Tuesday, 19 November 1991

The PRESIDENT (Hon. A. J. Hunt) took the chair at 3.3 p.m. and read the prayer.

ROAD SAFETY (FURTHER AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs).

NATIONAL RAIL CORPORATION (VICTORIA) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs).

MELBOURNE LANDS AND MARKET SITES BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. B. T. PULLEN (Minister for Education and Training).

ROYAL BOTANIC GARDENS BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. B. T. PULLEN (Minister for Education and Training).

QUESTIONS WITHOUT NOTICE

HOSPITAL PHARMACISTS

Hon. M. T. TEHAN (Central Highlands) — Will the Minister for Health advise the House whether, if the Naismith report into cancer risks for public health pharmacists had not been brought to the public's attention by a Melbourne radio station, she intended to make it public?

Hon. M. A. LYSTER (Minister for Health) — I must correct the assumption in the honourable member's question that in some way the report had been kept secret: I believe that soon after the report was received by Health Department Victoria extracts from it were distributed to hospital pharmacists to enable them to examine immediately the various comments made by Mr Naismith, and to comment and, it was hoped, act on them. I would like to thank Mr Naismith for the work he has done — the first of its type in Australia.

The government has been consistently proud of its action in respect of occupational health and safety. It should come as no surprise that the government took the step of initiating a review of the way hospital pharmacists operate in using highly dangerous toxic drugs that are of considerable assistance in the treatment of patients suffering from cancer.

One of the recommendations of the report was that a committee be established. My first concern was that action be taken by the various hospital pharmacies. I am told that remedial action has been taken. To reassure myself that all operating hospital pharmacies are now operating to appropriate levels of safety for hospital pharmacists, they will all be visited by officers of Health Department Victoria over the next few weeks. I will also accept the recommendation that an ongoing monitoring committee be established so that we can be sure that, on a continuing basis, people operating with highly toxic chemicals and drugs in hospital pharmacies are doing so within appropriate facilities.

Hon. W. R. BAXTER (North Eastern) — My question to the Minister for Health goes to the same issue as was raised by Mrs Tehan. Did the Minister advise her colleague the Minister for Labour about possible infringements by some public hospitals of

the government's occupational health and safety legislation and, if so, what action is the Department of Labour taking to check the safety of hospital pharmacy work places?

Hon. M. A. LYSTER (Minister for Health) — I think there may be a misunderstanding in Mr Baxter's mind as to the substance of the report.

Honourable members interjecting.

Hon. M. A. LYSTER — As I said, the report has been given to the people affected by it. The report recommends: that hospitals may be involved in manipulating or preparing cytotoxics only if they have a pharmacy department to oversee these activities; that pharmacists or other health professionals involved in preparing, manipulating or administering cytotoxics be appropriately trained; that preparation and manipulation be undertaken in appropriate facilities; that procedures not only for the preparation of these materials but also for all stages of handling, including delivery, storage and waste disposal, be appropriate and documented; that review of both facilities and procedures be undertaken regularly as part of a formal quality assurance practice; and the recommendation to which I referred in my previous answer, that a committee of review be established to oversee the implementation of the recommendations.

Until the officers of Health Department Victoria have visited the various hospital pharmacies and reported back to me on how well the pharmacies have taken up the recommendations made by Mr Naismith, I do not believe I am in a position to take up the matter with the Minister for Labour. My first action, anyway, would be to direct the matter to the attention of the management of the hospitals, and I would expect them to take appropriate action in the interests of the safety of workers employed by the boards of hospitals.

DRUG REHABILITATION AND RESEARCH FUNDS

Hon. JOAN COXSEDGE (Melbourne West) — I also direct my question to the Minister for Health, and I ask her to inform the House on the allocation of funds from the Drug Rehabilitation and Research Fund this year.

Hon. M. A. LYSTER (Minister for Health) — This initiative of the Labor government has been extremely important because it quite appropriately ensures that profits made from illegal activities involving the sale of various illicit substances are dedicated to remedying much of the harm that is caused by those same illicit substances.

In 1986, therefore, a committee was established, chaired by Mr Frank Costigan, QC, whom I thank, together with the members of his committee, for the assiduous way in which they carry out their task.

I have recently approved an additional 32 projects totalling $780 000 from the Drug Rehabilitation and Research Fund. Almost half the projects relate to education and information on the dangers of drug abuse; 40 per cent to treatment and rehabilitation; and the remainder to law enforcement.

I especially direct attention to the participation of the Victoria Police in the allocation of the funds. The close working relationship of Health Department Victoria with the community and the Police Force, particularly targeting young people, prisoners, women and Koories, ensures that the proceeds of these criminal activities are used well.

HOSPITAL WAITING LISTS

Hon. HADDON STOREY (East Yarra) — I ask the Minister for Health: what action has she taken in response to the reports that nine patients have died during the past twelve months while awaiting cardiac surgery at the Austin Hospital and confirming claims of deaths of people while on waiting lists at other Melbourne hospitals?

Hon. M. A. LYSTER (Minister for Health) — Again I have to take issue with the substance of the question asked by Mr Storey. He is choosing to believe reports in the newspapers. Instead I prefer to rely on the information given to me by Mr Brian Collopy, a respected surgeon and the chair of the advisory committee on elective surgery. When he recently asked cardiologists from a range of Melbourne hospitals whether they had any particular concerns about the cardiac surgery waiting lists their response was that they did not have concerns.

Mr Collopy advises the government on action that should be taken and the priorities that should be set in respect of elective surgery.

Hon. M. T. Tehan — You should seek other advice.

Hon. M. A. LYSTER — If Mr Collopy is not given appropriate information, it makes it difficult for him

to advise the government properly. I therefore suggest that the attention of the cardiac surgeons concerned should be directed to Mr Collopy and the advisory committee on elective surgery so that the government can act appropriately.

BANK INTEREST RATES

Hon. R. M. HALLAM (Western) — I direct my question to the Minister for Consumer Affairs. The Treasurer has gone on record as describing the banks' refusal to pass on the full 1 per cent Reserve Bank interest rate cut to their customers as stealing, and I ask: is that still the view of the government or has it had a change of heart, and does the government now say that the banks have not been stealing?

Hon. T. C. THEOPHANOUS (Minister for Consumer Affairs) — I said in answer to a previous question in this House that it is my view that the banks ought to pass on the full 1 per cent reduction in interest rates.

Hon. M. A. Birrell — Is it stealing

Hon. T. C. THEOPHANOUS — In that context I said I thought the basis of calculation the banks used for their claim that their credit card business — —

Hon. R. M. Hallam — That is a different issue. It has nothing to do with credit cards!

Hon. T. C. THEOPHANOUS — It is all tied in with the same thing.

Hon. D. M. Evans — Like petrol is with gas!

Hon. T. C. THEOPHANOUS — In the case of credit cards and in the case of interest rates generally it is a question of whether the banks ought to pass on the full 1 per cent interest cut. In the case of the credit card interest rates I argued that they should be reduced by more than 1 per cent, given the fact that corrections have not been made in the past.

Hon. R. M. Hallam — Do you agree with Roper or Kirner?

Hon. B. E. Davidson — Yes!

Hon. T. C. THEOPHANOUS — The banks' central argument is that they have some deemed funds that do not — —

Hon. Rosemary Varty — That has nothing to do with it!

Hon. T. C. THEOPHANOUS — Listen and learn what the argument is! It is that the deemed funds do not reduce as a result of the reduction of 1 per cent. As I indicated in my response to an earlier question, the problem with that is that the banks do not take into account the other side of the picture.

Hon. R. M. Hallam — That makes it very clear!

Hon. T. C. THEOPHANOUS — The other side of the picture is that they also have out substantial loans at fixed rates that do not come down. Given that this is the case, the argument the banks have put for not passing on the full 1 per cent reduction is not sustainable.

SALE OF LOY YANG B POWER STATION

Hon. C. F. VAN BUREN (Eumemmerring) — In light of the interest shown by the community in the building of power stations, will the Minister for Manufacturing and Industry Development advise the House of the latest progress in the government's partial sale of Loy Yang B power station?

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — As honourable members will be aware, the government has authorised the State Electricity Commission (SEC) to sell a 40 per cent stake in the Loy Yang B power station with 60 per cent to be retained in government hands. On 9 September the SEC, through CS First Boston Australia, advertised for expressions of interest and in the same month an information memorandum detailing the proposals was circulated throughout the international investment community. The memorandum described the 1000 megawatt power station in considerable technical detail. It also spelt out the principles for dealings between the SEC and respective station owners.

Since that time a number of companies have sought briefings with the SEC and inspections of the Loy Yang B power station. Companies were asked to submit formal expressions of interest by Friday, 15 November. As a consequence of the work of the SEC and CS First Boston, I am pleased to inform the House that five significant bids have been made for the 40 per cent stake, including bids from the United States of America, the United Kingdom and Finland, and a major Japanese company has formally advised

of its interest in seeking an active participation in the project. It is also expected that a significant proportion of private investment in Loy Yang B will come from Australian institutional investors, and that when Loy Yang B becomes revenue earning equity will be introduced and made available to the general public and employees.

The SEC, CS First Boston and the government will now consider the proposals. It is intended that just before the end of this month or early in December a short list of operator-investors will be made. In addition, the government expects that by approximately the end of February next year substantial progress will have been made towards formally resolving the coal contract, the labour contract and the electricity price.

Hon. R. M. Hallam — How are you going to sell it to your members? You must be slightly embarrassed about it.

Hon. D. R. WHITE — The proposal has the full support of all members of the government. I also make it clear that, as a result of the SEC retaining an equity interest — —

Hon. R. M. Hallam — How did it go in caucus?

Hon. D. R. WHITE — It is interesting to note that the response of international bankers — —

Hon. W. R. Baxter — He asked about caucus, not bankers.

Hon. D. R. WHITE — And caucus. The response of international and local bankers has been enhanced by the government and the SEC retaining an equity interest.

Honourable members interjecting.

Hon. D. R. WHITE — If members of the coalition do not understand and appreciate that, I suggest they talk to Australia's leading international and local bankers to get an appreciation of it, as I have, from Australia's leaders in the banking and financial sectors.

I also put this to the House: the strength of the bids that have been made is as a consequence of the government presenting a first-class asset, in terms of design and planning, by international standards.

Hon. P. R. Hall — It must have been a pretty good deal!

Hon. D. R. WHITE — It is a bidding process; companies have to put in bids and they must compete with each other. So that Mr Hall understands the setting in which it is occurring, I make it clear that they are five confidential bids. CS First Boston will assess the merits of the offer of each bidder, which is unknown to the other parties. It will also assess the quality of the bid in terms of the labour contract, the coal contract and the electricity price. No-one is questioning the bona fides of CS First Boston Australia, certainly not Mr Hall — —

Hon. P. R. Hall interjected.

Hon. D. R. WHITE — Or its capacity.

Hon. M. A. Birrell — What's its brief?

Hon. D. R. WHITE — Its brief is quite clear: to sell 40 per cent of the equity. As a consequence of offering 40 per cent of the equity we have attracted first-class bids that have not been diminished in any way as a result of the government retaining an equity interest. The rate at which the bids have come in has been enhanced by the government and the SEC retaining an equity interest. Moreover, we have made available, on a confidential basis, the opportunity for members of the opposition to be briefed on this issue, so they can establish exactly the same points I am making now by having discussions with CS First Boston. That invitation has been partly taken up. Also, honourable members can talk with any of the five prospective equity holders about the nature of the process, the quality of the asset, the quality of the bids and the fact that the asset has been enhanced by the government retaining an equity interest.

Honourable members interjecting.

Hon. D. R. WHITE — Honourable members can establish that by talking to each of the prospective bidders. I make this offer: they can go and talk to each of the prospective bidders, and each of the prospective bidders will say exactly what they have said to CS First Boston — that the nature and quality of the presentation of the asset has been enhanced by the government retaining an equity interest.

Honourable members interjecting.

The PRESIDENT — Order! There have been too many interjections. The Minister has sought to answer not only the question but also the main interjections. He ought to be given an opportunity of doing so.

Hon. D. R. WHITE — I further put this to you: not only do I extend the invitation for members to check with each of the prospective bidders prior to the government reducing the number to a short list of two, but I also put to honourable members the reason for their saying that the asset is enhanced. Their concern was that if we sold 100 per cent initially they were not certain what might occur over the life of the power station: the owners and operators of the power station might be isolated and excluded from the whole of the transmission system and not be given the same terms and conditions as other power stations operating within the SEC network, not just in 1992 and 1993 but over the life of the power station.

The bona fides of the bid were enhanced in the eyes of international bankers and the five prospective bidders by the fact that the government retained an equity interest and stood to lose if the station was not financially viable. That point has been made not only by the banking community but by each of the prospective investors. If honourable members do not believe that, I extend the offer to Mr Hall or any other member to check with CS First Boston, as some members of the opposition have already done.

I make this clear: the process has been of the highest quality and the outcome will be of the highest quality and in the best interests of all Victorians.

CREDIT CARD INTEREST RATES

Hon. M. A. BIRRELL (East Yarra) — I refer to the answer given by the Minister for Consumer Affairs to the previous question from Mr Hallam and his answers to questions on similar subject matter last week. Given the Minister's criticisms of the banks in Australia for using "the marginal cost of funds" to calculate profitability on the credit card system and the Minister's suggestion that "the average cost of funds" would be a more appropriate formula, will the Minister for Consumer Affairs explain the difference between the two methods and tell the House what interest rate would prevail under his preferred formula?

Hon. T. C. THEOPHANOUS (Minister for Consumer Affairs) —I should have thought Mr Birrell would be able to consult the obvious accounting knowledge that exists on his side of the House. I am surprised he did not ask Mrs Varty who would have been able to explain it, I am sure. He could have looked it up in an accounting book!

Hon. M. A. Birrell — You used the expression. Tell us what you mean.

Hon. T. C. THEOPHANOUS — The difference is that the marginal cost of funds is calculated on the basis of the profit that would be achieved on the basis of additional funds to the operations of the business. The average cost basis involves an averaging across all operations of the business, and in general terms the average cost comes out at a lower figure than the marginal cost for doing something additional to the core work of the business. Therefore the banks prefer to use the marginal cost. We have said that a more appropriate way of calculating is to use the average cost, which is a lower number.

Hon. M. A. Birrell — What do you think it would be?

Hon. T. C. THEOPHANOUS — I am unable to recall the exact number that we came up with in our examination. However I am willing to investigate the matter and make Mr Birrell, the House, or anyone else who wants to know, cognisant of what the number is.

I assure honourable members that it is substantially lower than either the current figures or the proposed reduction on credit card interest rates by some banks.

Hon. R. A. BEST (North Western) — In answer to a question last week, and reiterated today, the Minister for Consumer Affairs said he could not see why the banks were unable to reduce credit card rates or pass on the full 1 per cent reduction in interest rates to consumers. Given that he has been extremely critical of the banks and that he sees the matter of interest rates as within his Ministerial responsibilities, I ask the Minister whether he has in fact sought an explanation from the banks. If so, will he make that explanation available to the House?

Hon. T. C. THEOPHANOUS (Minister for Consumer Affairs) — My Ministerial responsibilities include protection of consumers and having an appropriate trading framework that protects the rights of both consumers and traders.

Obviously interest rates are an important component of what consumers have to pay, and I therefore have no difficulty in commenting on the actions of banks or other groups within the community that impact on consumers in one way or another.

In this case I have made my position perfectly clear with respect to what I believe is the case. I have not had specific discussions with the banks relating to interest rates on this particular occasion, but I had discussions with bank representatives about the previous reduction of 1 per cent. Honourable members will recall that on that occasion also the banks did not pass on the full amount to consumers, so their track record is not good on this matter.

I am happy to talk to them if they want to discuss seriously how they can reduce the amount by the full 1 per cent.

PLANNING FOR NEW SCHOOLS

Hon. R. S. IVES (Eumemmerring) — Over the past eighteen months I have attended the opening of four new schools and a major school extension in the growth corridor area of the electorate I represent. These works have totalled some $17 million but additional schools will obviously be needed soon, and I ask the Minister for Education and Training to advise the House of progress in planning for new schools in Victoria over the next few years.

Hon. B. T. PULLEN (Minister for Education and Training) — The government is planning to open 40 new schools throughout the State by February 1994 — 13 in 1992, 15 in 1993 and 12 in 1994. The process of planning for new schools is conducted by a facilities committee and a resource coordination committee, and this week I finally approved the number of schools to be built.

The number of new schools is planned to meet population expansion in growth corridors centred around Berwick, Knox, Whittlesea, Werribee and Keilor, which are well represented in the list of proposed new schools.

In the Berwick growth corridor the schools that are planned include: stage 2 of Eumemmerring Secondary College in 1993; a primary school in Courtney Avenue, Cranbourne in 1994; Brentwood Primary School, Berwick in 1994; and stage 3 of Eumemmerring Secondary College also in 1994.

In the Knox area schools that are planned include: Karoo Primary School and stage 2 of Rowville Secondary College, both next year; and Heaney Park Primary School and stage 3 of Rowville Secondary College, both in 1993.

In the Whittlesea–Diamond Valley area the new schools will include: Mill Park Heights Primary School and stage 1 of Mill Park Secondary College, both next year; stage 2 of Mill Park Secondary College in 1993 and stage 3 in 1994; and another new primary school at Mill Park North, also in 1994.

In the Werribee area three primary schools are due to open next year; another primary school and stage 1 of Werribee Grange Secondary College in 1993; and stage 2 of Werribee Grange Secondary College and another primary school at Westgrove in 1994.

Monmia Primary School and stage 1 of Taylors Lakes Secondary College are scheduled to be opened next year in the Keilor growth corridor; and stages 2 and 3 of Taylors Lakes Secondary College will be built in 1993 and 1994 respectively.

Outside Melbourne, four schools are planned in the Bacchus Marsh area: namely, stages 1 and 2 of Bacchus Marsh Secondary College in 1992 and 1993; and two primary schools, one at Pentland in 1993 and the other at Bacchus Marsh South in 1994.

In addition primary schools are scheduled to be completed in Mildura, Sunbury and Mornington and on the Bellarine Peninsula; and special developmental schools are planned for Hamilton and Warrnambool.

GAMING MACHINES IN LICENSED CLUBS

Hon. G. P. CONNARD (Higinbotham) — I point out to the Minister for Consumer Affairs that many licensed clubs in Victoria have no restriction on trading hours other than on Sunday and ask: is it a fact that the Minister has urged, instructed or suggested that the Liquor Licensing Commission approve changes to the rules of licensed clubs to allow unlimited temporary memberships in order to make the government's gaming machine legislation more attractive?

Hon. T. C. THEOPHANOUS (Minister for Consumer Affairs) — The answer to that question is no.

Hon. Haddon Storey — Which part?

Hon. T. C. THEOPHANOUS — I have certainly had discussions with officers of the Liquor Licensing Commission relating to this matter because it is most important. The important issue of how clubs will operate when gaming machines are introduced must be resolved, as must the question of whether clubs will be permitted to allow non-members to come in

and use the facilities, and if so under what conditions.

One of the proposed resolutions to that difficulty is to allow greater flexibility in issuing temporary memberships of clubs.

Hon. W. R. Baxter — I don't think the answer is no!

Hon. T. C. THEOPHANOUS — However, no decisions have been made and certainly no instructions have been given on my behalf about enacting anything — —

Hon. Rosemary Varty — The answer wasn't no at all! The answer is "no direction", but that is not what he asked you.

Hon. T. C. THEOPHANOUS — The answer is no. That is what — —

Hon. G. P. Connard — The question was "urged, instructed or suggested".

Hon. T. C. THEOPHANOUS — The only thing that has occurred is that I have asked for further reports on the matter, with a view to formulating an opinion. I have not yet reached a view on the matter but we are looking at a number of different possibilities. I have asked for those possibilities to be examined, as is appropriate.

SCAFFOLDING REGULATIONS

Hon. R. A. MACKENZIE (Geelong) — I address my question to the Leader of the Government. I refer him to the government's oft stated policy of bringing about a recovery in the Victorian economy through the building industry and ask: is he aware of the concern being expressed by builders, shire scaffolding inspectors and real estate agents that the new scaffolding regulations are creating additional problems for builders?

There is general concern that they are over-stringent. They accept the fact that the regulations need to be tightened up for commercial buildings but they understand that the regulations covering housing will impose on the home owner an additional $2000 to $3000 and this is having a detrimental effect on the building industry. Will the Minister give some assurance that the government will undertake a review of these recently adopted scaffolding regulations?

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — The answer to this question is also no. The matter relates to the Department of Labour. It is important that we should have a standard of scaffolding that minimises the potential for accidents. If industry groups have specific matters they wish to raise with me, which they have not done so far, I am happy to hear from them, whether they are from the building sector or some other constituent group.

I will refer Mr Mackenzie's question to the Minister for Labour, but it would be helpful if he could identify any specific constituent group that has brought the matter to his attention so that I can bring that to the attention of the Minister.

MIGRANT SKILLS AND QUALIFICATIONS BOARD

Hon. LICIA KOKOCINSKI (Melbourne West) — I ask the Minister for Ethnic, Municipal and Community Affairs what the government is doing to assist overseas-trained migrants whose skills and qualifications are currently not recognised in Australia.

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — In the past twelve months the government has established a Migrant Skills and Qualifications Board for those occupations that are regulated under Victorian legislation. The board, which is responsible to the Minister for Labour, the Minister for Education and Training and the Minister for Ethnic, Municipal and Community Affairs, is chaired by Professor Glen Withers of La Trobe University and has on it representatives from employer groups, trade unions and ethnic communities.

The task of the board is to try to reduce some of the barriers that prevent migrants from working in occupations for which they are trained and for which they had originally been qualified. The board has approached this complicated issue in three main ways. Firstly, through a community education program that has tried to bring about some community understanding of the nature of the professional qualifications of migrants: it has tried to talk to professional associations and those responsible for occupational regulation. It has undertaken this campaign through radio and the press, public meetings and the production of written material.

Secondly, the board has also tried to improve the processes for recognition and therefore has participated in reviews of nursing, teaching, engineering, dentistry and accounting that have been conducted at the national level. It is also monitoring the progress of existing reviews of legislation covering the major health professions. At present I understand there are reviews of the Dentists Act and the Medical Practitioners Act.

In conjunction with the State Training Board, it is currently reviewing the certification processes which apply to the 63 trades covered by the board. It is also negotiating with the State Training Board to incorporate the needs of skilled migrants into the development of industry training plans.

There are various issues on which there is dialogue between the board and the Commonwealth, together with various other bodies. There is a great deal happening on the question of recognition, which is the pivotal question.

The third way in which the board is tackling this complicated and multifaceted issue is through bridging programs. That may involve English, work placement, specific job training programs and additional assistance in getting into some of the programs, and all of these strategies are being employed. They will be reviewed every twelve months to determine are effective and which are less effective.

There will be enormous gains, not only for the people whose qualifications may be recognised or may be recognised earlier but also for all of us because we will eventually as a community become enriched as more people practise the professions in which they have been trained.

LORD MAYOR OF MELBOURNE

Hon. B. A. CHAMBERLAIN (Western) — The Minister for Ethnic, Municipal and Community Affairs will recall that she advised me last Thursday that the honourable member for Melbourne had not reported his allegations against the Lord Mayor of Melbourne to her, as the Minister responsible for local government matters, nor to her department. Has the Minister now been provided by the honourable member for Melbourne with evidence of his allegations? If so, what form of investigation does the Minister have under way to see if the claims of bribery made by the honourable member have any substance?

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — Since last Thursday when Mr Chamberlain raised this matter in the House, my department has obviously looked at the transcript of the claims that were made in the House. I am advised by my department that there would appear to be no breach of the pecuniary interest provisions. I have since that time — I think it was on Friday — signed a letter addressed to the Minister for Police and Emergency Services and drawn the matter to his attention. I asked him — because I believe they are serious allegations — if there was any need for a police inquiry or investigation into the specific issue.

It appears there is not any need for or likelihood of a local government investigation.

Hon. B. A. Chamberlain — Mr Cole has not been to you?

An Honourable Member — She said that.

ALCOHOL IN RESTAURANTS

Hon. JEAN McLEAN (Boronia) — There has been a significant increase in the number of restaurants being able to serve alcohol without meals in the past few years under the 25 per cent rule. Will the Minister for Consumer Affairs inform the House whether restaurants are complying with the law in this regard?

Hon. T. C. THEOPHANOUS (Minister for Consumer Affairs) — A significant part of the liquor licensing reforms introduced by the government since 1987 has been that under one category of licences restaurants are authorised to serve liquor without meals in 25 per cent of the designated area of a restaurant. There are now more than 200 restaurants licensed to sell liquor without meals in the designated area.

This bar-restaurant concept has proved to be very popular because it affords people the opportunity of having a drink between designated meal times. In particular, it also affords the restaurants a trading opportunity between what would normally be the busy times.

This reform, along with many other liquor industry reforms introduced by the government, has led to a significant increase in the number of licences in restaurants, and this category is one of those licences.

It is not unfair to say it has been one of the most significant areas of micro-economic reform the government has undertaken. It has had significant job creation effects that have flowed through to the rest of the industry and to the economy generally. As a matter of interest, it has also changed the culture of the way we see restaurants and has resulted in what might be termed a more European attitude to drinking in restaurants and to the concept of having restaurants. For that reason it has been one of the successful reforms introduced by the government.

However, with all such rules and regulations it is necessary that they be enforced. With respect to the 25 per cent rule a number of actions for suspension or cancellation of liquor licences were brought before the Liquor Licensing Commission and in fact about fifteen people have been prosecuted over the past twelve months for breaches of their licences. I hasten to add that the vast majority of the 206 licensees abide by the rules, and it is important that we are vigilant in ensuring that the people who abide by the rules are not disadvantaged by others who do not.

In conclusion, in 1985 a survey was conducted to see what people thought of the concept. If there has been a change in consumer views there may be scope for extension of the idea of allowing more flexibility to restaurants. I am willing to consult both with the community and with the industry, including the Australian Hotels Association, to see whether there is any scope in this area.

QUESTIONS ON NOTICE

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — By leave, I move:

> That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in *Hansard*.

Motion agreed to.

The PRESIDENT — Order! I ask the Leader of the House to enumerate the answers.

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — I have the answers to questions Nos 1173, 1174, 1175, 1212, 1245 and 1249; there are answers from the Minister for Ethnic, Municipal and Community Affairs to questions Nos 1049, 1235 and 1280; from the Minister for Education and Training, Nos 1197, 1205, 1206, 1237, 1238, 1239 and 1372; from the Minister for Health, Nos 1163, 1166, 1167, 1169, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196 and 1234; and from the Minister for Consumer Affairs, Nos 1264 and 1274.

BUSINESS OF THE HOUSE

Sessional Orders

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — By leave, I move:

> That so much of the Sessional Orders as requires that no new business be taken after 10 p.m. be suspended until the end of November 1991 and that until the end of November 1991, unless otherwise ordered by the House, new business may be taken at any hour.

Motion agreed to.

MEDICAL TREATMENT (AGENTS) BILL

Hon. M. A. LYSTER (Minister for Health), by leave, introduced a Bill to amend the Medical Treatment Act 1988 and for other purposes.

Read first time.

SELECT COMMITTEE ON GOVERNMENT APPOINTMENTS

The PRESIDENT — Order! I advise the House that I have received from each of the Leaders, within the time set by the resolution of the House, letters in which Mr R. A. Best, Mr B. A. Chamberlain, Mr G. R. Craige, Mr B. E. Davidson and Mr R. S. Ives are nominated as members of the Select Committee on Government Appointments.

AMRAD CORPORATION LTD

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) presented report of Amrad Corporation Ltd for 1990-91.

Laid on table.

Ordered to be considered next day on motion of Hon. R. I. KNOWLES (Ballarat).

ARADALE PSYCHIATRIC HOSPITAL

Hon. M. A. LYSTER (Minister for Health) presented findings of investigative task force on

Aradale Psychiatric Hospital and residential institution, November 1991.

Laid on table.

Ordered to be printed.

MINISTERIAL STATEMENT

Aradale Psychiatric Hospital

Hon. M. A. LYSTER (Minister for Health) — I wish to make a Ministerial statement on the report of the task force investigation into Aradale Psychiatric Hospital and residential institution.

The government has repeatedly demonstrated its commitment to the provision of social justice for disabled people. It has reformed the legislation pertaining to services for mentally ill people and people with intellectual disabilities and has ensured that there are a number of statutory bodies to protect the rights of those people.

Despite those enlightened steps, psychiatric services and intellectual disability services, which had long been isolated and segregated from mainstream health and welfare service systems, have yet to become as modern and effective as the government requires them to be. We have taken difficult and demanding action to address unacceptable standards in the care and welfare of disabled people.

Health Department Victoria's ongoing reform of standards in psychiatric services has included the Lakeside Hospital Board of Investigation and the implementation of all 59 of the board's recommendations to redevelop Lakeside Hospital's service structure, programs and standards. I initiated a Statewide clinical audit of all in-patient psychiatric services and there has been an immediate implementation of the audit team's recommendations.

The Office of Psychiatric Services has developed clinical practice and service standards for psychiatric services. Where problems have been identified with professional and service delivery standards, continuing clinical and service audit processes are utilised by management to directly address and rectify those problems.

There is an extensive redistribution of psychiatric services to provide a balanced mix of hospital and community services, mainstreaming of psychiatric services within the general health system and the development of new services. I will, in the next months, open the Frankston Hospital Psychiatric Unit, a purpose built psychiatric unit at Monash Medical Centre, two psychogeriatric nursing homes, and a community care unit in Geelong.

It is not only psychiatric services that have been subject to major change. The Minister for Community Services has instigated investigations at the Pleasant Creek, Caloola, Janefield and Kew Cottages residential institutions with resultant changes to those services.

In May 1991 the Public Advocate informed the Minister for Community Services of concerns about the care and treatment of residents at the Aradale Psychiatric Hospital and residential institution. As those services are administered by Health Department Victoria the allegations were referred to me. The department immediately established a task force to investigate the allegations and to inquire generally into the provision of services at Aradale.

The task force has undertaken an extensive investigation lasting five months. During the investigation specific actions have been taken as a result of its findings. Management control of Aradale Psychiatric Hospital was transferred to the chief executive officer, psychiatric services for the region. There has been a restructure of senior management positions at Aradale, and a senior officer has been stood aside pending charges to be laid. An officer has been seconded from the Office of the Health Services Commissioner to implement programs for clients at the Aradale complex. Local controls in financial management, internal audit, catering and trust fund management have been implemented. A specialist dietitian has provided the necessary direction to the provision of balanced, nourishing menus. These menus have been implemented and are being rigorously monitored.

The task force has delivered a comprehensive report of its findings. The report presents in a very detailed and reasoned manner a more extensive picture than has previously been available of what life is like for disabled people at Aradale. It is a disturbing and compelling picture that demands to be widely known. I recognise that it will provoke criticism and cause distress to people who work and live at Aradale and to the local community, as well as to many other Victorians. However, it is not possible to ignore the evidence provided by the task force that the residents and patients at Aradale have suffered many injustices and have not had their human rights acknowledged, protected and upheld.

I have repeatedly stated my commitment to reform of the State's psychiatric services. Tabling this report is another step towards that reform.

As I believe the task force's findings and recommendations need to be considered as a whole, I will not extract from the report other than to quote the report's opening lines:

> Intellectually disabled and psychiatrically ill people are amongst the most vulnerable in our community. The majority are unable to speak out or defend their rights. They have to trust the "system" to do that on their behalf. At Aradale that trust has been broken.

Responsibility for that broken trust is widespread. We must accept our responsibilities and immediately act to address the wrongs that have occurred over many years. It will not be easy. It must be done.

The Minister for Community Services and I have agreed on immediate actions and the implementation of recommendations made by the task force.

Community Services Victoria is to assume management responsibility for Aradale and Mayday Hills residential institutions. The changes are the final stage of the 1986 machinery of government rearrangements to place institutions with intellectually disabled residents with the Community Services Victoria (CSV). Both Health Department Victoria (HDV) and CSV have been planning the transfer for some time.

A senior officer, Jeff McCubbery, an experienced and highly regarded senior manager with CSV will be appointed by Community Services Victoria to the Aradale residential institution with delegations under the relevant legislation to exercise accountability for services at Aradale. He will introduce new management arrangements for the residential institution and ensure systematic follow-up to recommendations in the task force report. These arrangements will be consistent with those operating in other residential institutions.

Disciplinary action recommended in the report will be immediately taken in hand by Health Department Victoria. This includes a minimum of three staff to be formally charged, and formal processes involving more than 100 of the current staff of Aradale.

The management of the residential institution for the intellectually disabled at Aradale will transfer from Health Department Victoria to Community Services Victoria from 1 December 1991. The transfer of Mayday Hills residential institution will occur at the same time through agreed arrangements between Health Department Victoria and Community Services Victoria.

A coordinator of client and clinical services will be appointed to implement psychiatric service programs and staff training, as well as a financial systems consultant to review expenditure and ensure it is patient related and cost effective.

The Office of Psychiatric Services will make a once-off contribution of $150 000 to separate patient and client amenities accounts at Aradale. These funds will be directed to supplementary social and recreational activities for patients and clients.

The Office of Psychiatric Services will deliver a comprehensive service plan for the Wimmera-Grampians Psychiatric Services, clearly indicating Aradale hospital's future role in the provision of psychiatric services. This document will be available for public consultation in December 1991.

These steps are the structure around which all aspects of Aradale are to be redirected to their primary role — the care and protection of vulnerable people. It is an absolute requirement that Aradale provide proper client care.

The work of the task force in investigating Aradale has been both demanding and painful. I take this opportunity of thanking the members of the task force for the way in which they so assiduously carried out their duties. It has opened to our view many things that are very uncomfortable. We all have a duty of care to the patients and residents of Aradale. That duty must be honoured.

Hon. M. T. TEHAN (Central Highlands) — By leave, I move:

> That the report and Ministerial statement be taken into consideration forthwith.

Motion agreed to.

Hon. M. T. TEHAN (Central Highlands) — I move:

That the Council take note of the report and Ministerial statement.

Hon. M. T. TEHAN (Central Highlands) — The investigative task force's findings on Aradale psychiatric hospital and residential institution dated November 1991 shows there has been an abuse of patients, of rights, of public moneys, and of patients' moneys and property. It shows that patients live in an unnecessarily dependent state with little dignity, little activity and little community involvement. It shows an emphasis on job retention rather than patients' rights. It illustrates an environment where mismanagement, theft, restrictive work practices and WorkCare rorts have flourished. It shows that the cost of providing these services is astronomical and is not reflected in the benefits to patients.

The report recommends general reforms for the Office of Psychiatric Services and Health Department Victoria, and it should add Community Services Victoria and the Intellectual Disability Services Division. This report follows a report into the Lakeside psychiatric institution, which this House debated approximately seven months ago.

The report into Lakeside Hospital similarly showed a very low standard of care, total irresponsibility towards patients' funds, problems associated with a rostering measure called two-on, two-off and the power of the unions. It showed exactly the same problems that have also become evident in the report into Aradale.

Two reports within seven months are an absolute indictment of the government's understanding, control and management of the State's psychiatric institutions and residences for intellectually disabled people. Aradale is not an isolated example; it is an illustration of a government that has lost control of the management of State-run institutions. It shows a government that has squandered resources which could have been used for other purposes, including helping disabled people who are not in institutions.

The policy of deinstitutionalisation, to which the government has paid so much lip-service, has reduced the number of clients but has failed to provide alternative care. The government has not had the resolve or the ability to deinstitutionalise the resources. The report shows that the number of patients going into Aradale has decreased considerably but that costs and staffing levels have been maintained. Funds have continued to flow into the institution, which has resulted in the absolute failure of the deinstitutionalisation system.

It is an absolute scandal that this House is again asked to consider a Ministerial statement in which the Minister claimed credit as being part of the improvement in psychiatric services. All the report shows is that absolutely nothing has happened within Victoria's psychiatric institutions during the past six years. Nothing has been done despite reports from the Auditor-General and Brian Burdekin and a report about Lakeside Hospital. Even after those damning indictments Victoria is left with a situation that is mortifying to anyone who has any understanding of what is involved.

I shall refer to some of the conditions under which patients are treated in Aradale Psychiatric Hospital and residential institution. I shall use the word "patients" in the generic sense. Aradale has 57 patients who are institutionalised under the Mental Health Act. People suffering from intellectual disabilities are described as residents and the word "client" is also used from time to time. I find it easier to use the word "patients", although when used in the generic sense it does not mean that all people at Aradale need psychiatric care.

During my contribution I shall outline what the report found about the conditions for patients. I shall outline the cost to taxpayers of the institution and how money is spent. I shall then seek an assurance from the Minister that the recommendations of the task force will be precisely, effectively and immediately put into place.

I commend the authors of the report because it is candid, honest — probably too honest for some people — and clearly worded. It presents a situation which no government can afford to ignore. It is a desperate plea for immediate action. The situation does not require the establishment of more committees and inquiries and the issuing of more reports. Someone has to ensure that the situation will not continue as it has been allowed to continue at Lakeside Hospital and other institutions despite the government being alerted about problems by many people, including Brian Burdekin when he was in Victoria.

Section 2 gives an overview of the report and its findings and the Ministerial statement quotes the findings:

> Intellectually disabled and psychiatrically ill people are amongst the most vulnerable in our community.

> The majority are unable to speak out or defend their rights. They have to trust the "system" to do that on their behalf. At Aradale that trust has been broken.

It could not be more specific. These vulnerable members of society, who need someone to care for them, to speak for them and to protect them, have been the victims of economic mismanagement, abuse and a total disregard of their basic human rights.

The report was initiated to examine specific allegations of sexual abuse of patients and residents and found:

> Whilst the investigation of specific allegations did not reveal persistent and systematic physical abuse of clients by staff, it did reveal a complacency that resulted in a failure to recognise a "duty of care". As a result, clients' rights were infringed and their dignity abused.

I do not wish to labour the point of what is meant by "the investigation did not reveal persistent and systematic physical abuse of clients by staff", but it certainly leads to a suggestion that there were occasional and ad hoc abuses — I do not think that will be denied — and that through complacency the staff failed to recognise a duty of care. Clients' rights were infringed and their dignity abused, and these are serious allegations.

The task force goes on to say:

> ... there are significant numbers of ambulant, apparently high-functioning clients with little to do. This lack of occupation often manifests in sexually inappropriate behaviour, and other behaviours euphemistically called "challenging" by staff.

It is suggested that, because of the lack of programs and opportunities for learning, training, social intercourse and community involvement, these people engage in inappropriate behaviour of a sexual nature:

> These "challenging behaviours" are used by staff to justify the clients remaining in an institutional environment. The problem is that staff have a vested interest in maintaining clients' dependency. There is a clear perception by staff and the local community that further reduction of existing client numbers will actively threaten employment.

That suggests that the whole raison d'être of the institution is to maintain employment in the institution and in the area — unfortunately it is at the expense of the development of patients. They are put into an increasingly dependent mode to justify the numbers of staff employed in the institution.

Aradale is often described by staff as being the only available home for many of its current residents and patients. The average length of stay for psychiatric patients is currently 22.3 years and the task force found that Aradale neither provided a homelike environment nor conformed with the legislative principles.

In her statement the Minister said that the government has led the way in enlightenment by changing legislation. I point out that it is incredibly easy to change legislation but it is much more difficult to implement the legislation. That has been one of the problems for Aradale, Lakeside and the other institutions. The basis on which the legislation views the role of the institutions has been changed but the change has not been directed to the management or the policy people who are examining the implementation of that legislative change.

The report goes on to say:

> One of the few changes has been to stop nearly all client participation in daily chores. These "services" are now performed by a large number of "non-direct" care staff. The effect of this is to disfranchise higher functioning clients from participating in or contributing to their own living conditions.

Patients are not allowed to do anything. For example, the body of the report states that some years ago patients kept vegetable gardens and were occupied in that pursuit, giving them some small sense of achievement. Now, they are not even able to maintain a vegetable garden. They have no part in caring for their houses in which they live, or for themselves.

It is all done by a ratio of two staff members to one patient, and it is based on ensuring that staff maintain employment with the very comfortable conditions under which they were employed.

Hon. W. R. Baxter — Because the union says so!

Hon. M. T. TEHAN — That is right, Mr Baxter. In addition, it is dependent upon which ward the client lives in as to whether he or she will have access to his or her own underwear or whether the underwear for all the people in the ward is pooled.

No consistent or meaningful recreational activity is provided at Aradale. "By and large most clients wander aimlessly around the grounds or sometimes down town. There is virtually no provision for meaningful activities during the day."

Until the mid-1980s, clients, under supervision, used to grow most of the vegetables for the establishment. We now have a different formula and patients do not have even the opportunity of taking basic care of themselves and are not encouraged to look after themselves.

The report states that money has been misused. It has been taken from patients and pooled for the purchase of a wide range of items at the discretion of staff. Some pooled client funds were spent on basic food items such as milk and fruit to supplement an inadequate diet, and on the occasions of holidays or outings the patient contributes to all costs, apart from salary, of the accompanying staff, including hotel bills, drinks and meals.

The report further states that those pooled moneys of the patients are used to provide alcohol for patients and staff. On these trips staff keep all client moneys in cash and dole it out to residents or patients, or spend it as they see fit. Staff can rarely account properly for how a client's money is spent.

The report points out that:

> The residents have no access to psychologists, social workers or occupational therapists. No resident has private health insurance, and the shortfall between the specialist's fee charged and the Medicare rebate, if any, is paid out of the resident's savings.
>
> Dental care is seriously deficient. Many patients and residents are without either their own teeth or false teeth. Aradale does not supply money for dentures.

I have given the House an overview of the conditions at Aradale. The report says:

> Many of the shortcomings in daily care, programs, sustenance and shelter were blamed on a lack of resources. The task force completely rejects this.

The patients are kept in a sense of total dependency. Their money, which the government purports to administer, is used to meet their basic needs. The rest of their money is used to provide entertainment, holidays and alcohol for staff. Those patients are there merely to substantiate the continuation of a residence that is costing the Victorian taxpayers $18 million on a year-to-year basis.

In 1991-92 the recurrent funding for Aradale was $18 million. It houses 188 intellectually disabled residents and 57 psychiatric patients. On a per capita basis it cost an average of $70 000 per client per annum. That point, more than any other, brings home the sort of waste of resources the government has overseen over the past nine years.

The task force makes the comparison that it costs:

> ... approximately $17 000 per annum for a child to be educated at the most expensive private boarding school in the State, and approximately $35 000 per annum for 24-hour nursing care for a dependent aged person.

Honourable members have heard what $70 000 per annum is buying for the people at Aradale. That is, people for whom the State is paying $70 000 a year are not getting adequate medical, dental or nursing care and, as I said, their physical and human rights have been abused consistently over a long time.

Of the $18 million recurrent expenditure that goes to Aradale, a large proportion is for salaries. A component of that cost of salaries is the WorkCare levy imposed on Aradale. The report of the task force indicates that:

> In the financial year 1990-91 Aradale was included in the highest WorkCare levy bracket in the State (as were all other Office of Psychiatric Services institutions) ...
>
> The top bracket requires a levy for the highest bracket of 7.7 per cent of salary expenditure. Because Aradale's WorkCare claims exceeded the average claim ratio for the highest levy bracket, a penalty payment was required ...
>
> In 1991-92 the WorkCare basic levy and penalties will rise to 11.39 per cent of salary ...

The comment is:

> Notwithstanding the above developments the task force is of the belief that a WorkCare levy of 11.39 per cent of total salary is an unacceptable level of performance. Aradale and other Office of Psychiatric Services providers must acknowledge the importance of this problem. There is an urgent need to address this problem ...
>
> A number of senior managers and supervisors at Aradale commented on their belief that the majority of

> WorkCare claims at Aradale were dubious. The majority of claims seem to relate to stress, with back injuries the next most common claim.

The report states also:

> The task force is also critical of the Health Department and the Office of Psychiatric Services for not addressing this issue as a matter of extreme urgency.

The institutions providing psychiatric services in this State are subsidising the WorkCare levy. No wonder the government has been able to say that WorkCare costs have been maintained; it is imposing the highest possible levy on its own State-run institutions!

I invite honourable members to consider what else Victorians get for the $18 million that is spent on Aradale. I remind the House that the Aradale case is not peculiar and that the task force has pointed out that the problems at Aradale are relevant across the whole spectrum of State-run services.

On page 69 of the report under "4.1 Staffing", a table sets out the patient-staff ratios from 1977 to 1991. In 1977, 422 staff were employed at Aradale, caring for 641 occupants. That represented a staff-client ratio of one staff member to 1.52 clients. In 1991, 454 staff members — 32 more than in 1977 — cared for a total number of 245 occupants, nearly 400 fewer than in 1977. The staff-client ratio was one staff member to 0.54 of a client. The table shows that the total patient and resident numbers have decreased steadily between 1977 and 1991, while staff numbers have increased. The report states:

> The increase in staff to client ratio has not been reflected in improved outcomes for patient/residents ...
>
> The task force is of the opinion that the focus of the work force has been on the institution and its maintenance, and not on the client. Employment has been maintained without reference to client needs.

The answer to the question of what Victorians get for the $18 million spent on Aradale is provided in part by those observations on staff-client ratios: the 1977 figures of 422 staff to 641 occupants compared with the 1991 figures of a staff of 454 and only 245 occupants with absolutely no increase in the level of patient care. On the contrary, there has been a diminution of patient care, patient involvement and patient services over that period.

