurer told us that WorkCare was an absolute debacle. That had to be known beforehand, as indeed the government knew the situation on a number of issues. We do not have a State Bank any more; we do not have a Pyramid Building Society any more. We have a scandal in pretty near every area, so the mandate does not exist.

If the truth had been told the Labor Party would not be sitting on the government benches now — and every honourable member knows full well that that is the truth — so the government should not now try to claim a mandate for a complete rewrite of the legislation.

Turning to clause 3 of the Bill, the objects clause, nowhere in that clause is there any reference to enterprise agreements or genuine freedom of association.

The Minister has been on the public record during the course of debates over recent weeks as indicating that there is a capacity to have enterprise agreements. That may be true to the extent that at least there is some reference to connections between the State Act and the Federal Act, and the Federal principles might apply, but we are talking about real enterprise bargaining not a pretend situation which is just an award by another name.

If one looks to other States, one can see the value of enterprise bargaining and the way that issue could be tackled if done genuinely. New South Wales has introduced specific legislation for enterprise bargaining, not a sleight of hand proposition such as the one our Minister for Labour is on about.

The awful truth that the government does not want to hear is that it is not interested in enterprise bargaining at all. The government is interested in registered agreements that are controlled, run and manipulated within the industrial club as part of the industrial relations system processed through the Federal or State Industrial Relations Commission. The government is not concerned with more flexible hours, broader job classifications, new training programs, job opportunities, better procedures or negotiated agreements — all those things that form part of an enterprise bargaining agreement.

I do not necessarily agree with all that has happened in New South Wales but, to show its bona fides in the arrangements it has made, the government in New South Wales had the integrity at least to establish a new Act and to lay down a new set of procedures to be followed by unions and employers as well as individual employees who may choose to become part of that process.

The first and most important difference between the coalition and the government is that the coalition is concerned to introduce into the workplace a properly constructed enterprise bargaining arrangement. The coalition recognises that 60 per cent or thereabouts of private enterprise employees are not members of a union and they may want to negotiate directly with their employers. The coalition is aware in particular that in smaller and medium-sized businesses the practice has already begun and out there people are negotiating to protect their jobs and to provide opportunities so that they can keep their jobs. This is at a time when the unemployment rate is soaring and by June is likely to be 10 per cent. I do not get any joy from that and I hope I am wrong. I know what it is like and I am not happy about it at all, particularly as I have a son who is unemployed at the moment.

Clause 3, the objects clause, emphasises registered associations and ignores, or at least down plays, the individual employer and employee. The Bill is concerned to enshrine the industrial relations club in law. Its provisions seek to ensure that registered organisations — big business organisations and big unions — will control the game of industrial relations played out before the Federal and State industrial relations commissions.

The Bill is not about allowing individual freedoms. Earlier today honourable members debated the same sort of problems. Here is another major difference between the coalition parties and the government.

Whenever the next election is held the people in this State will not be faced with the situation the government presented before the last election. The government did not tell the people of Victoria about the major changes it would insist on introducing to the industrial law of this State. The coalition parties are in the process of informing the community of the direction we intend to follow. The coalition intends to enhance the rights of individuals — and not those of the union bosses — by industrial law. The coalition intends to ensure that employees have the opportunity of negotiating directly with their employers. We intend to ensure also that those who choose to remain within the system — as it will be modified — will have that opportunity. The coalition is concerned to provide genuine freedom of choice by giving people the opportunity of making their own judgments.

I refer to clause 4, the definitions clause. The definition of "industrial matter" on page 4 is so wide that it could be construed to cover a political dispute and go way beyond what one might normally regard as an industrial dispute. On page 5 paragraph (*k*) of the definition appears:

> ...questions of what is fair and right in relation to any industrial matter having regard to the people immediately concerned and of society as a whole;

and the words sound innocuous enough. However, one must consider how the words may be interpreted. It is not a big point but one that must be considered, because, having regard to the people immediately concerned, the words could prove to be a problem.

As in the recent SPC Ltd dispute, which involved the Victorian Trades Hall Council and others, questions relating to such matters as a deprivation of power or even a right to keep jobs might arise. In the SPC dispute people chose to negotiate an arrangement — the same thing is happening now at the Swan Hill Pioneer Settlement — and they did so openly and freely in the workplace. No-one had his or her arm twisted up his or her back, yet the people were told that they could not go outside the system. I cannot pick up the relevant clause at the moment; it will probably turn up later in my notes. The fact is that people cannot opt out of the provisions of the Industrial Relations Act and it provides that they cannot negotiate outside the relevant award.

Here was another example of a restrictive process in place because of the commitment to keeping industrial relations in a tight, fist-like situation, in which the big players are all happy. The Bill is concerned to make life easier for the professional bureaucrats who deal with industrial relations matters. The Bill does not pay any heed to the needs, wants or aspirations of employees and employers who are striving hard just to survive, just to keep their heads above water because of the terrible things this government has done over a period of time.

I refer to the definition of "workplace" which appears on page 6. I suggest that "workplace" may be better defined as "any place in which employees are required to

carry on their work". I offer that to the Minister for Labour who may accept or reject it. The current definition is designed to give the industrial relations commissions power over outworkers and subcontractors. The coalition takes the view again that an exclusion clause is needed to protect owner-operators and subcontractors.

This process has been gone through in recent years. I stand to be corrected but, as I recall, it was 1988 when the so-called section 22A owner-driver dispute arose. Owner-drivers were deemed to be employees for the purposes of the Industrial Relations Act. At the time they mounted a massive campaign against that provision and the Victorian Employers Federation joined them, as did others. The opposition rejected the notion.

The Bill will effectively give power to the industrial relations commissions to deem people to be employees for the purpose of structuring an industrial award. The proposition is not acceptable to the coalition.

Surely if this country is to get going at all it will get going because individuals — who may or may not have a trade background — choose to start up a business and have a go.

I ask: are they to be penalised; are they to be dragged into the amorphous mass dealt with by the State Industrial Relations Commission and its alignment with the Federal commission? Surely that is not a progressive thing to do as we go into the next century.

I should have thought a golden opportunity was available for the government to encourage small business, to show that it can introduce an enterprise bargaining agreement system, to give small business a guarantee that its members will not be deemed to be employees. However, that is not what has happened or will happen under the provisions of the Bill. Indeed, the government has decided to go in exactly the opposite direction.

The government has repeated the sins of the past. Clause 8 refers to the functions of the Industrial Relations Commission. Although the provision appears to be satisfactory, honourable members recognise that the desired facilitation is often frustrated by one of the parties involved simply defying its order.

That is a matter of some concern and again is in contrast to enterprise bargaining. Parties are bound by enterprise arrangements or agreements; there is an opportunity for restitution in the civil jurisdiction if the enterprise bargain is structured in the way envisaged by the coalition. But that is not the proposition contained in the Bill.

Clause 13 refers to the functions of the commission in court session. That provision will need to be amended in the event that the Industrial Magistrates Court provisions are rejected. I made that point some time ago, so it should come as no surprise to the House that the coalition will be rejecting the Industrial Magistrates Court provisions.

The government has introduced these amendments on two previous occasions and they have been rejected twice. Why would the coalition change its mind now? The employers, the unions and the government know where we stand, but the Minister for Labour pretends there is no problem. He has told the employers that this is a package deal and

that they have to cop the lot. He said, "You have to take the package, both the good and bad, to get the things that you want". That is straight-out political blackmail. Although many people may be prepared to be seduced by that process, the Liberal and National parties are not. I am pleased to report that many employers and employees, to their credit, are equally not prepared to be sucked in by that process.

Clause 16 refers to the procedures necessary to bring a matter or dispute before the commission. The provision does not allow an individual employee to bring a matter before the commission other than for unfair dismissal. Every other process must be undertaken by a recognised association. That goes to the heart of the right of individuals and again negates the opportunity for genuine enterprise bargaining.

I remind the House that 68 per cent of Victorian workers in the private sector do not belong to unions. One can only conclude that they are effectively disenfranchised by this measure.

**Mr Maclellan** — They're made second-class citizens!

**Mr GUDE** — The honourable member for Berwick is correct. That circumstance is disgraceful. It is not the sort of action any responsible government should lend its name to, let alone bring about by legislative change.