On page 80 of the report the task force considered what has happened in the area of non-direct care staff over the past few years. It states:

> There are approximately 200 staff classified as non-direct care at Aradale. Some of these staff spend their entire day in the actual residential units. The concept that they are not directly relating to clients appears to be counterproductive, inefficient and contrary to legislative intentions.

The task force considers catering services and concludes:

> Labour costs should have been expected to decrease by the closure of separate kitchens at J ward and the staff kitchen.
>
> Given the changes to breakfasts, the closure of kitchens and the reduction in client numbers, the task force would expect that labour costs would have dropped.
>
> Labour costs have risen over the past three years because the decline in client numbers has not been matched with a similar decline in staffing.

On heavy-duty cleaners it states:

> The Office of Psychiatric Services has no standards on which to measure quality and quantity of cleaning. For instance, what areas need daily, weekly, monthly cleaning, or what productivity per hour is expected ...
>
> The current expenditure on salaries for catering and domestic services is manifestly excessive, and requires reduction.
>
> This is clearly an area that contributes greatly to the cost of Aradale, with little appreciable benefit for the client.
>
> ... there is now one maintenance worker for every nine clients of the institution.

Price Waterhouse concludes, in conjunction with the task force:

> There should be grave concern at the amount of resources involved in these non-direct care areas. It is clear that whenever employment levels were threatened, work practices are changed in order to ensure their maintenance. The unintended consequence of this has been to deprive clients in two ways. Firstly, it has prevented the redeployment of resources to further clients' services. Secondly, it has strengthened

the dependency and institutional nature of client care at Aradale.

Honourable members will recall that in April of this year the House debated matters relating to an inquiry at Lakeside Hospital, which clearly spelt out problems concerning the two-on, two-off formula for psychiatric staffing. As I understand it, it applies to all professional nursing and catering staff in psychiatric institutions. It was pointed out in the earlier debate that it was an inappropriate manner of rostering for client care and that it was exorbitantly expensive in operating State institutions.

I should be delighted if the Minister would advise the House that the practice of rostering two-on, two-off has been stopped at Lakeside Hospital. The issue was first brought to the attention of this House in April. It was suggested that charge nurses and other nurses should no longer be engaged in shift rostering on a two-on, two-off basis.

The report says that the practice is apparently widespread at Aradale and seems to be acceptable in all psychiatric institutions. In fact the task force observed that the shift is now the norm in virtually every psychiatric hospital and residential institution in the State and is often used in community-based settings.

Two-on, two-off shift rostering means that staff work two 12-hour shifts and then have two days off. A table in the report shows that a staff member works 140 days out of 365 days. The report indicates this is totally inappropriate for patients and that it places exorbitant costs on psychiatric services as a result. The report states:

> The task force considers that staff numbers working with or caring for clients in the residential institution at night are inadequate, but these inadequacies are best addressed by introducing changes to work practices, use of shorter shifts, part-time and sessional staff and developing a client centred approach to work force management.
>
> Unfortunately the industrial relations climate at Aradale (and presumably at all other psychiatric and intellectual disability centres in the State) have to date allowed for almost no flexibility in work force management.
>
> The task force undertook an extensive examination of the rostering practices at Aradale, because it was apparent that these practices not only affected the cost of care, but also the quality of care. In particular the two-on, two-off shift was considered to contribute to major problems observed in staff accountability, communication, client case planning and program activities.

If the Minister were serious about changing some of the practices in our psychiatric institutions, she could do no better than tell the House immediately that from the day after tomorrow she will stop the two-on, two-off practice. That action would be totally in conformity with the recommendations of the task force in this area.

Hon. R. I. Knowles — And of every other hospital inquiry in Victoria.

Hon. M. T. TEHAN — Yes, and of every other inquiry. The report also states:

> The task force also observed that this shift is now the norm in virtually every psychiatric hospital and residential institution in the State, and is often used in community-based settings.

The task force recommends:

> As the current rostering practices employed at Aradale are unprofessional and uneconomic, and fail to respond to client needs, they should be abandoned.

That alone is indicative of the current position. I do not doubt the Minister's willingness to make changes, but I doubt her ability and that of her department and the government to take on the Health and Community Services Union's embedded work practices, rostering systems and staffing levels. These are not compatible with the standards that we want and demand for psychiatric patients and intellectually disabled people.

I turn now to the food and board component in the report which refers to the "gross misuse of patients' funds" and "the use of patients' personal money to clean bed linen", and states that "another totally unsatisfactory use of patients' and residents' funds was the purchase by some wards of significant amounts of fresh fruit and milk". The task force expressed concern at the high number of underweight clients. It said that the patients at Aradale are "so bored with the lack of variety in the weekly menu that they do not eat every meal". The report states:

> The unit manager also calculated protein and calcium value and found it barely adequate on the best of days ...

> An analysis ... indicates that up to 50 per cent of some food items were not reaching the clients of the centre ...
>
> Indeed there is anecdotal evidence that often insufficient food quantities were sent to each unit.

This is where the $18 million allocated to Aradale is being spent: on pilfering, laziness, neglect and maladministration, so that basic needs such as food are not being met.

I refer to what the task force said about the accounting evidence in relation to the amount of food. The patient residents did not receive all the food purported to be for them. The patient residents supplemented their diets with food purchased with their own personal money. After interviewing a number of staff, the task force noted that the staff concerned could not offer any explanation as to the amount of food unaccounted for. The majority expressed fear of losing their jobs. It is the opinion of the task force that the majority of staff interviewed avoided the truth.

Money was taken from the residents on two counts. Firstly, 74 per cent of their pensions was used by Aradale, and no doubt by other psychiatric institutions, for the general resources of the hospital.

In addition, the other 26 per cent was taken and supposedly put into trust accounts to be held for the patients. That money was then able to be taken by the staff and supposedly used for the patients. The report refers to ward pooling and states:

> The pooling of patients' or clients' funds is clearly contrary to the intention of the legislation. There is no evidence to suggest patients or residents were ever consulted about either the amount of pooled funds or what would be purchased with such funds. Further, there is no evidence to suggest any patient or resident agreed to the pooling of his or her funds.

The task force report gives examples of unaccounted funds at ward level. Funds collected from the trust office over the past calendar year 1990 amounted to $273 229. Of that, $163 786 was accounted for and $109 443 was not accounted for.

Another section of the report refers to clients' outgoings and trips, which were similarly paid for by patients' money that came from the amount they were able to hold onto after the 74 per cent had been taken. A list of recent outgoings shows amounts not accounted for, dates of outgoings and locations visited. The funds collected from the trust office amounted to $54 666. Funds accounted for on the visits to Mildura, Portsea, Yarrawonga, Melbourne, Balmoral and Swan Hill amounted to $32 256, and funds not accounted for amounted to $22 410. The report states:

> There were no formal procedures for requests for trips. With one exception, TC-1, there was insufficient documentation for all trips. The task force was often required to piece together which of the patients/residents actually went on the trips.

The report states that on those trips:

> All staff expenses (with the exception of salary) was paid by the residents or patients e.g. accommodation, food, non-alcoholic and alcoholic drinks etc.

The audit of the trust fund of the patients, together with the financial business management of the institution itself, showed a total disregard for and a lack of the lowest standard of financial accountability.

It is an unbelievable situation when Health Department Victoria is so strapped for money to enable hospitals to open beds and reduce waiting lists that that money was squandered.

The report on financial control states:

> The internal audit completed during the investigation found problems in the finance area summarised as follows:
>
> "Payments have been made from the operating budget which do not appear to comply with Treasury regulations and departmental policy."
>
> "The structure of the finance section and allocation of duties is considered inappropriate."
>
> "Management financial reporting and monitoring has not been kept up to date."
>
> "The Accountable Forms Register has not been kept up to date."
>
> The Price Waterhouse consultant found the financial management to be quite inappropriate in its decision-making and reporting functions ...
>
> The Price Waterhouse consultant is very critical of Aradale's financial system, which does not relate expenditure to client services.

The report gives an example of expenditure incurred over the past two months of the 1990-91 financial year in order to fully expend the budget and to

increase stock for the following year. The Price Waterhouse consultant highlighted the following example of expenditure on mechanical equipment:

> "Approximately $10 000 (was spent in that cost centre) in 1990. The total cost for the 1991 year was approximately $57 000 and the bulk of this expenditure related to the purchase of a cherry picker ($38 000) ...
>
> "In effect, this purchase was only made so as to expend the institution's budget at very short notice just prior to the end of the 1991 year. It is obvious to an outside observer that very little or no thought went into the benefits of spending this sort of money in this area ... Please note that the Aradale finance manager had in his possession at the time of ordering the cherry picker, unpaid water rates of $29 581.20." These water rates were not paid in the 1990-91 financial year.

Yet $38 000 was spent on a cherry picker, from which no benefits were gained, in order to spend the budget that had been allocated for the 1990-91 financial year.

Stock control tells the same story:

> The Price Waterhouse consultant's reports confirm that stock control was virtually non-existent in most areas ...
>
> A number of thefts had been reported to Victoria Police. The task force has anecdotal evidence that many more thefts were occurring but going unreported.

I turn to staff attendance records. The report states:

> A subsequent review of time sheets across all staff categories for the period of six months to May 1991 revealed that there were over 500 errors, mostly problems with authorisation and times recorded:
>
> There were numerous instances where staff did not sign on at all.
>
> The forms of leave taken were not always recorded.
>
> It would seem that staff could choose overtime or flexitime at their own discretion.

The report concludes:

> In general there appeared to be little or no monitoring by payroll staff or nursing administration for times worked.

It is unacceptable that $18 million of taxpayers' money has been squandered. The references I have quoted are indicative of the standard of management in all State-run psychiatric services.

What are the Minister and her department doing about the matter?

Hon. R. M. Hallam — She has a cherry picker.

Hon. M. T. TEHAN — Yes, Mr Hallam, it would be a joke if it were not so sad. There was also an unpaid water rate bill of $29 000. I do not know whether that has been paid.

Hon. R. I. Knowles — It is typical government administration. It is the approach the government has taken to State finances.

Hon. R. A. Best — It is enough to drive the Minister out of her tree.

Hon. M. T. TEHAN — It is a classic example of government mismanagement across the State, but the fact that the government is doing this to people who are vulnerable, dependent and unable to alert the authorities to what is happening is a scandal.

The task force has recommended where action can and must be taken. Although there have been reports and legislative changes, and despite the tarradiddle about maintaining community-based services — the Minister might be mumbling about the 27 years of lack of action by the previous Liberal government — these matters should be addressed because they pertain to the past six or seven years. All the financial matters relate to this particular time and it is no use indicating they go back a long way; they are current and something has to be done.

The opposition has listened for years to what the government has said it would do and how it would lead the way with new policies and theories, but nothing has happened. Not only has it not happened, but it has been counterproductive in that the resources that should have been put into the community-based services are tied up in the Aradale Psychiatric Hospital and residential institution.

Part of the work involved in the equation for mainstreaming or integration has been done. No new people are coming into Aradale but the existing number of staff remain and the resources are still being directed there, so those patients who are not going into Aradale have no resources out in the community and that is impeding the community's lack of acceptance of the whole proposal. This is a serious mess. Unless action is taken soon there will

be a total breakdown of services for all our dependent people.

The recommendations of the task force point to the flaws in the existing system and suggest remedies to improve outcomes; they are directed to general reforms of the Office of Psychiatric Services and Health Department Victoria. Their main thrust is that the current system of psychiatric and intellectual disability care at Aradale needs a completely fresh approach.

The primary thrust of these services must be towards providing proper client care. The report quotes Brian Burdekin, the Human Rights Commissioner, who recently asked "whether union rights and industrial rights take precedence over human rights", and says:

> The task force believes they should not, although at Aradale they appear to have.

One could not have a much more damning indictment than that.

Some general reforms have to be sought, and the opposition would give its full support to the Minister's efforts and — I hope — her determination to bring about those reforms. The clients of Aradale have to be given high priority and a number of disciplinary actions must be taken against the staff. I commend the Minister for indicating that those disciplinary measures will be undertaken. However, under this government the Public Service Board has become notoriously unable effectively to achieve discipline. I ask the Minister to ensure that proper disciplinary measures are taken despite resistance from professional bodies, unions or the Public Service Board. I ask that those involved in criminal and unethical behaviour be pursued with vigour, both through the courts and through internal disciplinary measures.

The report suggests a lack of leadership and standards has often contributed to malpractice at a local level. Again it is important that disciplinary action be taken against individuals to ensure that appropriate standards and controls are maintained and that staff clearly understand their obligations.

With regard to financial problems that have been outlined, once more it is vitally important that the disgraceful mismanagement of trust accounts and clients' funds that supplement health department funds and the large amount of unaccounted funds are properly monitored and appropriate controls developed. I ask that the Minister report back to the House in a short time about whether those standards and accounting procedures are up to a level in which the community could have some confidence.

The report requires that the two-on, two-off staffing arrangement be immediately discontinued because it is unprofessional and uneconomic. I ask, similarly, that that be done, that it be done soon and that it be done for all staff throughout the State. As the report shows, the practice has flourished in the past ten years because of the cosy relationship between the unions and the government, the influence of the unions on the government, and the inability of the government to take the hard decision to stop the practice that has been described as unprofessional and uneconomic. We can no longer afford to have a ratio of two members of staff to one patient with the type of care that has been outlined in the report.

The government is squandering money. It provides little for support in a less dependent environment. It has paid lip-service to deinstitutionalisation. The resources have not followed the patients who have not been admitted into the institutions but the funds are still going there to keep up the staff — from 1977 to 1991 the number of staff increased by 30 but the number of patients declined by nearly 400.

WorkCare is a specific matter that needs immediate attention from the Office of Psychiatric Services and Health Department Victoria. The WorkCare levy of 11.4 per cent of payroll is unacceptably high and a waste of taxpayers' money.

The examples I have given of client care certainly show the need for rectifying what is a sorry practice. Only 6 per cent of clients have meaningful weekly activities. The situation has become worse over the past five years because many patients are now no longer able to participate in basic activities.

We have heard that the task force was to inquire into sexual and physical abuse. The fact that these allegations were made and that reference was made to them is disturbing. I am delighted that the serious allegations of persistent and consistent sexual abuse by staff of patients are not true, and that is one of the better parts of the report.

The report also said there were no standards, controls or accountability applying in food provision. I ask the Minister to investigate other institutions — if only in a broader sense, because I do not really want a whole lot more investigations

and reports — because I should like to know whether food standards, food ordering and delivery to clients is the same in other institutions as in Aradale.

In conclusion, the Minster and her government have acknowledged the value of integrating psychiatric services into the general health system both vertically and horizontally and of delivering community-based services and support to the families of the intellectually disabled. The opposition supports these concepts but the government has not achieved these ideals because it is a captive of its own power base: the unions. The government has had the opportunity of putting its ideas before the House but it has not had the will, the power, the persistence and the determination to ensure that those ideas are put into the delivery of services. The government has failed in its responsibility to the community by not meeting the expectations it has raised.

The good news for the opposition is that it is apparent from the report that resources are available to give significantly more care than is currently provided. After reading the report, we are sure that we can do it better and that the resources will be there to enable us to do it better. We will utilise the $18 million expended at Aradale and the moneys expended for other psychiatric services for flexible and relevant programs of innovative care that will encourage the growth and independence of the clients in psychiatric care. We will study the report, which was refreshing in its honesty, and we will deliver in action what this government has failed to deliver.

Hon. R. S. de FEGELY (Ballarat) — I am pleased to have the opportunity of speaking to this report, which has been tabled by the Minister for Health, because Aradale is in my home city of Ararat and is very much part of my electorate.

I mention at the outset that what I shall say later is not a retraction of my thanks to the Minister for her courtesy in making the report available to me this morning for briefing the Ararat City Council and for her promise to keep the council informed of what was happening at the Aradale hospital, which is important to the city, the patients, the people involved in running the institution and those of us who represent them.

Over many years a culture that has been known to many of us for a long time has built up in the Aradale hospital. Unfortunately it is a culture that has not always been desirable and is the sort of thing that tends to grow in institutions where opportunities for some form of malpractice arise. However, although those practices existed in earlier years, as a result of management practices they were generally kept pretty well within bounds.

Having read the report my concern is now not only for the clients of Aradale Psychiatric Hospital but also for the dedicated staff who work in the institution and feel besieged by what has happened — they are the meat in the sandwich. While the opposition does not in any way accept the practices that have been followed and expects that those who have stepped outside the charter and have been involved in malpractice will be dealt with — I am sure the Minister will take action to deal with those people — I am greatly concerned about the effect on the 350 staff employed at Aradale who are innocent victims of what has happened.

On Friday I attended a graduation ceremony at the nursing school at Aradale. There was a lack of morale and a great feeling of despondency among the nurses because they were unsure about their future and were scared that there may not be jobs for them.

I am critical of the government's management of service provision at Aradale hospital. In the early days the hospital was run by the health department but the government split responsibility for services between Health Department Victoria and Community Services Victoria (CSV). That was the beginning of the trouble.

In addition, management was centralised in Ballarat with responsibility to Melbourne, and there was a failure to employ a resident psychiatric superintendent. Previously the hospital had always had someone in place to supervise operations.

Deinstitutionalisation, as mentioned by Mrs Tehan, while in itself a wonderful ideal that has been of benefit to some people, has created enormous problems for some clients who have been put into the community and also for the staff. Staff members can see their employment opportunities disappearing.

The union involved is very powerful and the government faces a challenge in dealing with it. The main problems are caused by industrial relations issues and remote management.

During a debate on psychiatric services in April of this year, as reported in *Hansard* at page 1126, I said:

> ... I have been involved with many employees of the Ararat Mental Hospital, otherwise known as Aradale, within the electorate I represent, and the staff there are dedicated and they do a job that many of us would not want to do, and they do it in a caring and special way.
>
> However, they are being totally ruled by the union movement, and despite the protestations by some government members, the union has had a real bearing on the reasons for a good deal of the money that should have been spent on psychiatric services not going to the best places to ensure patient care.

In that debate I also instanced some of the appalling activities that had taken place at Aradale, involving cover-ups of very serious incidents, and those comments have been thoroughly vindicated by this report. I back up my comments in that regard by quoting a couple of excerpts from the report in the section at page 26 dealing with industrial relations:

> The task force considers that one of the key issues in explaining the poor practices at Aradale was the apparent failure to adequately address some industrial relations issues.
>
> Unions and management do not hold regular meetings, rather a system of ad hoc meetings are held to address particular issues ...
>
> The major issues of deinstitutionalisation, the development of community-based services, broad banding and integration will continue to be frustrated at Aradale without a more constructive local industrial relations climate.

As I said earlier, that is obviously the greatest challenge for the government to face: it is one of the challenges the government has not been allowed to face, which is one of the reasons we have so many problems at Aradale. If the government intends to do anything about the issue it must stamp out union domination, which is presently determining work practices and providing protection. It has also allowed manipulation of employment and, in particular, has meant that the best people have not always obtained the job. I could cite a number of examples of people who have sought my assistance and who, although they were more qualified than others, did not obtain jobs because they were not favoured by the union.

I earlier mentioned the lack of management. If in any institution there is no on-the-job management, decision making never seems to rest on any person in particular but passes down the line — in this instance it has been passed to Ballarat or to Melbourne. When you read the report you find that in some instances the standard of management was less than it might have been, and I dare say that is putting it lightly. Obviously all this has added to a lowering of morale in the institution. When you couple that with continuing change it is not surprising that morale has been so low.

The introduction into Aradale of Community Services Victoria has been a disaster. The report clearly shows that in a number of instances people from CSV have been inefficient, have not understood their roles or have been just plain careless.

Regarding the handling of patients' money the report states:

> There is no evidence to suggest that the majority of patients and residents were consulted regarding the amount or whether they agreed that a sum should be withdrawn.

That comment refers to the operation of a trust account. Regarding funds unaccounted for, the report states:

> The HDV internal audit team brought the lack of accountability for patients' funds held at ward level to the attention of the Aradale administration in 1988.
>
> In a memo dated 8.5.88 to the acting director of nursing from the unit managers of the training centre, the unit managers categorically stated that no ward funds existed. This was not so.

The last sentence has been heavily underlined. The report says that the inquiries were assisted by an internal audit report commenced prior to the inquiry. The findings of the report were:

1. The patients' trust account has not been properly reconciled since OIDS patients' funds were taken over by Community Services Victoria in April 1988.
2. A failure to develop a proper system to separately account for OPS and OIDS funds has created problems with bank account transfers and investment interest.
3. Unauthorised bank accounts have been opened and used to provide funds for patient outings.

4. Procedures for controlling and accounting for the cost of patient outings are inadequate.

The report shows that discrepancies occurred in accounting for funds taken for patient outings in nearly every instance. Obviously there was a serious lack of management.

The government should have been aware of these problems because the opposition warned it over a long period that deficiencies existed in the administration of these institutions. The opposition has been calling for a judicial inquiry for some time because it knew there was a lack of adequate administration. Of course, the clients are the people who suffer most.

In a period of restraint gross inefficiencies have occurred. We are told of one example where a person in the head office of Health Department Victoria told the administration at Aradale to purchase new computers because its computers were out of date.

During an adjournment debate I raised the issue of a car dealer who has been waiting six weeks to be paid for a car he sold the department. Obviously something is wrong in administration and the report highlights many of these aspects. If the department had provided proper administration on site rather than having administrators in Ballarat or in head office in Melbourne many of these problems would not have occurred.

Because of the number of people employed in this institution I know that over a period the union has been able to apply pressure on the Ararat City Council. The same applies to Ballarat. Both cities want to maintain employment opportunities and they are concerned that if institutions such as these are closed the rate of unemployment will increase considerably in their municipalities. Obviously when such inefficiencies are exposed the government cannot continue to provide employment opportunities just for the sake of keeping people employed. Sad as it may be, it will be necessary to reduce some of these services and some staff.

In conclusion, I am greatly concerned about the future of Aradale. I am concerned for the staff and the clients, the innocent victims. The government must stop the rorts and return to providing the clients of these institutions with meaningful activities.

I remember many years ago that the farm at Aradale made the institution almost self-sufficient. It is a shame it was closed. More recently the vegetable garden was scrapped. It provided a range of vegetables for the clients of the institution; unfortunately, we now know that many of the vegetables and other meals went to private homes rather than to the people at Aradale. Nevertheless, tending the gardens gave the clients something to do and that was vitally important.

The Minister is aware of the complaints of clients wandering around streets of Ararat and getting into trouble. Mrs Tehan outlined the resources that are being wasted at Aradale and should be made available for these people. I hope and pray that the institution at Ararat can be changed so that it can stay in that city because it is needed. The buildings are not as bad as they have been depicted, and institutions like Aradale are required to care for clients, patients and residents. It is important that the number of people going out into the community of Ararat does not increase dramatically because it is already overloaded when compared with other towns and cities throughout Victoria.

The report shows the way to go. We must attack the problem together. There is a mammoth rebuilding task ahead. The government must protect the clients and regain the confidence of the staff and the City of Ararat in this institution. I am hopeful that the provision of an administrator will put management on the ground at Aradale and will help to rectify these problems. Aradale cannot continue operating the way it is. The report shows the way to go and I hope we have the fortitude to carry out its recommendations.

Hon. R. I. KNOWLES (Ballarat) — I gain no pleasure from entering the debate on the Aradale psychiatric hospital report, which the Minister has tabled and which follows a report on the Lakeside Hospital that was tabled approximately six months ago. Tragically, there is a common thread running through both reports. My fear is that if similar reports were undertaken on other old major institutions there would be similar recommendations and criticisms of them.

It is difficult to reconcile the comments contained in the report with the initial comments made in the Ministerial statement in which the Minister states:

> The government has repeatedly demonstrated its commitment to the provision of social justice for disabled people. It has reformed the legislation

pertaining to services for mentally ill people and for people with intellectual disability, and ensured there are a number of statutory bodies to protect the rights of these people. Despite these enlightened steps psychiatric services and intellectual disability services, which had long been isolated and segregated from mainstream health and welfare service systems, have yet to become as modern and effective as this government requires them to be. We have taken difficult and demanding action to address unacceptable standards in the care and welfare of disabled people.

The last two sentences are difficult to reconcile with what this report says has been occurring over recent years and what the report on the Lakeside Hospital said had been occurring in that hospital over recent years.

I shall not go through the litany of appalling circumstances which have applied in Aradale and which were outlined in the report and dealt with by Mrs Tehan, but I question how we got into this position, given that in the mid-1980s this House debated at length fundamental legislative changes that were meant to rectify all these matters.

Many changes have occurred, but most have occurred in the services provided by non-government organisations. The government has been strong, particularly in the intellectual disability field, on the requirement for service providers to change their services to comply with the Intellectually Disabled Persons' Services Act. It has not been so strident as to insist upon similar changes being applied within government-run services.

Today the Minister said that the government has resolved the question of whether Health Department Victoria or Community Services Victoria has responsibility for Aradale. More than five years ago Parliament rightly split the responsibilities and separated intellectual disability services from mental health services, but some of the key service providers at Aradale and Mayday Hills have not had their responsibilities clarified until today. That is appalling.

The report is critical of some approaches by the community of Ararat to the maintenance of Aradale. One reason why the Ararat community was so strong in seeking to retain Aradale relates not only to the economic argument, which has been canvassed, but also to the fact that in many cases long-term psychiatric patients and intellectually disabled people would be placed in the community without any community service.

The report makes great play of the fact that there has been a substantial reduction in the number of clients of Aradale without a reduction of staff. The report also identifies that many key staff have many skills that were never used. Why did that occur? In my view it was because of the hierarchical system of management, which essentially means that most of the important management decisions were made in Melbourne, well away from those to whom the services were actually provided.

In real terms the only decision makers at the local level were the trade union leaders. They were the people who made the decisions and who had substantial impact on the types of services being provided. They were not challenged or counterbalanced by any other force.

That is one of the reasons why, prior to the last State election, the opposition advocated the establishment of local management at all these institutions: so that decisions were made at that level and so that there was some community ownership and accountability for the way in which services were delivered. The opposition was rubbished by the government spokesman, but it believes every report that has been received since that time substantiates the correctness of that policy.

If management were returned to the local level the forces would be balanced. The trade union leaders believed it was their role to maximise the benefits available to some of their members. I hope some of those people will be brought to account as a result of the report.

Along with Mr de Fegely, I acknowledge the many employees at Aradale who sought to make substantial changes at the local level but who were constantly frustrated by the forces to which I have referred and who received no support from the management hierarchy or from the government.

If we are serious about mainstreaming services into the general health system we should eliminate the Health and Community Services Union. However, the government does not intend to eliminate the union. It intends to transfer — as some have put it — the virus from the psychiatric health system into the mainstream health system. We will not solve the problem by transferring the union's appalling work practices into the general health system. We need to transfer some skills, but we should separate the skills of the professionals working in that field from the work practices that have been built up over generations.

However, if we are fair dinkum we will eliminate the union. It will be the test as to whether we are genuinely mainstreaming services that will lead to a fundamental change in the way psychiatrically ill people are cared for in our community. If we do not meet that test I predict that from time to time we will receive more reports such as this. We will all express shock and horror but we will not have addressed the crucial change that needs to be made if we are genuine about wanting to change practices.

The government can claim some credit for its rhetoric and amended legislation, but it cannot claim credit for the fundamental changes at the coalface until it says, "We have embraced a policy and we are embarking on its implementation to destroy the Health and Community Services Union". We will take the government seriously, as will the broader community, when the Minister says that and when the government talks about improving the range of services for the intellectually disabled and the psychiatrically ill in our community.

Motion agreed to.

LEGAL AND CONSTITUTIONAL COMMITTEE

Subordinate legislation

Hon. D. M. EVANS (North Eastern) presented twenty-third report of Legal and Constitutional Committee on Subordinate Legislation (SR No. 127/1991) together with appendix.

Laid on table.

Ordered that report and appendix be printed.

Ordered to be considered next day on motion of Hon. R. I. KNOWLES (Ballarat).

PAPERS

Laid on table by Clerk:

Auditor-General's Office — Report and financial statements for the year 1990-91.

Labour Department — Report and financial statements for the year 1990-91 [incorporating Reports on the administration and operation of the Dangerous Goods Act 1985 for the year 1990-91, WorkCare Co-ordination Unit and the WorkCare Complaints Investigator].

Members of Parliament (Register of Interests) Act 1978 — Cumulative summary of Returns, September 1991.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Ararat (Shire) Planning Scheme — Amendment L3.

Ballaarat (City) Planning Scheme — Amendment L11.

Beechworth Planning Scheme — Amendment L13.

Birchip Planning Scheme — Amendment L1.

Coburg Planning Scheme — Amendment L16.

Essendon Planning Scheme — Amendment L33.

Grenville Planning Scheme — Amendment L6.

Horsham Planning Scheme — Amendment L35.

Kew Planning Scheme — Amendments RL144 and L12.

Knox Planning Scheme — Amendment L37.

Maryborough Planning Scheme — Amendment L7.

Melton Planning Scheme — Amendment L14.

Shepparton Shire Planning Scheme — Amendments L13 and L25.

Premier and Cabinet Department — Report and financial statements for the year 1990-91.

Prison Industries Commission — Report and financial statements for the year 1990-91.

Public Transport Corporation — Report and financial statements for the year 1990-91.

Small Business Department — Report and financial statements for the year 1990-91.

Statutory Rules under the following Acts of Parliament:

Industrial Relations Act 1979 — No. 229.

Building Control Act 1981 — Nos 230 and 231.

Health Act 1958 — No. 232.

Public Service Act 1974 — PSD Nos 36 to 40.

Supreme Court Act 1986 — No. 240.

Youth Parole Board — Report for the year 1990-91.

Zoological Board — Report and financial statements for the year 1990-91.

Ordered that reports tabled by Clerk be considered next day on motion of Hon. R. I. KNOWLES (Ballarat).

DISALLOWANCE OF STATUTORY RULE

Hon. D. M. EVANS (North Eastern) — I inform the House that I do not intend to proceed further with Notice of Motion, Business to Take Precedence, No. 1, on the Notice Paper. It is on the instruction of the Legal and Constitutional Committee that I ask for its withdrawal. I further state that the report I tabled a few moments ago is a report from the committee on Statutory Rule No. 127/1991.

It will be of value to indicate to the House why the Subordinate Legislation Subcommittee of the Legal and Constitutional Committee first decided to place the motion on the Notice Paper and then decided that the issue was sufficiently resolved to withdraw the notice of motion.

In examining the statutory rule the committee observed that it conferred a broader discretion on the Chief Commissioner of Police than appeared strictly necessary. It made unusual or unexpected use of the powers conferred by the Police Regulation Act 1958 under which the statutory rule was made.

The regulations referred to police charges and allowances for sporting and entertainment events. Before the regulations were amended charges were made to organisers of sporting or entertainment events if: promoters of the events requested police services; the event occurred within a place; or admission to the event required payment. The revised charges applied to the services of police deployed at sporting and entertainment events regardless of whether police presence at those events was requested. That was a significant extension of the ability to make a charge.

Referring to the broad power to impose charges, the committee was concerned that the regulations provided a discretion on how to apply the charges. The regulatory impact statement that was prepared made it clear that the intention was for charges to be levied when admission charges were made and/or when events were entrepreneurially or commercially sponsored. The committee has taken the view that that limitation ought clearly to have appeared on the face of the regulations.

The regulations appear to allow for any sporting or entertainment event to be subject to the charges, regardless of ability to pay. The committee decided that if charges were applied in the manner in which the regulations allowed it could discourage the staging of various events such as low-budget community sports, outdoor concerts or street activities.

The committee does not suggest that charges would be applied contrary to police policy stated in the regulatory impact statement. However, the committee always works to ensure that regulations clearly express their apparent intention. The committee does not believe Parliament intended the regulations to have the potential of inhibiting the staging of events.

In pursuance of its normal course of practice to discuss issues of concern with the relevant Minister, the committee asked the Minister for Police and Emergency Services to consider amending the regulations to clearly reflect the charging policy. The Minister initially advised that he did not believe the regulations required amendment and reiterated that the regulatory impact statement described the circumstances in which the charges would apply.

In the committee's view the fact that a regulatory impact statement sets down the intended scope of regulations does not prevent regulations from operating in a way contrary to those intentions. Consequently, the Minister was asked to reconsider making amendments to the regulations. The Minister has now advised that the principal regulations will be automatically sunsetted on 30 June 1992 and that the committee's concerns will be addressed when the regulations are redrafted.

In addition, the Minister has made a firm commitment to apply the charges in accordance with the regulatory impact statement, and I shall quote from the Minister's correspondence dated 31 July 1991:

> In the meantime, I am happy to undertake that the charges for police services will be applied only for those events for which admission charges are made, or where events are commercially/entrepreneurially sponsored.

Although the committee is still concerned about the breadth of the discretion conferred by the regulations, members of the committee have resolved to accept the Minister's undertakings. The report tabled earlier today and my comments are intended to give public exposure to the Minister's undertakings and to place them on public record.

With those comments, I formally move:

> That the following Notice of Motion, Business to Take Precedence, be read and discharged:
>
> Hon D. M. EVANS — To move, That the Police (Charges, Expenses and Allowances) (Sporting and Entertainment Events) Regulations 1991 (SR No. 127/1991) be disallowed.

Motion agreed to.

WATER (ELECTIONS) BILL

Second reading

Hon. B. T. PULLEN (Minister for Education and Training) — I move:

> That this Bill be now read a second time.

The Bill contains a number of technical but important amendments to the Water Act 1989.

The amendments will:

> clarify the regulation-making powers of the Governor in Council with respect to elections held by some water authorities;
>
> require candidates at an election to lodge a refundable deposit; and
>
> enable persons who do not vote at an election to be fined if they do not have sufficient excuse for not voting.

The Bill will also make a number of other technical amendments in respect of procedures to be followed during an election. The amendments will ensure that elections held by water authorities are conducted fairly and at the least possible cost to ratepayers. That is consistent with the principles established under the Water Act passed by this Parliament in late 1989.

Election of members of water authorities by the community is a key measure to ensure that an authority is accountable to the local community and that the community can participate in the decisions affecting the water services provided in the area. During consultation between the Department of Conservation and Environment and the Victorian water sector, a number of authorities required to hold elections expressed their concern about the Water Act and suggested that changes were needed. The Bill meets the concerns of the Victorian water sector.

I commend the Bill to the House.

Debate adjourned on motion of Hon. D. M. EVANS (North Eastern).

Debate adjourned until next day.

TEACHING SERVICE (FURTHER AMENDMENT) BILL

Second reading

Hon. B. T. PULLEN (Minister for Education and Training) — I move:

> That this Bill now be read a second time.

This Bill has two purposes: firstly, to remove the requirement placed upon the Department of School Education to compile and publish lists of persons eligible to be appointed as a principal, or a deputy or vice-principal, in a government school; and, secondly, to remove the requirement to fix the salary and allowances of the chairperson and members of the Teaching Service Appeals Board by regulation.

The need for a list of persons eligible for appointment to principal positions in our schools no longer exists. The majority of school communities in Victoria are only too happy to accept the responsibility of the involvement in the appointment of persons to such positions that the local selection process provides.

In doing so the local community adds its specific criteria to the Statewide criteria applicable to the principal position and is able to choose from any candidate who is able to meet those criteria. A centralised list that can have little relationship to the specific needs of local schools is a far less effective instrument for the selection of people to principal positions in our schools.

Candidates for the position of principal, or deputy or vice-principal in a government school will not be disadvantaged in any way by the repeal of this provision. In practice the only criteria to be met by a candidate will be those published at the time the position becomes vacant.

The salary and allowances applicable for the chairperson and members of the Teaching Service Appeals Board are determined through the

Remuneration Review Committee along with those of statutory office holders throughout the government service. When Cabinet approves of a recommendation from the committee an order is placed before the Governor in Council for approval. Adjustments to salary and allowances for the majority of statutory office holders flow from this process.

However, the Teaching Service Act requires that for the chairperson and members of the Teaching Service Appeals Board a further step, in the form of regulations, be completed before the adjustments apply. The amendment before the House is to remove the requirement to make a regulation for this salary and allowance adjustment. This additional bureaucratic process involves resources in the Department of School Education as well as in the offices of the Chief Parliamentary Counsel and of the Law Printer without any appreciable impact on the eventual outcome.

Both amendments will reduce the bureaucratic processes within the Department of School Education without any detriment to either teachers seeking promotion to a principal position or members of the Teaching Service Appeals Board.

I commend the Bill to the House.

Debate adjourned on motion of Hon. J. G. MILES (Templestowe).

Debate adjourned until next day.

LAND (PRINCE HENRY'S HOSPITAL) BILL

Second reading

Hon. B. T. PULLEN (Minister for Education and Training) — I move:

That this Bill be now read a second time.

This Bill revokes the reservations relating to the Prince Henry's Hospital site. This is the second time that this issue has come before the House, and the reason for its reintroduction is the significantly changed circumstances surrounding this property:

the Prince Henry's Hospital campus of Monash Medical Centre has now closed;

replacement hospital facilities of a very high standard are now in place in areas of real need in the outer south-eastern and western suburbs;

there is demonstrable evidence that the inner south region is not being disadvantaged by the closure of the hospital. Additional requirements for the Alfred Hospital have been identified and are being provided;

the only remaining tenancy on the site, the Police Hospital, is being transferred to the Royal Melbourne Hospital. In the meantime the Police Hospital is operating autonomously in its own premises, which occupy only approximately 5 per cent of the total site of 3.5 hectares;

despite the economic downturn the property is in fact highly marketable because of its prime location in St Kilda Road, comparatively close to the central business district. Indeed there has been a steady stream of inquiry by private sector interests seeking information on the likely availability of the site for development. That good properties can be successfully sold is evidenced by the recent sale of Eastside, the first stage of Jolimont, to Becton. It is intended that this property will be marketed nationally and internationally and thus there would be a nine to twelve-month lead time to secure a sale;

leaving the property's future unresolved will impose high recurrent maintenance and security costs — likely to be in the order of up to $370 000 per annum — and create a blemish on this prime location in St Kilda Road, as leaving the permanent reservations over the property not only prevents its sale but also legally precludes any other temporary use pending sale; and

the site has the potential for a magnificent private sector project which could create substantial employment opportunities.

The sale of Prince Henry's Hospital is one component of a project instigated some seven years ago which has resulted in an improved range and level of health care services in the western and south-eastern metropolitan regions. This has involved the transfer of general hospital services to the western suburbs and speciality hospital services to the south-eastern suburbs. The key element of facilities relocation has been the construction of new and additional facilities at the Moorabbin and Clayton campuses of the Monash Medical Centre and the campuses of the Western Hospital.

The new developments at Moorabbin and Clayton — known as stage 2 of the Monash Medical Centre — have enhanced Monash's position as a centre of medical excellence. By the end of August 1991 more than $115 million had been committed to stage 2, and a total of $160 million will be spent.

Since the middle of this year physical specialist hospital services previously provided at Prince Henry's Hospital have progressively relocated to the Clayton and Moorabbin campuses. A considerable amount of elective surgery, including day surgery and upgraded infrastructure services, has developed at the Moorabbin campus. Such surgery includes orthopaedics; urology; breast surgery; eye surgery; and general surgery. At Clayton wards concerned with the neurosciences — neurology and neurosurgery; medical oncology; cardiology — including coronary care; intensive care; orthopaedics; gastroenterology; and gastrointestinal surgery have already been commissioned. Commissioning and occupation of additional in-patient services will occur progressively during the remainder of this year.

Over the next six months the remaining 100 or so beds — of a total of 747 stage 2 beds — will be commissioned. This will allow additional beds in all of the specialties already mentioned plus vascular surgery; cardiac surgery; general surgery; general medicine; psychiatry; and other diverse groups.

In 1985 a major study into the health needs of the Western Metropolitan Region concluded that the main deficiency was a lack of hospital facilities, forcing residents to access hospital care in the central metropolitan area. The government therefore decided to amalgamate the Western General Hospital, Sunshine Community Hospital and the Sunshine Hospitals and Health Services Society to form the Maribyrnong Medical Centre — now known as Western Hospital. From that date intensive planning commenced and shortly thereafter construction began to develop a new hospital at Sunshine and expand the capacity at Footscray campus so that it can be recognised as a major teaching hospital. The total cost of this development in all three stages is approximately $140 million.

In early 1990 the new Sunshine Hospital campus opened, but at a cost of $80 million. The hospital has a capacity of 193 beds providing services for women, children and older persons. Currently 134 beds are open at Sunshine and the remainder will be opened progressively as funds permit.

In May 1991 a new 90-bed day hospital and office accommodation for the geriatric assessment team, the psychogeriatric assessment team and the Royal District Nursing Service opened at the Sunshine campus.

The opening last month of the north block saw the completion of stage 2 at Footscray campus, costing $42 million. It provides intensive care/coronary care; a new emergency department; medical and surgical wards; and other related activities — that is, additional space for the school of nursing, the general sterilising and supply department, and two more operating suites.

The government has also allocated $1.4 million in this year's Budget to commence the construction of stage 3, which will include a new pathology facility, medical records expansion and consulting room accommodation. This final stage of the Western Hospital development will complete the developments at Footscray and Sunshine campuses. The stage 3 development cost is $8.7 million, of which the government is contributing $6.5 million. It will be completed in 1994.

Residents of the inner south region have not been disadvantaged by the closure of Prince Henry's Hospital. The inner area will continue to be well served by a good range of excellent hospitals and other medical services. The Alfred Hospital was asked by Health Department Victoria to identify its needs in the light of the closure of Prince Henry's Hospital and the department has agreed to fund all of those identified needs.

Recent new developments in respect of the Alfred Hospital include:

a six-bed community unit specifically for use by inner south patients;

funding for specialist services — for example, elective surgery targeted to cover inner south patients; and

additional funding for a cardiac surgery unit to replace facilities at Prince Henry's which were shared with the Alfred Hospital.

In addition, the inner south community planning group has agreed on a range of new services to be located in community health centres.

Experience since Prince Henry's closed indicates little increased demand for hospital beds in the inner

area. There continues, however, to be a demonstrable need in the outer south-east.

Since Prince Henry's Hospital ceased clinical services on 13 September 1991, transfer of remaining equipment to the Monash Medical Centre has been proceeding and is expected to be completed by early December. At that point responsibility for the site will transfer from the board of the Monash Medical Centre to the Major Projects Unit.

The Police Hospital is being relocated to specially refitted premises at the Royal Melbourne Hospital. Closure of the Police Hospital is anticipated by July next year. The Police Hospital occupies only about 5 per cent of the total property area of 3.5 hectares.

Notwithstanding the temporary continuing occupation of the Police Hospital, revocation of the entire area of permanent reservations is proposed. Given the lead times involved in a selling campaign for a property of this type, no sale would be effected prior to the transfer of the Police Hospital.

If this Bill is not passed, the Major Projects Unit will, in effect, become the landlord of a very large property, fenced off, with no ongoing use and prevented from any use at all, except the continuing activity of the Police Hospital.

An amendment to the South Melbourne Planning Scheme to rezone the property has been publicly exhibited and, following a panel review of public submissions, has been approved.

The rezoning would allow for a mix of potential uses subject to specified design criteria — for example, hotel, office, residential on the St Kilda Road portion of the property, and mixed uses on the balance of the property.

The sale of the Prince Henry's Hospital site is an essential component in the redirection of resources and services to regions of major population growth.

The existing reservations for hospital purposes are therefore no longer appropriate, and revocation is required to enable sale of the site. It is not in the community's interest to have empty buildings prevented from being sold. Holding costs would be substantial and deteriorating buildings in this magnificent locality should not be countenanced. The lead times for an asset sale of this magnitude are lengthy and, even if this Bill were to pass this week, it could take until the end of 1992 for the sale to be finally realised. The city needs good projects and to be needlessly holding up potential project opportunities for the private sector on this site and the employment opportunities that would follow is irresponsible.

I make the following statement under section 85(5) of the Constitution Act 1975 of the reasons why clause 6 of the Bill alters or varies that section.

1. Clause 6 of the Bill provides that it is intended to alter or vary section 85 of the Constitution Act 1975 to the extent necessary to prevent the Supreme Court from awarding compensation in respect of anything done under or arising out of the Act.

2. Clause 5 of the Bill provides that no compensation is payable in respect of anything done under or arising out of the Act.

3. The Bill:

   (a) revokes the reservation and Crown grant of certain Crown land;

   (b) extinguishes all interests and rights over the land mentioned in paragraph (a).

4. The reason for preventing the Supreme Court from awarding compensation in this case is as follows:

To enable the Crown to change the use or status of reserved land, it is necessary to ensure that the land is no longer subject to any interests or rights arising out of the former use. The existence of these interests and rights, and claims for compensation based on them or on the former use of the land, could delay or prevent a change in the use or status of the land that is for the benefit of the community as a whole.

I commend the Bill to the House.

Hon. M. A. BIRRELL (East Yarra) — Mr President, I raise a matter for you. I express concern that the Bill is almost identical in every sense to a Bill previously introduced and defeated in this House. The purpose of the Land (Reservations Removal) Bill was to remove the reservations on the site of Prince Henry's Hospital, St Kilda Road, South Melbourne, so that the land could be sold.

During the course of that debate earlier this year the opposition had a number of concerns. Explicitly and implicitly we were concerned that it was a bad time to sell an asset, and that it may well have been a fire sale; and explicitly we also recorded our concerns about the phase-out of certain services on that site, and about whether adequate replacement services had been provided to facilitate the closure of the hospital.

This debate raises identical subject matter. The second-reading speech just delivered by the Minister and the Bill do not try to cover up the fact that this Bill is a repeat of the previous issue. Indeed, the second-reading speech refers to the fact that it is the second time this year that the Bill has been before the House.

It would seem to be a Bill which classically offends the purposive interpretation of the Standing Orders on matters dealt with in the same session, and I therefore invite you, Mr President, to make a ruling on the matter that the Bill cannot be considered by the House in this session unless it raises a substantially different matter.

Alternatively, on the rulings you have previously given, it cannot be considered unless all of the conditions previously outlined in the debate as causes for concern have been met, and all of the reasonable causes for concern — perhaps some of which may not have been expressed in the debate because the lead speaker was reaching conclusions similar to those of others who had concerns about the Bill — were also met. The causes for concern that led to the defeat of the previous Bill are still in evidence and have not in any way been satisfied.

We are prepared to deal with the Bill should you, Sir, rule that it does not fall foul of precedents; however, it is our belief that it does and that it is an abuse by the government to bring in a Bill which so clearly replicates a Bill previously debated in this session, and contemporaneously debated, and which is merely a repeat of the earlier Bill.

Hon. B. T. PULLEN (Minister for Education and Training) — I believe there are now significantly changed circumstances, and in the previous debate Mr Birrell did say that the opposition was not philosophically opposed to the sale of those assets or of Prince Henry's Hospital.

In the second-reading speech I took care to enunciate a response to all the points then raised.

We now have significantly changed circumstances, and there is a public interest involved in that the holding costs are of the order of $30 000 a month, and if we do not proceed we will have a very much wasted government asset.

Hon. M. A. Birrell — That is presuming you can sell it!

The PRESIDENT — Order! Mr Birrell has very properly raised the question of the application of Standing Order No. 99 to this case. I should perhaps read the Standing Order and then refer to the authorities:

> No question shall be proposed in the Council which is the same in substance as any question which, during the same session, has been resolved in the affirmative or negative.

Clearly, this Bill does raise the same substance as did a segment of the Land (Reservations Removal) Bill, which was carried by this House on 14 May this year.

The segment of that Bill which was removed now appears as a separate Bill. The same-question rule originated in Great Britain to prevent the time of the House being wasted by continual reargument of facts already decided.

I have made it clear in previous rulings that the rule has always been applied with discretion, and when the reason for a decision has disappeared the House of Commons has never been loath to look at the question again in the same session.

May remarks that the rule is applied more stringently in relation to motions than it is to Bills; and in relation to Bills the 21st edition of *May* states on page 525:

> Application of principle. If in the second House the second or third reading of a Bill is deferred for three or six months, or if a Bill is rejected, it cannot be brought from the first House a second time in the same session. However, when part of a Bill has been omitted by the Lords —

as was the case here —

> and the Commons have agreed to such amendment —

in the same year —

> the part so omitted has been renewed in the same session in the form of a separate Bill, and a Bill deferred for six months by the Lords has nevertheless been incorporated by way of amendment into another Bill sent from the Commons.

What *May* illustrates there is that the rule is not absolute; but I would be very loath indeed to accept the interpretation a single reading of *May* appears to give — that a new Bill can be dealt with as a matter of course.

I have looked at the most recent precedent on which the ruling in *May* is based and it gives no assistance, but it appears there may well have been some private discussion and the Speaker was satisfied there was some change in circumstance. Here it is clear that in all Australian Parliaments a second Bill is not dealt with unless there has been a change of circumstances. The nature of the change may be various.

In the past week honourable members have dealt with two Bills that prima facie offend the same-question rule. In the case of the first, the Crimes (Year and a Day Rule) Bill, the House had rejected the proposal in the same session, six months ago, upon the ground that the Bill was premature. The government was awaiting a report from the Law Reform Commission on the very issue proposed to be determined by the Bill and the opposition refused to deal with that measure or to pass it while that report was awaited. Once the report was available, I ruled it was proper to proceed with the Bill. The objection taken by the opposition had clearly been met.

In the case of the second Bill, the State Insurance Office (Sale) Bill, again, it contained entirely the same substance as the previous Bill; ten of the eleven clauses were identical. However, clause 11 dealt with the objection raised on the previous occasion by the opposition, that the sale of the State Insurance Office by the government to another government instrumentality was in reality no sale at all. The second Bill prevented the sale to the Transport Accident Commission and the Bill proceeded without any objection, although it dealt with the same substantive matter. No-one in the House would have wanted to prevent that debate taking place, least of all the Presiding Officer.

I turn to the application of past precedents in the case of this Bill. I bear in mind that on the previous occasion a clause of the Bill was taken out and it now reappears. Mr Birrell said in the debate on 14 May that the opposition was:

> ... not philosophically opposed to the sale of public assets ...

He said also that the opposition was:

> ... not philosophically opposed to the sale of the Prince Henry's Hospital site ...

Mr Birrell said:

> ... a sale at this time is against the public interest.

That is, the sale at 14 May 1991. What he said, that is:

> ... a sale at this time is against the public interest —

emphasises the importance of the word "now" in the motion "That this Bill be now read a second time". What he was saying was that the Bill should not be read a second time "at this time", namely, 14 May.

Mr Birrell gave four primary and later two subsidiary reasons for so saying. The first of the four primary reasons was that Prince Henry's Hospital was still operating at the time as a hospital. The Minister has answered that objection by showing that Prince Henry's Hospital has now closed down.

Hon. M. A. Birrell — But not the Police Hospital.

The PRESIDENT — I will come to that. The second objection was that the government had been guilty of silence on replacement facilities at the local level. The Minister's second-reading speech, which he was good enough to provide me with a copy of earlier today and which I have read with care, deals with alternative facilities provided throughout the former catchment area of Prince Henry's Hospital. There is thus no remaining silence on the issue of replacement facilities at the local level.

Thirdly, Mr Birrell relied on the government's silence on the future of the Police Hospital. The second-reading speech spelt out in considerable detail precisely what the future of the Police Hospital is to be. There is thus no remaining silence by the government on that matter. It is a matter which can, of course, be debated.

The fourth of the primary objections raised by Mr Birrell was the government's silence on the upgrading of facilities at the Alfred Hospital, which would be required consequent upon the closure of

Prince Henry's Hospital. The second-reading speech goes into considerable detail on that matter and indicates that the government is providing what is asked by the Alfred Hospital. After dealing with those questions, Mr Birrell said:

> Until we receive answers to those issues it would be irresponsible for the coalition to pass that part of the Bill which allowed the sale of Prince Henry's Hospital ...

The opposition now has received the government's answers on each of those four points. Mr Birrell made two further comments, the first being:

> ... the opposition is suspicious of land sales unless there is an overwhelming case for them.

It is not the role of the Chair to rule whether there is an overwhelming case one way or the other but a reading of the second-reading speech, as compared with the previous second-reading speech given by the government, shows it provides far more substantial reasons for the sale than were previously provided to the House. Whether the reasons are overwhelming is a matter for political debate and not a ruling by the Chair. Finally, Mr Birrell said:

> ... our view ... would be remarkably altered if the economy improved.

He went on to query the wisdom of selling in the then current economic environment. The Minister's response does not deal specifically with that issue or the issue of the current economic environment, but it does disclose that there is widespread interest in the site and that a rezoning application is proceeding at the moment which will no doubt increase that interest, and he has argued — and it is not for me to determine the validity or otherwise of the argument — that to refrain from selling would prevent development of the site and the economic fillip it would give, and that the cost of retaining the asset would be great. So he has met that point tangentially rather than directly.

In the view of the Chair, the reasons given by the government for re-presentation of the Bill are substantial and raise an issue that needs to be decided politically rather than by a ruling of the Chair.

Hon. M. A. Birrell — You should rule that there is still a recession.

The PRESIDENT — I believe the government has satisfied the onus according to the precedents, which enable the issue to be aired again, and I do not propose to rule the Bill out of order.

Hon. M. A. BIRRELL (East Yarra) — The Land (Prince Henry's Hospital) Bill is similar to a Bill that was previously debated in this House. The key issues before honourable members are whether the economy has improved since about five months ago when we debated this matter and whether substantial steps have been taken to deal with such matters as the closure of the Police Hospital, which is still a fully operating hospital on the Prince Henry's site in St Kilda Road, South Melbourne.

The opposition has indicated publicly that it considers now is not the appropriate time to put a large and important piece of public land up for sale, as the likelihood is that it would be a fire sale and that at best a bargain basement price would be obtained for that property.

It is fundamental that if public assets are to be sold at any time the government of the day must recognise that it has only one role: as the custodian, not the owner, of public assets.

Hon. R. M. Hallam — It is not the liquidator either!

Hon. M. A. BIRRELL — As Mr Hallam interjects, the government should not behave as the liquidator. If the government does behave like a liquidator it cannot have due regard to economic circumstances; it will get the only price that is available at the time. The price available today is clearly not going to be good. No-one in his or her right mind would put a large block of land which is adjacent to the central business district on the market now!

The Major Projects Unit has not been able to sell a similar block on the market. The Queen Victoria hospital site has been on the market for two years. The government has not received a single bid in the tender process and the site is lying dormant. That is proof positive that the property market is in recession. It is illogical to be flooding the property market with prime public assets.

The opposition opposes the sale of the Prince Henry's Hospital site now because it does not believe a bargain basement price is adequate for such an asset. The opposition does not believe circumstances have changed in the past five months to enable the property market to recover.

Hon. R. M. Hallam — It has gone the other way.

Hon. M. A. BIRRELL — If anything, the property market is worse than when the opposition opposed the original Bill. It is not surprising that the Minister, in his second-reading speech, did not elaborate on the state of the property market. To put it bluntly, the Minister would have shoved that argument down my throat if he were able to suggest there had been some recovery. It is clear that the market has not recovered.

It is clear that the Prince Henry's Hospital site will not sell; or if it does sell, it will be for an extraordinarily low price. In other words, it is a buyer's market where the buyer could dictate a ridiculously low return for public assets.

What land are we talking about? It is one of the most significant sites on St Kilda Road; a beautiful piece of land. It is the first piece of private land one comes to as one travels down St Kilda Road. It is one of Melbourne's great civic sites and it will demand outstanding architecture and building design when the Prince Henry's Hospital building is replaced.

The opposition wants to ensure that the first stage of that process is not bungled. It does not want to sell the site for a song to a company that may develop it inappropriately.

Members of the opposition in the Upper House cannot sit idly by while the fire sale of public assets goes ahead. This is a rare opportunity we have in Parliament to debate the sale of assets.

Honourable members did not have the opportunity of debating the sale of the Willsmere Hospital site or the Hotel Windsor. The sales went through without the need for Parliamentary approval. I am delighted that this sale needs Parliamentary approval. At this stage the opposition will not approve it. The opposition is clearly telling the government that the fire sale of public assets must stop.

I turn now to two recent sales conducted by the Major Projects Unit and the government. The Willsmere Hospital site was not sold to the highest bidder; it was not sold to the person who offered the best price. Honourable members must ask themselves what will therefore be the outcome if they give carte blanche to the government to sell the Prince Henry's site.

The Hotel Windsor was sold for less than the value the Valuer-General put on that site, but the sale did not require Parliamentary approval. It was only the prodding of the opposition and people like the Auditor-General that brought out the truth. The then Minister for Property and Services had the temerity to say that the contract sale price was a matter of commercial confidentiality between the buyer and the government. What absolute nonsense! After 48 hours that argument collapsed and the Minister announced the sale price, which we discovered was less than the valuation the Valuer-General had put on the site.

The Bill does not indicate how the Prince Henry's Hospital site will be disposed of. It does not indicate any course of conduct or whether it might be put up for auction. How does the opposition know the land will not be thrown in for nix as a trade-off to someone who wants to build a tunnel under the Domain or a casino? These are possibilities, not flights of fancy; the suggestions have been made. If the government has a certain course of action in mind it should have mentioned it in the second-reading speech, but it has not.

The opposition's first and fundamental objection to the Bill is that it will not support a fire sale. In the current property market it is highly unlikely that the government will get anything more than a bargain basement price for this asset. It is more than likely that the site will not sell. I remind the House that the Queen Victoria hospital site has been on the market for two years. The site has been available for two years but no-one has bought it.

We should dispense quickly with the nonsense suggested in the Minister's speech that the holding costs will be substantial. The holding costs will be there anyway because the government decommissioned most of the site. It has already covered the expenses for fencing and so on, so those costs are fixed. There is proper security for the site, but that would be in place for the medium term anyway. As with the Queen Victoria hospital site, there is no likelihood of a buyer for the Prince Henry's site in today's market. Therefore, security is a factor and the predictable cost is not the result of our actions but the result of the current property market.

The Prince Henry's Hospital has been moved but the Police Hospital has not. It is a fully functioning hospital and will be until March or April next year. The government says that after April next year the Police Hospital will be shut at the Prince Henry's site, but why should we believe what the Minister says is true? The likelihood is that the government will try to eke out the life of the Police Hospital while there is no buyer for the site. It will be a

permanent fixture. There will be uncertainty and the government's interests will be served by not having to create a new Budget item to shift the Police Hospital to the Royal Melbourne Hospital.

I do not trust the government to shift the Police Hospital next year, but that is not the point. The Bill provides for the sale of a site that has on it the fully operational Victoria Police Hospital. This is not a tin-pot facility. It is relatively new and operational, but the government wants to sell the site now. It may have been vaguely credible if the government had introduced a Bill for the sale of the site after April next year, but to suggest selling the hospital site under the feet of the people running and using it is nonsense. The opposition knows it cannot trust the government to shift that hospital in April next year. The opposition knows the hospital is operational.

Another important question is what will happen with the site. The Bill is silent on that point. The government has a duty to spell out the rezoning requirements when the site is put up for sale, particularly when this is perhaps the most significant land site to be made available in the precincts of Melbourne for the past 50 years. The government should outline its vision for the site.

The Minister for Planning and Housing established a panel to consider this aspect. Once again the Minister did not accept all the panel's recommendations on the planning of the site. So far as I can ascertain the Minister has not outlined his view on the planning constraints on the site. If he has, it has not been communicated in any way to the opposition or to the public.

What is the future of the site? The bottom line is that the stance of the opposition on the Bill is no different from its previous stance. Will the site be sold eventually? Yes, it will. Is there any problem with selling it eventually now that after a long period Prince Henry's Hospital has been killed off? There is no problem with its being sold eventually and used for another purpose. But why now? Regardless of financial logic, the government wants to get some quick cash for the Budget. It is not waiting for the property market to recover slightly. It is not doing what every other company in receivership is doing — holding on until it can get a slightly better return.

The government is trying to flood a market that is clearly overstocked. There are not many buyers out there. Has anybody heard of anyone wanting to buy an entire city block? No, it is not on. Instead, today the Attorney-General is in Taiwan trying to find a buyer for the Queen Victoria hospital site. He will say that the plans and rules for development of that site have changed. Perhaps that is the plan — to get the opposition to pass this open-ended Bill and then to change the plans and rules after the time has passed for Parliament to have any future say in the matter.

If the Attorney-General is in Taiwan offering a special deal on the Queen Victoria hospital site, the opposition wants to know what that special deal is all about and why it cannot be offered at large. Clearly he is offering to change the height constraints on that site. If so, he should offer different height constraints to everybody, not a special deal for an illusory pot of gold. The opposition is not against dealing with planning issues or changes to that site, but not at mates' rates — not special deals. If the planning constraints are to be changed for the Queen Victoria site that should be done up front.

The Prince Henry's site is probably the most significant site to come onto the market in Melbourne for the past 50 years. Such large holdings on the great thoroughfare of Melbourne, which have tremendous potential for office and residential accommodation, do not come up very often.

Nobody in the market is looking for such a development. Because of the recession, the largest holders of land, of tourist projects and office blocks, are banks, not property developers. The banks own such projects and land by default. They own virtually every tourist development in Australia; they have picked them up as a result of their own failures in the way they have invested their funds.

What are the banks doing? Are they flooding the market with such assets? No, rather than selling them at bargain basement prices they are holding onto them until the property market shows signs of recovery, or a niche or opportunity presents itself.

There is no logic in putting an asset onto the market in the present climate other than the implied advantage of raising quick cash. I do not think the government will get that. I do not think the site will sell. Nobody will want to buy the site now because no-one has either the money or the motivation.

The basic underlying concern of the opposition has not changed. You, Mr President, cannot make a ruling on political matters, but the opposition makes it clear that it will not participate in a fire sale and

welcomes the fact that for the first time the Legislative Council has the opportunity of expressing an opinion on the government's attempt to put a property onto the market when either it will not sell or it will be sold for only an extraordinarily low return.

Hon. W. A. LANDERYOU (Doutta Galla) — I am impressed by some of the arguments put by Mr Birrell. I would be more impressed if the argument was that, "This is not the time; maybe these are the terms upon which we as a coalition would want to influence the government by proposing an amendment with strictures imposed on the government in regard to the Bill".

As the Minister has argued, and Mr Birrell concedes, the sale of any asset has a significant lead time. While some of the lead time has been taken up by activities of or at the direction of the government, considerable time is still required to put the property onto the market.

Even an owner or mortgagee in possession cannot place a property willy-nilly onto the market under fire-sale conditions. It would be suicidal and stupid for any bank executive to prevent the preparation of a property for sale. That is all Mr Birrell is arguing. He is not arguing on ideological principles that the sale of the site has a defect that would prevent it from being available for a suitable purchaser at an adequate price. As I understand it, he is arguing about the ultimate terms of sale.

Some members in this House should reflect on the value of other properties sold from time to time by governments, particularly to themselves.

Hon. M. A. Birrell — I think you did it at the time.

Hon. W. A. LANDERYOU — The sale proceeded and did not require legislation. Without trying to be too smart after the event, for some time the community and this House have been aware of the intention to sell this site. That judgment may well be as good as the judgment of the market — that, as Mr Birrell has put it, it is an ideal site, one that is perfect in many ways. I am not in a position to judge that but I am in a position to take issue with a negative approach. Clearly, if the Liberal Party has agreed to sell the site, it should not adopt a negative attitude; it should embrace the argument put by the Minster that the temporary occupancy of part of the site is being addressed. It may not have been addressed as adequately as some in the House believe it should have been; nevertheless the matter will be resolved in a short period.

If that final impediment is addressed, what this House should be saying to the government is, "At the end of the day we want to check your bona fides and will impose some strictures by way of amendment". That proposition has not been advanced. As I understand it, the Australian and New Zealand Banking Group Ltd has a claim over a large slice of Melbourne, which may be because of poor management on its part or because it is waiting for a turnaround in the market, particularly in the building industry. It may be a long time before we get back to the growth rates in the central business district that occurred over the past decade. No mention is made in the Bill of there being a fire sale. All it does is authorise the process to begin.

As the Minister has said, the lead time for such a sale is considerable. In the long-term interests of the State, strictures should be imposed in the Bill which meet the criticism by the opposition that the government has a responsibility to ensure that the site is sold to the highest and best bidder in all the circumstances and that there is equality of opportunity for all who wish to participate in such a process.

I do not see the matter being advanced by a proposed amendment, but I invite the opposition to use its considerable talents to move such an amendment, if not in this debate, then after adjourning the matter until such time has elapsed as to allow negotiations to take place.

In that context I would be more convinced about the sincerity of the argument because I do not believe it is good enough merely to say that the hospital site should not be sold. Because of the lead time necessary for the preparation of the sale and the undertaking given by the government about the excision of the Police Hospital, we do not expect it to come on the market until late next year. Apart from that lots of other things need to occur in the planning process, and this House must have the final say on the transaction.

I can understand the arguments being put, but they are not being put in a positive way. I appeal to the opposition to at least address the serious concerns of the government about the holding charge — one cannot just ignore the $30 000 holding charge. However this is a significant site that is not being utilised except for a small percentage. In the short term it will not be available for use — I am advised

that the site in its current form does not lend itself to leasing. If the only concern of the House is the price tag in the long term, an amendment to the Bill should be proposed by a responsible opposition rather than its doggedly opposing the measure.

Sitting suspended 6.33 p.m. until 8.3 p.m.

Hon. R. A. MACKENZIE (Geelong) — I did not hear all of Mr Birrell's speech, but I agree with what I heard. Mr Birrell said that in Parliament we are the trustees on behalf of the people of Victoria of all the assets that belong to them. We should never forget that.

It is all very well for governments to have to make decisions from time to time, and they have the authority and power to make those decisions in many cases without coming to Parliament, but we are on dangerous ground if we do not give serious consideration to issues involving the discarding of assets that belong to the people of Victoria.

In the past assets belonging to the people of Victoria have been lost to this State. In fact in the past two or three years we have sold off more assets than were sold in the 1890 land rush. It has been a total disaster. One disaster was the sale of State Bank Victoria, for which we received nothing, and the State Insurance Office is up for grabs at the moment. We will be lucky to get anything for that, either. Although the opposition is not actually arguing against the sale, I understand from what Mr Birrell said that it is arguing against the sale at this time. I agree with that.

When I was Minister of Lands the previous government had allocated some land for sale in the Mallee area — and the Minister for Manufacturing and Industry Development would know of the F1 and F2 land to which I refer.

I can remember when things were not too good in 1982 — there was a slight recession and land prices were down — that the government called off the sale of that land. I can remember the departmental heads explaining to me that we ought to call it off because we would not get the best price. I have never forgotten that and I think the same situation applies today.

The government has closed the hospital but there are maintenance costs to be met and Mr Landeryou said it will be two years before the sale will be able to proceed. I am not sure that the market will be right even in two years. While I do not argue against the sale I agree with the opposition that this is not the right time to sell the site. It would be irresponsible for Parliament to agree to the sale of a site it is holding in trust for the people of Victoria. The responsible thing to do would be to delay the sale: in view of the nature of the facility and its location there is no doubt that a fair price could be obtained for the site at another time.

Although I have been opposing the fire sale of so many of Victoria's assets I am not against the sale from time to time of assets that are no longer of any value. We would be doing the people of Victoria a disservice if we were to effect the sale of the site at this time. For those reasons I oppose the Bill.

Hon. K. M. SMITH (South Eastern) — I support Mr Birrell in his stand against this Bill on the basis that Victoria is really not in a position to add fire to the fire sale by throwing in this site and allowing the vultures to fly in and snatch it off the government for a measly amount of money.

Having listened to Mr Landeryou's speech I think he leans our way: I have never heard such a wimpish speech in my life. Mr Landeryou made a stronger and more forthright speech in support of women's rights about twelve months ago. Normally Mr Landeryou is all fire and brimstone when he believes in what the government is doing. His reply tonight was wimpish. He really does agree with what the opposition is trying to do.

Since it has been in power the government has lost $38 billion and wants to add to that figure by selling off more assets. The government will not get enough money out of the sale to cover even some of the holding costs it has talked about. It is an absolute joke to compare $38 billion to the $385 000 the government suggests would be incurred each year in holding and security costs on the building.

The government could close down some of its community health services and would save about $450 000 on each of them. The government could close one a year for fifteen years and service those holding and security costs in order to maintain a site that the next government will be able to sell at a reasonable figure when the economy improves. Mr Birrell has been straight down the line with this.

An honourable member interjected.

Hon. K. M. SMITH — Yes, the opposition is prepared to sell it. When we are in government we will ensure that the site is sold at the most

opportune time so that the then coalition government will make money out of it. No honourable member on the government side of the House should be complaining about that: members opposite should be applauding the opposition because it is saving the government from itself and saving the people of Victoria from being sold out again. The government really is a disgrace.

It surprises me that the representative of the Geelong Green Alliance supports our stand on this issue. I congratulate him. It was an important thing for Mr Mackenzie to do because he will obviously go back to Geelong and try to convince the people of Geelong that they should vote for him. However, the Liberal Party received a magnificent response at its State council meeting in Geelong last weekend. Mr Mackenzie does not need to crawl to the people of Geelong because he has no hope: the people of Geelong gave us a great reception.

It is essential that the opposition says no to this Bill at this time. The opposition does not want another Willsmere or Hotel Windsor, which were sold on the whim of the government to try to get in a few extra dollars, possibly to pay public servants for the week that followed.

The government is world renowned for its fire sales. I am sure Mr Kennan, the Minister for Major Projects in another place, who is overseas at the moment, has probably already come up with a deal to try to flog off this block of land. We hear talk about lead time and statements that it will not have to be sold until 1992, but you can bet your life that if the opposition agreed to this Bill tonight Jim Kennan would send a fax saying, "Well done, you got that Bill through the House, and I have sold it at a record low price". He will probably go down in the record books as the man who sold the Prince Henry's Hospital site at the cheapest possible price. He will probably give it away in some sort of deal to get a casino or something else.

Hon. W. A. Landeryou — Do you want a new headquarters?

Hon. K. M. SMITH — At least we know how to make a decent deal, Mr Landeryou, and make a few quid out of it — better than the Labor Party that lost $38 billion. Congratulations to you for being one of the group that did it!

Honourable members interjecting.

Hon. K. M. SMITH — The opposition is proud to say that it will not allow the Bill to go through. I am pleased that Mr Mackenzie supports us because his doing so will give the government a proper routing.

The PRESIDENT — Order! Honourable members will have noted in the second-reading speech on this Bill that reasons were given for amending the Constitution, so it requires an absolute majority.

I understand that whatever the decision now a division will be required, so I do not propose to invite honourable members to stand in their places but will simply put the matter to a division. The division itself will determine whether or not an absolute majority exists. The question is:

That this Bill be now read a second time.

House divided on motion:

Ayes, 16

Coxsedge, Mrs	McLean, Mrs (*Teller*)
Crawford, Mr	Mier, Mr
Davidson, Mr	Pullen, Mr
Henshaw, Mr	Sgro, Mr (*Teller*)
Hogg, Mrs	Theophanous, Mr
Ives, Mr	Van Buren, Mr
Kokocinski, Ms	Walker, Mr
Lyster, Mrs	White, Mr

Noes, 23

Ashman, Mr (*Teller*)	Hallam, Mr
Baxter, Mr	Knowles, Mr
Best, Mr	Lawson, Mr
Birrell, Mr	Long, Mr
Chamberlain, Mr (*Teller*)	Mackenzie, Mr
Connard, Mr	Macey, Mr
Cox, Mr	Miles, Mr
Craige, Mr	Smith, Mr
de Fegely, Mr	Storey, Mr
Evans, Mr	Tehan, Mrs
Guest, Mr	Wright, Mr
Hall, Mr	

Pairs

Kennedy, Mr	Skeggs, Mr
Landeryou, Mr	Varty, Mrs

Motion negatived.

ABORIGINAL LAND (TRANSFER) BILL

Order of the Day read for resumption of debate.

The PRESIDENT — Order! When this matter was last before the House I indicated there was a strong prima facie case that the matter could not proceed because of the same question rule set out in Standing Order No. 99.

I did not rule finally, but I invited honourable members on both sides of the House to prepare any arguments they wished before I finally ruled. I now call the Minister for Ethnic, Municipal and Community Affairs.

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — Mr President, there are two questions that should be analysed and considered before you finally rule on this matter. The first concerns the replacement of land for open space for the 1.7 hectares of the proposed cultural centre. In addition to the 3500 square metres at the former Richmond technical and further education centre site, Richmond City Council has accepted a change in the current reservation on the land known as the Richmond abattoir site to municipal and open space purposes.

Following a meeting with representatives from the Department of Conservation and Environment it is also acknowledged that this offer will allow the City of Richmond to pursue initiatives that not only provide replacement open space but also provide a source of revenue generation.

Richmond City Council has made clear that it is not pursuing metre for metre open space replacement and that the abattoir site will not be used entirely for open space. Any arrangements agreed upon by the government and the City of Richmond will be for the benefit of the local Richmond community. I trust that satisfies some of the concerns expressed about the replacement of land.

Regarding the funding for the cultural centre, which was a substantial concern, and a concern not addressed in the second-reading speech, the planning and development consultants prepared plans for the centre and $28 000 was set aside for those plans with approximately $20 000 being used. A brochure is available which sets out the design of the centre. Approximately $100 000 will be set aside from the grants program of the Office of Aboriginal Affairs this year to bring the plans up to design stage. The end cost is estimated to be $2.25 million. That is less fittings and furniture. This has been thoroughly costed by Currie and Brown, Cameron and Middleton, quantity surveyors, so I am sure the figures are accurate.

Funding is shared between the State and Commonwealth governments. The regional council of the Aboriginal and Torres Strait Islander Commission has passed a motion of support for the Richmond project subject to the land being available.

When the Federal Minister for Aboriginal Affairs, the Honourable Robert Tickner, visited Parliament House he spoke publicly in support of the project. This is, however, conditional on the land being available.

I have sought as much information as I can to satisfy the concerns uppermost in the minds of honourable members. I hope the provision of this further information fills the gaps in a less than adequate second-reading speech.

Hon. B. A. CHAMBERLAIN (Western) — As the Minister said, when a similar Bill was previously before the House it was negatived. There were two basic reasons for the position of the opposition. Firstly, no suitable replacement public open space was provided for the land that is the subject of the Bill. That is still the case. A site has been offered — an old abattoir site — which, according to the information available to us, has severe pollution problems. In our view it does not meet our criteria as suitable replacement public open space. Tonight the Minister has conveyed some information about comments from the City of Richmond — that is the first I have heard of it. If the government wanted to pursue that matter I should have thought it would make that information available to us.

The second issue of concern to the opposition is the funding for the centre. The funding that was provided was a token effort. An assurance has been given by the Minister but there is still no guarantee that funding will be available. Funding has been provided for consultants, who have done some work, but there are clearly no guarantees that the opposition's fundamental concerns about replacement open space and funding will be met.

Some weeks ago I heard the Federal Minister for Aboriginal Affairs, Robert Tickner, speak in Queen's Hall but in my view he made no commitment about funding from the Commonwealth. The issue is still unresolved.

We believe a ruling on the question, based upon the rationale provided in your initial ruling, Mr President, and the response by the government, leaves the opposition in a position where its fundamental concerns have not been satisfied — unlike the situation in regard to the year and a day rule where our reason for deferring the debate was that we were awaiting a report of the Law Reform Commission, which was made available and our concerns were dealt with.

I respectfully suggest that you, Mr President, should rule that the same question rule is appropriate to apply in this case.

The PRESIDENT — Order! It is unusual for the House to deal with two measures in a week where the same-question rule is a relevant consideration. This measure was before the House on Thursday, 6 June, which was in the same session but in a different sitting period. No-one has denied that the substance of the measure is identical with that negatived on 6 June last. Therefore the same-question rule is clearly relevant and the onus falls upon the government to demonstrate that there are changes in the circumstances to justify the non-application of the rule.

For example, those changes could occur in circumstances where the grounds for objection raised by the opposition were fully met. Although this measure has much in common with the matter dealt with earlier today in relation to the Land (Prince Henry's Hospital) Bill, there are also real differences. In the case of the former, strenuous efforts were made by the government to meet the objections of the opposition and the facts of those endeavours were fully set out in the second-reading speech. In this case, however, the Bill was presented again by the government, as said by the Minister in the second-reading speech on the Bill, ostensibly:

> ... to provide another opportunity for the opposition to demonstrate its support for Aboriginal people ...

With the greatest respect, that cannot be done. To simply present any matter again in an endeavour to judge the opposition's support or otherwise when the issue has already been canvassed and dealt with is not permitted. For that reason the same-question rule exists, to ensure that matters are not reiterated unless there is good reason.

The two reasons for refusal on the last occasion were: firstly, although there had been negotiations behind the scenes, insufficient replacement land was provided for the public open space and parkland to be transferred; and, secondly, no guarantees had been given on the funding for the proposed Aboriginal centre. It is clear from what we have heard that those remain the facts.

The opposition is not satisfied on either of those points and in those circumstances the government has certainly not satisfied the onus of showing any change in circumstances. Indeed from the second-reading speech it appears that the contrary is the case and that the reasons for the matter being brought forward again had no relation to any change in circumstances. In those circumstances I find that the same-question rule applies, and I direct that the matter be dropped from the Notice Paper.

CRIMES (CONFISCATION OF PROFITS) (AMENDMENT) BILL

Second reading

Hon. M. A. LYSTER (Minister for Health) — I move:

> That this Bill be now read a second time.

This Bill makes a number of significant amendments to the Crimes (Confiscation of Profits) Act 1986, which will enhance the effectiveness of that legislation in the fight against major crime, and in particular drug offences and white-collar crime.

In 1986 all States and the Commonwealth agreed to introduce legislation providing for the confiscation of the proceeds of crime. The move followed a number of Royal Commissions into organised crime which focused attention on the profits made from criminal activity and the increasingly sophisticated devices used to conceal those profits. With the Crimes (Confiscation of Profits) Act 1986 Victoria was one of the first States to enact legislation implementing the agreement.

Since 1986 the remaining States — except Tasmania — and the Commonwealth have passed proceeds of crime legislation. Each new enactment has generally contained significant new features and refinements, pointing to the need to keep this rapidly developing area of law under constant review.

In 1988 the Director of Public Prosecutions was asked to convene a working party to review the operation of the Victorian Act in the context of drug prosecutions. That working party, chaired by Peter

Faris, QC, undertook an extensive examination of the Act.

An issues paper published by the working party in 1990 made three important general observations about the operation of the legislation. Firstly, it found that confiscation applications are frequently resisted with considerable vigour. That experience tends to confirm the belief that the greatest fear of major criminals is not imprisonment but rather that the profits of their criminality will not remain salted away and available to them on their release.

The second observation was that generally courts take a restrictive approach to the interpretation of confiscation legislation. The courts recognise that although confiscation legislation is a powerful tool in the hands of law enforcement agencies, potentially it is an oppressive one as well. The need to ensure confiscation legislation is effective must be balanced against considerations of fairness and justice, which are basic to our legal system.

The working party's third observation was that in the eyes of those charged with administering the legislation, some of its procedures are unduly cumbersome and some of its substantive requirements are unrealistically strict.

These observations underpin a range of recommendations made by the working party for amendment of the Victorian Act and for review of the procedures and functions carried out by a range of agencies pursuant to that Act. The issues paper has been circulated for comment to criminal justice agencies, the courts, legal groups, the banking and finance industry and academic commentators. In particular, that process has disclosed a clear need to keep this legislation under review at a national level, so the fight against organised crime is not hindered by inconsistent laws and uncoordinated law enforcement strategies. Accordingly, the Attorney-General intends to keep the issue of uniform confiscation law on the agenda of the Standing Committee of Attorneys-General.

The present Bill contains a series of amendments drawn from the recommendations contained in the working party's discussion paper and comments made in response to it. Many of those proposals adopt features of more recent confiscation legislation in other States and in the Commonwealth. However, the Bill does not incorporate several proposals which the government believes would involve a substantial erosion of some of the fundamental principles of the criminal law. These include proposals to abrogate the privilege against self-incrimination in the context of restraining orders, and the creation of a reverse onus presumption in relation to certain serious offences. Under the latter, all property which had come into the person's possession in the five or six years before conviction would be presumed to be the proceeds of crime, unless the person satisfied the court to the contrary. The Act presently contains provisions which allow the court to make assumptions about the benefits derived from an offence by looking at the change in a person's asset position from before to after the commission of the offence. Accordingly, the government remains to be convinced that such a drastic change is warranted but will nevertheless continue to monitor the Act to assess the need for such a provision.

I will highlight the major changes made by the Bill.

LEGAL COSTS

The Bill establishes a new procedure for meeting the legal expenses of persons whose assets have been restrained. Presently the court can order funds to be released from the restrained property to meet defence costs. In a number of cases large amounts have been expended on prolonged committal proceedings, which means not only that no funds are available to satisfy a confiscation order but also that legal aid must pick up the bill for the subsequent trial.

The effect of the new provision is that if a person becomes qualified for legal aid because a restraining order prevents him or her having access to restrained property, the Legal Aid Commission can secure against the restrained property any contribution it requires the peron to make to the cost of providing assistance. Where a confiscation order is subsequently made, the Legal Aid Commission can recover its costs from the proceeds of the order. The government believes that provision strikes a balance between the right of an accused person to have legal representation and the need to prevent legal costs being used to put ill-gotten gain out of reach of the law.

TRACING TAINTED PROPERTY

Clause 27 inserts into the Act new property tracking provisions that confer wide-ranging powers on police to gain access to documents relevant to following the money trail and tracing tainted property. Those orders are available to Commonwealth and other State law enforcement agencies.

The Supreme Court will be given the power to make several types of order:

production orders — directing a person who has property tracking documents in his or her possession to produce them to the police or, alternatively, to make them available for inspection by police;

search powers — where it is inappropriate to seek a production order, either because property cannot be identified with sufficient particularity or because a production order is unlikely to be complied with or may prejudice effective law enforcement, a search warrant may be granted to search for and seize property tracking documents; and

monitoring orders — which require a financial institution to give information over specified periods of time to police about transactions conducted through accounts held by a particular person.

The Bill also adopts an effective control test which allows a court to look beyond property which is under the strict legal control of a person and to make orders in respect of property which, while legally in the possession of a third party, is in reality in the effective control of the defendant. The court will also be able to lift the corporate veil and look behind corporate structures, family relationships and trust arrangements which are being employed to obscure the true ownership or origins of property and protect that property from confiscation.

CASH TRANSACTIONS REPORTS

A major development in the fight against organised crime has been the establishment of the Cash Transactions Reports Agency under the Commonwealth Cash Transaction Reports Act. That Act requires financial institution and other cash dealers to provide the Cash Transactions Reports Agency with reports of transactions which may be relevant to the investigation of breaches of taxation or other Commonwealth laws. The Cash Transactions Reports Agency can pass that information on to law enforcement agencies, including State police forces. From the States' points of view the legislation has two shortcomings. Firstly, although the agency is empowered to distribute to State police forces information received from cash dealers, the Act provides no protection to a cash dealer who provides further information in response to follow-up requests from State police. Secondly, there is no obligation placed on cash dealers to provide information about suspected offences against State criminal law.

The Bill addresses both those issues. The provision that deals with the former implements a resolution of the Standing Committee of Attorneys-General, and the government anticipates that the provision dealing with the latter shortcoming will be a model for uniform legislation in other States.

SECTION 85(5) STATEMENT

I wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section of the Crimes (Confiscation of Profits) Act 1986 as proposed to be amended by this Bill.

Clause 27 of the Bill proposes to insert in the Act a new section 41P(7) that is intended to alter or vary section 85 of the Constitution Act 1975 to the extent necessary to prevent the bringing before the Supreme Court of an action, suit or proceeding of a kind referred to in that section. Proposed section 41P(7) provides that no action, suit or proceeding lies against a cash dealer or an officer, employee or agent of the cash dealer in relation to any action by the cash dealer or person taken under proposed section 41P or taken in the mistaken belief that it was required to be taken by that proposed section. Section 41P requires cash dealers to provide certain information to the Cash Transactions Reports Agency concerning transactions in accounts held by a person with the cash dealer that may be relevant to an investigation or prosecution of a State offence.

The reasons for preventing the bringing of proceedings against cash dealers who provide information as required by the section are as follows:

(a) without such protection, cash dealers who comply with the reporting obligations imposed by the section will be exposed to civil suits for breach of obligations, such as confidentiality, to customers or account holders;

(b) if cash dealers are not given such protection, the objective of the legislation of ensuring a flow of reliable information to law enforcement authorities would be defeated; and

(c) the section complements existing Commonwealth legislation. Section 41P(7) is in terms similar to the corresponding Commonwealth provision.

MONEY LAUNDERING

Another major initiative in the Bill is the creation of a money laundering offence. A person engages in money laundering if he or she engages in a transaction involving money or other property knowing or believing that it was derived or realised, directly or indirectly, from the commission of a serious offence.

PROFITS FROM MEDIA CONTRACTS

The Bill contains new provisions to ensure that benefits received by convicted persons as a result of the publication, by any of the media, of the story of their criminal exploits can be regarded as benefits arising as the result of the commission of the offence and subject to confiscation. These provisions nevertheless recognise that there may be circumstances where a person who has been convicted of an offence may legitimately derive a benefit from a publication dealing with that offence, and will allow a court to distinguish cases where the convicted person is simply cashing in on his or her criminal exploits from the situation where publication has some educational, rehabilitative or other worthwhile purpose.

CRIME PREVENTION AND VICTIMS AID FUND

Clause 16 establishes a Crime Prevention and Victims Aid Fund, into which will be paid a prescribed portion of moneys derived from non-drug related criminal confiscations. Moneys will be paid out of the fund for a range of purposes for the benefit of victims of crime and for the prevention and control of crime. At present such moneys are paid into general revenue while moneys derived from drug-related crime are paid into a similar fund established under the Drugs, Poisons and Controlled Substances Act 1981.

NEW RESTRAINING ORDER PROCEDURE

The provisions relating to restraining orders are recast in clause 17 of the Bill. The Director of Public Prosecutions working party identified a number of difficulties faced by law enforcement agencies in seeking to restrain assets of a person to ensure that money is available to satisfy any confiscation order that may subsequently be made. The new provisions adopt the approach taken in some other States, under which applications for restraining orders are made ex parte and may be dealt with in a closed court. This will minimise the risk of criminals being tipped off about imminent restraining order proceedings and hastily disposing of their assets. The test applied by the court is also made less stringent — once the court is satisfied that the defendant has been or is about to be charged and that a police officer has reasonable grounds to believe that if the defendant is convicted a confiscation order may be made, it will be able to make a restraining order.

CONFISCATION AND SENTENCING

A major area of uncertainty in relation to criminal confiscation has been the complex relationship between confiscation proceedings, compensation, restitution and sentencing. New provisions in this Bill make it clear that first priority is to be given to orders for compensation and restitution to the victim of a particular crime.

In terms of the relationship between sentencing and confiscation, there have been difficulties in reconciling confiscation proceedings with the various aims of the sentencing process.

In particular courts have on occasions been reluctant to make the confiscation orders where to do so would impose a punishment which under general sentencing principles might be regarded as disproportionate or unduly harsh. The Bill resolves that difficulty by providing that, where the effect of the confiscation order is to disgorge the profits gained from the offence, it is not to be taken into account when a sentence is being imposed. This is because in divesting offenders of ill-gotten gains the order simply restores them to the position they were in before the offence was committed. However where the order relates to previously owned property used in connection with the offence, or otherwise goes further than merely disgorging ill-gotten gains, the court will be able to take this into account in fixing sentence.

In addition to these major new initiatives the Bill contains a number of provisions which are intended to clarify areas of actual or potential uncertainty and to address procedural difficulties identified in the working party's discussion paper.

This package of amendments will enhance the effectiveness of the Crimes (Confiscation of Profits) Act and reduce the opportunity for pursuit of profitable criminal activity. It brings many aspects of the Victorian legislation into line with more recent legislation in other States and the Commonwealth, and introduces a number of important new weapons in the fight against organised crime.

I commend the Bill to the House.

Debate adjourned on motion of Hon. J. V. C. GUEST (Monash).

Debate adjourned until next day.

ALBURY-WODONGA AGREEMENT (AMENDMENT) BILL

Second reading

Debate resumed from 12 November; motion of Hon. D. R. WHITE (Minister for Manufacturing Industry Development).

Hon. W. R. BAXTER (North Eastern) — This legislation has been long awaited in more senses than one. We have waited a long time to get around to it today, and the people of Wodonga have waited a long time for it. The Bill arises from a review of the Albury-Wodonga Development Corporation that was completed more than two years ago. Among other things it recommended that the corporation be reconstituted. In fact that reconstitution took place some time ago and the legislation formalises the situation and is a result of amendment to the agreement, which was made in 1973, between the Commonwealth, New South Wales and Victorian governments. By and large it substitutes part-time chairmen and deputy chairmen for what were until recently full-time office holders in those positions.

I fully support that major change. Although the corporation has done excellent work since it came into existence, it has grown top heavy, lethargic and a little too comfortable in the way it has operated. I am not criticising the officers who held those positions. The outgoing and original chairman, Mr Gordon Craig, was an excellent officer.

As I have said before, the easygoing manner in which he, a public servant, accepted so many changes of Minister in such a short time and worked with so many policy changes, some of which were U-turns, speaks highly of his capacities and skills. The Chairman of the Albury-Wodonga (Victoria) Corporation, and deputy chairman of the corporation proper for many years, Mr Mel Read, was similarly skilled. I pay tribute to both gentlemen for the work they did for Albury-Wodonga over their long years of tenure.

I note that the change leads to the separation of the offices of chief executive and chairman. Mr Craig held both positions. It is wise that they be separated, as they are now. Mr Ron Dennis is the full-time chief executive and the part-time chairman is Miss Angela Munro. It is the opposition's view that that sort of scenario should apply in most government organisations and statutory authorities. Certainly the opposition would move that way in government in many areas — for example, in the Port of Melbourne Authority.

I have been associated with the Albury-Wodonga Development Corporation from its very beginning. I attended the famous meeting in the Travel Lodge Motel in Dean Street, Albury, in January 1974, which was also attended by the then Prime Minister of Australia, Gough Whitlam, the Premier of New South Wales, Sir Robert Askin, and the Premier of Victoria, Sir Rupert Hamer, and their respective Ministers for decentralisation and development. In the case of the Commonwealth it was the Honourable Tom Uren, for New South Wales it was Sir John Fuller, and for Victoria it was that well-known former member of this place, the Honourable Murray Byrne.