**Mr Micallef** — All the more reason why they need unions!

**Mr GUDE** — The honourable member for Springvale suggests that is all the more reason why they need unions. I should have thought the thousands of people who now find themselves unemployed would not think unions have been especially helpful. The honourable member knows full well, despite what may be said, that I am not anti-trade unions. However, I make no apologies for criticising key senior officials of some trade unions who have used their positions to abuse the rights of individuals and have held the community, and indeed their members, to ransom. That was a stupid interjection by the honourable member for Springvale, and does not enhance the government's position in this debate.

Clause 17 refers to an application for an award. Again this could be used to catch owner-operators and subcontractors. Earlier I said there should either be an exclusion clause within the definitions of the Bill or the government should introduce another procedure to achieve the same goal. I would be happy with that. But in the absence of a further amendment I suggest the exclusion clause would be appropriate.

Clause 22 effectively provides the president of the commission, in consultation with members, carte blanche to do what he likes. I suggest the provision requires some modification.

The Federal legislation takes a more reasonable approach and I shall offer it to the House. If the Minister wants to line up the State Industrial Relations Commission with its Federal counterpart he may be well advised to pick up this provision. Section 48(1) of the Federal Act states:

> The President after consultation with members of the commission may, by signed instrument, make rules, not inconsistent with this Act with respect to:
>
> (*a*)the practice and procedure to be followed by the commission; or
>
> (*b*)the conduct of the commission; and in particular,
>
> (*c*) the manner in which and the time with which applications, submissions and objections may be made to the commission; and
>
> (*d*) the manner in which applications, submissions and objections may be dealt with by the commission.

It is entirely different in this Bill. The State Industrial Relations Commission will be able to make rules virtually as it sees fit.

Clause 25 refers to the general powers of the commission in industrial matters and clause 25(1) uses the word "may". Surely this will leave many important matters the commission is empowered to deal with, and in particular to settle, up in the air. It would be more realistic if "shall" were substituted for "may".

The term "attempt to" in clause 25(1)(a) and (c) does not fit in with the direct powers given by other paragraphs. This is another example of what the coalition parties have grown to expect from the government over time, and is something they resent. The government's drafting procedures are sloppy.

The Minister for Labour has stated publicly that the government has had more than a year to consult and get these amendments right. After all that consultation and so-called agreement it appears that a number of the Bill's provisions leave a good deal to be desired.

Clause 25(2) refers to "preferential employment" and should be emphasised. In the last draft Bill distributed by the government, on which I commented publicly in September last year, there was no reference to "preferential employment". The Bill was silent on the matter.

I remind the House that when the original Industrial Relations Act was drafted in 1979 by the Honourable Jim Ramsay, then Minister of Labour and Industry, it contained a provision that prevented Victorian wages boards from writing in any reference to preferential employment. That was in contrast to the Federal Act, which had no prohibition at all. As a result of my remarks and employer organisations taking up the issue an amendment has been made to the Bill.

Clause 25(2) states:

> However, the commission may not determine any industrial matter or dispute relating to the preferential employment of people who are, or who are not, members of a recognised association.

The provision is sloppy and should be more definite.

Clause 26 refers to other general powers of the commission. Although it is probable that such other general powers would be followed in a reasonable manner there is no safeguard in this provision. The clause allows the bureaucracy to ride roughshod over businesses if it so chooses. That is not a healthy approach. It may be wise to temper the

all-embracing powers with some aspect of reasonableness as to the timing and notification given to any business involved in a dispute.

The provisions were first drafted about one year ago. At that time I recall expressing my concern in this House about these all-embracing powers and I sought assurances from the Minister that the bureaucracy would conduct itself in a responsible and tempered manner. I believe most members of the department in that area have conducted themselves in a reasonable way. But I have to say, with some regret, that I know of a number of instances where that has not been so.

I believe it would be wise for the government to offer some tempering words to over-zealous bureaucrats about the need for reasonableness and timely access to business premises, where their intrusion onto private premises may result in litigation. The government should caution those bureaucrats who occasionally have their excesses to be cautious and to give employers who may be affected a better opportunity of carrying the matter forward if it finally reaches the civil jurisdiction in the Industrial Magistrates Court.

On first reading clause 28 of the Bill, which deals with the powers of the commission concerning compulsory conferences, seems reasonable, although I believe it is far too all-embracing. The commission should not be given this power in connection with any matter that it does not have any authority to deal with either in the first place or under another Act. Under section 152 of the Federal Arbitration Act any action taken under this provision may be rendered invalid.

Accordingly I suggest that words similar to those used in subclause (1) of the clause could be inserted so that if the commission decides to hold a conference of parties involved in a dispute, if it has the authority to do so, it may direct people to attend.

I support the provisions of clause 31, which give the Industrial Relations Commission the power to act on its own motion. I have raised the issue in the House on a number of occasions. One of the concerns of those involved in the industrial relations field — and I know it is a view shared by a number of senior members of the State commission — is that when disputes are in progress the commission does not have the capacity to intervene in those disputes on its own motion to try to reach a resolution. I am pleased to see that power incorporated in the Bill.

As it relates to the Industrial Relations Commission clause 32 is totally unacceptable to the opposition.

Clause 36 concerns the annual reporting procedures of the Industrial Relations Commission, which have been raised with the Minister's staff. No doubt they have taken up the matter with him, but I have no idea whether the Minister is proposing to introduce amendments to the clause. As it stands clause 36 is far too open. It ought to refer to the provisions of the Annual Reporting Act or to a specific time by which the report should be tabled in Parliament. The reference to the registrar's annual reporting provisions should also be of a similar nature. The same can be said of the president's report to Parliament, the provisions covering which need tightening.

Clause 49 concerns the reference of industrial matters to the Federal commission. This has been a matter of toing-and-froing between the State and Federal commissions and needs detailed consideration. When associations and their members are respondents to Federal and State matters they do not expect to always remain within their original jurisdictions. Anything that affects the proper application of awards leads to a lack of clarity, and again there needs to be tightening in this area. The intent of the measure is okay, but the process is sometimes described in gobbledegook.

Clause 53 requires the State commission to take into account the public interest and the state of the economy when performing its functions. I have no problem with the provision, because it is only reasonable. Nevertheless I wonder how necessary it is to have such a provision incorporated in the Bill because the connections between the State and Federal commissions envisaged under the Act clearly require the State commission to take full account of the national wage guidelines.

I believe that so far as it is able the State commission would consider itself to be charged with doing that very thing. Surely matters concerning the State economy and the likely effects on industrial awards of various decisions are things that any responsible industrial commission would take account of. To the extent that the clause states the obvious it is reasonable.

Clause 54 is designed to encourage the commission to institute dispute resolution procedures. The opposition believes the clause does not go far enough and is a good example of the differences in approach between the coalition and the government. We believe that each Victorian industrial award and industrial agreement should have inserted in it as a mandatory provision a dispute resolution procedure. The resolution of disputes should not be left to the discretion of particular individuals. Because industrial agreements can have marked effects on the broader community we believe it is sensible that the insertion of dispute settling procedures should be mandatory.

Clause 56 relates to the disclosure of pecuniary and other interests of members of the commission. Because politicians and others in positions of authority are required to provide such information to a disclosure of pecuniary interests register I believe the process envisaged under the Bill does not go far enough. I suggest to the Minister that a register of those pecuniary interests should be kept and a copy of them held by the Minister. As it stands the present structure requires that such a responsibility rests with the president of the commission.

I put on the record that I am in no way denigrating the abilities of the President of the State Industrial Commission, but he should be relieved of that responsibility if for no other reason than that appointments are made to the Industrial Relations Commission not by the president but at a political level by the Governor in Council, which effectively means the responsible Minister.

Therefore I should have thought that any declaration of the pecuniary interests of the members of the commission should be the responsibility and under the control of the Minister directly responsible. If something untoward occurred I would have no difficulty

with the President of the Industrial Relations Commission becoming involved in the administration process.

Clause 62(1) refers to the commission being a cost-free jurisdiction. I ask the Minister what would happen in the event of costs being associated with the breach of an industrial agreement? There should be some opportunity to insert a provision for the taking of civil action where there has been a breakdown in the application of an agreement.