I subsequently appeared on a number of platforms with Mr Byrne as we jointly defended the actions of the corporation. I remember a particularly fiery meeting in Galvin Hall at the Wodonga High School on 10 October 1974 when the issue of land acquisition by the corporation was under a good deal of public criticism.

It is interesting to look back and, with the benefit of hindsight, wonder how a decision that envisaged the acquisition of such vast areas of land was ever reached in the first place. Looking through my files I came across a map which was produced at the time and which outlined the designated area, which went as far down the river as Corowa, over to Myrtleford and across to the east of Tallangatta. It is difficult to understand how we could have considered that the land in that area would come within the ambit of planning for Albury-Wodonga. It was envisioned, particularly by Mr Whitlam and Mr Uren, that they would build a new Utopia in Albury-Wodonga, and this vast area was roped into the planning.

I well remember the debates about what area of land should be acquired by the corporation and the argument about whether any land, other than that required for urban development immediately within the area, ought to be acquired. I remind the House that farms were bought some 50 to 60 kilometres from Albury-Wodonga and looking back on it I see that it was fanciful to believe it would ever have

been needed for urban development in Albury-Wodonga.

I place these remarks on the record because it is worth noting that at the time members of Parliament and citizens of the area were making it perfectly clear that the plans were far too ambitious.

In a letter dated 19 June 1975 to the then Premier, Mr Hamer, a former Leader of the Country Party in this Chamber and local member in the area, the Honourable Ivan Swinburne, said:

> Re: Sale of land to the Albury-Wodonga Corporation within the designated area not required for urban development, and the peripheral towns.
>
> On Wednesday 4 June I rang you regarding your statement as quoted in the *Border Morning Mail* of Saturday 31 May 1975, strongly opposing the purchase of these lands by the corporation. You were good enough to send over to me a copy of your letter to the *Border Morning Mail* of 2 June explaining your previous statements of the meeting of the Wodonga Landholders Association.
>
> Having studied this, I am still concerned with the matter I raised with you on the telephone; this was that these lands should not be purchased by the corporation; however, you state in your letter to the *Border Morning Mail* "only the land required for urban development will be acquired unless, of course, an owner comes along and wants to sell to the corporation himself voluntarily".
>
> As you will remember I very strongly opposed the right of the corporation to buy any of this land and I still do, as I consider the corporation should only deal with the land required for the development of the complex, and as you rightly have said on several occasions, we should not spend money buying land not required.

How right Mr Swinburne proved to be! Unfortunately some millions of dollars were spent on buying land willy-nilly in the area, and I do not ascribe any particular criticism to those who made that decision. It was a vexed question at the time, as I well recall, and a number of people took up Mr Hamer's invitation to come in and deal with the corporation if they wanted to sell.

Some did, and the corporation ended up owning bits and pieces of land all over the designated area but, oddly enough, not owning the land where it wanted to start the urban development because, as luck would have it, those particular landowners were the most reluctant to sell, and two of the properties were subsequently acquired compulsorily, which led to all sorts of nasty accusations flying back and forth, and some fairly hefty legal fees being incurred on both sides.

The way it developed was a somewhat unfortunate turn of events, but that is in the past and the corporation now has the task of selling off much of the surplus land purchased at the time.

I see as one of the major tasks of the reconstituted corporation the disposal of that land, returning it to farmers who are now perhaps leasing it, and thereby restoring the incentive of private ownership to keep that land in good and proper condition.

It ought to be noted that the Wodonga side of the equation has benefited most from the activities of the corporation. There has been tremendous development in Wodonga since the corporation came into being — not all, of course, to be attributed to the activities of the corporation.

Wodonga was certainly set to grow but the growth has been encouraged, supported and quickened immeasurably by the activities of the corporation and the focus the corporation was able to give to Wodonga.

I often ask people to think back on what Wodonga was like in the mid-1970s. It is difficult to contemplate now that in those days the saleyards were located plumb square in the middle of Wodonga. People forget about that now. It is only about twelve years since the yards were shifted out to Bandiana. That shift was not entirely at the behest of the corporation but it was assisted by the corporation.

In recent times some attractive residential development has taken place in Wodonga, particularly in Willow Rise, Fell Timber Creek, and Huon Creek Road — again, not entirely as a result of the corporation's activity, but nevertheless ably assisted by it. The corporation brought skills to the area that may not have been there otherwise, particularly in town planning and the application of modern concepts.

Industry, too, has improved immeasurably and been enhanced by the corporation's selling of Albury-Wodonga as a good place for industry to locate, particularly in the region of Maloney Drive, Wodonga.

A number of industries owe their origin in Wodonga to encouragement from the corporation. It has added considerably to employment prospects of citizens of Wodonga, and I remind the House that Wodonga has increased from a population of about 8000 in 1972 to almost 28 000 citizens now.

The commercial heart of Wodonga is probably an area of Wodonga yet to be improved as much as residential areas, and some people who drive through the town and see only the commercial area do not realise how much progress has been made elsewhere in the town. The commercial area is improving considerably as well, and the council is doing an excellent job.

Provided that in the relatively near future we can dispose of the railway level crossing which mars the main street, the commercial heart is set for considerable development and growth as well.

In addition it ought to be noted that in the early days of the corporation, although it brought bold new initiatives in town planning, the concepts that were attempted have not proved entirely successful. A town planner from the United Kingdom, Mr David Winterbottom, was employed. I have no doubt he was a very skilled practitioner, but he brought with him the concepts that had been developed in the United Kingdom on "new towns" and particularly had in mind Milton Keynes, Welwyn Garden City and Peterborough. Although those initiatives have succeeded in the United Kingdom — and I visited each of those towns when I went to the United Kingdom shortly after the corporation was established in Albury-Wodonga specifically to look at those developments — the attempt in Albury-Wodonga to introduce new towns such as Thurgoona and Baranduda based on the United Kingdom model has been less than successful.

They have not become self-generating as quickly as one might have thought and it is clear that incremental growth to Albury-Wodonga may have been more successful than trying to establish greenfield sites.

Thurgoona has limped along to some extent, although it is becoming self-generating now. Baranduda is yet to reach the self-generating stage and is requiring a good deal of pushing to get it under way, and the consequence has been that a degree of infrastructure expenditure on the provision of services such as roads, sewerage, water, power and the like has not generated any return on that investment for a number of years.

Last Sunday week I had the pleasure of attending the opening of a new community centre at Baranduda that was developed by the corporation at a cost of some $750 000 — a tremendous asset and benefit for the people of Baranduda.

Many other towns in the electorate I represent would dearly love such an edifice built for them without any direct cost to them, and it was pointed out to me by one of the current deputy chairmen of the corporation — and I put it on the record — that it was a decision of the former board, not the current board, to make that expenditure. It needs to be noted that some people in Albury-Wodonga have failed to appreciate the tremendous benefits the corporation has brought to them, and that is one example.

The role of the corporation in the future is the disposal of the surplus land that was bought, attracting industry and being the driving force in getting industry into Albury-Wodonga.

The corporation cannot do it on its own; it will need governments at all levels to provide incentives and assistance. The Federal government certainly has a role to play. It needs to offer some sort of investment allowances for new machinery and techniques for new industries established on greenfield sites in Albury-Wodonga.

The State government also needs to consider providing some sort of tax holidays by way of reductions in payroll tax and the like for new industries being established not only in Albury-Wodonga but in other areas. Some incentives might need to be given. Local government also needs to consider carefully the sorts of incentives it can provide by way of rate holidays and the like for industries in their initial years of establishment.

The Albury-Wodonga Development Corporation could have as its future aim, along with the land disposal program, the attraction of industry to the region. This clearly goes to the issue of the costs of centralisation in Melbourne. Our society should be encouraging the growth of industry outside Melbourne and curbing the urban sprawl.

To that end, I pose an interesting question. I am intrigued as to how the Urban Land Authority can be offering serviced blocks of land on the outskirts of Melbourne at cheaper prices than blocks can be offered by the Albury-Wodonga Development Corporation, which is doing so on a commercial basis. I suspect the Urban Land Authority is

receiving a considerable subsidy to enable it to offer blocks of land at the prices it does. I wonder about the soundness of that when one takes into account the costs of centralisation that will have to be borne forever and a day for developments on the outskirts of Melbourne.

I hope that once the Bill becomes law not too much time will pass before the Deputy Chairman of the Albury-Wodonga Development Corporation and the Chairman of the Albury-Wodonga (Victoria) Corporation can be a local Wodonga person rather than a public servant who has to travel to the region from Melbourne. That is not a criticism of the incumbent; he has done an excellent job. However, the office should be held by someone whose background and heart and future are in Wodonga. I invite the Minister for Manufacturing and Industry Development to consider how he will go about attracting such a person, whether by calling for expressions of interest or some other means that he might employ.

The other important aspect of the Bill is returning planning powers to the municipal councils. Almost since the corporation was formed and became a planning authority for most of the region, this has been a vexed issue in Albury-Wodonga. It is high time the planning powers were returned to local government. The matter has been canvassed extensively.

Some time ago a regional committee was formed and a regional plan has been undertaken. Some misgivings have been expressed and there has been some competition between the various municipal councils. However, by and large enough goodwill exists between and within the municipalities to allow matters to be canvassed more widely if that is appropriate. The people of the area and their elected officials are sufficiently sophisticated and well enough equipped for honourable members to have faith in their capacities to address planning issues on a logical and regional basis rather than on a purely parochial basis as might sometimes seem to be suggested by particular demands. I look forward to the planning powers being returned to the local councils. They have waited a long time for their due.

I hope the Bill is proclaimed as quickly as possible. I understand both the Commonwealth and New South Wales have already passed similar legislation and Victoria was not able to do so because of the way its legislation is structured. To some extent, Victoria is the last cab off the rank. I was wondering why the Bill was so long in coming forward, hence my question to the Minister for Manufacturing and Industry Development three weeks ago. I hope our colleagues in the Assembly can pass the Bill next Tuesday and it can come into effect before the year is out.

Motion agreed to.

Read second time.

Third reading

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — By leave, I move:

That this Bill be now read a third time.

In moving that this Bill — the first Bill of the day to be passed — be read a third time, I indicate in response to Mr Baxter's question that following the passing of the legislation the position will be advertised. Obviously the government looks forward to finding a suitable local person.

Motion agreed to.

Read third time.

VICTORIA UNIVERSITY OF TECHNOLOGY (AMENDMENT) BILL

Second reading

Debate resumed from 14 November; motion of Hon. B. T. PULLEN (Minister for Education and Training).

Hon. HADDON STOREY (East Yarra) — The Victoria University of Technology (Amendment) Bill is small but important because it signals the effects of the government's discredited policy on the amalgamation of universities and other institutions of higher education. The government has adopted supinely the policy of the Federal government by which higher education institutions are merged into large mega-universities, reduced in number, and all put into positions where they will be subject to government control.

As part of that policy, honourable members have seen Bill after Bill introduced into this House by which higher education institutions have been merged with others in one form or another. It is tragic that this process has been adopted because it has led to amalgamations based on no good educational reasons. Rather they have been effected

so that institutions could bring themselves within the Commonwealth guidelines and have access to the uniform national system.

Part of the process led to the proposal to create the Victoria University of Technology (VUT). The Royal Melbourne Institute of Technology (RMIT), Footscray Institute of Technology and the Western Institute were to be brought together within one institution under the name of the Victoria University of Technology. When the legislation came before the House, the coalition agreed to it. Members of the coalition took the view that the three institutions had decided this was the way they should go. Although we had reservations about the Federal and State government policies and expressed them at the time, we wished the VUT well. However, we said that it had been born in unpropitious circumstances. We said also that it was being created because of pressure applied by the government to institutions to enter into such an arrangement.

Regrettably, the proposed arrangement broke down. RMIT has withdrawn from the VUT. Now the rather ironic situation exists in which the former Footscray Institute of Technology and the Western Institute are the only component parts of the VUT and bear the title of "university".

Hon. G. A. Sgro — And what is wrong with that?

Hon. HADDON STOREY — RMIT stands alone and does not bear the title of "university". Mr Sgro asks me what is wrong with that. If he had listened, he would have noted that I was drawing a comparison between the status of the two institutions. I was not in any way denigrating the VUT or, of course, RMIT.

Why does one body bear the title of university and the other does not? It is because of the government's ineptness in handling the whole process. The Minister for Education and Training has gone along with the Commonwealth in penalising the Royal Melbourne Institute of Technology for withdrawing from the university. The RMIT has been deprived of capital funds that are absolutely essential if it is to continue to provide the standard of higher education it has provided for many years in this State.

The opposition still wishes the Victoria University of Technology well. On the one hand, it has been weakened by the withdrawal of RMIT in some aspects because it does not have the student load, experience and history of RMIT. On the other hand, it may be good for the VUT to develop its own ethos and its own approaches to providing all the services of a university. Perhaps it will develop differently from the way it may have developed in association with RMIT. In years to come we hope it will be an outstanding institution with all the characteristics associated with outstanding universities.

Of course it is early days. The VUT needs to develop its research facilities. It needs to develop its standing with the courses it provides and the way it offers educational services. The opposition wishes it well. At the same time it believes RMIT should be treated as a prominent and worthwhile higher education institution and it should be assisted by the government to the maximum extent possible.

The Bill introduces some consequential amendments that must be made to the Victoria University of Technology Act as a result of RMIT's withdrawal from the VUT. The Bill provides for certain of the real estate that would have remained in the name of the Victoria University of Technology under the principal Act to be the real estate of RMIT. The real estate needs to be apportioned to the institution after the break-up with the VUT.

The coalition supports the Bill because it recognises that the amendments are a necessary consequence of the withdrawal of RMIT from the VUT. However, in supporting the Bill I reflect on the fact that it should not have been necessary. We should not have gone through a process that led to the formation of an institution and later the break-up of the institution into two parts, with the consequence that this Bill is necessary. The coalition supports the Bill.

Hon. P. R. HALL (Gippsland) — I shall make a few brief remarks on the Bill and further indicate the support of the opposition parties for it .

The Victoria University of Technology (VUT) was established in June 1990 and became Victoria's fifth university. The VUT was created with the amalgamation of three places of higher education, predominantly in the western suburbs of Melbourne: the Royal Melbourne Institute of Technology (RMIT), the Footscray Institute of Technology and the Western Institute.

In debate on the Victoria University of Technology Bill it was clearly expounded by members of the opposition that they supported the merger of the three institutions and generally wished the new VUT well with its future. As an indication of our support and interest in the VUT the opposition

parties moved amendments to ensure that each of the Labor, Liberal and National parties was represented on the new university council. By moving the amendments we demonstrated that we had an interest in the VUT and that we wanted to see it fostered and grow over the years by having our representatives on the council to keep us informed of its progress.

Section 52 of the Victoria University of Technology Act sets out the process that a council of any of the three merging institutions might adopt if it wished to withdraw from the amalgamation agreement. Unfortunately RMIT has taken the view that the best interests of its students and staff would be served by not pursuing a partnership with the other two institutions. That is regrettable. The opposition had hoped the three institutions could make a go of the new university status, and certainly the VUT would have been enhanced had RMIT remained part of it. Unfortunately, that is not the case and the RMIT council has decided to withdraw from the agreement.

As Mr Storey explained, the Bill is relatively simple. It provides for the return to RMIT of land previously owned by RMIT which was vested in the name of VUT. Although the breakdown between the institutions is regrettable — and I say that with full sincerity — it does not mean that each of the institutions, RMIT and VUT, cannot continue to develop and grow in its own right. I am sure they will do so.

RMIT is now a stand-alone institution in this State, but it has world recognition for the courses it offers and it will continue to go from strength to strength. RMIT is worthy of university status in its own right, and perhaps one day the government of Victoria will consider granting it that recognition.

The VUT is also growing rapidly. Although it is less than eighteen months old, I have been impressed with the personnel and senior administrators at the university. I have met them on various occasions and believe they are fine people with wonderful visions for the university. With people of that calibre at the helm I am sure the VUT will continue to develop and grow. I sincerely hope it achieves that end. There is a lot of work to be done but the people associated with the university recognise that the potential is there.

Although I regret that the merger of the three institutions will not proceed I am sure both remaining institutions will become important places for higher education in the State of Victoria in their own right. I am happy to give my support and that of my colleagues to the proposed legislation.

Hon. ROBERT LAWSON (Higinbotham) — There is an old dictum, "If a thing works don't fix it", but apparently the Federal Minister for Employment, Education and Training, Mr Dawkins, has never heard of it. As I have said in other debates, Mr Dawkins seems to be in his Frankenstein mode.

Honourable members will recall the story of Frankenstein. He was the student who set to work making a monster out of disparate parts. According to the story he was not able to make a soul for his creation so it went bad and eventually destroyed him. Unfortunately we cannot look for any such happy outcome for Mr Dawkins.

In this case one of his monsters has fallen apart. The Royal Melbourne Institute of Technology did not want to be part of this new university. The opposition has no quarrel with RMIT going its own separate way and wishes it well.

I wonder what other monsters Mr Dawkins has created that will eventually fall apart because the disparate parts can no longer stay in an unnatural union. The Royal Melbourne Institute of Technology was informed there would be no reprisals, but it is still suffering the effects of Ministerial wrath by not being granted funding for the extension of its student accommodation. Funding has not been provided for the extension of its premises since 1975. It is not likely to get any under present circumstances, even though it is one of the largest tertiary institutions in Victoria. It has 32 000 students, of which 14 000 are in higher education and 18 000 in technical and further education.

The RMIT did not want to be subsumed by the Victoria University of Technology for good reason: it is a stand-alone university. I have been informed by the honourable member for Dromana that RMIT has applied to become allied to the Phillip Institute of Technology to enable it to break down the government's objection to the establishment of one more university in Victoria. The government has decided to limit the number of universities to five. I do not know the reason for the magical figure of five, because there could be a sixth or seventh university.

Thousands of students are unable to obtain places in Victoria's universities. Last year 9000 students who

qualified could not obtain admission to tertiary institutions.

We are selling Victoria short and disadvantaging young people. Funding that is being denied to RMIT could be spent in increasing places and enlarging the institute to satisfy the longings of the young people who want tertiary education.

I draw a parallel with the Philippines and Singapore. In the Philippines millions of landless peasants cannot make a living, yet in Singapore where there is no land available the population is as wealthy as any in the world. Singapore has an educated population and is one of the wealthiest nations in the world, yet despite the natural resources of the Philippines its people are starving because they have never been educated.

We are selling the 9000 young people short. What will they do? Nobody knows. Tertiary education is vital to the future of Australia, which is not doing as well as it should because its young people lack education. If it is necessary to build a sixth or seventh university, the funds should be made available. When the coalition becomes the government it will look at such a possibility.

Motion agreed to.

Read second time.

Passed remaining stages.

TRANSPORT (CAR POOLING) BILL

Second reading

Debate resumed from 15 May; motion of Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs).

Hon. W. R. BAXTER (North Eastern) — The Transport (Car Pooling) Bill was dealt with in another place in the autumn sessional period. At that time the opposition expressed concern, and a number of amendments were made which went a long way to meeting its concerns. The number of passengers who could be carried in a vehicle under car pooling arrangements was reduced from eleven to seven. It was made clear by amendment that any car pooling arrangement could return to the owner only his or her running expenses and was not to involve a profit. That met the concerns of the bus and taxi industries. The Bill as originally drafted could have undermined their financial viability. That would have been unfair because those sections of the transport industry were highly regulated and had onerous conditions placed upon them while no conditions were being placed on car pooling arrangements.

The opposition was concerned with the concept of a car pool matching service. Because of negotiations between the government and the opposition the Bill has taken some time to be returned for debate.

The coalition has not reached agreement with the government, but its concerns have been addressed to some extent and it is prepared to allow the Bill to proceed.

Car pooling is a desirable objective. There are too many cars carrying only one passenger on our city roads, particularly during peak periods. As I travel by tram through Carlton to Parliament House early in the mornings the number of cars with only a driver never ceases to amaze me. The average occupancy of cars in the metropolitan area has dropped from 1.3 persons some years ago to 1.1 persons. We are going backwards. Car pooling should be encouraged.

I cannot help noticing a lack of confidence in public transport and there is no doubt that we need to encourage people to use it. Too many people regard it as unsafe, unclean and unreliable with many wildcat stoppages, graffiti covered stations and so on. There is no single answer to traffic congestion in Melbourne. People must be encouraged to use public transport, and for that to be successful it must be attractive to potential users.

Encouragement should also be offered to people to get together with their neighbours and share cars to travel to and from work. I find the reluctance on the part of suburban dwellers to do that rather strange. Coming from the country perhaps I am not into the psyche that exists in the suburbs. In a country area there is much more cooperation between people living in a locality than there appears to be in a city; perhaps it should be encouraged.

I noticed that in a press article earlier in the year the Minister for Transport suggested that priority lanes might be made available to people engaged in car pooling in the same way as priority lanes are provided for buses on some freeways. The Bill does not go into that issue and since the Minister made that suggestion — I am not sure whether it was an announcement or a passing comment — on 27 March nothing more has been heard of it.

Hon. Robert Lawson — A passing fancy.

Hon. W. R. BAXTER — I am sure it was, Mr Lawson. I should be interested to know the Minister's intentions in that regard. Clearly there is not much confidence in the government about the viability of car pooling because when a former Minister for Transport, Mr Crabb, was interviewed by the *Royal Auto* magazine in June 1990 and was asked a question about car pooling he was reported as saying:

> Yes, car pooling has a part to play there. I mean it's been moderately successful, but it's not all that relevant to Melbourne.

There seems to be a bit of a conflict within Cabinet. The Minister for Transport is promoting car pooling and his predecessor once or twice removed is saying in a public magazine that it is virtually a waste of time. I hope they get their act together before too much longer.

The matter that concerned the opposition most went to the issue of the vehicle matching service. This is a new and separate concept. It does not deal with a person who travels into town each day and who enters into an arrangement with somebody who lives down the street to take one car one day and the other car the next. That is simply an arrangement between two or three people living in the same locality and regularly travelling to roughly the same destination. It is certainly car pooling, and it is encouraged and facilitated by this Bill, which clears up some of the doubts that might previously have existed, especially in relation to insurance indemnities. The Bill deals with the prospect of a commercial vehicle matching service.

To establish such a service a person might advertise it in the newspaper, the local milk bar window or wherever is appropriate for people to register with the service and be put in touch with other people who might be interested in car pooling. I have grave doubts that such a business would ever be viable; nevertheless if people want to give it a go I would not stand in their way. What did concern me was the government's original view about the sort of conditions that would be imposed on a person who established such a business. The conditions were so onerous that they would discourage anyone from doing so. To enforce those conditions and to supervise them would have required an army of bureaucrats at the VIC ROADS head office at Denmark Street, Kew.

I shall give the House a couple of examples. A document supplied to me was headed, "General consent to the operation of vehicle pool matching services. Proposed conditions" and it set out the eligibility criteria, the registration of the service, how the service could be advertised, what charges would be levied and the information to be provided to clients, and then it set out the sorts of records to be kept:

> The owner of the service must retain for not less than two years a record of —
>
> (a) the name and particulars of persons registering with the service; and
>
> (b) the amounts paid by those persons; and
>
> (c) any refunds paid to those persons; and
>
> (d) the name and particulars of any other person who is introduced by the matching service to the first mentioned person; and
>
> (e) the declarations referred to in clause 5.

Clause 5 referred to the information for clients. Why on earth would VIC ROADS want all that sort of material assembled and kept? The document goes on to refer to the annual report:

> The owner of the service must provide a report to VIC ROADS on or before 31 July each year, setting out particulars of —
>
> (a) the number of persons who registered with the service as drivers or passengers in the preceding year ending 30 June; and
>
> (b) the total amount paid by those persons to the matching service; and
>
> (c) the total amount of refunds paid to those persons.

Again, why on earth did VIC ROADS need to know all that information? What use was it to be to VIC ROADS? How many people were needed to chase up all this information, collate it, analyse it and make sure it had all been put in in the first place, all for a nil result? That would be totally unproductive, and that was why the opposition was reluctant to allow the Bill to proceed and in fact said to the Minister in another place when the Bill was debated there that it was the opposition's intention to vote against clause 4, which went to the issue of a vehicle matching service.

In discussions and negotiations with the Ministry since that time we have been able substantially to reduce those onerous requirements and conditions so that the business about annual reports has been

deleted entirely. I am pleased the Minister has decided that that record keeping was absolutely superfluous and of no value to anyone. The records to be kept by the owner of the service have been truncated substantially, so he or she now needs to provide only the name and particulars of the person registering with the service and to state that he or she has supplied the relevant information as required by clause 5. That is much more acceptable to the opposition.

I say again I do not believe the Bill is the be-all and end-all for car pooling, although it will make it a little simpler and a little more attractive to people to put their heads together and come up with suitable local arrangements. I doubt the viability of a vehicle pooling matching service but there is no reason to stand in the way of anyone who wants to attempt it. Because of the negotiations the conditions are far less onerous than was originally contemplated and are therefore acceptable.

I wish the Bill well and look forward with interest to seeing whether it leads to any increase in the average occupancy of vehicles in the city of Melbourne.

Hon. G. B. ASHMAN (Boronia) — I support the Bill, but in doing so I question the need for a Bill to endorse car pooling. It is a practice that has been in existence for many years and seems to have worked successfully without legislation. As I understand it the minor problems with insurance coverage have been addressed.

I recall my own experience some 25 years ago when I was part of a car pooling group. At the time I lived in Boronia and, along with four other people from the district, was employed at General Motors-Holden's Ltd (GMH) in Dandenong. At that time the public transport system from Boronia to Dandenong did not exist.

So, rather than driving four vehicles for five days a week we entered into a car pooling arrangement. It was a very informal arrangement: we would toss a coin to see who drove each week, making sure that at the end of the month everyone had had a turn. It worked very well and we did not need legislation to put our car pool together. At GMH in those days probably 50 per cent of employees were involved in a car pooling arrangement of some sort — such was the public transport system at that time.

As Mr Baxter indicated, the community stands to benefit significantly if we can increase the level of car pooling and sharing in the metropolitan area. It should be obvious to anyone who drives to the city in peak hour that the vast majority of vehicles carry only the driver. That is wasteful of energy resources and road space. If we can increase the number of passengers per vehicle we will be contributing to a reduction in traffic congestion and energy consumption. A reduction in the number of vehicles on the road will also have a significant impact on the level of pollution in the inner metropolitan area.

These changes would also provide the government with a break that may allow it to address some of the traffic problems in inner suburban areas and catch up with urgently needed road construction and improvement programs.

The Bill attempts to make it easier to belong to a car pool. I suspect most car pooling arrangements will result from people putting a notice in the window of the local milk bar, talking to their neighbours, or some word-of-mouth system rather than through a formalised car pooling organisation. The viability of a business set up to arrange car pooling is questionable and it is in my opinion doubtful whether people would be prepared to pay for such a service. An informal system where people reach agreement to pay for fuel and parking costs, and make a contribution towards insurance and vehicle maintenance is admirable and should be encouraged.

Concerns have been expressed by the taxi industry and bus proprietors that if car pooling were to become an overnight success their business could be jeopardised. Some of the concerns expressed by the taxi industry may be legitimate. I think the situation they fear most is that car pooling will become a de facto taxi service. We need to provide the industry with an assurance that that will not be the case. If we find people are running de facto taxi services we must take steps to ensure that the practice ceases quickly.

I do not think the bus operators should be concerned about car pooling. Bus operations are quite different: bus proprietors run route services from point A to point B; it is not the sort of service that would be likely to suit the needs of people who would take part in a car pooling arrangement.

Car pooling will certainly not be a substitute for an efficient and effective public transport system but will contribute to the transport system in metropolitan areas. It is equally useful for people travelling from regional centres to Melbourne or to

other regional centres to avail themselves of this type of service.

Mr Baxter suggested that car pooling could be more successful in some regional areas than it would be in metropolitan Melbourne. That may be the case in country centres as communities are more closely knit and people have more knowledge of the trips that other people make. We need to encourage more community spirit in the metropolitan area which may lead to a greater understanding of what other people in the community are doing and so facilitate the efficient operation of car pooling systems.

I am concerned at the level of regulation for a car pooling business to be established. Mr Baxter has covered that issue in detail. The provisions to create a car pooling register appear to constitute something of a job creation scheme and I would be concerned if additional people in VIC ROADS were employed to control car pooling. I do not think that is necessary. A minimum of regulation and control is needed and it should be left to the broader community to make its own decisions about car pooling. I support the Bill.

Hon. R. A. MACKENZIE (Geelong) — This Bill deserves the support of every member of the House. Mr Baxter has taken us through the history of the Bill: it has been around for quite a while and the concerns of the opposition have been addressed in another place. The Bill has considerable merit.

We need to do more than pass legislation about car pooling. Anyone who has experienced the morning flow of traffic into the city from the suburbs will be appalled by the number of cars — often they are large cars — that carry only one person.

The transporting of a single person in a car with a 130-horsepower capacity is an enormous waste of energy, causes pollution and traffic congestion and poses an additional risk of accidents. It is in everyone's interest to attempt to reduce the number of cars travelling on the roads today, especially in large cities like Melbourne.

Geelong does not really have congestion problems and normally one can drive from one side of Geelong to the other without hold-ups. However, that does not mean that the people of Geelong should not also use car pooling — a high percentage of vehicles still carry only one person.

Unfortunately, statistics published earlier this year in the VIC ROADS Melbourne traffic study indicated that traffic congestion is getting worse despite car pooling. In 1981 the proportion of people travelling to work in cars containing one occupant was 63.2 per cent, but in 1986 that figure had risen to 67.1 per cent — a 3.9 per cent increase in only five years. The statistics also show that people travelling to work on trams, trains, buses or bikes or by walking decreased during the same period. That is a frightening trend.

Many people have no alternative but to use their own cars because they do not live near public transport and because of the growth of outer metropolitan suburbs. The statistics also show it is taking longer to get from one part of Melbourne to another and the increasing time of these journeys means more pollution.

Although I support the legislation I believe the government needs to do more than just legislate. Recently when I was in Sydney I travelled from the north side of Sydney to the city centre and noticed that on the three-lane road on which I was travelling the centre lane was a clearway, but only drivers that had three or more occupants in their cars could use it. It encourages people who want to get to work quickly to ensure they have at least three people in their cars.

I know Los Angeles has a similar rule for people who wish to cross one of the many bridges in that city. Drivers receive reductions in the toll for every additional person in their cars. There is a range of ways in which people can be encouraged to participate in car pooling. The community must face the harsh reality that it cannot go on being increasingly reliant on private motor cars as a means of transport.

Honourable members have mentioned a number of factors that are detrimental to the health of the city and the individuals who live in it. One report estimates that transport contributes 22 per cent of all greenhouse gas emissions to the atmosphere and that motor vehicles make up 81 per cent of transport greenhouse gases, but that public transport contributes only 4 per cent. The same report also indicates that the number of people journeying to work in motor vehicles is increasing by almost 5 per cent a year. That growth rate is alarming.

For workers living in the western and northern suburbs the creation of more jobs in the eastern and southern suburbs implies longer distance travel to work. Relocation closer to these jobs may be difficult because of the shortage of affordable housing in

these locations. The way in which the urban structure of the city has developed has created problems that have led to more car travel.

I support the proposed legislation, but again I ask the government to further examine ways in which more motorists will be encouraged to participate in car pooling to lessen the number of motor cars used on our roads; if that does not occur our society will continue down a frightening path where its reliance on motor cars increases by 5 per cent a year.

The Bill represents another step forward. I hope that further steps will be taken to encourage car pooling.

Hon. ROBERT LAWSON (Higinbotham) — We can judge the urgency that the government has applied to the passage of the Bill by the fact that it has been on the Notice Paper for six months! On 15 May the Minister for Ethnic, Municipal and Community Affairs presented the second-reading speech. At the conclusion of her speech Mr Baxter adjourned the debate, not for six months but until the next day. Of course nothing happened until tonight. There has been a long hiatus for reasons I do not understand.

Those who use a car pool to travel to work together are probably not aware that the debate on the Bill was adjourned, and I guarantee that 99.99 per cent do not know the Bill exists. If we pass the Bill tonight they will not know, and if they did they probably would not care.

Hon. R. A. Mackenzie — You could put out a press release.

Hon. ROBERT LAWSON — The pooling of vehicles by a number of people travelling in the same direction every day, to work and home again, is a sensible arrangement and it probably does not require any legislation except as protection in respect of insurance and the like.

We should applaud the Bill. In fact, the measure should have widespread implementation. I understand a number of residents in Gisborne have pooled their resources and obtained a bus to travel to the city and back each day. The Gisborne Shire Council has assisted them in this action. Various members of the group who employ the service have passed their bus driving tests and they take it in turns, week about, to drive the bus to town. They have a place to park the bus when they arrive; everyone goes to work and then meets again in the evening to take the bus home. That is a sensible idea and I do not know why the practice is not more widespread.

I understand the concerns of taxi drivers and the Bus Proprietors Association. They are worried that jeepney services will be established. Jeepneys are highly decorated vehicles found in Manila, which has no particular public transport. It does not have trains or trams and the people rely on motor transport. A number of enterprising people with highly decorated vehicles pick up anyone who hails them. Passengers jump in the back and away they go. They have no set routes. They pick up and put down where passengers choose. I understand that the taxi proprietors are concerned that a similar service will be established and so they are appealing to the government not to provide for the establishment of a similar service.

For the Bill to be effective the idea of car pooling must catch on, which will be the case if the government displays the same zeal in advertising the advantages as it has done with a number of other messages to the community.

Every night on television there is some message or another from the government about taking care on roads, not displaying violence towards women, and other admirable messages that should be absorbed. However, in view of what Mr Mackenzie said about pollution of the atmosphere, there should be some form of advertising to encourage car pooling.

The opposition certainly agrees with the Bill; it is an excellent idea for people to pool their vehicles. If that relieves congestion on the roads and reduces pollution in the atmosphere what could be better? However, the Bill will make little difference unless the government takes the next step and advertises the fact that people should pool their cars when travelling to and from work.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 and 2 agreed to.

Clause 3

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — I move:

Clause 3, page 2, line 33 omit '(ii) after "journey"' and insert 'after "journey" (where secondly occurring)'.

Amendment agreed to; amended clause agreed to; clause 4 agreed to.

Reported to House with amendment.

Third reading

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — I move:

That this Bill be now read a third time.

In so doing, I thank members of the opposition and Mr Mackenzie for their succinct and supportive comments.

Motion agreed to.

Read third time.

PORTARLINGTON LAND BILL

Order of the Day read for resumption of debate.

The PRESIDENT — Order! In the other place this Bill was declared to be a private Bill. The purpose of the Bill is to revoke the reservation of part of the land so that it can be sold or leased to or used by the owners of neighbouring residential land. I am also of the opinion that this is a private Bill.

Hon. B. T. PULLEN (Minister for Education and Training) — I move:

That this Bill be dealt with as a public Bill.

Motion agreed to.

Second reading

Debate resumed from 14 November; motion of Hon. B. T. PULLEN (Minister for Education and Training).

Hon. M. A. BIRRELL (East Yarra) — This small Bill affects only eight people but it is of some significance in its broader principle and I make it clear from the beginning that the opposition will not oppose the legislation.

It appears that from 1924 an error has been made that will affect eight property owners in Portarlington whose properties front The Esplanade on the foreshore. In simple terms this means that the eight property owners have illegally erected fences or buildings on Crown land. Indeed four of the eight properties have on them houses which are partially constructed over Crown land. One has been constructed to the stage of being a substantial portion of a home on land owned by the Crown.

This surveying error, as recorded in the *Geelong Advertiser* on 7 November 1991, could be very costly to the individual owners. My colleague in another place the honourable member for South Barwon has, as usual, been representing his local constituents very well on this issue and has implored the opposition in this House to ensure that these residents are treated fairly.

In debating this Bill the opposition wishes to send a message to the government that it should act in a reasonable and compassionate manner when dealing with the result of the legislation as it affects the eight residents.

This is probably too much of an historic issue now to apportion blame but under our legal system the property your title reflects is the property you own, and it is simply bad luck if you buy next door to where you intended without knowing it or if you build on Crown land and do not realise it. The bottom line is that the mistake cannot be remedied unless the title is remedied, and that will usually be at your expense. It turns out that in this case the people have built on Crown land, which is clearly illegal.

From their point of view this has the substantial commercial downside that they are not able to sell their properties in anything but a deficient manner. Given that in many of these cases the houses are built on Crown land the owners will not get a commercial return of any note for their properties. If you are cold and heartless you might say, "Bad luck, if these people had stepped out their properties and measured them properly they would have been aware that they had put their fences or their houses in the wrong spot".

Alternatively, you could point the finger at the local municipality and say it was incompetent for not warning the purchasers that the titles were incorrect.

Those remarks are a bit simplistic and glib because there was no real indication of the problem until recently, and almost 70 years has passed since the error was created.

In any event there is now a need to rectify the error, and the Bill, which exclusively benefits eight people, has been introduced. The opposition does not oppose it because it is probably the only workable way of resolving the issue, but as it will lead to the land in question being either sold or leased to the adjoining private landowners, we seek to ensure that the government is fair in the way it works out the price involved because, if not, the scheme could lead to land being offered to the adjoining private landowners at a prohibitive price.

Regardless of who is at fault, it would seem improper if exorbitant prices were charged for people effectively to buy back their own houses or, in this circumstance, actually to buy their front yards. Having driven along The Esplanade, it is quite clear that the front few feet of the properties are perhaps the most important part of the properties, and for those who have houses which actually encroach onto the Crown land, it is a critical issue.

I do not want to be misunderstood here. I am not asking that the land be handed over for free; at the very least there will be expenses involved in the preparation of the legislation and the transfer and correction of titles. I am asking for some commonsense to be brought into play as well as a general sense of fairness. I am not asking for special treatment; I am not asking for these people to be favoured, but I hope that whoever makes the final calculations has his or her eyes open to all of the circumstances and therefore will ensure that these people are not unfairly treated.

The opposition's one reservation about the Bill is that this is in no way the only land fitting into this circumstance. I am sure Mr Mackenzie, who is likely to speak on the Bill later, will recall many occasions when other people have illegally, improperly or unknowingly built on Crown land or taken out some occupancy of it.

To put the Bill in the correct historical perspective, I point out that it has been introduced because of the efforts of local members of Parliament. Perhaps there would be an argument for saying that we should have a dozen or two dozen extra Bills before us this session to deal with the other errors in surveying that have disadvantaged individuals from the other perspective — robbed the Crown of its land and therefore acted against the public interest. However, those Bills are not here and it is no good being churlish and rejecting the Bill because there are not a dozen Bills before us to reflect other issues. The coalition believes these errors have to be rectified. In the end the only important interest is the public interest, but that leads us to the second proposition — that in defending the public interest we have to ensure that there is fairness to all and not simply domination by the government over individuals. Therefore the individual interests so affected have to be treated with the proper sense of proportion.

With those few words, I conclude by saying the opposition will not oppose the Bill.

Hon. R. A. MACKENZIE (Geelong) — The Bill is important for the landholders who own the properties concerned, and much concern has been expressed by them. Mr Birrell has taken the House roughly through what has occurred, which is quite an extraordinary series of events.

The land was originally surveyed in the 1880s and there is no doubt that the curve of the original foreshore was shown on the original plan.

It seems the mistake occurred in 1924 by a surveyor named Gillespie who surveyed the land on behalf of the owner at the time. For some reason the surveyor just drew a straight line between two points instead of allowing for the curve of the Crown land, and the error was not picked up. At that stage it was one property and the owner went ahead and put a fence along that straight line.

Discussions with council officers have revealed that at that time council responsibilities did not include the checking of subdivisions. It was not until fairly recent times that councils became involved in checking titles of land.

In 1954 another strange thing happened. The land was purchased by a developer and subdivided into house blocks. I have seen the advertisements for those house blocks. Strangely enough, they were surveyed correctly and in the advertisements that appeared in newspapers and real estate agent offices the curve of the frontages was indicated. People should have been well aware if they bought the land from those real estate agents that the frontage had a distinct curve to it. When people bought the house blocks in 1954, solicitors undertook the conveyancing for them. For some reason the solicitors did not pick up the error but followed the straight line that had been drawn much earlier. When the titles were prepared, people were given indications that the land had a frontage that was straight. They took over the Crown land and, in

several instances, built their houses on it. In one case, almost two-thirds of a house is built on the Crown land reserve.

One wonders why the error was not picked up by the department responsible in 1924 when the initial subdivision was undertaken. I understand records in the department indicate that people had knowledge of what had happened at the time. Perhaps because of the amount of work people would have had to do to correct the error nothing was done about it. As I said, 30 years went by before the land was sold and the houses were built.

I suppose it could be said that partial fault lies with the government department and partial fault lies with the councils, although it was not until the 1960s that councils checked subdivisions carefully. Honourable members will recall that during the 1960s some houses were built on the wrong blocks and as a result councils clamped down on activities and checked the titles of properties. Officers of the councils have said that as they were not involved in checking titles for house blocks they do not have responsibility, but I argue with that claim a little.

Regardless of who is responsible, the point remains, as Mr Birrell rightly said, that the people who own the houses on the blocks are being asked to buy the land. The mistake was discovered in 1987 and the government is compelled under the Crown Land (Reserves) Act to ask the people involved to either lease or buy the land. The law provides that they must buy the land at the Valuer-General's valuation. Some of the land has been valued and, in a couple of instances where the Crown land reserve is almost one-third of the block, a price of $30 000 is being talked about. I suppose a vacant block on the foreshore at Portarlington would cost $100 000.

Perhaps the Valuer-General has decided that, because the land is about one-third of their blocks, the residents are up for $30 000. I have not been able to ascertain how the Valuer-General has made his valuation.

The point remains that there are many concerned people in Portarlington. Several of the property owners are pensioners, so it is important that the government does what it can to treat these people fairly.

As Mr Birrell said in his contribution, this situation is not new. All honourable members will be aware of instances where this has occurred in their electorates. As a former Minister of Lands, I am aware of several occasions when the position was similar.

Hon. R. I. Knowles — And you always insisted on the Valuer-General's valuation being paid.

Hon. R. A. MACKENZIE — No. In some instances where the mistakes were not inadvertent we asked for the Valuer-General's valuation; in other instances we did some land swaps or transfers of land.

Hon. R. I. Knowles — But it was always based on the Valuer-General's valuation.

Hon. R. A. MACKENZIE — Mr Baxter will tell you about a restaurant in his electorate that was inadvertently built on a piece of Crown land, and we came to an arrangement with a transfer.

Hon. R. I. Knowles — An exchange based on the valuation of the Valuer-General.

Hon. R. A. MACKENZIE — Yes, because that is the law. There were other instances when we transferred land at no cost, and no money changed hands.

Hon. R. I. Knowles — But the land had a similar value.

Hon. R. A. MACKENZIE — Yes, because the government is compelled by law to have regard to that; but every effort was made.

I recall one instance in South Melbourne where 3 feet of a private property was found to be on the road reserve as a result of the council surveying the land. I had discussion with the South Melbourne council about its picking up a higher portion of the costs on behalf of the owner. Unfortunately while those discussions were taking place the owner passed on.

I agree such transfer of land is a problem and I have always tried to treat people fairly.

Hon. R. I. Knowles — But you wouldn't argue a case now for what you did not practise as Minister.

Hon. R. A. MACKENZIE — No, I would not.

Hon. R. I. Knowles — That is not what you have said locally.

Hon. R. A. MACKENZIE — Perhaps Mr Knowles should listen to what I am about to say. In this

instance the Portarlington property owners have looked after the Crown land for a number of years. What I have said locally, what I am saying in the House now, and what I would have been prepared to say if the same circumstances had occurred when I was Minister, is that this is a case where the government has two options.

Firstly, it can allow these people to lease the land. The government is governed by the costs of leasing. That would not help the people much because they do not have clear title to the land. It may help them in the short term and it could come out of their estates if they pass on, but I suggest that is not the fair way to do it.

I believe there is a case to put to the Minister that, as there are no fences on the properties, the people have looked after their land as well as the foreshore land. These people have been mowing, looking after and keeping clear of weeds not only their land but also the piece of Crown land they did not know was Crown land and the Crown land right out to the road reserve.

Mr Wright will be aware of a similar case in his electorate where a member looked after a piece of Crown land around the lake area.

Hon. K. I. M. Wright — He's not far away either!

Hon. R. A. MACKENZIE — No, the man who owned that land looked after it on behalf of the Crown.

Hon. R. I. Knowles — Did he have to buy it at the Valuer-General's valuation?

Hon. R. A. MACKENZIE — You ask Mr Wright.

Hon. R. I. Knowles — If you were Minister, I guarantee that he did.

Hon. R. A. MACKENZIE — Mr Knowles, I should like to know if you can give an instance where I have treated anybody unfairly.

Hon. R. I. Knowles — You treated them consistently.

Hon. R. A. MACKENZIE — I have not struck an instance the same as this. The owners could rightfully claim they have looked after an area of Crown land for some time, and the government should take that into account when it asks for payment.

Hon. K. I. M. Wright — The Minister came up and actually resolved the situation.

Hon. R. A. MACKENZIE — Yes, I remember that.

Hon. R. I. Knowles interjected.

Hon. R. A. MACKENZIE — If Mr Knowles can give any indication that I have treated people unfairly he should say so. The Minister has said people will be treated sympathetically and compassionately. I hope he honours that commitment. I hope the Minister can find a way out. I do not wish to apportion blame to anybody because this is a case where people have inadvertently built onto a foreshore reserve.

Hon. D. M. EVANS (North Eastern) — My particular comments relate to the price that might have been expected to be paid by people in the Portarlington area who have inadvertently built their houses partly on their land and partly on Crown land. It is a serious issue, one which, from the experience I have been able to glean from a constituent in recent times, could be an expensive one. Mrs Tanner, a constituent of Mr Craige, Mrs Tehan and the honourable member for Benalla in another place, who lives at Greta South in the Parish of Myrrhee, wanted to sell a couple of hundred acres after her husband's death three years ago. She decided to subdivide the property and sell certain areas. She wished to retain the household area and approximately 50 acres.

In the process of the subdivisional survey it was discovered that the house was partly on her land and partly on a creek frontage. The house, which had been built thirteen years ago, replaced an even older house that had been built by the Tanner family some 80 years earlier. It was not a normal frontage. Generally under the old titles a river frontage shows an ownership right to the edge of the water but in the newer titles there is a 20-metre boundary.

In the case of the Tanner property the survey boundary bore no relationship to the position of the stream. With a 20-metre boundary the actual boundary of an owner's land moves in accordance with the flow of the stream. It is a difficult task to determine the boundary because it changes from time to time. This was not the case with Mrs Tanner's property; it was a surveyed boundary. Because the land adjacent had been in the ownership of the Tanner family for some generations the location of the original boundary was no longer evident. It was certainly an historical error.

Mrs Tanner decided to buy the three-quarters of an acre on which the house and some adjacent farm buildings were situated. All of the buildings were well in excess of 20 metres from the creek. I cite that particular example because of what the Portarlington people might experience when the government decides to sell that land.

Mrs Tanner sought to buy land from the Crown at the raw land value of $1500 an acre. I know that is correct because the Tanner family had sold a 50-acre block for approximately $1500 an acre some years earlier. The raw land value of the Tanner land was approximately $1200. The department agreed to sell the land at the Valuer-General's valuation provided Mrs Tanner paid the survey and ancillary costs, the land was consolidated into the whole title to enable it to become a 50-acre block, and she did not have a three-quarter acre block of significant site value. The valuation was $8750. I believe my calculation is supportable for raw land at $1100 or $1200, about seven times the valuation.

I telephoned the Valuer-General and asked why the excess valuation had been applied. I was informed by Mr D'Arcy — and I am relying on memory — that a valuer faced with such a valuation of private land would value the land at a raw land valuation plus an increment because a building was situated on the land, and that even if the real owner of the land had made no contribution towards the building he or she received some additional benefit because of that factor.

The Valuer-General said that in this case the valuer took the incremental valuation into account in setting a value for the land. He said, "Because there is a building on the land, even though the Crown did not put it there, it has increased in value. The person who owns the building put it there and paid for it in order to get title to the land on which it stands and must pay the value that has accrued".

That is reasonable in the case of a private person where an encroachment of that nature has been made. After a period it would be possible to claim the land under adverse possession. It is not possible to claim adverse possession against the Crown immediately the basis of valuation is changed.

The Minister was not prepared to vary the valuation. The Valuer-General suggested to me that I should put to the Minister and his department that they ask the Valuer-General to return a valuation on the raw land value and not take into account the additional value because of the building. The Minister, advised by his department, was not prepared to take that point of view.

I suggested that an exchange of land of similar area should take place. There was land well in excess of the normal 20 metres of river frontage. The Tanners had leased that area since the year dot.

Acting on advice from officers of his department, the Minister was not prepared to accept my suggestion. The suggestion was made because the government did not want to have additional land to manage. If an additional area were added to the existing river frontage it would be land that the department would have to manage. That is despite the fact that the normal situation in this case is that the adjoining landowner leases the land and the land exchanged would have been of equivalent size.

Ned Kelly and his family lived about 4 miles from where Mrs Tanner lives and there is no way that he would have robbed a widow or her family in the way that the department has attempted to rob this person. I have put that to officers of the department and I meant it.

In my view an attempt is being made in that case — if we are not careful it will also be made in the Portarlington area — to rob the person because of an historical error. There has been no preparedness — except for one thing I will mention in a moment — to meet the person in any way at all. The Minister offered that it would not be necessary to purchase, that the department would not insist on the house being moved, and that the people could continue to lease with the obvious disadvantages should the land be sold in the future.

In 1965 or 1966 when Lake William Hovell on the King River above Cheshunt was to be built the shire surveyor from the Shire of Oxley, Mr Roly Miles, had to determine where a new and upgraded road should go for dam construction and found that not only were many of the houses built on the road reserve, as so often happens in those areas, but also that the road reserve itself went through some of the better farmland.

In order to rationalise the situation sensibly — I was a councillor of the Shire of Oxley at the time — the titles were simply amended to take into account the historical situation. I see no reason why the case at Greta South to which I have alluded should not be handled in the same way. The Crown would lose nothing because Mrs Tanner would need to meet all the financial expense; she would gain no advantage

because she would have to consolidate her title, but it would be fair and equitable to the landowner concerned.

I know that Mrs Tanner is not the only person in that position. There are other people in the Bunbaartha area near Shepparton who are in exactly the same position and I have no doubt there are people throughout the State who have made similar historical errors. It is not a matter of attempting to encroach on Crown land or to filch land from the Crown, but a simple error made perhaps 50 or 100 years ago.

I have taken the opportunity to raise this matter because I have negotiated for three or four months with Mr Sheehan, the Minister for Finance in another place, who has attempted to help. However, I believe the officers of his department have totally disregarded fairness and equity in dealing with this case. I am certain they will deal with the people at Portarlington in exactly the same fashion.

I reiterate that Mrs Tanner's is not a case where adverse possession can be claimed; it is a case where consolidation is required. I am sure it will be the same at Portarlington. I do not believe, in fairness and equity, that citizens of Victoria involved in these situations should be fined and put at significant disadvantage because of an historical error that in some cases could have been perpetrated by an ancestor.

I hope that when the issue is investigated further the system currently in place, requiring a valuation by the Valuer-General which takes into account the added value of buildings on the site even though the Crown has paid nothing for those buildings, will be reviewed and a better system devised; if not, the situation will remain a totally unfair one.

Hon. R. I. KNOWLES (Ballarat) — I indicate my support for the Bill. I have been prompted to enter the debate by the comments made by Mr Mackenzie. I cannot help but contrast Mr Mackenzie's comments on this Bill with the approach he adopted when he was responsible for the administration of the Lands Act. There are parallels around Victoria to the situation facing the eight families we are discussing in this debate.

When he was Minister for Conservation, Forests and Lands Mr Mackenzie increased the minimum lease payments for occupants of Crown land who were maintaining unused roads. Many occupiers were unaware they were occupying Crown land and they had been caring for the land in much the same way as Mr Mackenzie says these eight families have been caring for this land.

When Mr Mackenzie had responsibility for the management of Crown land he insisted that occupiers pay rent for the land, purchase it at the Valuer-General's valuations or fence it out.

I agree with Mr Mackenzie that these people should be treated fairly, but I note that Mr Mackenzie argues an entirely different case when speaking to his electorate because in the *Geelong Advertiser* of 7 November he is reported as saying:

> ... residents would receive payment for inadvertently tending Crown land for years, making it cheaper for them to buy back the land.

When Mr Mackenzie was the Minister for Conservation, Forests and Lands hundreds of farmers throughout the State were tending Crown land inadvertently and did not even know it was Crown land. They had been controlling the noxious weeds and vermin on that land in the interests of the broader community but Mr Mackenzie gave them no consideration and now he argues a different case.

It is an example of one's past action coming back to haunt one. I do not mind Mr Mackenzie pleading a special case but he should be held accountable for adopting a different stance when he had the responsibility for the administration of the Land Act.

I join with my colleagues in wishing the Bill a speedy passage so that those affected will be treated fairly, but we should acknowledge that a consistent approach is required in handling these issues. Parliament cannot afford to be selective because someone is trying to win votes.

The PRESIDENT — Order! I note from the Minister's introductory remarks and from a perusal of clauses 5 and 6 of the Bill that an absolute majority is required. To ascertain whether a constitutional majority exists I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in Chamber:

The PRESIDENT — Order! So that I may be satisfied that an absolute majority exists, I ask honourable members who support the Bill to rise in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

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

Motion agreed to by absolute majority.

Read third time.

NATIVE VEGETATION PROTECTION BILL (No. 2)

Second reading

Debate resumed from 23 October; motion of Hon. B. T. PULLEN (Minister for Education and Training).

Hon. B. A. CHAMBERLAIN (Western) — The Bill is a clear acknowledgment of the criticisms, which were correct and justified, made by the opposition of the government's Statewide planning amendment dealing with native vegetation. We said the changes wrought by the planning amendments would have such momentum that they were inappropriate to be put into effect by a subordinate instrument, in this case, a Statewide planning amendment.

The controls in planning amendment S5 — and its predecessor S15 — were so dramatic that they were an abuse of the process of the subordinate instruments which brought about such changes. The government criticised the opposition on that occasion. It said the process used was legitimate and accordingly legislation was unnecessary because it would raise public concern about a relatively simple issue.

The government has belatedly accepted the position put by the opposition that the legislative process was the way to carry out the changes. The views that we expressed originally about the nature of the changes and the way they were carried out were supported strongly by a number of constitutional lawyers, including Dr Greg Craven of Melbourne University. I shall remind the House of what he said in his written opinion on this issue:

> It is my opinion that there could be no clearer case of a subordinate instrument being used to effect a change which should properly have been dealt with by an Act of Parliament than that presented by amendment S5. The subject matter of the amendment is one of the very first importance, as is revealed by the policy statements in section 3-6 of the amendment itself. The amendment effects a major change in the law throughout Victoria, with serious consequences for a wide range of persons. Consequently such a change should clearly have been the subject of Parliamentary legislation and full Parliamentary debate and consideration, rather than having been achieved by a mere planning amendment.

We took the same view, which was supported by constitutional lawyers. We had no qualms about rejecting amendment S5 on 17 April. The government, acting in contempt of Parliament, reintroduced those controls in a slightly amended form the next day. It was a contempt of Parliament because this House had exercised a clear constitutional and statutory right under the Planning and Environment Act.

The government attacked the opposition for having the temerity to use the provisions of an Act to overturn a Statewide amendment with widespread ramifications. The government thumbed its nose at the House and decided to reintroduce the controls. The opposition subsequently moved to repeal planning amendment S15 and the controls were again brought back through planning amendment S16. Admittedly the amended controls addressed themselves to some of the concerns, but the system still suffered from the same defects as the original system.

To the government's credit, this Bill attempts to provide a Parliamentary solution to the preserving of native vegetation in this State, an objective the opposition has supported. The opposition has said that if the issue is handled carefully and in consultation with the community the provision will be supported by the community. It is essential to have the cooperation of a certain section of the community if the provision is to be successful. I refer to the farming community and people who own private forests because they are the people caught up by the Statewide planning controls.

The heavy-handed nature of planning amendment S16 and its predecessor guaranteed the antagonism of the very group whose cooperation was essential for the provision to succeed. There is enormous goodwill among the farming community; many farmers are involved in LandCare groups and are active in the promotion of the planting of native trees and the revegetation of areas subject to wind or soil erosion.

Farmers are extremely conscious of the need to foster the growing of trees. Consequently, hundreds of thousands if not millions of trees are planted in Victoria each year on a cooperative basis. That type of cooperation must be harnessed; that sort of goodwill must be built on. However, the government's action has had the opposite effect — it has put offside many people who were interested in the matter.

The principal problem with the Statewide planning amendments was that they applied Statewide controls; they did not take into account the huge differences in land types and vegetation cover in various parts of the State. For example, the same controls applied in East Gippsland, which has wall-to-wall trees, as applied in the northern Mallee, which has very few trees. The inability of Statewide controls to take into account local conditions was the opposition's major objection to the amendments.

The Bill is an embodiment of planning amendment S16 in legislative form. However, at least on this occasion the matter has been put to Parliament for debate and for decisions to be made about whether the Bill should be amended or passed as it currently stands. At this stage, the opposition will vote for the Bill to be passed in an amended form.

The major flaw in the Bill is that it is to be administered by the Department of Conservation and Environment. That department is flawed in its operation and is starved of funds. The morale of the department is at rock bottom and it cannot even look after its basic responsibilities.

During the adjournment debate later this evening I shall raise an example of things for which the department has traditionally been responsible but which it is unable to carry into effect because of lack of funding. The government arranged for a panel to examine the Statewide amendment. This panel went around the State and, as I have told the House before, every major submission to the panel from rural Victoria was ignored. That is unfortunate because generally speaking the panel system works well, and we are reluctant to vote against panel decisions.

Having seen many of the submissions put to the panel by farmer organisations and others I have to say that in this case in virtually no respect could I see those submissions having an effect on the outcome because the panel recommendation was more restrictive than the original proposal. The report made some comments about the role of the department. Honourable members should bear in mind the fact that the department is essentially an actor in the Bill before the House.

The panel expressed concern about its role and its major problems, many of which go back to when the current Premier was the Minister responsible for conservation. The department has gone downhill ever since. Honourable members have only to talk to officers of the department to know that morale is shot, there is no sense of purpose and its role has been expanded so much that its efforts are ineffective.

I have quoted the panel report to the Minister before and I have no compunction about quoting it again. On page 84 the report states:

> The panel has had real qualms in formulating the role the department should play in the system it has recommended. It is aware of the enormous power such a system will place in the hands of the Department of Conservation and Environment (DCE) and the mind-numbing bureaucracy it could create. Unfortunately, DCE as an organisation appears to have a capacity to antagonise many people. Whilst many of its individual officers are held in high regard and their opinions valued, the lack of practical experience and academic approach by some other officers in certain situations has led to DCE having a very mixed reputation within the community. Not all the problems which the panel heard about in connection with the administration and interpretation of S4/S6 by DCE can be attributed solely to teething problems.

This is the body the government proposes to make the linchpin of its legislative proposals! We are not prepared to wear that because we know it will destroy the cooperation which is essential if we are to get a program of native vegetation retention that is acceptable to the community in the long term.

Recently the Shire of Glenelg gave me an example of the department breaking the rules about clearance of native vegetation. The incident took place on Morgan's Plains Road. The department went into the roadside and really cleaned it up. In a letter to the Minister, Mr Crabb, the council states:

> The photocopy of the attached correspondence largely explains the situation. Works carried out without any application for planning consideration would clearly require prosecution in 99.9 per cent of cases. Photographic evidence of the denudation can be provided if requested. Additionally, council consider

such action would land any person save the DCE in court.

The department's spokesperson said:

> For your information initial investigations have identified that the works undertaken may not have fully complied with all relevant DCE internal procedures relating to native vegetation clearance and I am conducting further investigations into this issue.

This is the department that will pontificate over whether a farmer or the owner of private forest can do particular things in accordance with the Act! Yet here we have an admission that the department itself cannot even keep to the rules. This is another reason for the opposition rejecting the proposed central role for the Department of Conservation and Environment.

The Bill proposes a permit system to operate as currently provided in planning amendment S16. This would mean two sets of permits at least — one under local planning schemes and one under the regime set out in the Act — and landowners would have to comply with both.

We have no objection to locally devised prescriptive planning controls that are devised by local people and made accountable locally, and in fact that is probably the best form of control because that local council, assuming it is a planning body as it is in the vast majority of cases, would be sensitive to local conditions. It would know the local areas of sensitivity that are subject to erosion and so on, would make decisions reflecting local conditions, provide a sensible system of controls, and bring about local accountability.

We would encourage councils to take up that process. A number of councils in the electorate I represent have already done so.

The opposition does not accept the government's proposal of having potentially three sets of controls — Statewide controls, local planning controls and those proposed in the Bill. We believe it is counterproductive, for the reasons I set out previously. It will antagonise the people whose cooperation is essential for this program of retaining native vegetation to succeed in the long term.

We want a system of which people feel they can be part and of which they can have ownership, and local planning schemes can achieve that sort of objective.

In the Committee stage I shall propose a series of amendments to the Bill. I must say they are remarkably like a Bill introduced to this House by Mr Evans, involving the work of a number of honourable members, including Mr de Fegely and me.

We make no apology for the similarity. We have spelt out the basis on which it would work, but I will not go into that detail now. I will leave that for the Committee stage.

However, I direct to the attention of the House a number of comments on the government's Bill, put to me by the Shire of Ararat which has taken a keen and responsible interest in the Bill. Mr McKenzie, who has been quoted in a previous correspondence, is that town's highly respected and experienced shire engineer.

Earlier this year on 16 October the shire organised a seminar on the Bill and invited a number of people to attend. I believe Mr de Fegely was present at the meeting as well as a number of departmental officers who attended to provide discourse on proposals for the Bill and explanations by the department.

A number of issues that arose from those discussions have been outlined in a discussion paper prepared by Mr McKenzie:

> Firstly, it is appropriate to address the issues of broadscale clearing to private land by means of legislation and the present Bill, in part, is a starting point.
>
> Secondly, the different issues related to remnant native vegetation on road reserves, railways and other public land should be managed by simple agreements between the State government and its own authorities and local government.
>
> It is nothing less than absurd that VIC ROADS, charged with the responsibility of providing safe and adequate highways, should have to obtain a planning permit for the removal of minor native vegetation to carry out its charter.
>
> In a similar manner, local government, charged with providing and maintaining a vast network of roads, must get a permit to remove a single native plant if it is beyond the limits of the present road construction or more than ten years old.

It is worth reinforcing that point. There is a ruling by the Department of Planning and Housing that

because the roadside reserves are continuous in their nature they therefore exceed the minimum area provided for in planning amendment S16 and then provided for in the Bill. Therefore the removal of any piece of native vegetation requires a permit. A shire is required to go cap in hand, so to speak, to the Department of Conservation and Environment to obtain a permit to remove one tree, unless it comes under one of the exemptions. The paper continues:

> ALL EMBRACING — AN OVERKILL
>
> By definition "clearing" means lopping, destroying and removing native vegetation and "native vegetation" means vegetation indigenous to Victoria.
>
> Thus any action by a landowner/manager on vegetation ranging from the very tiniest plant to the largest tree is caught in the net.
>
> If the Bill is enacted most landowners (in excess of 0.4 ha) and land managers will break the law inadvertently, unknowingly and unintentionally ...
>
> Generally the clearing controls are seen to be referring to "trees" and most people involved in the system gloss over the total effect until the time comes to make real decisions. The decision-makers then tend to be ultra conservative in interpretation and application leading to excessive paper work, inspections, et cetera ...

A subsequent memo that arose out of the meeting contains the following comments:

> Throughout the discussion government officers concentrated their explanations on broadscale clearing ...

I should think everyone in this House would be against broadscale clearing. The memo describes the government officers in the following terms:

> ... appeared ill informed on much lesser, but very important, effects of the proposed legislation.

Mr McKenzie points out other problems arising from the proposed legislation. One of them should concern members of this House. He says:

> The VIC ROADS publication *Safe Roads* No. 35 of September 1991 states that in 1990 there were 8568 run-off road accidents resulting in 137 fatalities, and in 80 of these fatalities trees were involved.

Mr McKenzie points out that here we have:

> The conflict between the objectives of different government authorities ...

In other words, on the one hand we have road safety issues because some 80 people have been killed in accidents in which trees were involved — —

Hon. R. A. Mackenzie — You would not want to follow that argument because you would not have any trees at all!

Hon. B. A. CHAMBERLAIN — On the one hand we have an obligation on the shires and road authorities to provide, if you like, safe passage. On the other hand the legislation prevents them from removing one tree without a permit.

I remind the House that the Municipal Association of Victoria (MAV), which has been active in its opposition to the Statewide planning amendment, offered the government a grant of $15 000 for a study to be undertaken to establish controls that were more localised and more widely acceptable. The offer was made last year to Mr Crabb, the Minister for Conservation and Environment, but he did not respond. It is not often that governments are made offers of money to help find solutions to problems. As I said, the MAV made the offer in good faith in an attempt to find a solution to the impasse. Mr Crabb, who is reputed to be concerned about trees and mountains and all manner of other things, did not even respond to the offer. I will not allow myself to be diverted. However, I repeat that Mr Crabb did not have the decency even to respond to that offer.

In the Committee stage, I shall propose a large number of amendments to the Bill and elaborate on the position of the opposition.

Hon. D. M. EVANS (North Eastern) — The coalition and the National Party support the need for discipline in clearing of native vegetation. We believe good sense must prevail and some control and discipline must be exercised in this area. However, the government's approach of introducing a Statewide planning amendment is not appropriate.

As Mr Chamberlain pointed out, it is not possible for Parliament to amend such a Statewide amendment introduced by executive action taken under the Planning and Environment Act. The only provision we can use is section 38 of the Act to reject the planning amendment either in part or in whole.

Using that power, the House rejected amendment S5 earlier this year and in so doing brought about the removal of the proposed 1996 phase-out of all exemptions — every single exemption —for farming operations. After that time a farmer who had native vegetation on his property either would have had to have a whole farm planning scheme approved by the department or would have had to obtain permits for every farming operation.

Subsequently the government brought in amendment S15. Again the Legislative Council rejected that amendment and succeeded in having removed an obnoxious section of amendment S15 which would have required a farmer to obtain a permit to drive livestock down a road between one part of his property and another if there was any danger of damaging the native vegetation in any way.

At that stage we had clearly arrived at a ridiculous situation. It was obvious that the only way to resolve the issue was to do so legislatively so that the House could debate the issue and make the necessary amendments. For that reason the coalition, acting almost as an alternative government, decided to prepare a private member's Bill over the winter recess. In so doing there was widespread consultation with the Victorian Farmers Federation (VFF) — the representative of the people in the front line — the landowners of this State and the people who farm in order to earn a living.

The coalition committee included Mr Chamberlain, Mr de Fegely, the honourable member for Berwick, Mr Maclellan, the honourable member for Benambra, Mr Lieberman, the honourable member for Gippsland East, Mr Bruce Evans, and me. We consulted widely with interest groups in the community, including the Municipal Association of Victoria (MAV), and on a number of occasions the various conservation groups, including the Australian Conservation Foundation, the Victorian National Parks Association and the Victorian Conservation Trust.

Subsequent to that consultation a private member's Bill was prepared, and it was my task, on behalf of the coalition committee, to introduce it into the House. The Bill was read a first time on 18 September and was read a second time on 9 October. As recorded on page 680 of *Hansard*, the second-reading speech that I delivered at that time spelt out clearly the provisions of the private member's Bill.

Immediately after the introduction of the private member's Bill, apparently shamed by the actions of the coalition, the government decided, after two years of procrastination, to introduce its own legislative measure. I have already advised the House that we consulted with various groups. There was not complete unanimity of opinion from those groups. The conservation movement believed we should have been stronger in the provisions of our Bill. However, it complimented the coalition in writing for having the courage and sense to introduce a legislative measure.

The Victorian Conservation Trust expressed concern that the government's measures to that date had made its important work less easy. Farmers were suspicious and did not like the Victorian Conservation Trust and would not cooperate as well as they had. The controls were impeding the valuable work of the VCT. The MAV also had some concerns, which I will refer to in a moment.

There were farmers in Victoria who wanted no controls, who believed we should return to the days when we could clear without a permit. The Bill we presented was a reasoned attempt to get the best possible deal for all the people who had an interest in the issue, remembering always it was the landowners' cooperation that was essential if the objectives were to be met.

The government's Bill when it was introduced, as Mr Chamberlain has said, perpetuated in legislative form almost all of the provisions of S16. Most importantly it retained the permit system and a requirement for a landowner who wished to clear land to obtain a permit to which onerous conditions that were difficult for a landowner to meet applied.

There is little flexibility between the various regions of the State. In far East Gippsland conditions are different from those of the Mallee, the northern plains of Victoria and the Goulburn Valley, and certainly different from those in the areas immediately around Melbourne. The coalition Bill has a simple notification system to councils and to the Department of Conservation and Environment.

Through its objectives for a community benefit in which all the costs are borne by the landowner, the government loads the landowner with responsibility, and there is no compensation —which is different from the situation in South Australia where the legislation does provide for compensation. The government can introduce

compensation, but the opposition certainly cannot do so in the Upper House.

The government's Bill is tied to the planning Act when it is far more appropriate that legislation of this nature be tied to the Flora and Fauna Guarantee Act or the soil conservation Act. Surely the issues we are dealing with are the conservation of native flora and fauna and soil degradation. The latter two Acts are the appropriate Acts to deal with this matter. The coalition Bill relies on activating the Flora and Fauna Guarantee Act and the soil conservation Act as a safety net where it is necessary. There is a proper opportunity for both the department and the local council to ensure that all the reasonable objectives of the Act can be met.

The coalition Bill retains the right of local government, as Mr Chamberlain has pointed out, to have its own planning schemes set locally. These are appropriate to local conditions and the coalition private member's Bill ensures that those planning schemes developed locally retain their authority and that the private member's Bill will not override such local planning provisions.

The coalition Bill makes the land protection regional advisory committees, which are set up under the Vermin and Noxious Weeds Act and are the local advisory bodies in the sixteen regions of the State, set local conditions that are appropriate to the area, be it East Gippsland, the Mallee or near Melbourne.

The land protection committees will require assistance and guidance in carrying out their tasks. They will be required to consult with local government on the issues. It will be their responsibility to ensure that proper consultation takes place locally and they will have to set the conditions properly.

If the objectives of the private member's Bill are to be properly met, a system of assistance and education, including land care and support for farm tree planting, must be continued. That is an essential part of meeting the objectives of both the private member's Bill and the community.

The provisions of the private member's Bill also keep the existing controls so that there will be no panic clearing before the new Act takes over. S16 will be automatically revoked — it cannot be again introduced by any but legislative action.

The private member's Bill, as does the government Bill, has extensive exemptions for grazing; cropping; pasture improvement; timber harvesting for farm use including fencing, farm buildings and posts; clearing along fence lines; vermin control; fire control; and general timber harvesting under the Code of Forest Practice.

The exemptions vary between the government Bill and the private member's Bill, but not substantially, and in large measure they can be inserted into a better and amended Bill. It is our intention in amendments which Mr Chamberlain has drawn up and which will be dealt with in the Committee stage of this Bill, to insert the general principles of the coalition's private member's Bill — that is, notification of intention to clear, and that the land protection committees set local conditions — as amendments to the government Bill.

That will mean that the Bill will get the best features of the coalition approach, which is supported by the landowners of Victoria. It will keep many of the government's own exemptions and will take in some additional exemptions. The government accepted exemptions for low-impact mining exploration from the need to have permits for land clearing. We will add in the Committee stage appropriate coalition conditions and exemptions as amendments to the government Bill.

The amended Bill will provide an appropriate discipline for native vegetation in Victoria. It will provide a safety net for any genuine need to conserve native flora and fauna and for genuine and required work to protect against land degradation, salinity, soil erosion and so on.

It will be a simple system for landowners. It will not be onerous. The conditions will be easy to understand and easy to implement. It will be regionally flexible because of the sixteen regional sets of conditions set by land protection advisory committees. It will involve local communities through the consultation process as the local conditions are drawn up and particularly because any existing or future local government planning ordinances will override any conditions of the Bill.

Most of all the amendments are supported by the Victorian Farmers Federation, representing the farmers of Victoria. At a meeting a few days ago with Mr Arbuthnot, the president of the federation, and Mr Shaw, who has dealt with the issue all the way through, they impressed upon me — as I have no doubt they have impressed on other members of the coalition — that it is vitally important that we not renege in any way from the major conditions in

the amendments we put in the Committee stage because if the objectives of that measure, which in significant effect are shared by both Bills, are to be achieved landowner support is absolutely fundamental. Without those objectives there would be no success.

I believe all sections of the community recognise that fact and I believe it is recognised by people in the conservation movement, and I give them credit for that recognition. If the government is serious, it will support the Bill with the amendments that will be put forward in the Committee stage. If it does not do so it will lose any chance in the future of being involved in this issue because this is its opportunity to draw on the best parts of both Bills and make something which the whole community can agree to and which will generally be supported and successful.

I refer to a circular sent by the Municipal Association of Victoria to a number of councils on 11 October 1991. I have some concerns because that circular contains some comments on the private member's Bill that are not accurate. For instance it states:

> Conversely a planning authority must take the guidelines into account when developing a planning scheme amendment.

They are the guidelines set by the land protection regional advisory committees.

> This could mean that local councils could not introduce more stringent controls.

I have clearly spelt out that that is not correct because local government planning amendments or planning ordinances override the provisions of the amended Bill.

The circular goes on:

> A person who wishes to clear, merely lodges his/her intention to clear with the local council and the Department of Conservation and Environment, which in turn have 45 days to lodge an objection with the AAT.

That is not correct. They have 45 days within which to lodge an objection, and unless that objection is set aside the landowner cannot clear. It is the landowner who would need to apply to the Administrative Appeals Tribunal or alternatively satisfy the problems which had given rise to the objection in the first place.

An objection would have to be taken in the form of action under the Flora and Fauna Guarantee Act or the Soil Conservation Act. The Municipal Association of Victoria (MAV) goes on to say:

> The Evans Bill effectively severs the nexus between planning and the controls. This is a further erosion of the integrity of local government's planning authority, similar to what has happened to mining and liquor control.

As I have just spelt out, local government still has a very clear power to impose its conditions locally, even over an amended private member's Bill or an amended government Bill. As it happened the private member's Bill did not exempt mining exploration of a minor nature from the requirement to conform to the Land Protection Regional Advisory Committee (LPRAC) conditions; the government Bill does.

Finally, the MAV states:

> The penalties under the Evans model are minimal — 40 penalty units, i.e. $4000 and 60 units for a second offence i.e. $6000.

To anyone who is trying to run a farm and who is probably battling to pay the grocery bills I am sure that $6000 is an awful lot of money. The MAV circular is faulty and I ask people to be aware that they need to take care — much of the information is incorrect.

In summary, the opposition does not support the government's Bill in its present form. The Bill must go to Committee and be amended. Once the Bill has been amended as proposed by the opposition it will be a fair and reasonable piece of legislation which will have the desired objective of imposing disciplines for the benefit of Victorian landowners and of native vegetation and which will be supported broadly — it will work and we will get the best deal possible.

I am sure the opposition has the support of the Victorian Farmers Federation and the vast majority of Victorian landowners, and at least a reasonable understanding from the conservation movement. That is a good balance provided the amendments proposed by the opposition are carried. That does not mean there will be no control: it removes S16 as part of the conditions and ensures there are controls until that happens.

I commend the amendments proposed by Mr Chamberlain and indicate that the coalition will be prepared to support the amended Bill. I trust that the government will also support the amended Bill.

Hon. D. E. HENSHAW (Geelong) — This Bill is the culmination of a number of government policy commitments given over a number of years. The State Conservation Strategy of June 1987 said:

> ... the government's objectives for restoring the land are to ... arrest and reverse the decline of native vegetation in rural Victoria
>
> the government will encourage ... the protection of native vegetation, including understorey plants as well as trees
>
> the government will review the adequacy of penalty and enforcement procedures against illegal clearing and the effectiveness of incentives for tree growing or preservation projects
>
> Habitat protection will be the main focus of the government's conservation activities through: vegetation retention ...

A further policy commitment from the government in May 1988 entitled Salt Action: Joint Action said:

> The State government will continue to encourage and assist landholders to retain native vegetation and cooperate with local government to incorporate guidelines for vegetation retention in planning schemes.

In the Greenhouse Challenge in 1989 the government said:

> Proposed actions: ... review the effectiveness of existing vegetation retention mechanisms and consider the need for additional, innovative approaches.

Subsequent to that there was quite a long process of widespread consultation and discussion and, as necessary, an initiating step in that process was a temporary State planning scheme amendment to ensure there was not — —

Hon. R. M. Hallam — Who said it was temporary?

Hon. D. E. HENSHAW — S4 and S6 were indicated as temporary changes.

Hon. R. I. Knowles — They were only temporary because we voted them out.

Hon. D. E. HENSHAW — The planning schemes were interim; they were meant to last one year and were then to be replaced by long-term planning schemes. Planning schemes Nos S4 and S6 were introduced to ensure no wildcat clearing occurred while discussions were taking place and the legislation was being formulated. It was also hoped that these problems would be controlled by legislation. During the consultation process modifications to S5 were introduced. Further discussion and debate has led to modification of S15 and the current planning scheme S16.

Hon. R. I. Knowles — What happened to S15?

Hon. D. E. HENSHAW — That was indicated in the debate. There is widespread support for the protection of native vegetation. In fact, the non-clearance of native vegetation is almost a motherhood statement. It is not surprising there is widespread support from the community for the government's initiatives, except from those landholders directly affected.

The Bill will cause landholders to exercise restraint in clearing native vegetation. Mr Chamberlain has said that during the Committee stage he will move amendments that effectively gut the Bill and change it from a Bill that restrains the clearing of native vegetation to one that gives a licence to clear.

I do not propose to go through the proposed amendments in detail, but I refer to two major issues. Mr Chamberlain seeks to delete clause 10.

Hon. B. A. Chamberlain — You do not have those amendments yet. They were given to you as a matter of courtesy.

Hon. D. E. HENSHAW — Mr President, I believe it is reasonable to allude to the proposed amendments because they are germane to the second-reading debate as they change the whole nature of the Bill.

The PRESIDENT — Order! Mr Chamberlain's point, made by interjection, is valid. In the exchange of amendments it is acknowledged that they remain confidential and that neither side would be the first to publicly release the other's amendments because it would be a breach of the understanding on which amendments are exchanged. When the Bill is in Committee the amendments will formally be tabled and then the public at large will rightly become aware of them.

If Mr Henshaw has been informed of the general thrust of the amendments it would be permissible to refer to them, but releasing the opposition's amendments would be a breach of faith.

Hon. R. A. MACKENZIE (Geelong) — On your ruling, Mr President, by leave — —

Hon. M. A. Birrell — Leave refused.

Hon. D. E. HENSHAW (Geelong) — I appreciate your advice and guidance, Mr President. It is my expectation that there will be an over-generous exemption for the practice of forestry which will enable landholders to clear land for the purpose of forestry without needing to notify the appropriate authorities. I shall debate this matter in Committee because it is a grave concern to the government.

The other serious matter is the proposed exemptions for farming activities. If the provisions obstruct farming or its maintenance apparently there is an automatic exemption.

Hon. D. M. Evans — That is in your Bill, Mr Henshaw. Have a look at it.

Hon. D. E. HENSHAW — The Bill's objectives are important because they emphasise the value of the retention of vegetation, the maintenance of a diversity of flora and fauna and the general ecology of the land. There is also a need for the retention of native vegetation in the form of shady areas and shelter belts for wind protection.

The Native Vegetation Protection Bill introduced by Mr Evans, provides that guidelines be prepared on a regional basis but there is no indication of land protection regional advisory committees (LPRACs) throughout the State. I should have thought there would have been provision for coordination and consultation among those bodies. That is not the case with the government's Bill.

Mr Evans's Bill does not include scope for contributions from third parties when examining guidelines or particular notifications. For example, the consideration of notification by the Victorian Farmers Federation and the Australian Conservation Foundation is confined specifically to municipalities where they have a local planning scheme that is relevant, where they believe the notification is in conflict with the guidelines, or where the Director-General of Conservation and Environment sees a conflict with the Flora and Fauna Guarantee Act or the soil conservation Act. There is no provision for other people to have input on whether clearing should take place.

Hon. D. M. Evans — Have a look at clause 5 of the Vermin and Noxious Weeds Act; it is quite illuminating.

Hon. D. E. HENSHAW — There is no wide-scale provision for third-party intervention in the lodging of notification. During the Committee stage I shall take up some of these important issues.

I strongly support the Bill.

Hon. R. A. MACKENZIE (Geelong) — This is an important and controversial piece of proposed legislation. The Bill is the result of the government's endeavours to find a compromise to its previous attempts to protect native vegetation. There is agreement on both sides of the House about the need for controls. That has been stated not only in this debate but in previous debates. There is no argument in that regard. We all agree that some controls are needed. We have a base on which to work.

There is no doubt in my mind that the government's initial approach was extremely heavy handed and showed a complete lack of understanding of the rural community. Anyone who has worked with the rural community on conservation issues knows the old adage that applies — you can lead a horse to water but you can't make it drink. The government cannot force farmers to do something they do not want to do; it must encourage and persuade them to take up the issue.

When I first became the Minister of Lands I had to meet the members of the former Vermin and Noxious Weeds Board. I shall never forget that day. I met a group of people from all over Victoria; they were all hard-nosed farmers and ex-servicemen who had never dealt with a Labor Party Minister. They knew I knew nothing about noxious weeds, and when I walked in to meet them for the first time the atmosphere could have been cut with a knife.

I was honest and told them I knew nothing about noxious weeds and that they would have to tell me all about them. I said I agreed with some parts of the government's policy and not other parts but that I was bound to carry it out so there was no point in fighting about it. I asked them to tell me how to put in place government policy with the least effect on the farming community, and members of the board responded.

During my term as the Minister I made close friends with members of the advisory committee. One matter that sticks in my mind is the removal of wombats from the list of vermin. Members of the board threw their arms up in horror at that suggestion, but I asked them to tell me how it could be done and they worked out a way.

Hon. W. R. Baxter — It depended on what side of the Hume Highway they were on.

Hon. R. A. MACKENZIE — That was the ridiculous thing; wombats were vermin on one side of the Hume Highway and a protected species on the other.

The point I am making is that the government must not destroy the trust of the rural community because it has taken a long time to build it up. Over the past twenty years I have seen a remarkable change in the rural community especially with the planting of trees and concern about soil conservation. Farmers who previously wrought havoc on their properties because they were instructed badly have since worked with advisory committees to learn different attitudes. The government cannot simply say that native vegetation will be protected in a certain way and that is it. Even though its intentions were good that is where the government went wrong, and I understand and appreciate why the rural community reacted to that.

The Bill is a good compromise. I know some amendments will be proposed during the Committee stage. During his contribution Mr Evans said the proposed amendments will make the provisions of the Bill very similar to those in the private member's Bill he introduced. At this stage I shall take up some of the points Mr Evans made about his private member's Bill rather than talk about amendments no-one knows about.

I have misgivings about any alterations to the Bill that will take control from the Planning and Environment Act. I understand what Mr Evans has said about the Land Protection Council. On the face of it, it makes sense, but in practical terms I do not think it does.

I have enormous respect for the members of the Land Protection Council, which was established when I was Minister and is concerned with the issues of vermin, noxious weeds and soil conservation. When the various land protection regional advisory committees were established it was always the intention that each would include a conservationist. One of the first committees I appointed had a conservationist on it but that is not necessarily so across the State. I do not think the people Mr Evans says should provide the reasonable guidelines are the right people. They have a role in offering advice but I see them as farmers with particular expertise in the control of vermin and noxious weeds and on soil conservation issues. They do not have knowledge in other areas where it is needed.

Hon. D. M. Evans — That is why there is a safety net with the Flora and Fauna Guarantee Act.

Hon. R. A. MACKENZIE — That may be so. You are saying guidelines are to be laid down. Other issues like landscaping are not covered under that Act — —

Hon. D. M. Evans — They are covered by local government in my Bill!

Hon. R. A. MACKENZIE — I know of decisions by local government that I do not want to say too much about. I do not think there is an overall view in this Bill and the Land Protection Council is not the correct agency to deal with this matter. I understand what you are saying: it is hard to have a blanket control over the whole State because many factors must be considered. We must address this problem but I do not have the answers.

I was interested to hear Mr Chamberlain say Mr Crabb had been offered $15 000 to carry out a study.

Hon. D. M. Evans — He knocked it back!

Hon. R. A. MACKENZIE — I am amazed that the offer was not accepted, even as a matter of courtesy as much as anything else.

Hon. R. I. Knowles — You know what Mr Crabb is like!

Hon. R. A. MACKENZIE — No, I don't. It was a golden opportunity. I return to the point I made. If you get the people concerned to address the problems and tell them what you want to achieve, they will come up with the answers.

Hon. R. I. Knowles — That's the basis of Mr Evans's Bill!

Hon. R. A. MACKENZIE — I shall go into this further during the Committee stage, but that is one

of the major problems with what Mr Evans is saying. I understand why he is doing this and I do not think the government in this Bill has properly answered the problem. I should like there to be more discussion because we are getting close with this Bill. The answer lies somewhere between the government's Bill and the private member's Bill.

Hon. R. I. Knowles — A little while ago you said the Bill was a compromise! Are you for it or against it?

Hon. R. A. MACKENZIE — Of the two Bills I have to say I support the government Bill. I am not trying to sit on the fence. This is the time for bipartisanship instead of taking party lines.

That is one of the misgivings about using the Land Protection Council as the supervisory agency. In addition, the Landscape aspects contained in Mr Evans's amendment worry me.

I cannot add much more at this stage. As one of those who have had the amendments distributed to them, I am aware that they are fairly extensive, and as such a great deal of debate will take place in the Committee stage, but I take this opportunity of raising a few points in response to the comments of Mr Evans, Mr Chamberlain and Mr Henshaw.

We are making a lot of progress in control of native vegetation, but it requires more compromise yet and I hope, during the Committee stage of the Bill, men and women of reason will find the right answers.

Hon. K. I. M. WRIGHT (North Western) — Unlike some of the earlier speakers, I congratulate and commend my colleagues Mr Evans and Mr Chamberlain for the time, thought and research they have given to this matter, which has been ongoing for more than a year.

I should like to relate most of my remarks to the north-western part of the State and particularly to how the Mallee areas are affected. I commend opposition members on the proposal that regional consultative councils will have much say in these matters and also the proposal for the giving of notice for clearing rather than obtaining a permit as is proposed in the government's Bill.

I am strongly critical of the government's Bill because of its heavy-handed nature and also because much of the mechanism is coming from the administration — the head office of the department involved.

It is most unfortunate that the regional officers of the Department of Conservation and Environment are forced to carry out the requirements of the legislation, and it has operated most unfairly in a number of instances.

Firstly, farmers who have bought large holdings of land with uncleared native vegetation in the expectation that as they could afford it they would be clearing it have been prevented from undertaking clearance.

The local council has virtually refused clearance on the basis that that was its instruction from the Department of Conservation and Environment, which is most unfair.

I hope the Minister will take note of my second and third points which relate to the economic and social benefits of the clearance or non-clearance of land, and I cite, in particular, the Sunraysia Water Board which has been affected by the fact that the City of Mildura and surrounding areas have experienced one of the most rapid rates of population expansion in Australia.

Honourable members will appreciate that it is difficult to open a new sewage treatment works in the middle of an irrigated area. It is proposed that the right thing should be done and that the treatment works should be established 15 miles away in a district with light scrub. However, because the light scrub is native vegetation the multimillion dollar scheme cannot proceed even though it would result in considerable economic benefit to the district.

To his credit, my colleague in another place, the honourable member for Mildura, Mr Craig Bildstien, has been working hard on this issue in an attempt to resolve the difficulties. To my knowledge the problems have not been resolved and considerable cost is being imposed both economically and in other ways.

The final matter to which I refer relates to how the entire community can be involved in regulations governing native vegetation. The First Mildura Irrigation Trust (FMIT) has a capacity to irrigate some 8000 hectares of land. It is irrigating about 6500 hectares in the Mildura and Irymple areas. Unfortunately, little room exists for expansion of the FMIT. It is restricted in the north by the River Murray, in the east by the Red Cliffs Irrigation District and in the west by the Merbein Irrigation District. The only direction it can go is towards

Millewa. During the ten years from 1978 to 1988 more than 400 hectares of vineyards were cleared for subdivision in the Mildura area. Other vacant land was available for which water licences for development could have been issued, and that has been done.

Over the past three years clearing has continued at a rapid rate but no land has become available for irrigation. As the pumped area is reduced the cost per unit for pumping is increased and the overall cost increases with farming becoming less profitable and the cost of food going up. Some 306 hectares of land are under the control of the Department of Conservation and Environment. Its officers have made it known in no uncertain terms that there is no way they will make that land available. Even if the land were available the problem of clearance control would have to be overcome.

Honourable members will acknowledge that most cogent reasons exist for supporting the proposals submitted by Mr Evans and Mr Chamberlain; they should be effected by the House. I commend the proposals to the House and hope that in the Committee stage they will be supported.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Progress reported.

ADJOURNMENT

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — I move:

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

Motion agreed to.

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — I move:

That the House do now adjourn.

Wannon Falls Reserve

Hon. B. A. CHAMBERLAIN (Western) — I raise a matter for the attention of the Minister for Education and Training, who is the representative in this House of the Minister for Conservation and Environment. Earlier this year I advised the House that the Department of Conservation and Environment was having difficulty fulfilling its existing responsibilities, let alone taking on new ones. Today I raise for the attention of the Minister the maintenance of the Wannon Falls Reserve on the Glenelg Highway.

Honourable members interested in nineteenth century paintings will know that the artist Louis Buvelot painted Wannon Falls on two or three occasions. They are very famous paintings. Wannon Falls is a great tourist attraction throughout the year, but particularly in winter. There are many koalas in the area.

In August this year, after receiving a complaint, I visited the area and found the state of the reserve left a lot to be desired. Rubbish bins were overflowing, toilets were blocked, and obviously the department, which was the responsible body, was not carrying out satisfactory maintenance. It is ironic that the reserve used to be run by a group of people drawn from the community but was taken over by the department.