I turn to clause 69, concerning grant of recognition. Subclause (1)(*b*) reads:

> that there is no recognised association with respect to the relevant award to which the members of the applicant might conveniently belong...

That is restrictive and could prevent the establishment of company unions. That there is no doubt it would prevent the establishment of company unions highlights the differences between the government and the opposition. The opposition is on about enterprise bargaining, and clause 69 effectively provides that any association of employees must have 300 members.

The opposition believes it is to be commended if the employees of a small company which employs, say, 30 employees choose to form themselves into a collective and wish to become the Ajax Company Union or whatever it might be called. We see that as a healthy approach for employees to take in looking after themselves in their workplace.

Clause 69 is a very important clause that may be overlooked by many people, particularly those who are involved in the industrial relations network as we know it today, many of whom would be quite comfortable to see the present situation continue.

A number of unions — I will not name them because I gave an undertaking I would not — are concerned about this limitation because they see their futures being put at risk.

**An honourable member** interjected.

**Mr GUDE** — Some are and some are not. A number of people who wish to continue in the system will be effectively cut out of it. If one looks at the reports given by Simon Crean and Bill Kelty at the last ACTU National Conference one will find the key things that come through are a concern, firstly, that union membership is in decline and unions are becoming irrelevant in the industrial workplace and, secondly, the suggestion being made, particularly in Mr Crean's paper, that there needs to be an increase in the number of awards containing preference provisions.

The Bill goes exactly in that direction and again we see the connection between the government and its mates in the trade union movement. I have no objection at all — I think it is commendable — that people consult. That is why, earlier in the debate, I expressed my concern that Mr Halfpenny has chosen not consult with the opposition. I think it is proper that consultation take place.

But when an Act of Parliament positively discriminates against the largest sector of the community involved in an interest — in this case employment — one has to be

concerned about it. Changes are needed in that area. If clause 69(*b*) and (*c*) were amended there would need to be consequential deletion of clause 70(*c*).

Clause 71 concerns the rights of recognised associations and subclause (1)(*d*) refers to Industrial Magistrates Courts. On several occasions I have made clear our position on this matter.

Clause 72 is headed "Trades Hall Council to be a recognised association" and provides:

> The Victorian Trades Hall Council is a recognised association with respect to any award for which a body affiliated to it is recognised.

That provision is a lift from the previous Act and I do not seek to represent it as anything else. I find it curious that at a time when we should be looking forward to new horizons in industrial relations it is necessary to protect a particular body before all others. The position of individual unions and employers, other than under the transitional arrangements that relate to recognition under this Act, is that they are required to make an individual and separate application. In going forward one would not have thought it was unreasonable in all those circumstances to put the Trades Hall Council in exactly the same situation. The opposite is the case: it has a privileged position under the Act.

**Mr Pope** — Under your Act!

**Mr GUDE** — Under the existing Act or the proposed Act. The Minister interjects, "Under your Act!" I have been at pains to identify that fact. I have also endeavoured to make clear — I obviously have not got through to him — that under a change to the law to be proposed by the coalition there will be no privileged rights for the Victorian Trades Hall Council; it will have equal rights, which is a very important distinction.

Clause 73, dealing with recognition of employers and groups of employers, highlights the favoured treatment proposed to be granted to the Trades Hall Council which does not apply to other bodies. The Minister has been happily prepared to negotiate with a representative body known as the Victorian Congress of Employer Associations, but I do not find its name or any privileged recognition of its role in the Act. I do not agree with the Trades Hall Council recognition provision, but one would have thought if there were going to be balance there would be an employer view. That is not the case and highlights the fundamental difference in principle between the two parties.

Clause 74 refers to the granting and revocation of employer recognition — conditions that the Trades Hall Council is not required to meet because it has a privileged arrangement.

Clause 76 refers to the publication of awards and provides that the Industrial Registrar must cause every award to be printed and published. I am sure the Minister, and the former Minister whom I see coming into the Chamber, would agree there has been a longstanding criticism that awards of the commission take too long to be printed and that by the time one eventually gets them they are out of date.

The Minister has identified who will be responsible for future production of awards. If he makes a change in a way other than by legislative change — this Bill will not be passed — and transfers those duties to the Industrial Registrar, I trust that he will give that person the staff necessary to achieve the goals proposed under this clause. That will be the case under a coalition government.

The heading to clause 81 is, "Award has no effect if inconsistent with this Act". It is not clear to me how that provision may affect the registered agreement and I am concerned how it would impact on an enterprise agreement as proposed by the coalition parties and to which I referred earlier. In those circumstances the opposition would have difficulty with that clause.

Clause 84 specifies that the higher award rate is to apply where an employee does work covered by two or more awards. That clause should be omitted because that issue should be part of the award conditions. Working conditions depend on the nature of the industry and the specific circumstances applying to that particular award. It is not practical to have a blanket provision of this type.

The Bill does not include references to annual leave or long service leave. Those award conditions will be determined by the new Industrial Relations Commission, supposedly on the basis that the commission will deal with all matters that affect the employment of individual workers. In those circumstances it is unusual and contradictory to prescribe an appropriate rate to be paid in the event that a person is covered by two or more awards.

In the current economic climate, where families are struggling, a husband, wife, or a single mother would snap up a second job if they found one. It is likely this provision would apply even within the one organisation.

I make exactly the same remarks about clause 85, which provides that award rates will apply to some non-award work. If the government is fair dinkum about abolishing the wages board system and putting in place a commissioner who, through a panel process, would determine these matters, as applies in the Federal jurisdiction, it is appropriate that the award argued by the parties and fixed by the commission should operate effectively. Clause 85 should be omitted.

Clause 90 requires that persons under the age of eighteen years engaged to do any work must be paid the appropriate award rate. There may be sound reasons for the clause, but this provision would normally be part of an award condition. It is part of the proposition that I have indicated earlier.

The Minister for Labour has said at a number of public forums — I have even heard some employers say the same thing — that the Bill will not be prescriptive and will allow the proposed commission to fix wages and working conditions. This clause is an example where the Bill is prescriptive and that is not satisfactory.

Clause 92 relates to restrictions on certified agreements. Subclause (1) states:

> The commission may only certify an agreement if it believes -

(a) the agreement is in the interests of the parties to the agreement;

That is restrictive and subjective. Surely it is sufficient for the parties to agree and for minimum standards to be set and complied with under the Act.

Clause 92(3) states:

> If an agreement includes terms based on the terms of another certified agreement, the commission must not certify the agreement unless it is satisfied that the inclusion of those terms in the agreement is justified in the particular circumstances of the agreement.

If people are able to agree on the circumstances that ought to be enough.

The coalition's policy of enterprise bargaining envisages a circumstance where a minimum wage and base conditions will be fixed, but beyond that the parties will negotiate freely the wages, work conditions, leave loading and other conditions that are so important in a flexible and changing industrial workplace.

The coalition does not see the need, once those base conditions are accepted, to require the ratification of the commission. The only thing that is required is the lodgment of the agreement simply to ensure that minimum standards are complied with. It is not acceptable for the commission to be told what things it can and cannot do or for it to vet an agreement and arrangements freely entered into. If the opposition had doubts that the government would undertake reform in this area, it need look no further than the recent SPC Ltd dispute where it effectively interfered and took over the whole arrangement.

Clause 97 relates to withdrawing from a certified agreement. Again this clause points up the stark difference in approach between the government and the coalition parties. We say that enterprise agreements freely entered into for a fixed period should be honoured and defendable by both parties. If the work force chooses to break the agreement by strike action or some other form the employer should have some entitlement to restitution. If the opposite is the case and there were problems resulting in lock-outs — which have occurred in the past — the employees should have exactly the same rights.

Clause 98 gives the Minister the power to ask the commission to vary or amend certified agreements. If two parties have entered into an agreement and taken the trouble to have it registered, with all the humbug and nonsense envisaged in the Bill, they should not be subjected to having the Minister, or myself, when I am the Minister after the election, directing the commission to change or vary an agreement because we do not like it. We are approaching the 21st century and it is about time that we trusted each other. We are not convicts bound by chains; we are human beings trying to get flexibility in the workplace but the government is still living in the past. It is hidebound by the industrial regulatory processes of the past. Its attitude is reflected in the clauses relating to certified agreements. It is bad enough proposing provisions relating to the new Industrial Relations Commission but in this instance, where there may be some freedom to make agreements, big brother says "No, we know best, we will tell you how your agreement ought to be structured."