This week I received a letter from the Dundas Shire Council, which states:

> Council's environmental health officer recently inspected the Wannon Falls Reserve following a complaint from a shire resident.
>
> The officer found the toilets in a fouled and uncleaned state with no water available for flushing. Rubbish receptacles have been removed and replaced with a sign requesting visitors to the reserve to take their rubbish away with them.
>
> The environmental health officer contacted the Department of Conservation and Environment and was advised that budget cuts had resulted in the toilets not being cleaned regularly and the rubbish collection being discontinued. The departmental officer did advise, however, that the toilets would be attended to at once.
>
> Council finds this situation most unsatisfactory ...

When I raised the issue in August it received a lot of publicity, but obviously nothing happened. The department, which is being given new responsibilities under various pieces of legislation, should be given the opportunity of performing its traditional functions in a way that is acceptable to the public. In this instance the department is clearly falling down on the job. I ask the Minister to bring the matter to the attention of the Minister for Conservation and Environment.

Cranbourne Ambulance Service

Hon. K. M. SMITH (South Eastern) — I refer the Minister for Health to the Cranbourne Ambulance Service. I have raised this matter with the Minister and with her predecessors, Mr White and Mrs Hogg. The Cranbourne station, which cost between $500 000 and $600 000, was paid for by the Metropolitan Ambulance Service. Despite the undertakings it gave the government made no contribution towards the building of the station.

The local community group raised $200 000 on the basis that the station would provide a fully manned, 24-hour service for the fastest growing area in Victoria. The Epping ambulance station that was proposed at the same time has been built on the same plans at the same cost. The government contributed $350 000 towards the building of that station, which provides a fully manned, 24-hour service, and the local community raised $120 000.

In the near future, the Minister will be opening the Cranbourne station, which has been designed to accommodate six ambulances and provide 35 to 36 lockers. All the government has promised is a one-man ambulance station at Cranbourne, to be manned from 9 a.m. to 5 p.m.

The former Minister for Health, Mrs Hogg — —

Hon. M. A. Lyster — I have written to you about this matter.

Hon. K. M. SMITH — What you have said is in conflict with what the former Minister said. On two occasions the former Minister said she would do something about making it a fully-manned station.

On 14 January this year the former Minister for Health, Mrs Hogg, said:

> As has been previously stated, the upgrading of the station to a full 24-hour service is planned to commence during 1990-91.

When the present Minister opens the ambulance station it will have one ambulance and will not be manned at night. The government cannot afford to bury its head in the sand. The Cranbourne Ambulance Auxiliary has said that it will not give the $200 000 it has raised until it is given the ambulance service promised to the area.

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — On a point of order, Mr President, the honourable member, who has raised this matter on previous occasions, is not raising an issue; he is debating in a very aggressive manner a matter concerning the provision of ambulance services rather than directing to the attention of the Minister a question of administration.

Hon. K. M. SMITH (South Eastern) — On the point of order, Mr President, the issues about funding have not been raised before. Funding has been contributed by the local community, not the government. Government funding for the Epping area was — —

Hon. D. R. White — It is debating the issue when you raise Epping.

Hon. K. M. SMITH — I mention Epping because of the amount of money that has been contributed by the government. That Cranbourne service was to be a fully-manned, 24-hour service. That service should be — —

The PRESIDENT — Order! I uphold the point of order. The honourable member was debating a question rather than putting a point to the Minister. I ask him to round off his point.

Hon. K. M. SMITH — Thank you, Mr President. I put to the Minister that the people of Cranbourne should get that fully manned, 24-hour station that was promised to them by Minister White in the run-up to the 1988 election, but that promise has not been honoured by this government.

Enhanced resignation packages

Hon. G. B. ASHMAN (Boronia) — I direct to the attention of the Minister for Education and Training a matter relating to a circular forwarded to schools last week instructing the regions that all staff positions in non-preferred categories employed in schools funded by the Ministry are to be declared surplus and those staff made available for redeployment.

The staff included in this category are: gardeners, welfare officers, maintenance fitters, toolmakers, nurses and maintenance carpenters. A number of the schools have approached me on this matter expressing concern at the way the information has been conveyed to them. It was sent to them without warning; there had been no prior discussion about the positions being declared surplus. The schools are somewhat hostile about the way the matter has been handled by the Ministry.

They are also concerned that the circular sought registrations of interest from those wanting to take enhanced resignation packages but allowed only seven days for people to make their decisions. The memo is dated 8 November but they were required to express their interest by 15 November. In many instances the staff concerned did not have an opportunity of viewing the memo prior to 15 November. Because of the tight time frame they have been excluded from participating.

The schools are asking who will perform the functions of the staff who have been declared surplus, because there will be a continuing need for most of these functions to be carried out.

The memo also states that those who do not show interest in taking the enhanced resignation package should provide their curricula vitae to the Personnel Unit, Eastern Metropolitan Regional Office, by Friday, 30 November, and they will then be available for redeployment. The circular gives no indication of what that redeployment may be — whether it is to be within the Ministry or elsewhere within government — and that is of concern.

I ask the Minister to address a number of issues. Who will perform the functions that have previously been performed by the staff who will be declared surplus? Will the Minister consider extending the period for acceptance of the enhanced resignation package if he wishes to proceed with this restructuring? If he intends to proceed with the enhanced resignation package, how will that package be funded?

Multicultural Access Program

Hon. W. R. BAXTER (North Eastern) — I raise for the attention of the Minister for Education and Training a matter concerning the Multicultural Access Program, which operates under the auspices of the Continuing Education Centre in Wodonga.

I refer specifically to the advanced English language program, which I understand is funded primarily by the Department of Employment, Education and Training in Canberra through the Victorian State Training Board. I understand some financial embarrassment has been suffered this year because Canberra has not passed on the funds to Melbourne and the Continuing Education Centre in Wodonga has not been reimbursed.

The major point I wish to raise on the issue concerns my understanding of the revised guidelines which are to be put in place for the program in 1992, which will restrict entry to the program to job seekers who have an English level of ASLPR2 on the Adult Migrant Education Services language scale.

From my experience in Wodonga and from what I have been told by practitioners in the area, that will preclude most migrants from country areas from taking part in the program. From my investigations it seems that most of the unemployed migrants in my area are at a level below ASLPR2 and would thereby be excluded. I should have thought they are the people we are most wanting to help with the program.

Secondly, it seems to me that as those who reach ASLPR2 standard either seek jobs directly or apply for entry to mainstream education they would not be particularly interested in this program in any case — they are being catered for in other areas.

In addition, there are no other evening classes in English in Wodonga and if migrants who happen to be in jobs are denied access to this program they will be denied the opportunity to increase their English skills. That would be a disappointing situation.

Another aspect concerns the cultural backgrounds of many migrants, particularly those from Asia. Wodonga has increasing numbers of migrants from Laos who do not wish to register for unemployment benefits because they believe it is culturally unacceptable to admit they are unable to support their families. I would not want those people to be excluded from the program simply because they have not registered with the Commonwealth Employment Service.

I believe most of these requirements are imposed on the Minister by his Federal colleague and it seems to demonstrate a lack of understanding by the bureaucracy in Canberra. I ask the Minister to investigate the matter.

Bass planning scheme

Hon. R. A. MACKENZIE (Geelong) — I raise for the attention of the Minister for Education and Training, as representative in this House of the Minister for Planning and Housing in another place, a matter concerning a report of an independent planning panel on amendment L19 to the Bass planning scheme.

I raised this issue in the House on a previous occasion and expressed concern at the development that has been proposed. I have since received a considerable amount of correspondence from residents in the San Remo area expressing concern about the development.

A letter that caused me particular concern came from Mr K. P. McGahy, who attended the panel hearing before Mr Graham Ihlein. Mr McGahy says:

> I was an observer at the hearing held at the Shire of Bass office at 11 a.m. on 23 July 1991, and having read the subsequent report by the panel, I feel compelled to comment.
>
> 1(a) The panel who was ready to commence proceedings on time was left waiting until the arrival of the Shire of Bass representative some 15 minutes late. After several months to prepare the case he should have been ready to commence on time. To my mind this showed poor business sense as well as lack of consideration to the panel who throughout the day conducted himself with courtesy and dignity. According to the agenda the representatives for L19 should have finished presenting their case by 12.30 p.m. — the time for the lunch hour break.
>
> (b) Because the gentlemen representing the proponents were blatantly using delaying tactics it was quite late in the afternoon before the objectors to the amendment were called to present their submissions. Those who required only a few minutes to speak were able to state their cases, but others who had gone to considerable effort were able only to present a "precis" of their overall submissions, whilst at the same time (in my opinion) being subject to "semi cross-examination" by the proponents representatives.
>
> Had the agenda timetable been adhered to all could have been heard and the last speaker would have finished at approximately 5.30 p.m. instead of 8 o'clock. Under those circumstances the hearing would have been equitable and fair and nobody would have cause to feel aggrieved.

Many people in Sam Remo feel aggrieved and they have grave concerns about the finding of that panel and the issues raised.

I ask the Minister to pass on my concerns to his colleague in another place so that an assurance can be given to these people.

Concern has also been expressed to me that a deal has been done between the government and the opposition regarding this subdivision whereby the opposition will cease its objection to the Mont Park proposal if the government accepts this amendment to the planning scheme. I hope this is not correct and I seek an assurance from the Minister that no deal has been done behind closed doors.

There is considerable concern about this issue and other land is available that can be used. I have indicated previously that the amendment to the planning scheme will be an infringement on a very important and historic area of coastline.

Pedigree dogs

Hon. G. H. COX (Nunawading) — The matter I raise for the attention of the Minister for Consumer Affairs relates to dogs and although the Minister may wonder why dogs would come within his jurisdiction I believe there is sufficient concern for the matter to be directed to him. I am concerned about an advertisement in the *Age* newspaper under the heading "Livestock Dogs" which states:

> Available. Pedigree puppies all breeds. We recommend for your protection, you purchase a registered pedigree puppy. Unfortunately, many people have been disappointed by the purchase of an unregistered or cross-bred puppy.

The advertisement was inserted by the Victorian Canine Association. The Minister would have received a letter from the shadow spokesman for Consumer Affairs in the other place, Phil Gude, asking that the Minister instigate a full inquiry into the various allegations being made about Doberman dogs and the hereditary problems they have.

Pedigree dogs are expensive to purchase and maintain and can cause considerable trauma for their owners if they die four or five years after purchase. One person purchased three pedigree dogs within a short period, two of which have died, and the third is costing him $70 a week for special treatment.

I refer the Minister to a submission from Mr Roger Da Silva and Mr J. Hollbrook, who referred to a meeting and discussions with officers from the Ministry of Consumer Affairs on 7 October. They said they were unhappy with the reception they got. The letter states in part that the then acting director, Mr Glenn Carleton, indicated in as many words that he was not very interested in their concerns and that he would not stay too long on the job because he was moving upstairs in two weeks time. I do not know if he was moving up at the Minister's direction or for some other reason.

Another lady had a dog that died at the age of two years and ten months. When speaking to her, Mr Carleton is alleged to have cut off the conversation. A variety of other allegations are made in the submission by Mr Da Silva and Mr Hollbrook.

In a letter of 14 October 1991 the Minister said that the acting director intended to follow up a number of issues raised at that meeting with the Victorian Canine Association.

What progress has been made given the assertions made by Mr Da Silva? If the Minister does not have that information available I ask that he provide me with it in due course.

Translating and Interpreting Service

Hon. G. P. CONNARD (Higinbotham) — I direct to the attention of the Minister for Ethnic, Municipal and Community Affairs a circular from the Federal Department of Immigration, Local Government and Ethnic Affairs regarding on-site interpreting services provided by the Translating and Interpreting Service (TIS), which says that at a conference of Commonwealth-State Ministers for immigration and ethnic affairs held in June 1990 it was agreed to introduce charges for TIS on-site interpreting services from 1 January 1991. The circular says in part:

> While the invoicing of other State agencies commenced as planned, the forwarding of invoices to agencies of Health Department Victoria was delayed while discussions were held between officers of that department and the Department of Immigration, Local Government and Ethnic Affairs. The following cost recovery arrangements have now been decided upon:
>
> State-funded health agencies and services with government-appointed boards or committees would be charged for on-site interpreting services provided from 1 January 1991; and
>
> community health centres and other health services with community-elected management would not be subject to charges at this time but would be reviewed over the year.

I ask three questions related to this matter. Firstly, did the Minister agree to the introduction of these charges, which she would know — because of her previous experience as Minister for Health — are critical in the area of health delivery? Secondly, and importantly, why are State-funded health agencies and services with government-appointed boards or committees being treated differently from those of community health centres or other health services — there is undoubtedly inequity between one agency and another? And, thirdly — this is also related to her previous experience as Minister for Health, and I ask that the current Minister for Health also listen closely — will the Minister's department fund health agencies for costs associated with the TIS?

Responses

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — Mr Connard asks three things of me. Firstly, he asks why these arrangements were agreed to — I believe it would be difficult to argue they were agreed to. It was made clear over several years that the Commonwealth intended to change the arrangements. There was still a good deal of discussion taking place at the beginning of the year and, in fact, discussions are continuing at officer level between the State Office of Ethnic Affairs and the office of the Federal Minister. Indeed some of the questions raised by Mr Connard are probably likely to be discussed by the Premiers this week.

A case can certainly be made that a cost has been transferred from the Commonwealth to the State. Although notice has been given, it is not entirely correct to say there was agreement to it.

The second part of the question was why the charges for health facilities rest with the government and not the community. That is an exemption granted by the Federal Minister. It is not always possible to know precisely what is in the mind of the Federal Minister when decisions are made.

As Mr Connard said, the third part of his question is more properly directed to the Minister for Health. It is fair to say that discussions are continuing about language services, particularly translation services and telephone interpreting services. A number of subtle, difficult and sharp questions are raised by what appears to many people to be a little item.

However, it has large ramifications. I do not want Mr Connard to believe the matter has been swept under the carpet; that is by no means the case. Discussions are continuing in the hope of finding some way of changing arrangements with the Commonwealth.

Hon. B. T. PULLEN (Minister for Education and Training) — Mr Chamberlain raised a matter for the Minister for Conservation and Environment regarding the quality of maintenance and cleanliness of Wannon Falls Reserve. I shall direct that matter to the attention of the Minister in the other place.

Mr Ashman raised the operation of the enhanced resignation packages that are available to employees who voluntarily resign and satisfy eligibility criteria. It is a means of permanently reducing the size and increasing the efficiency of government. Funds are provided by the Ministry for Finance. I am prepared to examine whether certain employees have been disadvantaged in expressing interest because of timing and shall then respond to Mr Ashman.

Mr Baxter raised the operation of the Adult Migrant Education Services, especially the program of the Continuing Education Centre. I was not aware that people were being disadvantaged by the application of certain criteria, and I thank Mr Baxter for raising the matter. However, I shall have to investigate whether the facts are as he described them. I shall respond to Mr Baxter in writing.

Mr Mackenzie raised for the Minister for Planning and Housing amendment L19 to the Bass planning scheme and complaints about a hearing. I undertake to convey his concerns to the Minister in the other place.

Hon. M. A. LYSTER (Minister for Health) — Mr Smith again referred to the Cranbourne ambulance station. I am almost 100 per cent certain that I wrote a letter to him some ten days ago. If I recall correctly the contents of the letter were to the effect that from January or February next year the ambulance station will be manned between 9 a.m. and 6 p.m. with officers on call for the remainder of the 24 hours. That provision has been agreed to by the Director of Ambulance Services and Health Department Victoria.

Mr Smith referred to a letter that was sent to me by the Cranbourne Ambulance Auxiliary. I have not seen it but I shall check the mail to see whether it has arrived.

Hon. K. M. Smith — You should have received it about a week ago!

Hon. M. A. LYSTER — It may have arrived on a sitting day when I did not see the mail. I shall follow it up because the government is most appreciative of the way we have all been able to work together to ensure that this growing area of Melbourne has an ambulance station that will meet its needs and has provision for six ambulances and a considerable staff. In time all of that accommodation space will be needed.

In the interim my recollection of the staffing arrangement is as I have outlined it, but if there is a change to that I shall advise Mr Smith accordingly.

Hon. T. C. THEOPHANOUS (Minister for Consumer Affairs) — In respect of the inquiry from Mr Cox, Mr Glen Carleton is dealing with the matter. I hope there was no assertion in Mr Cox's inquiry that Mr Carleton is not dealing appropriately with the matter. He is a much valued officer in the department and has many years experience going back to the previous government. I have total confidence in his ability to deal with the issue. I am not aware that anything further has transpired since the meeting that occurred two weeks ago, but I shall follow it up with Mr Carleton, whose bark, I might say, is much worse than his bite.

Motion agreed to.

House adjourned 12.47 a.m. (Wednesday).

Wednesday, 20 November 1991

The PRESIDENT (Hon. A. J. Hunt) took the chair at 10.32 a.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

ARADALE TASK FORCE REPORT

Hon. M. T. TEHAN (Central Highlands) — In view of the findings of the Aradale task force that the conditions of employment were more in the staff's interests than in the patients' interests, will the Minister tell the House when she will act to remove from the Mental Health Act section 97, which restricts proper integration of psychiatric services into the general hospital system?

Hon. M. A. LYSTER (Minister for Health) — Mrs Tehan has raised this matter before, so I shall repeat the answer I have given before.

Hon. M. T. Tehan — That is not good enough after yesterday!

Hon. M. A. LYSTER — The policy of this government of mainstreaming psychiatric services into the general health system has been a long-held one.

Honourable members interjecting.

The PRESIDENT — Order! It is difficult to hear the Minister.

Hon. M. A. LYSTER — We have implemented that policy with every new psychiatric unit constructed over the past few years. I am certainly looking forward — at the end of next week — to opening the latest of those, the 35-bed psychiatric unit that will form part of Frankston Hospital, thus continuing to implement the government's policy of mainstreaming psychiatric services.

Hon. R. I. Knowles — Are they section 97 staff?

Hon. M. A. LYSTER — The integration and the mainstreaming of existing psychiatric services is also occurring throughout the State — —

Hon. M. T. Tehan — It is not.

Hon. M. A. LYSTER — It includes the amalgamation of Dax House with Geelong Hospital, and discussions between all other freestanding psychiatric units in the State with neighbouring or associated hospitals are reaching finalisation. We are looking forward to a formal agreement being put in place either at the end of this year or in the first three to six months of next year.

The discussions have highlighted anomalies in two fairly recent pieces of legislation, the Mental Health Act and the Health Services Act 1988. A review is necessary, not just of the way the services are mainstreamed on the ground but to ensure that an appropriate legislative framework is provided to protect people with psychiatric disabilities when they are treated within the general health system.

Honourable members interjecting.

Hon. M. A. LYSTER — As I have said before, those anomalies in the legislation will be corrected by new legislation that will be introduced into the House in the next session.

Hon. M. A. Birrell — It was your own legislation.

Hon. M. A. LYSTER — We have never believed that once legislation has been passed it is set in concrete. I have always held the view that legislation should be a living thing and should respond — —

Hon. D. R. White (to Hon. M. A. Birrell) — We'll be happy to match our mental health record with yours.

Hon. M. A. LYSTER — We certainly will!

The PRESIDENT — Order! I ask the two Leaders to behave. Cross-fire between the two of them does nothing for the dignity of Parliament and interrupts the proceedings of the House. I ask the Minister to continue.

Hon. M. A. LYSTER — The record of the government in mental health shows that it is a leader not just in this country but throughout the world. This government has a very, very proud record, not in rhetoric and fine words but in actually doing things — —

Honourable members interjecting.

The PRESIDENT — Order! What is going on is not interjection of the kind that is permitted; it is simply interruption and is mere commentary from

the sidelines. I ask that the Minister be heard in silence.

Hon. M. A. LYSTER — I shall resist the opportunity to talk at length about the exemplary record of the government in mental health, including its willingness to open up for inspection institutions such as the Aradale Psychiatric Hospital and residential institution, something that former Liberal governments could have done many years ago but instead chose not to do.

Hon. M. A. Birrell — I disagree with your answer.

Hon. M. A. LYSTER — If Liberal governments had taken the appropriate action, government and the community could have ensured that horrors such as those revealed to the public yesterday would not have occurred.

The government will continue to protect the welfare and rights of and care for people with psychiatric disabilities; and next year it will introduce amendments to the two pieces of legislation to which I have referred so that the community can continue to have confidence in the way the most vulnerable in our society are cared for.

Similarly, I look forward to continued action by my colleague the Minister for Community Services, who, with the total support of the government, even in a difficult Budget year was able to commit $18 million to the closure of Caloola.

I repeat: the record of the government in protecting the rights of people with disabilities is beyond reproach, and that will continue to be a major priority of the government.

CODE OF PRACTICE FOR EXPLORATION AND REHABILITATION OF EXPLORATION SITES

Hon. D. M. EVANS (North Eastern) — I direct to the attention of the Minister for Manufacturing and Industry Development the Code of Practice for Exploration and Rehabilitation of Exploration Sites under the Mineral Resources Development Act, which was agreed to last week by resolution of this House with the support of all parties.

Is it a fact that since the adoption of the code by the House advice has come to light that certain provisions relating to the code of practice under another Act, the Planning and Environment Act, may render the document legally invalid? If so, and in view of the importance of the code, what action will the Minister take to resolve the problem?

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — We have been given no evidence to suggest that the code of practice that was introduced into and passed by both Houses last week is likely to be invalidated. If Mr Evans has evidence to suggest that the code conflicts with another code under the Planning and Environment Act, given the lateness in the sessional period it is of the utmost importance that we examine the issue he has raised.

Clearly, if what Mr Evans suggests has any validity and there is evidence to show that the code of practice, which is integral to the effective introduction and implementation of the Mineral Resources Development Act, has in any way been placed in jeopardy, we will have to move expeditiously in this House tomorrow and in the Legislative Assembly next Tuesday. To date I do not have any advice to that effect, but I look forward to discussing the matter with Mr Evans after question time so that, if necessary, we can deal with it expeditiously.

DOCKLANDS REDEVELOPMENT

Hon. JOAN COXSEDGE (Melbourne West) — Will the Acting Minister for Major Projects advise the House of the latest progress on the government's initiatives in redeveloping the Melbourne docklands?

Hon. D. R. WHITE (Acting Minister for Major Projects) — As honourable members will be aware we have established the Docklands Authority under the chairmanship of Eric Mayer, and in addition we have established a Docklands Task Force, which, in conjunction with the Docklands Consultation Steering Group, comprises community groups.

Taking into account the experience that occurred with the Brunswick-to-Richmond powerline, the government has produced a proposal for the initial development, subject to investment interests, of Docklands. That process has now reached a stage where the Docklands Task Force and the Docklands Consultation Steering Group have, as a product of public consultation, produced a report that could be described as the draft strategy for the redevelopment. It will become the responsibility of Eric Mayer and the Docklands Authority.

The draft strategy for redevelopment proposes that the Docklands take the following form: they should be a place where people live and to which many more come to work, study or for pleasure; they should have a much higher residential component than currently exists in the central business district. Maritime activities related to the area's heritage should be reflected in Docklands design — —

Hon. M. A. Birrell — How many times does the report have to be rewritten before you accept it?

Hon. D. R. WHITE — I will come to that in a minute. The most advanced environmental practice should be used to enhance the extension of the central business district to the waterfront site. It might be appropriate that land development for Docklands is more mixed than is typical of most parts of Melbourne. Priorities would include housing — but not high-rise housing, obviously, for reasons of topography — as well as open space, entertainment, leisure, education and research, and commercial and industrial uses.

More efficient use should be made of existing inner urban infrastructure. Movement around the Docklands should be dominated by public transport, with a high priority given to pedestrian activity. Spencer Street station should be redeveloped as a major transport interchange, possibly including a terminus for the proposed rapid transit link to Melbourne Airport. The final proposal is the need to direct through traffic away from the Docklands.

Therefore, the draft strategy — a product of the Docklands Task Force — begins to give shape to the future character of the Docklands in the 1990s, subject to private investment.

In response to Mr Birrell's interjection, the consultation steering group had views about one of the drafts of the strategy for redevelopment, and the government asked the task force to have regard to public comment. I am more than happy for the Leader of the Opposition in this place to be briefed by the Chairman of the Docklands Consultation Steering Group about the nature of the amendments sought, as Eric Mayer, the chairman — —

Hon. M. A. Birrell — We want the steering committee wound up. It is a waste of time!

Hon. D. R. WHITE — It is also true that the Docklands Consultation Steering Group will need, if not in its present form then at some stage, to be revisited as investment proposals are introduced.

Hon. M. A. Birrell — It is a total waste of time and money!

Hon. D. R. WHITE — That is not correct.

Hon. M. A. Birrell — It is absolute garbage. It should have been left to the Docklands corporation.

Hon. D. R. WHITE — That is not correct. The Brunswick-to-Richmond powerline experience shows that whatever bureaucracies decide and whatever the authority under the chairmanship of Eric Mayer decides, there will always be a need for an advisory group — and that is all it is — capable of taking into account public expectation about what should occur at Docklands. We, in good faith — —

Hon. Haddon Storey — You had an identified concern in the case of the powerline.

Hon. D. R. WHITE — From 1984 onwards, in conjunction with the State Electricity Commission, the government was of the view that it could put an above-ground transmission line between Richmond and Brunswick with satisfactory new aesthetic arrangements.

As honourable members know, by the time of the Kew by-election public opinion had changed far more dramatically than the State Electricity Commission or the government — —

Hon. M. A. Birrell — How is that comparable to the Docklands?

Hon. D. R. WHITE — It is comparable in this sense: major investment proposals will come forward to Eric Mayer for residential, commercial and industrial uses. Business people in the central business district and those in inner suburban residential areas as well as members of the broader community, on behalf of planning and other groups, will want to have the opportunity of expressing views on the merits of the investment proposals — not on whether they should occur but on the form in which they should occur — because of the significance Docklands will have for the future planning of Melbourne.

Therefore it will be necessary for the Docklands Authority, under the chairmanship of Eric Mayer, to have recourse to an advisory group similar to the Docklands consultation group to take into account, as it has so adequately done under the leadership of John Fowler, the views of community groups.

It will not be enough for the Docklands Authority to say that it is a sufficient repository of community views and that it understands the community views and expectations on every investment project. If it does, it will run into the same problems, by way of analogy, the government had with the Brunswick-to-Richmond powerline. The sophistication of the community consultation processes in today's society absolutely necessitates that that form of consultation occurs. If the Leader of the Opposition wishes to proceed under any other method of decision making, he will find his views do not adequately reflect community opinion about or expectation of the implementation of new investment proposals for the Docklands.

We wish the Docklands well. We look forward to releasing today the report of the task force and we look forward to the investment that will flow to the Docklands. We are confident the project will attract significant international interest and will produce initiatives in keeping with harmony in planning expectations and will keep Melbourne in its position as the most livable city in the world.

ARADALE TASK FORCE REPORT

Hon. M. A. BIRRELL (East Yarra) — I refer the Minister for Health to the outcome of the disasters at the Aradale Psychiatric Hospital and the indication in the report on Aradale that there is a need for further independent oversight of psychiatric and related institutions. Will the Minister now make a policy commitment on behalf of the government to appoint independent boards of management to oversee all psychiatric institutions along the lines of the independent boards of management that run all public hospitals?

Hon. M. A. LYSTER (Minister for Health) — I direct Mr Birrell's attention to the first report of the Brand review. It contains a proposal for local health boards to have application in rural Victoria where most of our larger and older psychiatric institutions are located. If this recommendation were taken up actively, the thrust of it in, for example, Ararat would be that Aradale Psychiatric Hospital would come under the control of one local health board and under the control of the local people, who would have immediate access to the way services are delivered in Ararat and at Aradale.

The recommendation has been supported by the government. I invite the community of Ararat to examine the way it could have application for the two major health institutions in the community. The recommendation would have application in a number of psychiatric hospitals in the State — Brierly Psychiatric Hospital in Warrnambool is one and Mayday Hills Hospital in Beechworth is another. It would not resolve the problem for institutions in the Bundoora complex. Appropriate oversight by the community must be undertaken there.

In many ways, if the community had had access to these institutions earlier, a lot of the serious malpractices would not have occurred. That is the major reason why we initiated the public advocacy and community visitors programs. It is the major reason why, earlier this year, I announced a consumer advocacy program and is the major thrust behind the mental health legislation. I look forward to there being a far stronger community input to the way in which psychiatric institutions throughout the State are run.

As I said in my earlier response, the new units at Maroondah Hospital are under the control of the Maroondah board of management; the new units at Monash Medical Centre are under the control of the Monash board of management; and the new unit that I will be opening at Frankston next week will be under the control of the Frankston Hospital board of management.

So it is obvious that the government is not just using words in the spirit of Mr Birrell's question but is already well on the way to implementing the thrust of his question.

SOVIET FISHING FLEET CONTRACT

Hon. W. R. BAXTER (North Eastern) — I refer the Minister for Manufacturing and Industry Development to his reply on 29 October to a question on the contract to repair Russian fishing vessels. In his response the Minister spelt out some details of the contract but omitted any reference to the financial arrangements. What are the financial arrangements, and will the work be paid for in hard currency by the Russians?

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — The Russian contract is a viable business operation and the catch, which is mostly destined for export purposes, will produce hard currency outside Russia. The government is of the view that the commercial arrangements will involve the Russians spending in Victoria money that has been gained from the export of fish, and that will enable them to pay for the repairs and

maintenance in our currency, as opposed to some of the difficulties that have been experienced in selling primary produce to the Russians.

Hon. Robert Lawson — Perhaps they will pay us in fish!

Hon. D. R. WHITE — Mr Lawson may wish to go down there on the day the catch comes in but the government is not proposing any barter arrangement!

The understanding is that the work will be paid for on a commercial basis and that it will be paid for in Australian dollars as a product of the success of the Russian contract as a viable commercial operation in its own right.

I repeat that the catch will be a product of fishing essentially in proximity to New Zealand and that significant economic benefits are to be gained by the dry dock facility that is being brought to Melbourne from Vladivostok — which I hope will occur in 1992. As a result of this commercial arrangement the government expects that the first ships will be coming to Melbourne for repairs early next year and that the payments will be made in Australian currency.

SCHOOL PRINCIPALS

Hon. B. E. DAVIDSON (Chelsea) — Will the Minister for Education and Training advise the House of any steps that have been taken to consult with and clarify the role of school principals?

Hon. B. T. PULLEN (Minister for Education and Training) — During the past twelve months the Statewide Principals Forum conducted a major survey in which approximately 600 school principals from around the State responded to a number of questions on leadership, teaching and devolution of school management responsibilities.

The Statewide forum was established in 1990 to improve consultation with principals in primary, secondary and special schools. One of the most significant outcomes of the survey was the overwhelming support shown for a modern, team approach to school leadership. In a sense that is not surprising because it coincides with the current direction of management and leadership in the more progressive industrial organisations in the State.

A significant finding was that the great majority supported and used a school leadership and management style involving consultation and community ownership of decisions. The preliminary results of the survey are a clear rejection of the outdated and unworkable "principal as dictator" approach to leadership espoused by the opposition.

The survey also found strong support for industrial agreements that set uniform salary and working conditions across the system. Only 27 per cent supported a move to industrial agreements on a school-by-school basis.

It also showed that principals were strongly opposed to the devolution of personnel functions, such as the administration of salaries, leave entitlements and superannuation deductions and benefits, directly to schools.

It also showed that, although 75 per cent of principals wanted more say in the local selection of teachers and 95 per cent wanted to see a streamlining of ways of dealing with teachers they regard as unsatisfactory, the majority of principals do not want the power to dismiss or fire teachers directly.

The survey showed that 68 per cent of principals support the concept of schools being able to develop particular subjects within comprehensive curriculums.

The survey results provide support for the current direction in Victorian education in such areas as greater cooperation between schools, wider curriculum choice and improved accountability and measurement of student outcomes.

It clearly demonstrates that policies — in this case opposition policies — that set one school against another in competition for students and resources are rejected by the majority of principals.

Other issues taken up by the survey were the possibility of the establishment of a code of ethics for principals and teachers and the development of better ways of publicising new roles for teachers so that quality applicants are attracted.

The survey is part of an ongoing process of consultation and policy development. Further survey findings will be finalised by the end of the year. Before leaping to any hasty conclusions, honourable members opposite should read the full survey.

Honourable members interjecting.

The PRESIDENT — Order! There is too much interjection. The barrage has become too great. I believe most honourable members are unable to hear what the Minister is saying.

Hon. K. M. SMITH (South Eastern) — On a point of order, Mr President, the Minister continually refers to the survey. He has not given a satisfactory explanation as to who carried out the survey. It may be a fictional survey that has been made up in his office. He should make it available.

Honourable members interjecting.

The PRESIDENT — Order! There is a germ of a point of order. If a Minister is quoting from a document, he may be asked to produce the document, and if the Minister has it available I invite him to produce it in reply to Mr Smith.

Hon. B. T. PULLEN (Minister for Education and Training) — I am only too happy to clarify the situation. The survey was prepared in consultation with a group of principals throughout Victoria. Mr Smith's remarks denigrate the important work carried out by the group of principals that presided over the gathering of information in the survey.

Hon. M. A. BIRRELL (East Yarra) — On the point of order, Mr President, you made a ruling on Mr Smith's request for the document. If the Minister is quoting from the document, there is an expectation that he will provide or identify it. The Minister has said nothing to identify the author or the date or to suggest that the document has a substantive source. The opposition seeks that source and wants to know whether it was independent or whether the survey was carried out by the Minister's department at his request.

Hon. B. T. PULLEN (Minister for Education and Training) — Had the honourable member been a little more patient I would have reached that point. As I was about to say, the document is available and I am only too happy to provide it to all members of the House. I am happy to provide all members with the questionnaire that was sent out seeking responses on leadership, teaching devolution and analysis of issues. That was done in consultation with principals.

Hon. M. A. Birrell — By whom?

Hon. B. T. PULLEN — The Ministry issued the questionnaire, and that is a proper process. It behoves honourable members to read the material.

The PRESIDENT — Order! At this stage I should mention the reason for which production of a document may be required. If a document is being quoted, honourable members are entitled to know whether it is being quoted selectively, what the document is and by whom it has been prepared.

The point was first raised by Mr Smith and taken further by Mr Birrell. The Minister is now dealing with it, and I have no doubt he will fully identify the document. He should be given the opportunity of doing so. The raising of the point has been useful in clarifying this matter. One cannot quote a document in support of a case and then refuse to identify the document. The Minister has not been seeking to do that, and he should be given the opportunity of proceeding with his answer and identifying the document.

Hon. B. T. PULLEN — I believe I have identified the document and I have said that I will provide it to any honourable member who may like to have it, together with the questionnaire on which the responses were based. The attitude of principals on questions of leadership and teaching devolution is important. It behoves honourable members to look at the document, which is the result of a survey of 600 principals in Victoria. Rather than producing a policy based on the attitude of a selective group of principals, which may not have been a representative sample, a wide survey was carried out, and the responses provide a strong basis for gauging the attitude of principals charged with the responsibility of managing schools in this State. It should be read carefully by all honourable members.

The PRESIDENT — Order! Following the point of order, perhaps the Minister would state the date of the document, if it has one, and its title.

Hon. B. T. PULLEN — The title is "Leadership, teaching devolution and analysis of issue responses". The document I have does not bear a date, but I shall get that information. It would have been produced in the past fortnight.

The PRESIDENT — Order! Is it November 1991?

Hon. B. T. PULLEN — Yes.

MANAGEMENT OF PSYCHIATRIC INSTITUTIONS

Hon. R. I. KNOWLES (Ballarat) — In light of yesterday's report into the mismanagement of Aradale hospital, what inquiries has the Minister for

Health made about the management of other institutions under the control of her department; and will she assure the House that the mismanagement and abuse of patients identified at both Lakeside and Aradale hospitals are not occurring at any of those institutions?

Hon. M. A. LYSTER (Minister for Health) — I remind Mr Knowles of the debate in this House earlier this year at the time of the release of the report into the Lakeside Hospital. He will recall that I announced two specific programs: the consumer advocacy program, to which I referred in my previous answer; and an immediately instituted clinical aud process that has been ongoing since that time. It involves the visiting of every psychiatric hospital in this State by a group of people whose major brief is to examine the quality of care given to residents. It will certainly be an ongoing matter.

The audit team has already had significant success in achieving what one realises, following an examination of the reports into Lakeside and Aradale hospitals, is really needed — a systemic revolution in the way services are delivered in our psychiatric hospitals.

Although I look forward to receiving further reports, much has been achieved already not just in individual institutions by the clinical audit process but also in the culture of institutional care, in which there have been significant changes.

It is obvious from what has been put in front of the community over the past twelve to eighteen months that, like the government, it is quite correctly demanding that we have confidence in the way people are cared for. The processes that have been put in place as ongoing, constant measures, and the deliberate policy of opening up the institutions will mean that the community can have confidence in the fact that action is being taken to remedy the gross injustices of the past.

FUNDING OF NON-GOVERNMENT SCHOOLS

Hon. R. M. HALLAM (Western) — I refer the Minister for Education and Training to the government's decision not to continue in the coming school year with the loan guarantee arrangements extended in the current school year to non-government schools, ostensibly to offset deferral of government funding to those schools. Is it a fact that the government approached the same banks that provided the financial accommodation this financial year with a view to continuing the arrangements for the 1992 year only to have the banks refuse to accept the government guarantee as security for the loan funds required?

Hon. B. T. PULLEN (Minister for Education and Training) — No, that is not correct. I have had consultations with the independent schools sector — both Catholic and other independent schools — to finalise arrangements. In both cases it has been conveyed to me that they desire maintenance of arrangements similar to those that operated last year in the event of the deferral of payments in the first half of the year, which I have foreshadowed is likely to happen.

Steps are being taken to support that position and maintain the situation that operated last year. As I have not yet announced the final situation with respect to the non-government sector, I would like the opportunity of fully informing those involved before going further.

I assure the honourable member that it is my intention to maintain the arrangements that operated last year. I have no knowledge of the problem he has raised.

ETHNIC HEALTH SERVICES

Hon. LICIA KOKOCINSKI (Melbourne West) — The development of relevant and accessible services for ethnic communities has been one of the high priorities of the government and will no doubt continue to be so. Will the Minister for Health inform the House what measures she and Health Department Victoria are taking to further improve the quality of health services provided to ethnic communities?

Hon. M. A. LYSTER (Minister for Health) — I thank the honourable member for her question and her continuing interest in and advocacy for people from non-English speaking backgrounds.

Last year my predecessor, Mrs Hogg, initiated a Ministerial task force on ethnic health to provide advice on the most appropriate development of health services for ethnic communities. The government believes it is essential to involve ethnic communities in the decision-making process from the beginning. The task force has developed a set of principles to guide the delivery of services and its recommendations are detailed in a report which I look forward to launching a few weeks from now.

Among the principles the task force has placed before the government, and which the government accepts, is the one I mentioned before — the importance of the involvement of ethnic communities, in partnership with health agencies, in making decisions about the way health services should be delivered. The task force stresses the importance of quality assurance mechanisms at all levels and of developing appropriate mechanisms for the assessment and ongoing monitoring of the needs of ethnic communities.

I am pleased to announce that I have accepted another of the recommendations put to me, the formation of an ongoing ethnic health committee. I inform the House that my colleague Ms Kokocinski has accepted my invitation to chair this important consultative committee, which comprises key representatives of health and ethnic agencies.

The task force report will be jointly launched on 19 December when responses will have been received from representatives of the ethnic communities that have been invited to be part of the Ministerial committee advising the government. It is important to recognise that this report is not the final word by any means, but is the next stage in the government's close working relationship with ethnic communities.

Hon. R. A. Best — What about the ethnic communities in Mildura?

Hon. M. A. LYSTER — The government will ensure that large ethnic communities, such as those in Mildura, have further reinforced health services that appropriately and sensitively meet their needs. That will apply not just in Mildura but in many parts of rural Victoria that have already received the attention of the government.

I look forward to the committee providing the government with an overall framework to which health services and health agencies can respond appropriately.

ROYAL MELBOURNE HOSPITAL

Hon. M. T. TEHAN (Central Highlands) — I also address my question to the Minister for Health. Is it a fact that the Royal Melbourne Hospital has offered to pay up to $15 million to the University High School council in payment for a new technology building and upgrading the physical structure of the entire school to obtain the school council's permission to build a car park underneath the school's sports playing field? Will the Minister tell the House where the $15 million will come from and why the Royal Melbourne Hospital is forced to pay such an exorbitant amount rather than the matter being settled between her Ministry and the Ministry of Education and Training?

Hon. M. A. LYSTER (Minister for Health) — The Royal Melbourne Hospital has for some time been seeking to have access to land on which it could, with its own funds, develop a car parking facility to complement the significant major development that will take place at the hospital over the next five years.

By and large the government does not invest health money in car parks. It is not considered to be a core service for Health Department Victoria, but it is considered by the board of the hospital to be an integral part of the development. The major difficulty is in gaining access to an appropriate site.

Over some years discussions have taken place with the University High School council about the possibility of the hospital gaining access to the land underneath a sports-ground at the school. The sum mentioned by Mrs Tehan is certainly new to me. I have not heard any figure remotely approaching that as an amount that the hospital may expect to pay.

Discussions have ensued over the past months between my office and that of my colleague the Minister for Education and Training. I have asked somebody to work closely with the hospital to facilitate the development. The government will not put money into a car park development but, because it is so important to the major development at the hospital that the government is supporting and paying for, the government is keen to ensure that any regulatory or other obstacles are smoothed to make this development possible.

I shall ascertain whether the hospital believes there is a current difficulty. I spoke with the chief executive of the hospital some three weeks ago and he was pleased with the progress being made. I reiterate that the sum of $15 million has not been raised in any quarter.

Hon. M. T. Tehan — With you?

Hon. M. A. Lyster — In any quarter.

RURAL UNEMPLOYMENT

Hon. E. H. WALKER (Melbourne) — I address my question to the Minister responsible for rural affairs in this House, the Minister for Ethnic, Municipal and Community Affairs. Given the high rate of unemployment in rural Victoria — which I am sure is of concern to every member of the House — can the Minister tell the House what is being done to help generate jobs and encourage economic growth in country towns? Will she particularly make reference to small country towns, which I believe are bearing the brunt of the rural recession?

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — I hope Mr Walker will find the answer satisfactory because it builds on initiatives for which he was responsible a number of years ago. A new $1.2 million program, Business Advisers to Rural Areas (BARA) — —

Hon. M. A. Birrell — Is there a brochure?

Hon. C. J. HOGG — It is being funded by the Federal Department of Primary Industries and Energy and it will be managed by Rural Enterprise Victoria (REV). The scheme in Victoria will be known as REV-BARA.

Hon. M. A. Birrell — You will definitely need a brochure for that!

Hon. C. J. HOGG — The REV scheme has created 224 full-time and 216 part-time jobs as well as creating 197 new enterprises in small country towns. REV has been acknowledged by the Federal government, and particularly Mr Crean's department, as the appropriate and best model in Australia for stimulating enterprise in country areas.

During the next three years Victoria will receive $400 000 a year to establish these projects in country towns with populations of fewer than 5000, because smaller towns are recognised as having particular problems and being particularly able to respond to REV-BARA initiatives.

Grants of up to $50 000 in a twelve-month period will be made available to incorporated community groups, which will be responsible for initiating the projects. Once again it is similar to the REV model. The communities will take responsibility for their projects and for the facilitators whose salaries come out of the $50 000.

This new program will be an additional stimulus for local communities so that they can focus on what lies ahead of them during the following twelve months or two years when making common decisions on the actions they take.

I do not suggest that this program will in any way answer many of the larger concerns, but it certainly has a good practical and demonstrable strength because it is community based and community controlled. It is based absolutely on the Victorian model.

The advertisements for the program will go into the rural press, I think from today, and certainly over the next week. Information nights will be held during the first and second weeks of December and applications will close by the end of January. I am sure that honourable members with small towns within their electorates — a number of honourable members have asked me for more information about the REV scheme — will now see that this Federal funding represents an expansion of some of the principles and ideas of REV, a program in which Mr Walker, in particular, was most interested.

ARADALE TASK FORCE REPORT

Hon. G. P. CONNARD (Higinbotham) — I refer the Minister for Health to the Aradale report, which said that the rostering practice of two-on, two-off for psychiatric nurses and catering staff throughout Victoria was "unprofessional and uneconomic" and ask when the Minister will act to stop this rostering practice, which is another example of State-run psychiatric institutions being for the benefit of staff and not patients?

Hon. M. A. LYSTER (Minister for Health) — The practice of what is described as two-on, two-off rostering for charge nurses at both Lakeside Hospital and Aradale Psychiatric Hospital and residential institution has already been stopped. One of the recommendations to which I referred yesterday was that the Director of the Office of Psychiatric Services will immediately complete and implement policies on a range of matters including rostering practices and labour performance in non-direct care areas as well as developing performance indicators for clinical care at psychiatric hospitals. The answer to Mr Connard's question is that I look forward to a complete re-examination and reworking of all rostering practices at psychiatric hospitals.

It is worth mentioning that the two-on, two-off practice was initiated as a care issue. There was concern that the practice of three 8-hour rosters provided a discontinuous level of care for patients. The practice was initiated some years ago so there would be one person caring for patients for an extended period. Now that the practice has been examined after a few years of operation it is obvious that there have been unintended consequences of the way it has worked. That is why I look forward to a total re-examination and reworking of the rostering practices in all psychiatric institutions in the State.

UNSAFE TOYS

Hon. G. A. SGRO (Melbourne North) — I assure the House that this question will start a revolution in Victoria. *Choice* magazine recently printed an article on unsafe Christmas toys. Will the Minister for Consumer Affairs inform the House what he is doing about unsafe toys in the lead-up to Christmas?

Hon. T. C. THEOPHANOUS (Minister for Consumer Affairs) — This is a serious question and a serious issue. As people who care about these things know, in the lead-up to Christmas and over the Christmas break many Victorian children — and grown-ups as Mr Sgro has said by interjection — are injured as a result of using unsafe toys. Any children's gifts that impose hazards are banned from Victoria. As they do throughout the year, staff from the Ministry of Consumer Affairs will investigate reports of toys that are unsafe or of retailers selling toys that are banned. That practice has been followed on previous occasions. Anyone found selling banned toys will be liable to fines of up to $10 000.

Recently the Ministry prosecuted two companies for selling banned goods. One was a company in Richmond that was selling balloon inflation kits containing toxic chemicals. Obviously there were great dangers associated with such a product and the balloons were banned last year. In 1985 a company in Brunswick was selling Easter eggs that contained novelty toys that had been banned.

Hon. M. A. Birrell — Who would buy an Easter egg at Christmas?

Hon. T. C. THEOPHANOUS — People buy all sorts of things. I know members of the opposition are not interested, but I am directing the attention of the public to the fact that some toys are banned and that if the Ministry of Consumer Affairs discovers or receives reports that such toys are being sold those responsible for selling them will be prosecuted.

Today I shall issue a news release warning people about unsafe toys and advising them to think of safety when shopping for toys for children at Christmas. Parents should check the labels of toys to ensure the toys they purchase are appropriate to the ages of their children. They should be careful with toys labelled as being unsuitable for children under the age of three years, because quite often such toys appear to be safe but are quite unsafe for children aged under three.

One of the hazards with toys is that young children can swallow small components, and that can lead to serious consequences. Other injuries can be caused by toy guns and the like that discharge projectiles, so people should be careful.

Hon. G. R. Craige — Missiles?

Hon. T. C. THEOPHANOUS — Missiles and projectiles. They should be careful about the age groups of the children who receive those sorts of toys.

Honourable members interjecting.

The PRESIDENT — Order! There is a little too much noise. I am sure the Minister cannot hear himself speak.

Hon. R. I. Knowles — He's lucky!

Hon. T. C. THEOPHANOUS — I must say this is very important for me because I have small children and have to purchase toys. I am aware of some of the problems. Actually I am surprised the opposition does not seem to want to treat this matter seriously.

Hon. R. I. Knowles — We leave it to Santa.

Hon. T. C. THEOPHANOUS — People do get injured, and little people get injured. You should be concerned about that.

Honourable Members — We are!

Hon. T. C. THEOPHANOUS — We are concerned about it, and that is why the government is informing consumers about dangerous toys.

The PRESIDENT — Order! Honourable members may be surprised to know that the time for questions without notice has expired.

PETITION

Wattle Park

Hon. R. A. MACKENZIE (Geelong) presented a petition from certain citizens of Victoria praying that the Minister for Conservation and Environment ensure that no American-style playground be constructed at Wattle Park and that the area be maintained primarily as a nature reserve.

Laid on table.

OVERSEAS PROJECTS CORPORATION OF VICTORIA LTD

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) presented report of Overseas Projects Corporation of Victoria Ltd for year 1990-91.

Laid on table.

Ordered to be considered next day on motion of Hon. HADDON STOREY (East Yarra).

LEGAL AND CONSTITUTIONAL COMMITTEE

Statutory Rules Series 1990

Hon. R. J. LONG (Gippsland) presented annual report of Legal and Constitutional Committee on subordinate legislation concerning Statutory Rules Series 1990, together with an appendix.

Hon. R. J. LONG (Gippsland) *(By leave)*— The report is the first annual report of its type prepared by the Legal and Constitutional Committee, and outlines the activities of the committee in scrutinising the statutory rules made in 1990.

The first Subordinate Legislation Committee of the Victorian Parliament was established in 1958. In 1982 the committee was reconstituted and became the Subordinate Legislation Subcommittee of the Legal and Constitutional Committee. In 1985 major amendments to the Subordinate Legislation Act enhanced the procedures for making regulations and strengthened the ability of Parliament to oversee the process. Since 1985 the committee has regularly reported to Parliament on subordinate legislation.

I believe every member of the House should serve at least three months, and preferably six months, on the subordinate legislation subcommittee because a knowledge of its activities should be part and parcel of their training as politicians.

In 1990, 441 statutory rules were made, all of which came under the scrutiny of the committee. Approximately one in six statutory rules is queried by the subcommittee for one reason or another, and the queries are resolved in different ways. Of the statutory rules that were the subject of reports tabled in the Parliament, the committee recommended disallowance of three, and the House moved to disallow all three based on the recommendations.

The committee has the power to report directly to Parliament if it considers that a statutory rule offends the provisions of the Subordinate Legislation Act. In practice, the subordinate legislation subcommittee adopts a cooperative process, preferring to correct any problems by dealing privately with the responsible Minister. That may be described as an value-added approach because the subcommittee is not compelled to act in that way. In 1990, 22 statutory rules were the subject of amendment in that way.

Of particular note in the report is the final section, which deals with the dramatic increase in the number of Premier's certificates issued in 1990. Some 37 certificates were issued last year, which was double the number issued in 1989 and is the largest number of certificates ever issued.

The issuing of a Premier's certificate exempts a statutory rule from the regulatory impact statement process; but it does not exempt the rule either from the scrutiny of the committee or from the provisions of the Act.

The regulatory impact statement process is an essential feature of the underlying purposes of the Subordinate Legislation Act. Those purposes may be characterised under the headings of deregulation, accountability, openness, and improvement in the quality of regulations.

Unless urgent and extraordinary circumstances arise, the committee does not believe a Premier's certificate ought to be issued. Consequently the committee regards the increased trend in the use of Premier's certificates with grave concern.

The material in the annual report shows how the procedures established in the Subordinate Legislation Act are working to ensure that regulations and other subordinate instruments are

made properly and remain subject to the scrutiny and oversight of Parliament.

It is both distressing and frustrating to see the objectives of this trailblazing legislation being degraded by the drastic increase in the issuing of Premier's certificates.

I commend the report to the House.

Laid on table.

Ordered to be printed.

Ordered to be considered next day on motion of Hon. HADDON STOREY (East Yarra).

NATURAL RESOURCES AND ENVIRONMENT COMMITTEE

Fish resource allocations

Hon. ROBERT LAWSON (Higinbotham) presented report of Natural Resources and Environment Committee on allocation of fish resources in Victorian bays and inlets, together with appendices and minutes of evidence.

Hon. ROBERT LAWSON (Higinbotham) *(By leave)* — The report has excited a great deal of interest, especially as commercial and recreational fishing is a multimillion dollar industry. If the committee had inquired into the conduct of football in Victoria I doubt that it would have created more excitement because more people fish than attend football matches.

Fishing is a large industry; and a number of rural communities rely on recreational fishermen visiting their towns in season and spending money in pursuit of their hobby.

The report contains proposals for the fair allocation of fishing stocks, the better application of regulations to control fishing and the suppression of illegal fishing for commercial gain. I commend the report to any honourable member who wishes to gain an insight into fishing in Victoria.

This is one of a series of reports prepared by the Natural Resources and Environment Committee on subjects of great importance to Victorians. The committee has produced reports on Victoria's energy requirements beyond the mid-1990s, the allocation of water reserves in south-western Victoria, the disposal of waste in metropolitan Melbourne, and access to Victorian parks, each of which was well received and each of which is now used as an important source of information for those who wish to study these matters or find out vital facts.

We missed out on an inquiry into commercial rabbit farming which would have entailed a visit to a rabbit farm in New Zealand, as well as an inquiry into the mining industry, which would have required a visit to South Africa. We are not hopeful of getting that one! The Legislative Council is represented on the committee far out of proportion to its actual numbers — half of the committee is comprised of members of the Legislative Council. They are Mr Best, Mr Davidson, Mr Henshaw, Mr Lawson, Mr Macey and Mr Van Buren. That galaxy of names goes some way to explaining the quality of the report. Therefore, I move:

> That they do lie on the table and that the report and appendices be printed.

Hon. B. E. DAVIDSON (Chelsea) — Mr President, by leave, I should like to make a couple of remarks — —

Hon. M. A. Birrell — No, it's our time today. Leave is refused.

The PRESIDENT — Order! Mr Davidson will have the opportunity of speaking later by moving that the report be taken into consideration later this day.

Motion agreed to.

Ordered to be considered later this day on motion of Hon. B. E. DAVIDSON (Chelsea).

PAPERS

Laid on table by Clerk:

Housing Guarantee Fund Limited — Report for the year 1990-91.

Manufacturing and Industry Development Department — Report and financial statements for the year 1990-91.

Murray Valley Citrus Marketing Board — Report and financial statements for the year 1990-91.

Ordered that reports tabled by Clerk be considered next day on motion of Hon. HADDON STOREY (East Yarra).

REVOCATION OF PRESTON, COBURG AND BROADMEADOWS PLANNING SCHEME AMENDMENTS

Order of the Day read for consideration.

Hon. W. R. BAXTER (North Eastern) — By leave, I move:

> That this House authorises and requires the President to permit the motions for revocation of amendment L17 part 1 to the Preston Planning Scheme, amendment L11 to the Coburg Planning Scheme and amendment L18 to the Broadmeadows Planning Scheme to be moved and debated concurrently.

Motion agreed to.

Hon. W. R. BAXTER (North Eastern) — I move:

> That amendment L17 part 1 to the Preston Planning Scheme be revoked.
>
> That amendment L11 to the Coburg Planning Scheme be revoked.
>
> That amendment L18 to the Broadmeadows Planning Scheme be revoked.

On 22 October last the Clerk tabled in the House nineteen separate planning scheme amendments. There is nothing unusual about that. Almost every day a pile of run-of-the-mill planning scheme amendments are tabled in the Chamber, and that occurred again yesterday.

However, there were differences in the amendments tabled on 22 October which were not directed to the attention of the House in any way to alert members to the fact that some of the amendments being tabled were far more significant than usual.

To explain the situation I quote a letter dated 16 October that was sent to the Clerk of the Legislative Council by the Department of Planning and Housing:

> Dear Sir,
>
> Approval of Planning Schemes.
>
> Please find enclosed notice of approval ... for Planning and Environment Act 1987 to be laid on the table of the Legislative Council.

Honourable members will be aware that section 38 of the Planning and Environment Act provides that the House must have up to ten days in which to revoke any of those amendments if it so desires. As I have indicated, that letter gave absolutely no indication whatsoever of the significance of any of the planning schemes being tabled that day, and it was reasonable for honourable members to assume that they were not unusual.

To give an example, among the amendments tabled that day was amendment L10 to the Coburg Planning Scheme, which recognised the control of the use of land at 638 Sydney Road, Coburg, as a car park. There is nothing unusual about that.

It also included amendment L22 to the Coburg Planning Scheme, which rezoned land at 16 Oakbank Crescent, Pascoe Vale, to recognise the property's existing use as a detached house; there is nothing unusual about that.

It also included amendment L23 to the Coburg Planning Scheme, which rezoned the north-eastern corner of Harding and Nicholson streets, Coburg, from residential C to neighbourhood business, to recognise the commercial uses of the land.

In other words, they were examples of a planning scheme being amended to take account of current reality and recognise current uses of land.

But among those various amendments to the Coburg Planning Scheme tabled that day was amendment L17 part I, which was far more significant than is usually presented to the House. It removed the F2 freeway reservation between Bell Street, Coburg and Mahoneys Road, Thomastown, and replaced the road reservation zones with reservations that generally conform with the surrounding development. That was a significant planning scheme amendment, yet there was no signal to the House that a major change was being brought about by the tabling of the amendment.

I will give the House some of the history of the F2 freeway planning scheme reservation. It was originally inserted in the then Melbourne and Metropolitan Planning Scheme as far back as 1968 — 23 years ago. It is a tribute to the foresight of the planners and the Ministers of the day that they decided the reservation should be inserted in the planning scheme to keep options open for the future in case it was required for a major arterial road in Melbourne in due course.

The planning scheme reservation remained, and it was confirmed by the government in 1987 in its report — *Metropolitan Arterial Road Access Study*, April 1987, commonly known as the METRAS report — which dealt with Melbourne's arterial road strategy for the next ten years.

The report is frequently alluded to by the current Minister for Transport and his predecessor as a landmark report, which set the scene for road planning well into the future.

At page 46 the report talks about the Fawkner-Reservoir-North Coburg Traffic Management Study:

> METRAS report M4 recommendation 2B was to conduct a traffic management study in Fawkner-Reservoir-North Coburg to ease the impact of traffic on the local environment and to assist freight movement.
>
> Performance of the north-south and east-west arterial roads in the area is poor. Several road links and intersections have traffic congestion and delays in peak periods. Traffic, including trucks headed to or from the Hume corridor, infiltrates local streets and reduces safety, amenity and environmental quality.
>
> Traffic management measures and acceptable extra arterial road links would offer high benefits to trucks in particular.

So there we have it; the government's own document was saying as recently as 1987 that the road reservation was very important, ought to be retained and was an option for the future.

What happened shortly after this time? In 1989 the current Attorney-General, then the Minister for Transport, Mr Jim Kennan, who is well known for not being an opponent of freeways and for being in the pocket of the then Premier, Mr Cain — who seemed to have some psychological bent against freeways — wrote to his friend the then Minister for Planning and Environment, now the Treasurer, Mr Tom Roper, asking that the reservation be revoked.

I understand it was not a Cabinet decision. I should have thought the decision to remove a reservation of such significance and importance might have been properly made by Cabinet, but I gather it was not; it was simply mentioned in a Ministerial statement, and Mr Kennan wrote to Mr Roper requesting the revocation.

In due course the wheels ground along, and in March 1991 an independent panel was established to examine the merits of the request. I am pleased to be able to say that the panel conducted a thorough investigation. It called a number of witnesses, heard from interest groups and canvassed all the issues prior to making a recommendation on whether the reservation should be removed from the planning schemes.

I alert the House by citing some of the evidence the panel heard that led to it making the recommendation that the reservation not be removed. I shall show shortly that the government chose to ignore the recommendation.

The submissions made to the panel included one from the Shire of Bulla, which was represented by its engineer, Mr John McKerrow, a well-known and highly respected engineer in the area. Among other things, the report indicates that Mr McKerrow said:

> The Shire of Bulla opposed the deletion of the reservation on the grounds that:
>
> it forms an important component of the future transport system to both the Merri and Plenty corridors;
>
> methods of public transportation are changing and it may be used for transportation other than road; and
>
> there has been no transportation study undertaken to demonstrate that there will be no impact on future transportation systems if the reservation is eliminated.
>
> Mr McKerrow pointed to the rapid residential and industrial development along the Hume Highway access in the Merri corridor. In particular he referred to the ULA's Roxburgh Park subdivision, which will house 26 000 people.

I noted with interest on reading today's *Age* that yesterday the Premier was at Roxburgh Park planting a tree and launching the project. Clearly the area will have a significant increase in population and all those people will be looking for reasonable road access to the City of Melbourne. The report continues:

> Mr McKerrow drew the panel's attention to the Plenty corridor where studies reveal great difficulties in providing sufficient and adequate arterial road connections north-south. The Shire of Bulla believes that the F2 reservation is the most realistic solution for motor vehicle transportation in the Merri and Plenty corridors.

The Shire of Bulla contends also that:

> there is no reason why this reservation should not continue to be included in the planning maps so that transportation opportunities in the 21st century are not restricted unnecessarily.

The point made is important: deleting the reservation now closes off options for the next century. In other words, what is done now will not have only an immediate effect; it could have crucial effects 30 and 40 years hence. The government has no right to remove the reservation and close off those options for the future.

Many honourable members will have had sent to them in the past year or so a document entitled *Urban Development Options for Victoria*. Many of them responded to the invitation in the discussion paper, which set out a number of options for future urban development in Victoria: a compact Melbourne; a twin cities concept; a new towns concept; or regional centres.

In referring to the document — which was taken into account also by the independent panel — I point out that significant population increases are anticipated for the Merri corridor, whichever of the four options is adopted. For example, the compact Melbourne option envisages an extra 280 000 people in the Merri and Plenty corridors north of Melbourne. The twin cities option envisages an increase of 200 000 people; the new towns option doubles that, with an envisaged increase of 400 000 people. The option of concentrating on regional centres — which is certainly one I support — would result in growth in regional and provincial cities, with a corresponding growth in the Plenty and Merri corridors of some 200 000 people.

From those figures honourable members can see that all the future development options include anticipated population growth in the Merri and Plenty corridors. Those people will need the F2 freeway as their main access to the City of Melbourne. I reiterate that it is absolutely unreasonable and premature for the government to be contemplating the removal of the reservation, particularly in light of the independent panel's report.

Honourable members might wonder what VIC ROADS has had to say about the matter. Interestingly, in a letter dated 9 July 1991 the Chief Executive Officer of VIC ROADS, Mr Paterson, in response to a question from the panel about what the future transport requirements in the region might be, says:

> With respect to the road system south of Mahoneys Road, the results of a recent traffic assignment show that if F2 was in place between Bell Street and Mahoneys Road, it could carry about 60-80 000 vpd (depending upon the design) and it could relieve major north-south routes (Hume Highway and Spring Street) by 30 to 40 per cent of traffic. Local arterials, such as Newlands Road and Gilbert Street could be relieved of up to 50 per cent of traffic.

On those statistics, supplied by the highest authority in the land on road traffic management, the indication is that if the road were built on the F2 reservation it would relieve existing roads of up to 50 per cent of traffic, which is a significant percentage in anyone's language. On top of that, it would be the second busiest road in metropolitan Melbourne. Here is an indication of the possible need in the future for the road, yet the government is prepared to deny that option to future citizens of Victoria by now moving to remove the reservation.

Hon. J. V. C. Guest — That is even before there is any development in the Merri corridor.

Hon. W. R. BAXTER — Exactly, even before there is any development in the Merri corridor. It is outrageous for the government to want to act in this way when it is getting from its own experts the sort of advice to which I have referred.

I commend the panel because it assessed the evidence put before it in a reasonable fashion and came to conclusions that, upon reading the evidence, are absolutely inescapable. It is strange indeed that the government chose to ignore the panel's recommendations, overturn them and attempt to go ahead as though the panel hearings had not taken place.

I quote a couple of the observations of the panel. It is fascinating that the panel reported on 9 September and on 14 October, just over a month later, the Minister moved to delete the reservation from the planning scheme. I have never known the wheels of government to move so rapidly! Obviously the decision had been made beforehand and establishing the panel was a sham; the government intended totally to ignore its recommendations. The panel's report contains the following observation:

> ... the panel is convinced that there is already a high demand for additional north-south road capacity in the

> area and that this demand will be greatly increased by the committed development of the Plenty and Merri corridors. Abandonment of the existing reservation, which has been in place for 23 years, may only lead to the nomination of another, more expensive, alternative route through developed areas. The existing route is already substantially owned by State or local government.

What a significant observation! Here is a route owned almost totally by the government, and it wants to get rid of it! In the future that may well mean the selection and compulsory acquisition at great expense of another route through already developed areas. I ask: what logic is there in that sort of scenario? I suggest the answer is: none at all!

The panel noted also that from looking at the urban options study to which I have referred:

> ... it can be seen that, at the least, the Plenty and Merri corridors are expected to experience an increase in population of 200 000 within the next 40 years. In addition, significant population growth is envisaged for the Kilmore area, which will be effectively an extension of the Merri corridor.

So honourable members are not considering only areas adjacent to Melbourne being advanced by the F2 freeway; it may not be in the next 20 years, but if one looks 30 or 40 years into the future the growth in the Kilmore area could well require the reservation to provide for its arterial road access. The government chooses to ignore that possibility and seeks to remove the reservation if it can get away with doing so. The report states further:

> The panel recognises the importance of the proper determination of transport and land use and is concerned that there has not been an appropriate study of the alternatives for the north-south movements associated with the Merri corridor. The issues associated with infrastructure funding suggest that it is incumbent upon the government to make the best use of its existing assets, of which one must be the F2 reservation between Bell Street and Mahoneys Road.

That is incontrovertible logic, yet the government has chosen to remove the reservation before conducting any traffic management study for the Merri corridor. Why should the House allow the government to take that action? Why should it allow the government to close off the options that could be so important to thousands of Victorians in the future? The panel also concluded:

> There appears to be strong evidence to suggest that a road link along the route of the existing F2 reservation would be of major transport benefit and would be well patronised, even without the additional traffic demand from the Merri corridor.

It is damning stuff right throughout the panel report: fact after fact in support of retaining the reservation and keeping the options open for the future, yet for its own reasons — one of which I will come to later — the government chooses to take this action, to ignore the report and to overturn the panel recommendations. By stealth the government attempted to table, unannounced in the House, planning scheme amendments to remove this longstanding planning reservation.

I believe one reason the government has moved to expunge this reservation has nothing to do with good planning at all; it is simply the result of factional wrangling within the Australian Labor Party. It appears likely on the evidence that has been put to me that the honourable member for Preston in another place, Mr Michael Leighton, not so long ago was having difficulty in having his preselection confirmed.

Hon. K. M. Smith — I can understand that.

Hon. W. R. BAXTER — Mr Smith and I well remember the ructions that were going on in the ALP at the time, and in order to obtain the support of the pledge unions — the loony left — Mr Leighton gave a commitment that the government would remove the two reservations. If that had gone ahead the reservations that have been there since 1968 would have been expunged.

Hon. R. I. Knowles — Now that he has his preselection the government won't be troubled about revoking it.

Hon. W. R. BAXTER — Perhaps that is so, Mr Knowles, but Mr Leighton may have some difficulty explaining to the pledge unions that he has not been able to deliver the goods. Because of petty internal factional wrangling a socialist left Minister for Planning and Housing was prepared to do a deal to help one of his factional mates expunge a longstanding planning reservation that would have set aside the future interests of generations of Victorians.

I find it extremely disappointing that government morality has reached such a low ebb that Ministers are prepared to engage in that level of subterfuge

and put aside the best long-term interests of all Victorians simply to protect some of their friends.

Another matter I wish to raise concerns Mr Landeryou, and I am sorry he is not in the Chamber. Yesterday when I was giving notice of the motions I intended to move today Mr Landeryou directed the most outrageous accusation at me. At 3.56 p.m. yesterday he said to me, "When did the brown paper bag arrive?" In other words, Mr Landeryou was insinuating that I was acting on behalf of some developers. He was suggesting that I wanted to remove a planning impediment so that some developer could move ahead with some attractive housing, industrial or commercial development and that I was getting my pay-off.

Hon. K. M. Smith — What a shameful accusation!

Hon. W. R. BAXTER — That was a shameful and disgraceful accusation. But more than that, it was totally illogical. In fact the accusation could be turned against Mr Landeryou and his government. By removing the reservation the government could be said to be assisting developers. It even admitted as much in evidence given to the independent panel on 17 April 1989 when the then Minister for Transport, Mr Kennan, in writing to the then Minister for Planning and Environment, Mr Roper, said:

> The reservation has prevented private interests, residents, and local government developing the corridor for other uses.

It is obvious the government wants to help developers use up open space, yet I have to put up with the allegation from Mr Landeryou. It is disgraceful that he is prepared to make such allegations when he has no evidence, and especially when the opposite is true. The government is not prepared to protect open space and oppose these developments. It shows the hypocrisy of the government: it is spending a fortune publicising the Open Space 2000 program and what it is doing to protect open space while here it is using up the open space. The government is using up open space in North Carlton and in Mont Park. It is sheer hypocrisy and the government should be exposed.

I also suggest that on the issue of open space the government does not practise what it preaches. The panel recommended that the deletion of the planning reservation should not proceed but it also had a fall-back position. The panel recommended that if the government were not prepared to accept its recommendation it should at least amend the proposal so that:

> ... the area between Central Creek and Merri Creek be proposed public open space rather than reserved living.

Did the government accept that recommendation? No, it did not. Again its hypocrisy is exposed. The government is not interested in protecting open space in Melbourne. Having been given the opportunity by the panel of adopting its recommendations, the government chose not to; it chose to rezone the land so that houses could be built on it. That is significant when one considers the government's rhetoric in all other cases.

I also alert the House to another example of the secrecy of the government where planning reservations are concerned. On 14 August 1991 the Minister for Transport, Mr Peter Spyker, wrote to the Minister for Planning and Housing, Mr McCutcheon, and requested that the planning scheme reservation for the R6 road link, which is in the Darebin Creek valley area, be deleted without public consultation.

Here we have it again. The government is attempting to work in secret to remove longstanding reservations without telling anyone about it. A Minister has written to a Ministerial colleague asking him to remove the reservation without any public consultation at all. It is another disgraceful action on the part of the government.

Why should honourable members facilitate this dying government in its attempts to delete this longstanding reservation and ignore the report of an independent panel? Why should we allow the government to remove the reservation, to flog off the land and to squander the proceeds? Why should we allow the government to help out its mates at the long-term expense of all Victorians?

We have just caught it in time. This is the last day the Act provides the House with the opportunity of revoking the amendment. It has reached this stage because of the way the government went about attempting to get the amendment through and by not alerting the House to the fact that there was significance in the amendment. I am pleased that some people in the State take a keen interest and keep an eye on what the government is up to so that we have been able to catch this amendment in time. For all the reasons I have given, I believe the House should revoke the amendment.

Hon. J. V. C. GUEST (Monash) — Significantly, the government says nothing. We are not told how much of the land belongs to the State. It confirms the view I have held since I first knew of the planning schemes and the panel inquiry, beginning with the former Minister for Transport, Mr Kennan. The performance of the government has been sinister and sloppy. Why did the Minister initiate the revocation of the reservation? He did not do anything about it when he was Minister for Planning and Environment. What was in it for the Minister for Transport and the interests he had under his care? The interests he had were not his Ministerial responsibilities but his narrow political intraparty interests; the interests of his mates in the cities of Preston, Broadmeadows and Coburg and of those with whom he was factionally aligned who could advance him towards the leadership of the Labor Party.

Capable as he is at firing several six guns from both hips in several battles in many wars at the one time, how could the former Minister for Transport say it was his responsibility to initiate something which comes to fruition in 1991? By then the Minister had lost interest because he had achieved his political purposes. Perhaps he was egging on the present Minister for Transport to assist in a battle that was totally irrelevant to the interests of the State.

Anything that might have been said in 1989 in favour of the revocation is history. The panel report says there is now a great deal of information available about the future development of Melbourne and suggests that a further study needs to be undertaken to ascertain whether future developments will change the need for an F2 freeway.

Mr Baxter has mentioned some of the figures in the panel report. I do not think he mentioned that one of the reasons for urban development in Victoria is that there could be an additional 400 000 people using the Merri corridor. That is in addition to the evidence that the freeway would be invaluable to those living in and using the Plenty corridor.

The Royal Automobile Club of Victoria submission to the panel states:

> The medium and long-term development of metropolitan Melbourne relies on growth in the areas of the Merri and Plenty corridors. In particular, the discussion paper "Urban Development Options for Victoria" has only recently been released as part of a major review by the Department of Planning and Housing.

The report was released well after the initiation of the disaster in 1989. The report continues:

> The existing and proposed urban zones in the Merri and Plenty corridors represent a major commitment and are potentially large generators of future travel demands. The needs and form of transport infrastructure are still to be determined. The F2 reservation provides an opinion to cater for the travel demand when it occurs.
>
> Before any decisions are made on the deletion/retention of the F2 reservation, it will be necessary to undertake a detailed planning study of the transport options in the region after the preferred option for Melbourne's urban development has been determined.

In opposing the removal of the reservation, the RACV said:

> The METRAS (*Metropolitan Arterial Road Access Study*) undertaken in the mid-1980s and adopted by the State government, found that construction of a road in this reservation would have very high benefits for the region.

There is a presumption of incompetence by various public authorities. The working group that gave effect to the Minister's request was unrepresentative. It comprised representatives of the cities of Preston, Coburg and Broadmeadows, VIC ROADS, the former Melbourne and Metropolitan Board of Works and the Merri Creek Management Committee.

VIC ROADS is a powerful advocate for road transport. If it could not cater for the interests of fixed rail transport in the Merri corridor it should have been able to look after the interests of road transport. VIC ROADS was hobbled and let down the public and the government in a broader sense, if not the ALP factions that control the government. The panel has this to say about the performance of the working group, not specifically of VIC ROADS which has failed to see the wood for the trees, regarding the development of Melbourne:

> The panel regrets that these departments did not make submissions covering the strategic aspects of the proposed rezoning, particularly in light of the significant advances in planning for the Merri Creek that has occurred since the initial request for the rezoning by the Minister in 1989.

It is an excellent panel report which shames the government. I turn to the reference to the proper approach to planning decisions. The panel cites on page 15 of the report:

> The future development options for Melbourne are rapidly changing and it is now appropriate to consider at least some limited radial transport links.

That is in direct contradiction to one of the points made by Mr Kennan in his letter of May 1989. The report continues:

> The majority of employment opportunities are now and will continue into the future to be located centrally around the CAD, to the south of Bell Street.
>
> On the question of changes in employment and travel patterns, the panel notes the comments of Dr George Hazel, director of consultant, Transportation Planning Associates, and former professor of transportation engineering at Napier Polytechnic, published in the UK magazine *Local Transport Today* dated 12 June 1991.

A long passage is cited but I simply wish to make reference to it:

> On the topic of the journey to work and its effect on transport Hazel says: "The obvious thing is to have people living close to where they work and this has been tried over a number of years. However, in Sweden, studies found that there is a general tendency for employed members of the household to consider the whole of the metropolitan area when considering employment, not just the immediate vicinity.

That brings me to the second of the two main points in what the coalition has resolved to do. The first point, as Mr Baxter has said, is that we are to preserve future options. We must not allow the short-sighted pursuit of immediate short-term gains, even if they are not just political gains for the government, at the expense of closing off future options.

The second point is that we must consider the whole of Melbourne, not just the narrow interests of those who are represented on the working party. For all these reasons I strongly support the motion.

Hon. B. T. PULLEN (Minister for Education and Training) — In responding to the arguments supporting the disallowance of this amendment, I shall put forward what I believe is still the central issue: that basically there is overwhelming community support in Melbourne for the notion that the time for building major radial freeways down our streams has ended.

Prior to the government taking office there was volatile and strong community debate when there was a desire to bring the F2 freeway into the northern corridor of Melbourne to solve traffic problems. That debate clearly demonstrated that radial freeways are not the solution to traffic problems, as has been amply demonstrated when such freeways are not connected.

The F2 freeway was a classic example of this where the outer portion of the route could be secured but not the inner portion. Inner parts of Melbourne have subdivisions that are basically a heritage of Victorian development prior to this century. They were obviously established without any knowledge of the type of transport that would be used in the future or the advent of the motor car.

In almost all cities in the world where radial freeways have been attempted they have led to chaos and major social disruption to communities, and in the end they have been found to be self-defeating.

Hon. R. I. Knowles — But that is when it is put through after the development.

Hon. B. T. PULLEN — I do not believe we need to revisit this issue but since it has been raised I point out that the radial freeway solution to traffic problems has been largely discredited in major cities of the world where it has been attempted.

Los Angeles is now making strong moves to develop other solutions to public transport. In that city traffic engineers applied their considerable skills to providing a modern system of transport based on a properly planned freeway network. Even in that situation it was eventually realised that it does not work for many of the journeys undertaken. In saying that, nobody can deny the importance of good roads and the ability of people to move from one part of the city to another. However, the concept of solving a problem by providing a major radial freeway which points into one centre of a metropolis is now largely discredited.

Added to that is the reality that the only available practical route to use without enormous disruption to development and economic planning is down a creek valley; however, that would not provide a successful solution to traffic problems and it would also be at enormous cost to the economy and have

the potential to do irreparable environmental damage.

That has occurred to other streams around Melbourne which have been turned progressively into concrete lined watercourses or, as some people call them, mere drains whereas they were formerly relatively natural watercourses which were capable of being repaired and restored to a state where they had considerable environmental value and provided recreational opportunities for the community.

In the past ten years we have seen in Melbourne the growth of a number of local community groups and municipal councils that have risen to the challenge of supporting the use and the enhancement of such streams. I can testify that this has happened in my electorate and I am sure that is not a special case. Residents have voluntarily planted trees, worked with local government and conservation groups to determine the original vegetation and characteristics of the area and have sought specialist advice to return those precious creek valleys, so far as possible given the development that has occurred, to natural or reasonable states and to incorporate within them lungs and breathing spaces for their communities.

The government has recognised that work through its policy, which was released in its document *Open Space 2000* on 31 January 1991. It has the vision of a connected system of open space links utilising the existing streams and valleys that have not been concreted over or destroyed. We now see attention being given to providing walking trails and bicycle tracks, and people are enjoying high quality recreational use of these features. I am sure hardly a member here has not at some stage been lobbied by or encountered a local group with concerns about the enhancement of the environment and the preservation of features and streams.

It is anachronistic for the opposition to take a position which it says is in the interest of future flexibility but which denies people the opportunity of enjoying the areas in which they live. It is not just a matter of flexibility because if this reservation is not removed other things will be prevented from happening. It will be a pointless blight on the area if there is no future in the reserve being used in a practical way for any of the purposes that supposedly provide flexibility.

Unless the reservation is removed, government, local councils, local communities and residents will not have certainty about whether they should invest and put effort into the improvement of streams in their areas; the point is to indicate a policy position that this area of the Merri Creek will be preserved.

If Mr Baxter were familiar with the area he would realise there can be no continuation of the route. From memory the provisional F2 freeway is the size of an eight-lane highway and there is no capacity to provide an exit of any engineering or traffic value close to the city — it would just create enormous congestion and would not provide an alternative to alleviate traffic problems.

For those reasons both Ministers took the view that there was an overwhelming policy position in support of the preservation of this important stream and adopted the practical course of declaring that the government would not continue with the practice of filling in streams around Melbourne with concrete and using them for pragmatic purposes, which would not be ultimately successful and which would be detrimental to the environment of the streams and to the interests of the local communities that are concerned to preserve creeks and access to open space.

It is clear from submissions that have been received that residents and residents groups want the reservation to be removed and the area preserved as open space. The amendment largely restored the reservation to uses that existed prior to the change that made it available for use as a traffic route. Naturally, different areas would be designated for different uses but the government does not shrink from the fact that there was a bias towards making use of the areas for open space and preserving and enhancing the environment of the Merri Creek valley for the future. That is the overwhelming position of the government, which the opposition is seeking to frustrate.

I am surprised that the opposition is seeking to use its power of revocation to set its face against a growing awareness — that should be reflected in a bipartisan approach — that the people who support the preservation of our creek valleys and who are interested in environmental considerations have no particular allegiance to any political party but are simply part of a community that is becoming increasingly aware of the importance of the environment and of the need to preserve those parts of the environment not yet affected by overdevelopment or past actions.

Creeks were usually chosen for development because they were the line of least resistance. In many cities, creeks and rivers have been used as

access routes to solve traffic problems because they were the areas where there was least resistance and governments have forced through that development.

The opposition is revisiting the past by its action which, in view of current community attitudes and the importance the community places on the environment, is anachronistic. If the areas could be used for some benign form of public transport there would perhaps be an argument for revisiting those policies of the past, but that issue has been examined by the Public Transport Corporation and I understand there are no proposals that are supported for using the land in that way.

Basically this is a rearguard action by the opposition; it is unfortunate that on yet another occasion this House is being used in an ad hoc way to try to change something because a few people have lobbied the opposition and the opposition is responding to those select interests rather than the interests of the community generally.

Although it is a tragedy for the community in terms of overall progress, in a sense it is of advantage to the government that the opposition should take this position; it demonstrates clearly and starkly where the opposition stands on the preservation of waterways in Melbourne.

In setting its face against the measure, the opposition puts a lie to any concerns it expresses in support of environmental issues or the preservation of creeks in Melbourne; it shows that when it comes to taking action the opposition is prepared to use the House to deny access and improvement to local communities. The opposition has hidden behind process in this case. It is interesting — —

Hon. K. M. Smith interjected.

Hon. B. T. PULLEN — I am sorry I am upsetting you by pointing this out, but the opposition chooses to use panel reports to suit its needs.

Hon. R. I. Knowles — Are you actually going to build over these creeks you are talking about?

Hon. B. T. PULLEN — You don't want to hear this, do you? The opposition did not like the panel report on the inner circle railway land in Carlton, so it went out on the grass on that issue. Leaders of the opposition parties in this House and in the other House are out on the grass and are objecting to that report for political gain because they do not like it.

On other occasions the opposition said it liked the umpire's decision and therefore the government was wrong to apply a policy situation, and suggested that the government did not pick up the recommendations in those panel reports. In this case the government is sticking steadfastly to a policy position of preserving important environmental features in Melbourne — in this instance, Merri Creek.

The government will not do something stupid like denying the community action that would preserve the Merri Creek and allowing some argument about flexibility for the future to succeed.

Through this action the opposition will expose itself. It is a wonderful opportunity for the government to demonstrate the differences between it and the opposition. There will be a community campaign over this issue — that is what the opposition will reap from this action.

The opposition's action is disappointing because it is totally unnecessary and illogical. There is no need for the opposition to respond to the sort of lobbying that has taken place. There could be a bipartisan approach to this issue because local support is given not along party lines but comes from ordinary members of the community who are concerned about preserving the environment and who work voluntarily on weekends planting trees and preserving these areas — ordinary members of the community. Those people will not appreciate the position the opposition is taking in this case.

The opposition has exposed itself. The government is totally opposed to the revocation of the amendments.

Hon. W. R. BAXTER (North Eastern) — I am very disappointed with the Minister's defence of the government's action — its refusal to take note of the report of the independent panel and the way it has totally ignored the recommendations that were made.

The Minister has convicted himself by his remarks because he went to great lengths to try to portray the government as being interested in keeping this area as open space and to suggest that the opposition wants to do something different from that. That is simply not true; it is the government's intention, by the amendment it has brought in, to replace the current reservation with zonings and reservations that generally conform with the surrounding development.

Hon. R. I. Knowles — They are not keeping it as open space?

Hon. W. R. BAXTER — No, they are not. The government wants to use it for industrial or residential development. The Minister suggested that the land would be returned to what it was prior to the reservation order, but prior to it being reserved it was open paddocks and since then it has been developed right up to the boundaries of the reservation. But the government intends to permit similar development of the land if the reservation order is rescinded.

Worse than that, as well as overturning the panel's report in its entirety, the government did not even accept the second string of the report, which was to retain some of the land as open space rather than reserved living and for the area between Central Creek and Merri Creek to be left or rezoned as open space. The government was not even prepared to accept that recommendation. It wanted to build on that land, yet the Minister accuses the coalition of wanting to close off open space.

The Minister talks about providing lungs and breathing spaces for the metropolitan area; that is what the opposition is trying to achieve. The Minister is overturning orders that provide lungs and breathing spaces for the metropolitan area.

The opposition does not say that a freeway should be built on this reservation. It could have any number of uses in the future. What the opposition says is that it is presumptuous and precipitate to expunge the planning reservation at this time before a decision has been made and future development trends in that part of Melbourne have been established. It is certainly erroneous and unwise to overturn the reservation order in the face of a well argued, independent panel report to the contrary.

The House is well justified in overturning the amendment, which will do nothing more than maintain the status quo — the situation that has existed since 1968 — and reserve future decisions so that they can be made in the interests of all Victorians rather than in the interests of a few mates who stand to gain from the revaluation of properties if the reservation is expunged.

The PRESIDENT — Order! Before I put the question on any motion I note that all three motions relate to the disallowance of a single freeway reservation: three parts in three different municipalities. It is clear that the three motions must stand or fall together and that it would be a ludicrous result to have different decisions on any one motion. It therefore appears to me that the interests of the House and logic are best served by putting the questions on the three motions together, but that can be done only with the leave of the House. Is leave granted?

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — Leave is granted.

The PRESIDENT — Order! The question is that Notices of Motion, Business to Take Precedence, Nos 1, 2 and 3 on the Notice Paper be agreed to.

House divided on motions:

Ayes, 22

Ashman, Mr	Hallam, Mr
Baxter, Mr	Knowles, Mr
Best, Mr (*Teller*)	Lawson, Mr
Chamberlain, Mr	Long, Mr
Connard, Mr (*Teller*)	Macey, Mr
Cox, Mr	Miles, Mr
Craige, Mr	Smith, Mr
de Fegely, Mr	Storey, Mr
Evans, Mr	Tehan, Mrs
Guest, Mr	Varty, Mrs
Hall, Mr	Wright, Mr

Noes, 16

Coxsedge, Mrs	Lyster, Mrs
Crawford, Mr	McLean, Mrs
Davidson, Mr	Pullen, Mr
Henshaw, Mr	Sgro, Mr
Hogg, Mrs	Theophanous, Mr
Ives, Mr	Van Buren, Mr (*Teller*)
Kennedy, Mr	Walker, Mr (*Teller*)
Kokocinski, Ms	White, Mr

Pairs

Birrell, Mr	Landeryou, Mr
Skeggs, Mr	Mier, Mr

Motions agreed to.

VITAL STATE INDUSTRIES (WORKS AND SERVICES) BILL

Second reading

Debate resumed from 13 November; motion of Hon. G. R. CRAIGE (Central Highlands).

Hon. T. C. THEOPHANOUS (Minister for Consumer Affairs) — The Vital State Industries (Works and Services) Bill is the most vicious attack on ordinary workers that this country has seen. In my view it breaches International Labour Organisation (ILO) conventions and fundamental human rights. It is designed not to settle disputes but to create them. It is designed to rob workers of any real power in negotiations with employers and it reveals to the Victorian public, in a stark way, the opposition's dark motives should the public of Victoria be unfortunate enough to have the coalition foisted upon it as the government of this State.

Hon. R. M. Hallam — They have to vote for us first!

Hon. T. C. THEOPHANOUS — The opposition is not about solving disputes; it is about union bashing and acting in favour of its mates — employers. In the complex industrial relations climate that has developed over many years it is necessary to balance the interests of employers against the interests of employees.

The opposition proposes to replace with a process of confrontation and disruption the government's process of consultation and method of solving disputes by taking firm but fair action.

History has shown that this kind of attack, particularly when one side is victimised and pursued, produces a counterproductive result. It is destructive and costly.

To understand the dimensions of the opposition's proposition and its attitude it is important to contrast its approach with that of the government. When people make that comparison they invariably come to the conclusion that the opposition's approach would lead to a further decline in productivity, disruption in the workplace, lower investment in Victoria and a general malaise.

I shall examine the record of Liberal governments on industrial disputes. Australian Bureau of Statistics figures show that in 1981-82 — before the Labor government came to power — 1.028 million working days were lost, which is three times as many as — —

Hon. R. M. Hallam — You are talking about millions?

Hon. T. C. THEOPHANOUS — There were 1.028 million days lost, which is three times as many as were lost in 1991.

Under the Liberal government more than 1 million working days were lost compared with 391 000 in 1990 under this government.

Hon. Rosemary Varty — What about your unemployment rates?

Hon. T. C. THEOPHANOUS — When the Labor government came to power it had to clean up the mess the Liberal government had left behind in the industrial relations area. The opposition wants us to return to a position where more than 1 million working days a year are lost.

Hon. Robert Lawson — They are being lost because of unemployment.

Hon. Rosemary Varty — What was the unemployment rate in 1981-82?

Hon. T. C. THEOPHANOUS — Other approaches can be taken such as the rational and fair approach of this government. When one examines the difference between the previous National Party government in Queensland and the current Queensland government — —

Hon. R. A. Best — I suggest you worry about Victoria's problems and not someone else's!

Hon. T. C. THEOPHANOUS — You are part of the same group. You are all tarred with the same brush. In Queensland in 1988, 299 000 working days were lost and in 1990 the figure was 107 000. Under the National Party government there were one-third more industrial disputes, and a loss of productivity as well. The costs are measured not only in the number of working days lost but also in disruption to the community.

Hon. Rosemary Varty — Unemployment is disruptive also.

Hon. T. C. THEOPHANOUS — Workers would generally feel they did not get a fair go. We do not

want that sort of society in Australia or in Victoria. I am sure the public will reject it.

In December 1990, 391 000 days were lost in Victoria compared with 622 000 days lost under the Greiner government in the same period. So much for the confrontationist approach of the opposition. The figures speak for themselves: three times as many industrial disputes occurred.

Hon. R. M. Hallam interjected.

Hon. T. C. THEOPHANOUS — When the New South Wales and Victorian figures for days lost are compared — —

Hon. Rosemary Varty — It has nothing to do with the number of industrial disputes.

Hon. R. M. Hallam — I don't think you should use any more figures.

Hon. T. C. THEOPHANOUS — I know you do not like the figures because they speak for themselves. I shall address some of the principles the Bill proposes to cast aside. One of the most important principles that it casts aside — and it is not exclusively an ALP principle — is the liberal principle espoused by John Stuart Mill.

An Honourable Member — Small-l or big-l?

Hon. T. C. THEOPHANOUS — Definitely not big-l. He said that it was the right of individuals to protect themselves against unfair action by the State. To do this Mill knew that people must have the right of assembly, the right to be members of organisations and the right to withdraw their labour.