Clause 101 at the commencement of Part 11 proposes the establishment of an industrial magistrates court. As I said earlier, we oppose that provision for a number of good reasons. Firstly, a Metropolitan Industrial Court has been in existence for a long time. I have not received a single complaint from any employer organisation, trade union, individual employer or individual employee about the proper function of that court. Given that we have rejected provisions such as this in the past, somebody who felt it might be no good might have contacted us — maybe Mr Halfpenny might have done so — but there has been no criticism.

The Bill proposes to widen the jurisdiction of the Metropolitan Industrial Court. The new industrial magistrates court proposes to cover areas that are currently covered by the normal magistrates courts that operate throughout the State and it is proposed that in addition to matters handled, such as wages, it will also handle construction industry long service leave, boiler pressure vessels, lifts and cranes, scaffolding, dangerous goods and a raft of other things that are currently not covered.

When the coalition bills committee had discussions with the government's advisers on this matter it asked a few simple questions and I am still waiting for the answers. Perhaps the Minister might inform the House in due course, if he responds to the Bill. The questions asked were as follows. How many matters have gone to the Metropolitan Industrial Court in the past five years? How many matters in the new areas to be covered have been covered by the Metropolitan Industrial Court throughout the State? It is important to know these things. I should also like to know whether any cost analyses or impact statements have been done because these will cost the taxpayers of Victoria some money.

The Bill is effectively envisaging a new legal process. The setting up of a new industrial magistrates court will require new industrial magistrates, a registrar and a whole new bureaucracy. So far no-one has been able to say how many staff are envisaged but a reading of the Bill and its addenda will show that a considerable amount of detail goes into the arrangements, including the rates of pay, the basis of the staff appointments and the extraordinary powers they will have under this proposal.

Anyone with any knowledge of the politics of this State will certainly know there is a high probability we will have a change of government at the next State election. Given the propensity of the government over recent years to appoint friends of the party to judicial and quasi-judicial positions — and I have named a number of those people in the past — I do not see any real reason why we should trust the government to make the proper appointments because, if the appointees are not acceptable, they are there until age 65 and that even relates also to the provision of a part-time magistrate. So we can have a range of unacceptable people.

If one wants to see examples of appointments one need look only at the State Industrial Relations Commission. I have the details of all the people in the commission but I shall mention only a few. The president of the commission is a former legal officer of the Australian Council of Trade Unions; the deputy president, Peter Marsh, is a former secretary of the Trades Hall Council; and another deputy president, Mr Lawrance, is a

member of the independent faction of the Labor Party and has been a close friend of the former Premier — maybe that helped him get the job!

My old mate Deputy President Bob Garlick — his father was a former revered member of this House, an honourable member for Mildura, as I recall — was also a former secretary of the Victorian Teachers Union and the Air Traffic Controllers Union. Commissioner Ken Williams, who has been referred to on more than one occasion in this House, was a research officer for the Federated Miscellaneous Workers Union of Australia; Commissioner Neylon was a former Australian Workers Union Victorian branch organiser; Commissioner Conway was a former secretary of the Victorian Teachers Association; Commissioner Bornstein was a former secretary of the Association of Draughting, Supervisory and Technical Employees; Commissioner Luckman was with the Association of Professional Engineers and the Master Builders Association — one for the other side — Commissioner Lane was a former director of industrial relations at the Victorian Chamber of Manufactures; Commissioner Gwyther was with the Victorian Employers Federation; Commissioner McIntyre was a former employee of the Department of Labour, and Commissioner Burke was an organiser of the Federated Clerks Union of Australia Victorian branch.

**Mr Pope** — And the VEF.

**Mr GUDE** — I thank the Minister for his interjection because it was not my intention to exclude that reference. It is a good point that a number of people are involved in professional associations — and I am well aware of that, having been involved in that area — and have tracked on both sides of politics and both sides of industrial relations. That does not in any way state what their political preferences might be.

However, irrespective of the interjection, the fact is that the balance of the commissioners are clearly slanted in one way and I am talking about the propensity, capacity and likelihood that the government will make a whole series of unacceptable political appointments. I shall not go back over the raft of political appointments that were made in the WorkCare area but some of them have been identified in this House in the past so the government has a recent track record of looking after its friends — jobs for the boys.

Reference is also made to the appointment of a registrar and a deputy registrar and this will create an additional new bureaucracy. I have asked the department for costings on this and whether any work has been done in this regard. I was told there would probably be only one person appointed. The department really had no idea so it is clear that what was a good idea at the time has not been thought through. Apparently no costings will be done. If the opposite is the case I would be pleased to receive that information.

Clause 124 is headed "Appeal may only be made to Commission in Court Session ". I make the point again that this is an appeal from the proposed industrial magistrates court and it really keeps the situation within the club because it is the agency that makes the Act, administers the Act, prosecutes the Act and tries the Act. Where is the independence? What happened to justice being seen to be done as well as being done? It

is not envisaged under this provision. It is all kept within the club. Appeals will be heard within the system.

It is regretted that there is a relatively similar provision in the current Act. Section 126 states that a question of law that arises from a matter of appeal from the Magistrates Court must be heard by the Supreme Court. So here we have a differentiation. When it comes to a matter of pure law the Supreme Court is called in to do the job because it has been recognised that the people who are involved in the State Industrial Relations Commission do not have the power to carry out that function.

In my view those areas ought to be covered under the civil jurisdiction. They should be tried separately as they are now under the Metropolitan Industrial Court and any appeal should go to yet another civil court so justice is seen to be done. Putting it another way, they should be tried in real courts.

Clause 13 relates to the powers of inspectors. A good deal of concern has been expressed to the opposition by a number of employers with respect to the over-zealous way inspectors are carrying out their duties.

**An Honourable Member** — And background.

**Mr GUDE** — And background. I could have said exactly the same thing about this raft of inspectors with respect to the Industrial Relations Commission. This process of politicising the Victorian Public Service has to stop. People ought to be appointed because of their capacities. I do not really care what somebody's politics are. I care whether they can carry out their functions in a proper way.

The requirement to provide a statutory declaration is going a bit too far for all but the most difficult cases. There does not appear to be anything written into the Act which enables a satisfactory adjustment of any breach, discrepancy or error discovered on inspection. That is a matter that could have received attention. Subsection 1(f) should include something — I offer this as a suggestion — which will enable him or her to perform those functions, including the correction or remedying of any errors discovered during the course of the inspection.

That would be taking a proper active role which would resolve the differences. It would be taking a non-pecuniary role. It would be a responsible role, but that sort of notion has obviously not occurred to the government.

The powers given under section 86 of the Federal Act seemed to be more reasonable. Section 86 of the Federal Act says:

> (1) For the purpose of ascertaining whether awards and the requirements of this Act are being or have been, observed, an inspector may, at any time during ordinary working hours or at any other time at which it is necessary to do so for that purpose:
>
> (*a*) without force, enter;
>
> (*i*) premises on which the inspector has reasonable cause to believe that work to which an award applies is being or has been performed; or

(*ii*) a place of business in which the inspector has reasonable cause to believe that there are documents relevant to that purpose; and

(*b*) on premises or in a place referred to in paragraph (*a*):

(*i*) inspect any work, material, machinery appliance, article or facility;

(*ii*) as prescribed, take samples of any goods or substances;

(*iii*) interview any employee;

(*iv*) require a person having the custody of, or access to, a document relevant to that purpose to produce the document to the inspector within a specified period; and inspect, and make copies of or take extracts from a document produced to him or her.

Surely the House would agree those are reasonable rights for an inspector to have. They are structured in a way that would enable reasonable access to any documentation that might be required, not prescribing the onerous requirements of clause 131 of the present Act. I will not take up the time of the House by going through all of that but I suggest people might like to examine that section.

Clause 134 of the Bill enables an inspector to require an employer to calculate wages. I would have thought that an examination of the record should be adequate without the excessive demands of this clause having to be enforced. In my view it ought to be deleted.

I want to turn briefly to some of the comments that were made in the Minister's second-reading speech. The Minister states:

> In performing its functions, the commission will be required to take into account the public interest, including the economic interests of Victoria.

I have received a number of comments from business organisations to the effect that the commission has not done that to date. In far too many instances it has slanted its determinations against the employer and in favour of the trade union. Those are not my connotations; they are the connotations of employers who have found themselves party to the system.

In the second-reading speech the Minister also states:

> The Bill imposes a membership requirement of 300 members...

I have already mentioned my concern about that. It goes down the ACTU line in completely the opposite and wrong direction, if one is to move towards genuine enterprise bargaining. The second-reading speech states:

> Part 11 provides for the establishment of an Industrial Magistrates Court to hear those industrial and occupational health and safety and related matters...

Again I say this will mean additional expense and duplication for little if any gain. The second-reading speech continues:

> Prosecutions for breaches and proceedings for civil recovery may be commenced at any time within six years of the date of the alleged offence.

This is another area one would have to be concerned about in terms of its practical application. In my view six years is impractical. Twelve months may be more reasonable

because, taking into account the ownership of small businesses, it would be pretty well impossible to trace an offending party. Surely the practical implication is that there ought to be a change to reduce that period from six years to twelve months. When one contemplates the number of small businesses that operate in Victoria one can see that of all the businesses, businesses that employ 50 or less represent 80 or 85 per cent of all employers. That makes the implication of the Minister's proposal quite significant. The opposition believes it is a farcical requirement.

In the second-reading speech the Minister says:

> The Bill also includes a provision to enable an unpaid superannuation payment to be enforced against any employer, including any amount that would have accrued had the payment been made when required.

This is a torturous statement, and hard to follow. Surely the enforcement of the amount payable under an award is all that would need to be stated. It goes to the question of the way the legislation has been structured.

Clause 139 refers to those who can prosecute under the Act. I believe the wording of section 1(*a*) through to (*c*) is capable of providing a delegation that could go to somebody who is not an employee of the Crown. I do not believe that is the intention but I draw it to the Minister's attention.

I believe section 139(1)(*a*) and (*b*) go far enough, and it should be made clear that the delegation cannot be made outside the Department of Labour or another government department. I offer that suggestion to the Minister as well.

The second-reading speech states:

> The Bill is designed to ensure that the emphasis is placed on reinstating the employee. Re-employment in another position is to be a consideration only where reinstatement is impracticable with compensation being the last resort.

That refers to the provision of unfair dismissal. Even the terminology that is used assumes, incorrectly, that the dismissal is always unfair and the employer is always wrong. In practice that is not always the case. There can be faults on both sides but the legislation should not aim to be one-sided, and that is what it is. In any event, the probable reinstatement may not be the proper method to adopt, and that is another matter that needs to be addressed.

The opposition takes the view that further changes need to be made to the provisions in the Bill relating to unfair dismissal. A person should be required to pay a lodgment fee, perhaps $50, to test the sincerity of the application. In the past the first step taken by people who had been dismissed for whatever reason — these days it is because of redundancies — was to make an application claiming unfair dismissal. What they were really doing was saying, "I've got my pay one way and if I can get a bit more and the system is loose enough I'll go for it". That is not good enough. If a claimant is found to be vexatious a penalty should apply.

Clause 146 refers to the recovery of money owed, and the prescribed period of six years appears to go too far. Clause 146(3) goes to the fact that an employee's recognised association can take proceedings on behalf of an employee.

I made the point before that the silent majority of people, some 68 per cent, who choose not to belong to a trade union — or have not been harassed into joining — are disenfranchised by the Bill. To put some fairness and equity in the measure "recognised association" should be replaced by "employee's agent". That would enable a recognised association to continue to act on behalf of those who choose it, but it also allows non-union members to have access to people to represent them when having a matter heard before the court.

The opposition is critical of the fact that the government has not thought through the issue. Reference to an employee's agent does nothing more than provide sensible justice. It gives a person a fair and reasonable right to be heard before a quasi judicial body. It can be a harrowing experience for a person to appear in a public court, even one as "friendly" as the State Industrial Relations Commission, where one must queue for hours.

Clause 147(5) states:

> An order under this section may be enforced as if it were an order made by the court in a civil proceeding. However, if any amount remains to be paid after all reasonable means of civil enforcement have been tried, the order may be enforced as if it were a fine imposed by the court.

That points out the deficiencies of club courts as opposed to the real courts.

Recovery of unpaid superannuation is referred to in clause 148. The reference to "recognised association" should be replaced by "employee's agent". It may be a surprise to the government, but trade union members are not the only people who receive superannuation either through awards, agreements or the instigation of the employer.

Clause 149 refers to unfair dismissals. Again I make the point that the Bill gives specific and privileged rights to recognised associations, and that needs to be dealt with.

The lodgment time for a claim of unfair dismissal is covered in clause 151 and it increases the period for lodgment from four to ten days. After an employee has been dismissed, he currently has four days in which to lodge an unfair dismissal claim. The Bill increases that to ten days, and the opposition rejects that proposal. The government argues that it will allow a cooling-off period and, therefore, there will be fewer applications. The opposition takes a different view — it will allow those who want to bog down the system to do so with even greater ease.

Clause 153 deals with the Industrial Relations Commission refusing to hear an application. It is a weak clause because it is not specific enough and it should be redrafted in the following terms:

> (1) The commission shall refuse to consider an application put before it for conciliation and arbitration until it is satisfied that the matter has been dealt with in the following manner:

(a) As soon as practicable after the dispute or claim has arisen, the employee concerned has taken the matter up with his or her immediate supervisor and/or employer affording him or her the opportunity to remedy the cause of the dispute or claim;

(b) Where any such attempt at settlement has failed, or where the dispute or claim is of such a nature that a direct discussion between the employee and his or her immediate supervisor and/or employer would be inappropriate, the employee has notified a dually authorised representative of his or her union and who, if he or she considers that there is some substance in the dispute or claim, shall forthwith take the matter up with the employer of his or her representative and the employer's recognised association and that all parties have endeavoured to remedy the cause of the dispute or claim.

(2) A written report indicating the steps taken to resolve the claim or dispute shall be submitted to the commission before any such application shall be dealt with.

That is wholly consistent with the disputes and grievance settling arrangements the coalition believes should be a mandatory part of industrial awards and agreements.

Clause 160 relates to deductions from pay. Sometimes through error an employee is overpaid. However, the recovery or adjustment of such overpayment is difficult, if not impossible. If the Bill is to be given any serious consideration the government should include in this clause a further provision along these lines:

In the case of a genuine error where an employee is paid in excess of any pay entitlement such overpayment may be recouped by the employer as soon as practicable after it has been discovered by way of deduction from an ensuing pay.

**The DEPUTY SPEAKER (Mr Norris)** — Order! Without wishing to interrupt the honourable member for Hawthorn, I note that he is suggesting alterations to clauses. The Committee stage of the debate may be the correct time for him to pursue such an argument.

**Mr GUDE** — Thank you, Mr Deputy Speaker for your consideration. I shall endeavour to confine myself to direct matters. However, it has been the practice in this House when the opposition has found deficiencies in legislation and is able to offer constructive suggestions that the government has taken up those suggestions. I simply wish to assist the Minister so if the Bill is debated in Committee the Minister may at least have had some opportunity of considering my suggestions. Nonetheless, I accept and understand the sentiments of your instruction, Sir.

The Bill refers to secret ballots, but it makes relatively little change to the current arrangements. The provisions in the Act have rarely, if ever, been used and one can see the deficiencies that exist. The coalition has made its position clear on this matter. It believes the provision is deficient and pre-strike balloting should be conducted in such a way that it minimises the impact and discomfort to the community of industrial action where it occurs. Further, it envisages that a secret ballot conducted in that way would not legitimise strikes, it would give a clear indication that all of the people who are party to the ballot have given some consideration to the point.

The opposition takes the view that where employees act in a manner that is inconsistent with or illegal in the sense that it is in contravention of an award or agreement, that should not in any way militate against an employer's rights to a civil action that may be

available. It is the intention of the coalition in government to strengthen those legal rights. That is yet another example of the totally different approach the government takes compared to the coalition.

I now refer to the matter of conscientious objection to trade union membership. The government would have honourable members believe the Bill before the House goes all the way in ensuring that there will be no compulsion in unionism. What is proposed is that a person has to make out a case for the genuineness of his or her conscientious objection and has to pay an amount of money equivalent to what he or she would have had to pay to the trade union he or she could reasonably have been expected to join — I am not sure who defines "reasonably". A certificate will be issued for one year. There is a renewal application procedure and the money generated out of that goes into consolidated revenue.

I do not call that freedom of association at all, that is an insult and impost. All Australians should be able to make a free choice, they should not have to put their hands up and say, "Please, I don't want to belong to a trade union" and then have to justify that in some formal way. Worse still, to have to pay fees because they freely choose not to belong to a trade union is humbug and nonsense. It is unacceptable and un-Australian and it breaches international conventions and is not something that the coalition will endorse or support.

Clause 182 relates to leave if no award applies. It is a new provision in part and expands the old section 5B to cover parental leave and so on. Either the specifics ought to be spelt out in the legislation or it ought to be left to the commission to deal with, if that is the way the government envisages that these things will be carried out.

Clause 188 refers to certain guarantees being illegal. Subclauses (5) and (6) state:

> (5) However, an award may authorise such agreements.
>
> (6) The Commission in Court Session may also authorise such an agreement by order, on the application of an employer.

Those subclauses should be deleted and incorporated in subclause 188(1) by prefacing it with something like:

> Unless an award or the Commission in Court Session so authorises an employer must not...

And so on. This is another suggestion to help the Minister for Labour to change the clumsy construction that is proposed in the legislation.

Clause 189 refers to contracting out and states:

> (1) Unless expressly allowed by this Act, the award or order, any provision in any agreement which purports to annul, vary or exclude any provision of this Act, or an award, or any order made by the Commission or the Commission in Court Session, is void.

There is no capacity to negotiate outside the award. Again, it points out the stark differences in approach between the government and the coalition. The opposition believes in enterprise bargaining and facilitating a capacity to break out of the shackles,

to freely negotiate in the workplace conditions that are conducive to the particular enterprise or organisation operating most effectively.

Finally, I will turn to what I believe are serious omissions in the Bill that are vital to the coalition's enterprise bargaining direction and would protect smaller employers. The Act excludes annual holiday provisions. The government says that the commission can fix that, yet the government has found the time to prescribe certain other things, as honourable members heard when I went through the Bill earlier.

It removes any reference to long service leave. Over a period in this place the government has sought to make many changes to long service leave conditions applying in various industries. In the construction industry area there is a situation where it is seeking to reduce the period of employment from ten years to five years before benefits are paid.

That has the imprimatur of the Premier. That is what the Building Workers Industrial Union notices are saying. In those circumstances a case run by the union or the Trades Hall Council, because of their privileged affiliation under this Act, for a reduction in similar provisions under other awards would also be backed and supported by the Premier.

Given the nature and extent of the Industrial Relations Commission one would not have to be an absolute genius to work out what the likely outcome is. Some of us have been around for a few years. I go back to the late 60s and early 70s when there were changes in this area when the construction industry long service leave arrangements first started. The employers involved in the present situation were the first to give workers compensation make-up. It is a heavily unionised industry and the unions have been able to exercise particular influence over it.

I am also aware, because I have been involved in this area all of this time, of the flow-on implications of the make up of pay in the workers compensation area. Surely the Minister does not seriously expect the opposition to ignore a situation like that. The opposition knows the flow-on implications of applications that are likely to take place and the process of enterprise bargaining it envisaged will be facilitated by the opposition in government: we will set down minimum standards and they will include annual leave, long service leave and grievance settling procedures.

All the detail of that will be spelt out by the coalition in due course. For all of those reasons and because of all the reservations I have expressed about the Bill, I believe the Minister has presented this Parliament with a document that in large measure does not address the opportunities that are available to us in industrial relations. It takes us nowhere. It shackles us and binds us to the worst features of past industrial law in this State and in this country. It is totally contrary to the commitment of the coalition.

I conclude where I commenced: the opposition will be rejecting the proposed legislation. The government had no mandate, it did not indicate to the community that it would be seeking these changes. It has failed to bring the matter to the broader electorate and openly and freely discuss it with all the employer representatives and others. In all of

those circumstances there is no way that the opposition can support the Bill and it will be opposing the legislation.

**Debate adjourned on motion of Mr MICALLEF (Springvale).**

**Debate adjourned until next day.**

## ADJOURNMENT

**Mr POPE** (Minister for Labour) — I move:

That the House do now adjourn.

### Public Transport Corporation

**Mr HEFFERNAN** (Ivanhoe) — I direct to the attention of the Minister for Transport and, in his absence, the Minister for Labour, who is at the table a matter concerning the Roads Corporation. As recently as late February and early March the Minister instructed the Roads Corporation to hand over $25 million of the corporation's funding to meet the salaries and wages of the Public Transport Corporation. It has also been brought to my attention that early last year $14 million was also transferred to the Public Transport Corporation, which will be accrued to funds for the next financial year of funds Public Transport Corporation, thereby making a total of $39 million in road funding, which is urgently needed to be spent on roads not only in the city but also in the country.

These funds represent a misappropriation of Commonwealth funding. What right does the Minister have to reallocate that funding when it has already been allocated for major road work by the Commonwealth government? The situation reflects the major financial problems in the Public Transport Corporation that are hidden from the taxpayers.

It is not right that the Roads Corporation should be placed under pressure to transfer those funds because they have been allocated to it. The funding should not be used elsewhere to be replaced at a later date. The problems are only being transferred to a later date and that date might well be when the coalition comes to power when it will find there has been an even greater deterioration in the financial situation that it will have to overcome.

I ask the Minister to make clear what is happening in the Roads Corporation and Public Transport Corporation. Taxpayers and Parliament have a right to know what will be the arrangement over the next twelve months.

As further deterioration of the public transport area occurs with losses in the vicinity last year of $2 billion the government is robbing the Roads Corporation when roads continue to deteriorate. Pressure is being put on the officers in these departments to transfer money even though it is on a temporary basis.

Honourable members have a right to know what is happening in the department and I call on the Minister to inform the House either this evening or at a later date about what is happening.

## Syringe exchange program

**Mr WEIDEMAN** (Frankston South) — I direct to the attention of the Treasurer, who represents the Minister for Health in another place, the syringe exchange program. I understand 145 pharmacies are involved in the syringe exchange program together with outlets of Health Department Victoria. They exchange syringes to discourage the multi-use of single syringes so that the AIDS virus is not transferred to unsuspecting drug users.

The program for disposal of needles and syringes is excellent. As a member of the Parliamentary committee involved with investigations concerning AIDS I recommend the program.

The program was recently established in Frankston; it has been called the Pit Shop and needles can be exchanged on the evenings of Wednesday, Thursday or Friday. I understand each year about 500 000 needles and syringes are exchanged by Victorian pharmacies and another 500 000 by organisations such as hospitals and community health centres. Therefore, about 1 million needles and syringes must be disposed of yearly.

In my area needles are available at about $5 for a pack of twelve. Many drug addicts purchase the packs and go to the changing sheds on the beach. After use, they throw the needles into the bushes. A number of the small yellow containers should be made available in all municipalities so that needles will not be thrown onto the beaches where young people sit or walk. This may avoid the spread of contagious diseases like hepatitis or AIDS. Suitable bins must be provided on the beaches. I understand Health Department Victoria intends to install the bins in 40 Victorian municipalities but there is some problem about their manufacture.

This excellent program should be extended to accommodate other syringe users in the community, such as diabetics. They have much difficulty disposing of medical-type refuse because the needles and syringes cannot be placed into conventional domestic rubbish bins. A local breeder on the Mornington Peninsula, who is conducting a genetic breeding program, cannot dispose of the 500 needles and syringes he must use.

A number of diabetics have approached me for information about where the needles may be deposited. I understand there are special containers available from some councils, including my local council, but many council officials tell the diabetics the bins are either unavailable or must be bought.

I ask the Minister to investigate whether diabetics may avail themselves of that service. Most have difficulty disposing of medical waste. Victoria should have some regulation and control of its disposal. I ask the Minister to convey my concern to the Minister for Health in the other place, and ask her to increase the number of outlets now available.

## Availability of granny flats

**Mr MATHEWS** (Oakleigh) — The matter I direct to the attention of the Minister for Planning and Housing concerns the granny flats program that for a number of years has been operated with considerable success by the Department of Planning and Housing. That success springs very much from the capacity the program gives to families to respond to the needs of relatives when those relatives find themselves in need of a level of care requiring proximity to the family but which falls short of that involving institutional care.

The very nature of that form of need makes it important that granny flats should be provided speedily. My concern is about the increasing delays being experienced in the installation of granny flats. Recently my attention was directed to an instance where application was made for a granny flat in September last year, and the Ministry speedily gave the necessary approvals for that application. Even so it is now March and the granny flat has yet to eventuate.

I am advised that the delay in question is caused by a practice on the part of contractors to group the granny flat projects allocated to them until they have a number of projects in hand before any action is taken.

I ask the Minister to interest himself personally in ensuring that the delays associated with this practice are now overcome.

Frankly, it is intolerable that an elderly woman such as the one involved in this application, who finds herself in ill health and whose relatives are only too glad to accept responsibility for her well-being provided a granny flat is available for her accommodation, cannot have the granny flat installed expeditiously in the backyard of a relative's house because of this practice on the part of the contractors working with the Ministry.

The Minister should intervene and see that an end is put to this practice and that people are able to obtain a prompt service with the installation of the granny flats.

## Use of vehicles by secondary school students

**Mr E. R. SMITH** (Glen Waverley) — I raise a matter for the attention of the Treasurer, and in his absence I pass it on to the Minister for Transport. It concerns the exemption of stamp duty on demonstration vehicles for use by schools.

For the past ten years Brandon Park Secondary College has been given a demonstration vehicle by Geoff Brady Motors, and it is used each year by the students for driving and road safety practice. I believe they use AFL Park for performing these tasks. The entire grade goes to the park to practice the various skills.

Since stamp duty was placed on demonstration vehicles, firms such as Geoff Brady Motors, which have been donating the vehicles temporarily as a matter of public-spirited gesture, have found that the new rule is the straw that breaks the camel's back.

At the moment I have a son at Brandon Park Secondary College and I am on the school council. The college asked for my assistance in endeavouring to seek relief by being granted an exemption from government stamp duty. The college wanted to know whether the State government could bring pressure to bear on the Deputy Commissioner of Taxation to give the dealer, and hence the school, an exemption in this case.

I rang Geoff Brady this afternoon and he said that five different secondary schools were receiving vehicles. He has been providing this service for approximately ten years, and it represents in the vicinity of $70 000 a year to him. Because of the state of the economy this added impost of $500 stamp duty has become too much of a burden on Geoff Brady.

I asked the school to send me the figures, which they did. In dollar terms, the dealer commitment for the year might include the following costs on the provision of a $20 000 vehicle: financing of the vehicle at, say, 16 per cent - $3200; depreciation over twelve months — $4500; registration — $350; and pre delivery — $700. I asked him what pre-delivery included and he said number plates, advertising, delivery from the factory and so on. If one includes the $500 stamp duty impost it makes a total of $9250.

I asked him about the condition of the vehicles when they were returned. He said that they had always come back in top condition. Geoff Brady Motors had then sold these vehicles on the second-hand market. Stamp duty of $500 was then due. Geoff Brady had not been required to pay this extra money and so in a tight economy, when dealers like Geoff Brady are feeling the recession, having to pay an additional $500 stamp duty on each demonstration vehicle at the time they are sent to the schools makes it impossible for Geoff Brady Motors to continue with this generous offer. As a result of Geoff Brady withdrawing his program, valuable driving instruction for students will now cease. I ask the Treasurer to use his good offices with the Deputy Commissioner of Taxation and seek an exemption of the $500 payment so that a most worthwhile project will be able to be continued.

I read briefly from a letter I have received from Mr Gray, the Secretary of the Brandon Park Secondary College, who says:

> As a college, we recognise that our students become car owners. Hence our road safety education program culminates in all of our VCE (Victorian certificate of education) students being required to complete a unit in pre-driver education. This is a college decision, which requires students to complete this unit above and beyond VCE certificate requirements.
>
> Students are then provided with the opportunity to take a one (1) week intensive driver skills program at the Driver Education Centre of Australia (DECA) in Shepparton. Approximately sixty (60) students undertake the program each year.
>
> We have had considerable support from our college community in implementing the program.

The government is long on words about education. Fortunately the Minister for Transport is at the table; he will appreciate what I am saying. The government says it is keen to provide education for our young people so that in the future when they get into vehicles they will understand their responsibilities and what is required of them.

The program to which I have referred has had a high level of success. I see the honourable member for Wantirna nodding her head; she knows how important and successful the program has been.

Once again, I urge the Treasurer to seek an exemption of the payment of the $500 so that the successful program can continue to be conducted and the students in my electorate and those surrounding it can have the benefits of the program that has been available to those who have been fortunate to take part in it.

## Potato cyst nematode

**Mr W. D. McGRATH** (Lowan) — I raise a matter for the attention of the Minister for Agriculture. In recent times cyst nematodes have been found in potatoes being grown in Victoria. As I understand it, one of the problems presenting itself is that, upon such a finding, any other plants — that is, tubers, bulbs, carrots, parsnips, and small shrubs and trees — growing within a 20-kilometre radius cannot be sent interstate. I understand also there is no protocol within the Department of Agriculture that allows for a change in this ban.

People growing these products in Victoria have contracts with people in New South Wales and now they find themselves unable to fulfil those contracts because they are within the 20-kilometre zone of where the cyst nematodes have been found.

Mr Speaker, with your background, you will understand the problem I raise. What happens is that an investigation is carried out only on the property where it is suspected that the nematode is present. Then a blanket ban is put on the 20-kilometre radius zone and everybody is out.

I ask the Minister for Agriculture to investigate the matter and to determine whether some other mechanism than a blanket ban on a 20-kilometre radius zone can be introduced. I ask him to determine whether other bulbs, tubers and root plants can be allowed to be moved out of the area so that existing contracts can be filled and normal business can continue, rather than penalising everyone in a 20-kilometre radius zone. I ask if the ban can be restricted to the property where the nematode has been found.

## Wantirna South Primary School

**Mrs HIRSH** (Wantirna) — I raise for the attention of the Minister for Finance, who is the representative in this House of the Minister for Education and Training, a matter of urgency concerning the redevelopment of the Wantirna South Primary School.

The school is in traditional apple orchard country in Wantirna South. Last month it held its 50th anniversary celebration, which was a wonderful occasion. The Minister for Education and Training attended and officially opened stage 1 of the development.

The Wantirna South Primary School commenced in 1941 as a small single-teacher rural school. It was opened after many representations from the local State member of Parliament to the Minister responsible for education. It is certainly a community-based

school in that the community was responsible for getting it going and has kept it going ever since.

According to its history, it took some years for this little, old-fashioned school to have electricity connected.

In the middle 1970s when only 100 students attended the school a few portable classrooms were moved in. In this modern day and age those portables are not considered satisfactory for students. They do not have proper heating; they are cold in winter and hot in summer. I suggest they are entirely inappropriate.

Stage 1 of the school redevelopment program, which the parents have been fighting for since the middle 1980s, has been successful. The school has a strong community approach. After the Ministry of Education revealed that it was considering closing down the school because it was both small and old the parents made a number of representations to the Minister of the day. Through their efforts the school remained open.

On reflection, that was a good decision because the school population is increasing in leaps and bounds. Unfortunately, every time there is an increase in the number of students another one of the old-fashioned portable classrooms has been put in place.

Stage 1 of the redevelopment, which was designed by the school community, consists of an extremely attractive building with two classrooms with a wide verandah along one side. The plans for stages 2 and 3 follow the same pattern. The design is non-traditional for a school but the building is totally functional with wet areas, carpet, insulation and so on.

On his recent visit to the school the Minister said how impressed he was with the work the school community had done. The strong commitment by a former principal, Hilary Bloom, and the current principal, Max Harris, has encouraged the parents to keep the redevelopment campaign going.

It is vital for the school community that stages 2 and 3 be funded in the next financial year. I emphasise the importance of the representations made to me and I pass on the community's request to the Minister that the redevelopment of the school should continue.

It is not appropriate for children to spend another year in the old portables that really should be condemned. The outside toilets at the school are out of date and must be replaced. I well recall the appalling conditions of schools when I was a child. In a one-teacher school the child who had the seat by the fireplace was the only one who kept warm in the winter months; the other students froze.

Although Wantirna South Primary School is a wonderful school in terms of atmosphere and parent commitment, it is not physically adequate for the children, for the teachers to work in or for parents to be involved with. I ask the Minister to ensure that funding for stages 2 and 3 of the redevelopment will be available in the 1991-92 Budget.

## WorkCare levy

**Mr HAMILTON** (Morwell) — I raise a matter that concerns a small business in the Latrobe Valley, the proprietor of which is Mr Peter Needham.

**The SPEAKER** — Order! I ask the honourable member to identify which Minister he wants to address the matter.

**Mr HAMILTON** — I direct the matter to the attention of the Minister for Labour who is responsible for WorkCare. As I said, the matter concerns Mr Peter Needham, who is the proprietor of Latrobe Valley Carpet Care. He has received a number of letters from the Accident Compensation Commission (ACC), but the most concerning is the one that informed Mr Needham of a retrospective increase in his WorkCare levy because of a mistake in the written advice sent to him by the commission concerning his levy for the period 1 October 1989 to 30 June 1990. Mr Needham rightly argues that no business can operate profitably when, after setting aside from its budget the money needed to pay the advised WorkCare levy, the ACC informs the proprietor the rate was incorrectly calculated and that, as a result, he has to pay an increased retrospective levy. In this instance Mr Needham has had to find an extra $345.

In February 1990 the ACC wrote to Mr Needham saying:

> The net levy rate for the period 1 October 1989 to 30 June 1990 is 4.07 per cent. Levy payments may now be made at the new rate.

That advise was underlined and the letter was signed by the levy information officer of the claims and levy division of the Accident Compensation Commission.

Twelve months later an officer from the Levy Collection Agency, acting as an agent for the commission, wrote to Mr Needham saying:

> Pleased be advised that the rate of 4.07 per cent advised by the Accident Compensation Commission in Februaru 1990 was calculated manually and was provisional only. The recalculated rate of 4.6640 per cent is correct.

There was no indication in the February 1990 letter that the rate of the levy was provisional. The letter from the agency goes on to say:

> Pleased be further advised that outstanding levy for this period will be collected without penalty.

That was none too generous given that twelve months after being advised of his new WorkCare levy Mr Needham was informed that a mistake had been made and that that mistake was the responsibility of WorkCare. What has happened to Mr Needham is irresponsible. If the Accident Compensation Commission has made a mistake it should have to bear the cost of it, not small businessmen like Mr Needham.

Although, as I said, in this case an additional $345 has to be paid the principle involved is far more important. Such mistakes are unacceptable, and the ACC must ensure that when mistakes are made it does not attempt to retrospectively levy clients.

The Minister should examine the matter because it is important not only to this small business proprietor but also as a matter of principle. I ask the Minister for Labour to ensure that similar mistakes are not repeated and that Mr Needham's problem is sorted out. I shall send the written material I have to the Minister so that he knows all the details and can take up the matter on behalf of my constituent.

## Responses

**Mr SPYKER** (Minister for Transport) — The honourable member for Morwell raised a matter he wishes passed on to the Minister for Labour. He was concerned about a letter sent in error to a small company in his electorate relating to a difference of $300 in the WorkCare levy and the impact that would have on the business in the current economic climate. I will raise the matter with the Minister and request that he urgently raise the matter with Accident Compensation Commission which is responsible for WorkCare.

The honourable member for Wantirna related the 50 year history of the Wantirna Primary School and the struggle to maintain the school. She indicated that the growth of population in the area warranted the reconstruction of stages 2 and 3 of the school and that the old portables that presently exist are unsatisfactory. I will pass the matter on to the Minister for Education and Training for his urgent attention.

The Deputy Leader of the National Party raised a matter for the attention of the Minister for Agriculture concerning a ban on products grown within a 20-kilometre zone of a property where potatoes affected with blight have been identified. He indicated there was a need for flexibility because of the impact on other agricultural businesses. I will take up that matter with the Minister for Agriculture.

The honourable member for Glen Waverley raised an important point about driver education. I wish to commend the schools in his electorate and Geoff Brady Motors, the company that supplied the vehicles, for being part of a driver education program.

The honourable member would be aware I took certain action to introduce a graduated licence system allowing sixteen-year-olds to drive with L-plates and gain experience before going for their licences. There is always debate as to what sorts of driving courses should be run. I believe that sort of debate is healthy in the community. I congratulate any company which makes vehicles available to allow students to be taught responsibility in driving. Everyone knows the horrific effect of the road toll on P-plate drivers.

The honourable member seeks an exemption for car dealers of the stamp duty on demonstration vehicles. I will take the matter up with the Treasurer to see if there is any action he can take.

The honourable member for Frankston South raised a matter for the attention of the Minister for Health, which I shall pass on.

The honourable member for Ivanhoe raised a matter relating to the transfer of funds from the Roads Corporation to the Public Transport Corporation. I can assure the

honourable member and the House that there was no transfer of Federal funding — it is illegal! Every cent of Federal funding allocated to a project is spent on that project.

There is always an argument between the Roads Corporation and the Public Transport Corporation about whether if you put a bridge over a railway line it is a Public Transport Corporation cost or a Roads Corporation cost; if you improve a railway crossing or a road does the Roads Corporation or the Public Transport Corporation raise that money.

I have always indicated that we look at our budget and have a responsibility to develop a proper transport system, whether in relation to roads, public transport, facilities for motor bikes, bikes or pedestrians. I can assure the honourable member that any money allocated is used in the best possible way to provide services for the Victorian community.

Mr Speaker, you will be interested to know that following the special Premiers Conference, State and local governments will have greater flexibility in relation to priorities for Federal funding. From time to time there has been criticism of State and local governments about priorities; that there were greater needs in other areas, particularly parts of rural Victoria.

It provides the opportunity of communication between local government and members of Parliament so that when money becomes available and priorities are specified they can decide how the local community will plan the strategy in their area. This process will allow for greater input, an improvement in lifestyle and better allocation of priorities, particularly in the metropolitan area.

**Mr McCUTCHEON** (Minister for Planning and Housing) — The honourable member for Oakleigh raised for my attention the availability and supply of granny flats. The honourable member indicated that the waiting time for persons making application was not appropriate and he cited a case of an elderly woman in ill health who had been waiting for a flat for approximately six months.

**Mr Richardson** interjected.

**Mr McCUTCHEON** — The honourable member for Forest Hill, by interjection, refers to the inefficiency of the Department of Planning and Housing. The honourable member should wait for the information regarding the provision of granny flats because he might benefit by hearing that information.

The honourable member for Oakleigh referred to the formal process of obtaining council permission to connect sewers, electricity and the like, and associated problems such as locating a building at the back of a sloping site. Difficulties often arise in connecting services to new dwellings. Normally there is a six-month period, but in this instance the honourable member referred to an application that was made in September, about six months ago, and I shall obtain the details of that application so that I can see where it is in the process and let him know if there are matters holding it up.

**Mr Richardson** interjected.

**Mr McCUTCHEON** — In response to the interjection from the honourable member for Forest Hill, my department is doing a marvellous job in providing housing for the people of Victoria. The record of this government makes the efforts of previous governments pale into insignificance. The government has a fine record in increasing public housing stock and improving the maintenance and quality of that stock.

*Honourable members interjecting.*

**Mr McCUTCHEON** — During the last sessional period in a debate on public housing I answered a question regarding waiting lists. The reason there is a waiting list for public housing is because the product now available is much superior to anything that was available under previous Liberal administrations. The opposition ought to be aware that there are approximately 150 000 households in Victoria that require public housing. The previous Liberal government made no attempt to provide adequate stocks of public housing and the quality of that housing was extremely poor. Since this government has been in office it has improved the quality of stock and many more people want to take advantage of the housing available.

**Motion agreed to.**

**House adjourned 6.9 p.m. until Tuesday, 19 March.**