Even Mill did not think the State should intervene unless significant harm was done to others. The Bill does not meet the minimum requirement of the principles espoused by Mill.

Sitting suspended 1 p.m. until 2.2 p.m.

Hon. T. C. THEOPHANOUS — Prior to the suspension of the sitting I referred to the most important indicator of the difference in attitude between the opposition and the government. In the Liberal Party's last year in government more than 1 million working days were lost. Honourable members should consider the ramifications of that and compare it with 391 000 days lost in 1990 under this government.

I also said the Bill does not meet the basic requirement of small "l" liberalism as espoused by John Stuart Mill. The Bill does not meet the requirement that the State should not intervene unless significant harm is done to others.

The Essential Services Act has preconditions for proclaiming an industry as essential. However this Bill has no such preconditions. The government of the day will not have to establish that harm will be caused to others; it will be left to the whim of the Minister, whoever that may be. The Essential Services Act provides that the proclamation of an essential service can occur only if an action has been taken, is likely to be taken or is threatened, the opportunity of other workers to be gainfully employed in their usual occupations is threatened, or occupational health and safety or the maintenance of peace or good order is threatened. The Bill has no such preconditions.

The Bill empowers the Minister to declare an industry to be vital depending on what he thinks; he does not have to provide justification and no criteria need to be fulfilled. The only thing the Minister has to do is to call together one House of Parliament within twelve days of the proclamation to rubber stamp his decision.

The Bill is a method of protecting the mates of the opposition. A Minister could declare any industry to be a vital industry. He could declare the brewing industry to be vital because of export dollars or because people were missing out on their Friday night drinks. The Bill could be used to protect John Elliott's company, for example, from legitimate industrial action. Therefore it is not essential services legislation; it is union-bashing legislation to protect the mates of the Liberal Party.

The Bill attacks the right of workers to strike and is in conflict with conventions of the ILO to which Australia is a signatory. It is worse than the Bjelke-Petersen legislation of a similar kind introduced in Queensland. When that legislation was introduced in 1985 the Prime Minister, Mr Hawke, pointed out to the Queensland government that the legislation contravened ILO conventions that were binding on Australia. I shall quote Mr Hawke from an article in the *Australian Financial Review* of 15 April 1985:

> As regards the contravention of international treaties, this occurs through breaches of ILO conventions including the International Covenant of Economic Social and Cultural Rights.

I shall raise the matter with the Minister for Labour to determine which specific conventions of the ILO the Bill may contravene. The Minister may wish to take up the matter with the Prime Minister.

There are many parallels between this Bill and what happened in Queensland, and I shall quote from the *Age* editorial of 23 April 1985:

> Australia is one of a minority of countries in which workers are able to organise freely, negotiate through the strength of their trade unions and, if necessary, withdraw their labour. Such behaviour by workers in many African, South American, Asian, Pacific Island and some European countries would lead to arrests and heavy punishment.

That is the environment that the opposition wishes to bring to Victoria.

Hon. Rosemary Varty — What rubbish!

Hon. T. C. THEOPHANOUS — It wants to establish an industrial relations climate similar to those that pertain in authoritarian countries in the Third World. But as the *Age* editorial states:

> Ultimately, Sir Joh Bjelke-Petersen's punitive legislation will founder, as all such harsh legislation has lapsed throughout Australia's history. No truer words have been spoken.

Hon. R. I. Knowles — Was that dispute resolved?

Hon. T. C. THEOPHANOUS — The opposition says, "Don't worry, the Minister will act responsibly. He will declare vital only those industries that are actually vital or he will be constrained in some way".

Hon. R. M. Hallam — Like the milk industry, what you did to the dairy farmers — is that a good example?

Hon. T. C. THEOPHANOUS — Who could believe them? The shadow Minister, Phil Gude, on one occasion threatened to bring in the Army to control workers.

Hon. Rosemary Varty — That's not what he said.

Hon. T. C. THEOPHANOUS — I am glad Mrs Varty has interjected because I shall quote from the *Herald-Sun* of 26 February 1991. The article states that Mr Gude said:

> If that was the necessary course — —

Hon. Rosemary Varty — What is the preamble to it?

Hon. T. C. THEOPHANOUS —

> If that was the necessary course — —

Hon. Rosemary Varty — That is a selective quote.

Hon. R. A. Best — You are being selective.

Hon. T. C. THEOPHANOUS — He is referring to the use of the Army. Furthermore — —

Hon. R. I. KNOWLES (Ballarat) — On a point of order, Mr President, if the Minister intends to quote — and he has been invited to quote the preamble — he should quote it so the quotation he wishes to use may be seen in the proper context of the article from which he quotes.

Hon. T. C. THEOPHANOUS (Minister for Consumer Affairs) — On the point of order, Mr President, it has never been a requirement in this House for anyone to quote a full article when reading a quotation, so long as the quotation is explained and is in context.

Hon. Rosemary Varty — And definitely in context.

Hon. T. C. THEOPHANOUS — It must be in the context of the speech being made. Since I intend to quote three passages from this article I do not believe my quotation is out of context.

The PRESIDENT — Order! On the point of order, if I upheld the point of order taken by Mr Knowles it would mean that anyone quoting from any document would be forced to incorporate the whole lot — maybe 100 or 200 pages. That has never been the position. A person is entitled to quote passages of his or her selection of any document; the safeguard is that the person may be required to identify the document so others can see that what is being quoted is in context and, if it is available, to table the whole document. Other speakers may then deal with a matter in subsequent speeches.

The Minister has identified the article. Upon completion of his remarks no doubt it will be available for others to see.

Hon. T. C. THEOPHANOUS — Certainly.

Hon. R. I. Knowles — What was the date?

Hon. T. C. THEOPHANOUS — The date was 26 February 1991. I quote further from the same article:

> Mr Gude was reported as saying "the legislative program that we have planned is even more stringent than that undertaken by Margaret Thatcher".

That is what Phil Gude said on that occasion — and it gets worse! Phil Gude then decided to deny that he had made the comments about bringing in the Army and to try to have the *Herald-Sun* not print them. The *Herald-Sun* article also states:

> When contacted by the *Herald-Sun* yesterday, Mr Gude asked the newspaper to drop any reference to the Army.

That is what the *Herald-Sun* had to say about whether Mr Gude had made the comments about the Army.

Hon. R. I. Knowles — You haven't told us the context in which he made it.

Hon. T. C. THEOPHANOUS — Are we in this country really suggesting that people like Phil Gude will be responsible for deciding whether an industry is vital, and therefore whether the legislation should proceed?

Hon. J. V. C. Guest — Are you happy with Ben Chifley using the Army?

Hon. T. C. THEOPHANOUS — A key argument in the second-reading speech is that the legislation is designed:

> ... to protect and enhance employment opportunities in Victoria and to secure industrial and commercial opportunities for private enterprise which add value to the Victorian economy.

What commercial opportunities are created by industrial anarchy and disruption, and the loss of employment through increased strikes? What is created by such action? Far from attracting commercial opportunities, that would frighten investors.

Clause 8 gives the Minister total power to run everything in an industry that has been declared vital. That is what I call the Mussolini provision, because Mussolini — another dictator — also attempted by similar kinds of declarations to run whole industries in his country. He was a fascist. Who will be the Mussolini in the opposition?

Hon. C. F. Van Buren — Phil Gude.

Hon. T. C. THEOPHANOUS — Another reason the provisions will not add to productivity is that clause 8 outlaws go-slow actions but, as anyone knows, it is very difficult to achieve such control. History shows that in repressive and authoritarian regimes like that of South Africa and other places in the Third World, precisely because the right to strike is banned and because those heavy regimes would come down heavily on the workers, the only effective tool is the go-slow strike. It is hard to prove someone is working slowly.

Were unions to be put into that kind of corner the likelihood is that go-slows would increase. How will complete go-slow strikes by unions in industries add to productivity?

Hon. G. R. Crawford — They'll use the whips.

Hon. T. C. THEOPHANOUS — If the opposition were serious about productivity gains it would have supported the government's Industrial Relations Bill. That legislation was supported by virtually all sectors of the Victorian community. It would have introduced flexibility into the system, thereby facilitating enterprise bargaining.

Hon. R. M. Hallam — How would it have helped at Camperdown? How would it help productivity improvements?

Hon. T. C. THEOPHANOUS — The opposition is not serious about productivity improvements, enterprise bargaining, or anything else; it is serious only about helping its mates. The opposition is intent on returning to the bad old days of wielding the big stick.

Horrendous fines have been included in the Vital State Industries (Works and Services) Bill. Under the Essential Services Act, an individual who breaches the law can a face a fine of $1000 or imprisonment of up to six months, but under the Bill organisations or their officers would face penalties of up to $250 000. Individuals could face penalties of $250 000! If that is not wielding a big stick, I do not know what is.

The Essential Services Act requires those persons engaged by the Minister in an essential service to be paid not less than award wages, but no such provision has been included in the Bill — and that is important. Obviously the opposition does not care about the paying of award wages.

Hon. R. I. Knowles — Not true, not true!

Hon. T. C. THEOPHANOUS — All the opposition cares about is helping its mates.

Hon. R. M. Hallam — You're a bit selective in your reading, Minister. Are you sure you have read the Bill?

Hon. T. C. THEOPHANOUS — The Bill allows the Minister to employ strike breakers under any conditions or wages.

Hon. R. M. Hallam interjected.

Hon. T. C. THEOPHANOUS — The Bill prescribes penalties of 2500 penalty units for organisations or officers — —

Hon. R. M. Hallam — You said "for an individual".

Hon. G. B. Ashman — How much for an individual?

Hon. T. C. THEOPHANOUS — And 250 penalty units for an individual — $25 000 for an individual.

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — That's all right, because the comparison to be made is between penalties of up to $250 000 under the Bill and a penalty of $1000 under the Essential Services Act.

The people of Victoria have a clear choice between the opposition's industrial relations policy as outlined in the Bill or the industrial relations policy with which the government will go to the next election.

They have a choice between the confrontationist, divisive and one-sided approach of the opposition, which is based on its helping its mates and which, as figures show, will result in more strikes, more go-slows — —

Hon. R. I. Knowles — More jobs!

Hon. T. C. THEOPHANOUS — Less productivity, less investment, and, as a consequence, fewer jobs.

Hon. G. R. Craige — What about employment levels?

Hon. T. C. THEOPHANOUS — Employers would not want to invest in a State with such a confrontationist industrial climate — and that is why there will be fewer jobs.

The opposition's approach to industrial relations stands in stark contrast to the government's approach, which is constructive, impartial — —

Hon. R. I. Knowles — And to lie down in front of militant trade union leaders. Wally Curran is running the government!

Hon. T. C. THEOPHANOUS — The government's approach is based on the principle of being fair but firm in our dealings with trade unions.

Hon. R. I. Knowles — And just saying yes to Wally Curran.

Hon. T. C. THEOPHANOUS — It is based on firmness and fairness, as compared with being confrontationist and looking after your mates. The firm but fair approach of the government is precisely what is needed to increase productivity, to encourage enterprise bargaining and to create a stable industrial relations climate, which will lead to the creation of more jobs.

Hon. R. I. Knowles — Rubbish!

Hon. T. C. THEOPHANOUS — And we are proud of our approach.

Hon. G. B. ASHMAN (Boronia) — The Vital State Industries (Works and Services) Bill is one of the most important Bills to be debated by Parliament in this session. It is a major initiative, which will ensure that employers and employees have a clear understanding of the rules and are accountable and responsible for their actions. The remarks of the Minister clearly show that he does not understand the intent of the Bill.

The Bill sends a clear message to business people that their investments in Victoria will be secure, that if they invest in Victoria they will be able to rely on a stable work force that is committed to their businesses and their industries without being unduly influenced by outside parties.

Under the Bill those who do not follow the rules will pay the penalty — as they should. The agreements entered into by employers and employees should be binding on both parties. At present such agreements are binding on only one party — the employer —

because militant trade unions refuse to acknowledge the jurisdiction of the Industrial Relations Commission and other industrial tribunals.

If the judgments of the industrial relations tribunals do not suit their purposes, militant trade unions take the law into their own hands. In those circumstances the Bill will enable the Minister to declare an industry to be a vital industry and enable him or her to take action in those small number of instances where trade unions are not prepared to accept the umpire's decision.

The Bill clearly targets those recalcitrant trade unions who seek gains by going outside the system, causing havoc throughout business and industry. Those who take the law into their own hands will be held accountable for their actions.

The Minister believes the Bill is an attack on the ILO conventions. Surely the Bill upholds the conventions — —

Hon. Joan Coxsedge — — How, how?

Hon. G. B. ASHMAN — The Bill upholds the conventions by protecting those employees who are prepared to abide by the rules and to take a fair day's pay for a fair day's work.

Hon. C. F. Van Buren — What about the scabs?

Hon. G. B. ASHMAN — Those people who are prepared to work should be guaranteed a fair day's pay and should be protected.

The Bill will be welcomed by responsible trade unions. It will encourage investment in Victorian industry, which is sorely needed in the current economic climate. Victoria needs investment so that industries can be established and jobs created. But no company will invest in a State where the availability of a stable work force is uncertain. The last thing any potential investor needs is a level of industrial disputation that severely disrupts productivity.

Honourable members must not forget that Victoria is competing for investment on the international market; we are not competing only against New South Wales, Western Australia or other States.

It is vital that we provide an industrial relations climate that is attractive to those companies and organisations around the world that are considering investing in Victoria.

The Bill provides redress for damages resulting from the actions of recalcitrant unions. Clause 6 provides for damages, and clause 9 provides for compensation. The compensatory principle is proven in common law, and indeed a number of landmark decisions support that concept in the Bill.

The Bill allows the Minister to declare an industry a vital industry. The government has used the Essential Services Act on one occasion to resolve a milk industry dispute, so it is skating on thin ice when it suggests that the Bill is breaking new ground. It is not breaking new ground; it is clarifying a position. Indeed, it is making it very clear how an incoming coalition will address these matters.

The Bill has quite properly been introduced because there are injustices and inequities in the present system. Individuals and businesses have been victimised.

The Minister believes the government protects the individual. Under the Bill workers will be able to protect themselves and organise themselves freely, when and how they choose. It does not prevent unionism; it does not prevent workers from choosing not to be part of a union. There should be freedom of choice to belong or not to belong to a union, and an employee who chooses not to be part of a union should not be victimised in any way.

One of the things the union movement has become expert at over the years is picking off those individual workers and employers who choose not to be part of the union system. The industrial relations system in this country has developed into a one-sided system and there is an uneven bias now; it is not fair to all parties.

We are seeking to restore balance to the system and give people equal rights. The government has invoked the Essential Services Act on one occasion in the community's interest. Quite clearly the opposition is acknowledging that there will be disputes in the future in which there will be a vital community interest. Some of the industries listed in the Bill are food, transport, light, power, water, sewerage and health services. All could at some time be declared vital industries.

The Bill also includes scope for the Minister of the day to declare other industries to be vital industries. The Bill provides that once an industry has been declared a vital industry the matter may be brought before Parliament. Surely in this circumstance

Parliament is the final arbiter, and that is the way it should be. Parliament should be the body with the ultimate decision-making power in this country — not the trade union movement.

The government talks a great deal about freedom of the individual, but what about Frank Maritt? Some members of the government would choose to forget Frank Maritt but he was a member of the Amalgamated Metal Workers Union (AMWU) and an employee at Petroleum Refineries Australia Pty Ltd (PRA) some five years ago. At the time there was a dispute in Queensland with the South Queensland Electricity Trust, and the AMWU chose to impose a strike levy on the workers of PRA to support their colleagues up in Queensland.

Frank Maritt, quite legitimately as a member of the union, declined to make a contribution. Initially the contribution was voluntary. Mr Maritt had a very strong belief that the church was responsible for all welfare, and he indicated to the union that he was prepared to make a contribution to his church equal to that being levied by the union. That was not acceptable to the union. The storemen and packers then placed a ban on Frank Maritt and he was effectively sent to coventry.

Petroleum Refineries Australia was told by the union to get rid of Frank Maritt or they would close the place down, and after a short dispute Mr Maritt's employment was terminated.

He took the matter to the Equal Opportunities Board and to the Human Rights Commission; he then took it to the Supreme Court, where he won the case. He did not win it with the support of the trade union movement; they were the bad boys — they were the people doing him out of his job. They were also threatening to close down the PRA plant and force other employees on to the street. That court action was supported by one of the employer associations, the Victorian Employers Chamber of Commerce and Industry, which funded his action.

The Bill supports people like Frank Maritt and gives them the choice to be part of a union or not be part of a union without being discriminated against. It gives the government of the day the ability to declare an industry a vital industry and keep production in those plants going. It prevents small bushfires from getting out of control, where a handful of unionists are controlling the destinies of thousands of workers.

The Bill protects the rights of employers. In recent years a number of significant court actions have involved employers taking unions to task. In every instance the matter had been before the Victorian Industrial Relations Commission or the arbitration commission, and the union of the day said, "We do not want to know about that decision; it was not the decision we wanted. We will walk away from it and use our industrial muscle to get the 'right' decision".

Two prominent examples of this scenario are the Mudginberri abattoir dispute and the Dollar Sweets Co. Pty Ltd episode. The first case was a major victory for the employers. The unions were seen for what they were doing — breaking the industrial system, and they paid the penalty. In the second case the unions paid significant compensation to the Dollar Sweets company for action taken by the Confectionery Workers Union, which tried to break the company. It took every action possible to put the company out of business. Those cases are not isolated instances. There are many other stories.

The cases and industries I have mentioned may not be regarded in the Bill as vital industries, but the confectionery industry employs 125 000 people and is the second largest consumer of sugar in the country.

Hon. C. F. Van Buren interjected.

Hon. K. M. Smith (to Hon. C. F. Van Buren) — We wouldn't have a Minister as stupid as yours going on that — —

Hon. C. F. VAN BUREN (Eumemmerring) — On a point of order, Mr President, I take offence at Mr Smith's statement about a Minister who is not even present in the Chamber, and I ask you to rule on the remark.

The PRESIDENT — Order! I did not hear the whole interjection, but it was highly disorderly, in that it was an interjection upon an interjection.

I make it plain that interjections upon interjections are always disorderly. Although ordinary interjections to the speaker may sometimes be permitted, when apposite, a crossfire involving interjections to the interjector is never admissible, and the practice has to stop.

The two members engaged in interjecting on this occasion are the two worst offenders in this House, and I ask them, in particular, to desist.

Hon. G. B. ASHMAN (Boronia) — I was indicating the size of the confectionery industry, which employs 125 000 people and which is the second largest consumer of sugar in this country, and the third largest consumer of products from the dairying industry.

One might say that in isolation the confectionery industry is not an essential industry, but in the context of the product it consumes it could be argued that it is significant and vital; a considerable number of other industries rely on its production process for their viability. The same argument can be run for almost every other industry that is a major consumer of product from another source.

I guess the meat industry is one such industry, and it is in the headlines at the moment. Farmers in Victoria are shooting stock because they cannot get their stock processed through the abattoirs. I am sure a number of my colleagues will have a few words to say on that dispute.

Many of the actions taken by unionists are costly and quite unnecessary. The Vital State Industries (Works and Services) Bill provides a vehicle for establishing a stable work environment. It provides also for recompense to be made when damage is caused. Earlier the Minister for Consumer Affairs referred to the level of penalties provided by the Bill. I remind the House, so that it is on the record, that the penalties provided by the Bill are in line with and modelled along the same lines as those established by the government in the area of occupational health and safety.

I refer to other recent disputes, particularly that at a food processing company in Shepparton, SPC Ltd, which has been well documented over recent months. Some nine or ten months ago the dispute at H. J. Heinz Co. Australia Ltd almost destroyed the tomato growing industry in this State. The two companies could be described as being involved in essential Victorian industries because it is easy for companies, particularly those in the food processing area, to obtain product from overseas. For instance, it is easy for Australia to import its total requirement of canned tomatoes. In fact tomatoes can be imported at a cheaper price than the local product can be.

The proposed legislation will be valuable in protecting and supporting Australian industry. It forms part of a package. Honourable members have spoken previously about voluntary employment agreements. They should not be seen in isolation but as part of an overall industrial relations package put forward by the coalition. Voluntary agreement arrangements quite clearly would solve many of the disputes being faced today. They would alleviate the need for much arbitration and avoid demarcation disputes within particular plants. Under the voluntary employment agreements provisions an agreement would be reached between an employer and his or her employees. Each party would be bound by that agreement; action could be taken against either party if the other were to break the agreement. That is the way it should be.

The coalition maintains that the proposed legislation is of vital importance to the State. It sets out a framework for the future, it creates an opportunity and basis for investment, and it sends a message to investors around the world that Victorians are prepared to consider the industrial relations position in this State and create a climate conducive to profitable investment.

As I said, the Bill is important. It has been welcomed by employers and employees.

Hon. B. W. Mier — What are you saying?

Hon. G. B. ASHMAN — The Bill has the support of the community. It is just one of a range of initiatives that will be taken by the coalition to restore confidence in the State of Victoria.

Honourable Members — Hear, hear!

Hon. G. R. CRAWFORD (Jika Jika) — Mr President, I oppose the Vital State Industries (Works and Services) Bill. I am pleased that the government also is opposing the Bill.

Honourable members interjecting.

Hon. G. R. CRAWFORD — The two positions do not always coincide! I oppose the Bill on the ground that it is a cheap, dangerous confidence trick.

Hon. B. W. Mier — Hear, hear! A political ploy!

Hon. G. R. CRAWFORD — The objects of the Bill are said to include the enhancement of employment opportunities. The Bill purports to do that; it makes no reference to the resolution or settlement of industrial disputes. The Bill is draconian in nature; it is a simple Bill in its proposals but it contains wide powers that leave it completely open in its administration and operation if Victoria were ever unfortunate enough for it to become an Act.

The Bill cannot achieve what it purports to set out to do, that is, to enhance employment opportunities. It will create just the opposite environment to that necessary to achieve that object.

I expected to hear much more rhetoric from the other side in support of the proposition because I could not see the logic behind it. I recognise the Bill for what it is: a deliberate, planned attack on the rights of trade unionists particularly and ordinary Australians in general.

Honourable Members — Rubbish!

Hon. G. R. CRAWFORD — The Bill is unAustralian because it flies directly in the face of the democratic traditions that have been built up by members of the Australian work force.

Hon. K. M. Smith — What you did in the building industry is criminal!

Hon. B. W. Mier — What did he do? He secured jobs for workers!

Hon. G. R. CRAWFORD — The Bill will be used against trade unionists involved in industrial disputes. Currently the government is negotiating with the trade union movement and employers to bring about changes in the Victorian industrial relations scene in an attempt to tackle the very questions the opposition is hiding behind. The government is attempting to meet the challenges that are faced at this time by Victoria in particular and Australia in general.

The proposed legislation is aimed against ordinary workers, the ordinary people who have contributed most over the past few years to a stable economic situation.

Hon. Rosemary Varty — What are you talking about?

Hon. G. R. Craige — What is the unemployment level, George?

Hon. G. R. CRAWFORD — It was not the ordinary people who borrowed the millions of dollars overseas and sent Australia down the drain! It was not the ordinary people who have done all those things to the Australian economy that we all have to pay for now! Are you saying that the ordinary workers have done that? Is that what you are saying?

Hon. R. I. Knowles — A Labor government allowed it to happen!

Hon. G. R. CRAWFORD — It is the Bonds who have done that to the Australian economy! Of course that is on top of the basic economic situation, which is the same in this country as it is in the United States of America, Canada and England. Even your own party says there is no quick answer to this situation; is that right?

Hon. R. I. Knowles — That's right!

Hon. G. R. CRAWFORD — You do not challenge that point! What I am saying is that you will use this type of fascist legislation against any workers — —

Honourable members interjecting.

Hon. G. R. CRAWFORD — That is what it is! Pinochet would have been proud of it in Chile!

Honourable members interjecting.

The PRESIDENT — Order! The babble of interjections is out of order. I caution honourable members.

Hon. G. R. CRAWFORD — Let us examine what the Bill would do if it were enacted. The Bill provides for the Governor in Council to declare an activity a vital industry and to appoint a Minister to be responsible for that vital industry. It empowers the Minister to direct either that industry or industries associated with that industry to do certain things. The Bill enables anyone to make an application to the Supreme Court for injunctions to be taken out restraining a person or organisation from engaging in certain conduct and it provides for fines to be imposed on any individual or organisation.

They are the powers we are talking about. The opposition has not offered any suggestion as to how those powers will be used to enhance employment opportunities. Mr Ashman referred to a couple of disputes, including the SPC Ltd dispute in Shepparton. I venture to suggest that if the Bill were enacted the SPC company would not now be operating because it would have relied on the legislation. The employer would have said, "We don't have to do anything; if anyone plays up we will get our mates to come right down on them". So it would be a reverse industrial relations situation.

Honourable members interjecting.

Hon. G. R. CRAWFORD — It is the reverse of what the opposition is purporting its Bill is all about. The Bill will increase industrial disputation not enhance employment opportunities. The workers will not cop the provisions of the Bill. Disputes over this draconian legislation will be much bigger and wider than they would otherwise be.

The realities of life are that at any point in time there is likely to be a serious industrial dispute somewhere in Australia. Nothing the opposition, the government nor I can do will ever completely eliminate that possibility. It is part of the economic situation we live under. When that happens, sooner or later the dispute has to be resolved. The sooner it is resolved the better. I do not accept the opposition's suggestion that the ordinary worker has this burning desire to get involved in industrial disputes, to go on strike and be involved in such activities every day of the week. Although that is what the opposition has implied, it is not correct. It is only when certain circumstances come about that serious disputes arise.

This Bill will do nothing to resolve the industrial relations problems in this State. The opposition does not even pretend that it will do so. It is a completely dishonest, cheap confidence trick for the opposition to suggest that the Bill will enhance employment opportunities. It has no hope of doing so. The only example provided by the opposition was a broken down bush abattoir; all this fuss is over one broken down bush abattoir.

Honourable members interjecting.

Hon. G. R. CRAWFORD — Earlier I referred to the fact that from time to time serious industrial disputes occur as a result of certain circumstances.

Hon. R. S. de Fegely — What about the Shepparton Preserving Company?

Hon. G. R. CRAWFORD — What about it? Your Bill would not have brought about the present situation. They would still have been fighting one another and the company would probably have gone under. Let us be realistic about this. There is no logic to your position.

Honourable members interjecting.

Hon. G. R. CRAWFORD — There is none so blind as those who do not want to see. Let us work through the situation. Your proposition will not improve industrial relations or enhance employment opportunities in Victoria. It will only increase disputation. The opposition is not fair dinkum about its reasons for introducing the Bill. Although the Bill may be passed in this House the opposition knows it will not get through the other House.

You just want to make a big song and dance about it, become involved in union bashing and put all the onus on the workers involved in industrial disputes. What you are doing is dishonest and dangerous. You are attempting to bring in legislation that is so wide in its characteristics that it should not be entertained by any democratic country or by any Parliament.

I commenced my contribution by saying that the government and I were opposed to the Bill, but let us romance a little for a moment. What would happen if the government said, "All right, let us test these people out". Mr Ashman, in his contribution, made one slip when he said that the proposed legislation ought to be used equally against all. He said that if the employer is not doing the right thing the Bill should be used against him. But for the rest of his speech he attacked the workers. It would be interesting if the government decided that it might be handy to have some of these draconian powers and that it should support the legislation. The opposition has the numbers in this House and, with the government's support, the Bill could be passed in the other House and become law. What would happen if one of your mates decided to close down his operation in Victoria and go offshore, as so many of them have?

Hon. K. M. Smith — You have driven them out of the country!

Hon. G. R. CRAWFORD — Under your legislation the government could say, "No, you don't, you stay there; you are a vital industry and you must continue to operate."

Hon. B. W. Mier — I bet they wouldn't do that!

Hon. G. R. CRAWFORD — Although the employer might say, "We are going down the drain financially" the government could say, "The workers will go down the drain financially if you close down, so you must maintain employment; if not the workers that you make redundant will go to the Supreme Court and get orders for damages against you". That is an example of how the legislation could be used to support large redundancy payments. I suggest that when they examine the hotchpotch that has been proposed even the

opposition's own mates would say the opposition should not be in it.

Most members on the other side of the House do not have the ability to examine the Bill and ascertain what it really means. If they did they would not introduce it in this place. They would recognise that no self-respecting Parliament would pass legislation that has such wide-ranging powers.

I am not advocating the things I have just said because it is not my Bill. It is the opposition's Bill. The opposition introduced it into the House but I suggest no Parliament should carry a Bill with such draconian powers. The Bill will not achieve what the opposition pretends are its objectives. The opposition is not even decent enough to tell the community what its real objective is. Its real objective is to come to the assistance of some of its mates and encourage them to use the proposed legislation against workers so that they will have little or no ability to struggle against certain employer acts in the workplace.

The opposition's objective will not work. It will not come off. If this Parliament were stupid enough to pass such legislation it would create more industrial disputation in this State.

Hon. K. M. SMITH (South Eastern) — I support Mr Craige in introducing the Vital State Industries (Works and Services) Bill. It is important that there is an understanding of what the Bill is about. Mr Crawford and some of his mates do not have that understanding. They should declare a pecuniary interest because after the next election they will be looking for jobs in the unions from which they came.

Hon. B. W. Mier — I will be.

Hon. K. M. SMITH — You're unemployable. The Act states:

> The purpose of this Act is to protect the lawful conduct of economic activity vital to the interests of Victorians and to enable persons who suffer damage from unlawful interference with such activity to recover compensation.

One must think about what the government has done since it has been in office. Industrial disputation has increased. Most of it has been caused by the stupidity of some government members. One only has to go back to the tramways strike some years ago. What did the government do? Nothing.

While researching the Bill I went back to 1985 and reflected on the remarks attributed to then Premier, Mr Cain, in *Hansard* on 30 April in that year when there were discussions about who was ripping off the dairy farmers and plundering their assets when he invoked the Essential Services Act. At that time the Premier gave undertakings and promises to the unions that he would get rid of the Essential Services Act. He said:

> All the government wishes to do is to apply the same set of rules and to impose the same requirements upon those who are now seeking to prevent people from going about their lawful business.

That is what the opposition wants to do.

Hon. T. C. Theophanous — Why didn't you do it under the Essential Services Act?

Hon. K. M. SMITH — Because it does not cover all the essential State industries that should be covered. Mr Theophanous should realise that the unions are out of control.

Hon. B. W. Mier — What about the dairy farmers?

Hon. K. M. SMITH — They are one small group. The then Premier was not prepared to invoke the Essential Services Act when the unions were threatening not to erect the lights at the Melbourne Cricket Ground.

Hon. G. A. Sgro — The lights were erected.

Hon. K. M. SMITH — The Premier backed down.

Honourable members interjecting.

The PRESIDENT — Order! The barrage of interjections is becoming too great. I acknowledge the honourable member is being a little provocative. If he could tone down his remarks a little it may discourage interjections. I ask members on the government side not to take the bait.

Hon. K. M. SMITH — An article in the *Age* of 1 May 1985 reports:

> Mr Cain said the Essential Services Act and other emergency legislation would eventually be repealed by his government but there would always have to be

> some emergency powers which were not primarily aimed at hitting trade unions.

A number of unionists are trying to ruin the State, particularly Wally Curran. He has run rampant through the meat industry in the State and ruined what was once a viable industry. He has put 5000 of the original 7000 members out of work: he is not representing the interests of members. The members are not financially well off but Wally Curran has said he has achieved a great deal for them. If the Bill were in place Mr Curran would have to think a little harder about his and his union's position instead of trying to put employers out of business. Consideration must be given to people who create jobs. Wally Curran has never created a job in his life; it is the abattoir owners who create the jobs.

At the risk of a point of order, I point out that the government has supported Wally Curran in a despicable manner. His close relationship with the present Premier and her lack of understanding of the problems he is creating and her lack of preparedness to act on those problems are a disgrace.

The Minister for Agriculture had some understanding of the problem but the wheels fell off his agriculture department. He has gone into a flat spin and judged Wally Curran as a great person. He has said that the employers at the abattoirs at Camperdown are absolute animals in the way they treat staff. He talked of his experience in the industry when as a kid he worked in an abattoir in Western Australia. That must be 40 years ago. He is trying to relate the present situation with the situation 40 years ago. He is talking about kids who are working up to their knees in guts and gore, as he put it, but that is the sort of person he is. He does not have an understanding of the problems and has not bothered to visit any abattoirs in the State to find out what is going on.

Hon. T. C. Theophanous — How do you know?

Hon. K. M. SMITH — Because he has admitted it in the other place.

Hon. T. C. Theophanous — Where is the quote?

Hon. K. M. SMITH — It is in *Hansard*. It is not laughable what the trade union movement has done to Victorians. Mr Crawford was in the building industry many years ago and led one of the strongest unions, the Plumbers and Gasfitters Employees Union of Australia. He and I have clashed on several occasions about what he saw as being right and what I saw as being right. Mr Crawford is supporting the unions and I am supporting employers and my constituents. Nothing has changed. We have an ideological difference of opinion; he is still wrong and I am still right.

Hon. R. I. Knowles — That may taint both your reputations.

Hon. K. M. SMITH — The Leader of the Opposition was attacked when he announced that positive action would be taken to try to protect jobs and create jobs for the future. The complaints came from the trade union movement and from the Premier. The *Herald-Sun* reported:

> Mrs Kirner questioned the opposition's motives for isolating a handful of industries that would be covered by the proposed new get-tough legislation.

That shows how much understanding she had of the situation. Why would anyone do that? All industries are vital. Why this one? She does not understand that it is not just covering the meat industry, it is covering all vital industries.

Hon. T. C. Theophanous — All industries?

Hon. K. M. SMITH — All vital industries. If Mr Theophanous had any understanding he would know that every employer in this State is vital. It is not just some Minister on a whim declaring what he wants to do; it is a decision that must come from the Governor in Council. It is not something that can happen in 5 minutes; some consideration must be put into it.

It took John Cain a long time to decide what he would do with the dairy farmers. Their dispute went on for some time before he was prepared to invoke the Essential Services Act. I think Mr Crawford has been looking into a crystal ball. He has already predicted industrial relations strife with this and we are not stupid enough to think it will not happen. You have said it will happen and it will happen.

Hon. G. R. Crawford — You will make bloody sure it happens — you will make damned sure it happens.

Hon. K. M. SMITH — No, do not change it, leave it all on the record. We will not make sure it happens. What we want is a settled industrial scene in this State where people who want to work can work. At the recent disputes at Camperdown and

Seymour workers had to go onto the site in the back of a furniture removal van to be able to work.

Hon. T. C. Theophanous — What were they doing in the back of a furniture removal van?

Hon. K. M. SMITH — The poor people who wanted to work at Camperdown had to be transported onto the site in a furniture removal van. What happened to these people and the jobs they had? Wally Curran and his mates played all sorts of tricks. They sabotaged the freezing works. This resulted in some 800 carcases that were waiting to go to the boning rooms being lost to the abattoir owners. I would bet anything that Mr Curran said to the people who own the boning rooms, "We don't want you to touch any of the meat that comes from Camperdown".

Hon. B. W. Mier — How do you know the meat was suitable to be handled?

Hon. K. M. SMITH — It was suitable, Mr Mier. There are certificates to state that the meat was suitable for use and that there was nothing wrong with it. That was a rumour that was started by Ian Baker in the other House. The truth is the meat was more than suitable to go to the boning rooms to be cut up. However, the people at the boning rooms were warned that if they touched the meat from Camperdown they would not be working the next day.

The Bill is the sort of measure that will be used to make sure that people cannot be blackmailed and that they are given an opportunity of working if they want to.

When this measure becomes law, Mr Mier, you and your union mates will have something hanging over your heads. We will be getting back to industrial harmony within this State and you and your mates will have to think a little bit harder about these issues. Mr Halfpenny will not be allowed to push people around as he did at the Hoechst dispute. Nothing was proved. It was a beat-up by the union movement to try to do over the Hoechst company. As a result Hoechst considered closing down in Australia. Your mates in Greenpeace, who are part of your network, were prepared to go to the Nufarm site but they were proven to be wrong about that, too. You and your mob are financing them.

The PRESIDENT — Order! I ask Mr Smith to direct his remarks to the Chair and not to honourable members on the opposite side of the House.

Hon. K. M. SMITH — We are not going to have the same sorts of disputes that occurred at the Leighton site in St Kilda Road. That is the sort of dispute that Mr Crawford would have been involved in in his younger days. The concerns I have are about the actual costs that have been involved because, for instance, at the Leighton site the police had to be there to protect the workers who were denied access to the site for some time. The ratbag group headed by John Cummins from the Builders Labourers Federation — and we thought they were dead and buried but obviously they are not — were creating the problems along with the carpenters and joiners, the plumbers, the decorators, the whole works.

The dispute at Leightons went on for 23 weeks. What happened in the end was that Leightons had to pay out to the ratbags who had been camping outside that site some $2000 a person. They had to pay the ratbags to keep people off their building site. Damaget was caused by ratbags shooting steel bolts through big plate glass windows, and they did the same thing on the Daimaru site. These are the things that nobody hears about. The other thing that has not come out is that it cost some $600 000 of our money to have the police there supervising a militant pack of ratbags who did not want to work.

The Bill will make some of those people think about whether they deny people the opportunity to work. Some consideration should be given to the problems caused by the trade union movement. However, if unions are prepared to work with the coalition government when it is in power after the next election there will not be any need to use this measure against the trade union movement. We do not want to have to use this measure. We want to be in a position of coming to government and running a proper State that will provide full employment. We want to encourage people to come from interstate and overseas to set up businesses here in Victoria.

Another dispute was the Heinz dispute and the result of that was that the Heinz company did not expend any capital on equipment because it was considering closing down its Victorian operation. The Toyota company is about to set up in Altona and it is moving there because of the industrial disputation that has been happening at its Dandenong plant. About 1200 jobs will be lost in the transfer from Dandenong. Toyota will start a

greenfield site which means it will not have the disputes and problems that currently exist at Dandenong. All this means is that because of some ratbag, militant people such as the Wally Currans, the John Cumminses and the George Crawfords — —

Hon. G. R. Crawford — Bash, bash, bash!

Hon. Joan Coxsedge — Leave George out of this.

Hon. K. M. SMITH — All right, I withdraw George.

Hon. R. I. Knowles — Now you have insulted George.

Hon. K. M. SMITH — I shall put him back in. I do not want him to feel insulted. These people do not care about Victoria. They care only about their own egos and building up their own empires. They think like a lot of socialists and communists. The communists are out from under the beds and onto ships, steaming up the bay and going back into the trade union movement.

The government has been unable to control the union movement. The past eight or nine years have proved that it does not have any control over the industrial disputation that is occurring across Victoria. At least the opposition is prepared to address the problem because it does not have mates in the trade union movement who must be protected.

It was interesting that Mr Crawford should refer to the Bill as fascist legislation being introduced to help the opposition's mates. It is not fascist legislation: it is legislation to try to do something about creating jobs in Victoria; it is decent legislation that will exist but will not be used every day of the week. The legislation will be able to be used against the trade union movement if necessary, and only if necessary — if people in the trade union movement do not conduct themselves in a proper way in trying to work for the State of Victoria rather for than themselves.

Hon. C. F. VAN BUREN (Eumemmerring) — After hearing Mr Smith speak I am more than convinced that I should oppose the Bill. Mr Smith's attitude typifies what the Liberal Party is on about when it thinks of trade unions. This Bill has only one purpose: to destroy the organised trade union movement, and the Australasian Meat Industry Employees Union (AMIEU) in particular. The AMIEU is named at page 3 of the second-reading speech on this Bill.

This Bill is against everything Australia believes in. As one who migrated to Australia, when I go to citizenship ceremonies I make a point of telling people about the freedoms and rights we have in this country. I am ashamed of this Bill, which goes against all convention and what people believe in — the right to strike, the right of association and the right of labour to organise.

In 1948 the General Assembly of the United Nations adopted the Universal Declaration of Human Rights. I say that this Bill goes against that declaration completely. All members of Parliament are very much aware of what is happening in Eastern Europe, and particularly in the Soviet Union, where workers are just gaining the right to strike and to organise themselves and fight for these rights.

Members of the Liberal and National parties do not criticise that — they say it is great that those people have gained those rights and they are pretty proud of that — yet this Bill will take away from Victorians those very rights of freedom of association, including the freedom to join a union.

This Bill will take us back to the days before 1948, before we had democratic rights and the right to fight for and protect our working conditions. Workers must protect their jobs.

This Bill is the start of a concerted attack on the trade union movement by the conservatives. Mr Gude, the opposition spokesperson on employment and industrial relations in another place, has made it quite clear on a number of occasions that the troops would be called out against strikers. When he found that he would have to go to the Prime Minister if he wanted to get the Army out, he backed down, but basically the philosophy still stands.

This Bill will provide a wide range of powers which may be used to break strikes in any industry deemed to be vital. The Bill names a whole range of industries: food, transport, light, power, water, sewerage, health services, and any other goods or services. That is a very broad-brush approach.

Under the guidelines in the Bill, if there were the slightest provocation and anything went wrong, all that a Liberal-National party government would have to do if it did not like a particular union would be to declare an industry a vital industry, fine the individuals involved $5000, fine the union $250 000,

and then go about breaking the trade union movement.

As I said at the start of my speech, the aim of the Bill is to destroy one union: the AMIEU is named in the second-reading speech.

Hon. R. S. de Fegely — Where is it in the Bill?

Hon. C. F. VAN BUREN — It is mentioned at page 3 of the second-reading speech. We all know the conditions under which some abattoir employees work. Most abattoir operators try to maintain a high standard but some play scant regard to requirements to provide safe facilities and equipment. Does the opposition say that employers should provide the right equipment? Some of these operators put the lives of workers at risk.

I have visited a number of abattoirs and some do not attempt to maintain the required occupational health and safety standards. Does the opposition agree with that and say it is all right? The hygiene in some abattoirs leaves a lot to be desired. Those are the types of people the opposition is trying to defend by bringing in this Bill. Everyone knows the industry is plagued by fly-by-night operators: they come in at the start of the season and close at the end of the season.

Fly-by-night operators leave behind unpaid workers. Who must pursue the wages for those workers? It is the unions, not the employers — the opposition's mates — or other out-and-out scoundrels. The trade union movement must fight to obtain the wages for those workers.

Those operators also leave behind unpaid levies and rents, as we have seen at Camperdown. They do not pay their taxes and charges. Those are the people the opposition is defending: the ones who commit highway robbery in the name of providing work.

Everyone knows what Mr Peter McGauran, a National Party member of Federal Parliament, said about unscrupulous operators in the meat industry in Victoria.

Hon. R. I. Knowles — He meant the meat union.

Hon. C. F. VAN BUREN — He did not. Under the headline "The rot must be trimmed from the meat industry", an article in the *Age* of 16 October 1991 states:

> The troubled Victorian meat industry, which was the subject of a Royal Commission nine years ago, seems to be ripe for another searching inquiry and sweeping clean-up. According to Mr Peter McGauran, a National Party member of Federal Parliament, the industry is riddled with organised crime involving drug trafficking and money laundering.

Those are the employers the opposition supports. If the opposition wants to do that, well and good; but I will stand by any union that wants to fight those thieves. Those are the opposition's people, not mine. That is what Mr McGauran said, and I will provide a copy of the newspaper article to any member of the opposition who desires it.

Hon. R. J. Long — Do you say unions are perfect?

Hon. C. F. VAN BUREN — I do not say anybody is perfect, but those are the people the opposition supports.

As I said, I will not support people who obtain money illegally.

The opposition says the Bill is essential partly because the Australasian Meat Industry Employees Union accounts for 20 per cent of strikes throughout Australia. I ask honourable members to examine the history of the Camperdown abattoir. It is a financial failure. It has had eight owners during the past five years. Crooks have been running it, and they are the people whom the opposition supports. The coalition cannot blame the unions for the operation of the abattoir at Camperdown.

The Camperdown abattoir was closed recently because of its substandard slaughterhouse operation. Meat inspectors said the beasts slaughtered at the abattoir were not suitable for the export market. Farmers beg the Federal government, and in particular the Prime Minister, Mr Hawke, to obtain markets in the United States of America. They ask the Prime Minister to pressure President Bush to assist Australian farmers in selling their cattle to USA markets. If the government allowed abattoirs such as the Camperdown abattoir to continue operating and to export meat to overseas markets, Australia would lose many of its markets.

Inquiries have revealed that the Camperdown abattoir operated with the use of scab labour and had only two experienced workers. Most of the work force had never had any experience in slaughtering animals. One was a truck driver and others had a variety of work experience.

The opposition supports companies such as Troubleshooters Available labour agency. Mr Smith criticises the practices of Mr Cummins and other members of the Builders Labourers Federation, but Troubleshooters Available signed an agreement with the BLF. Perhaps the opposition says that is all right. Troubleshooters Available uses scab labour. A scab worker is the lowest form of human life; he works for slave wages, but the opposition supports that.

Hon. K. M. Smith — We support people who want to work.

Hon. C. F. VAN BUREN — The opposition supports strikebreakers and scabs, and the sooner the community recognises that the better. If the Bill is passed workers will not be able to fight for their rights because as individuals they could be fined up to $25 000 and unions as organisations could be fined a maximum of $250 000.

The Bill is against all international conventions of which Australia is a signatory. This is Australia, not Nazi Germany. Fidel Castro would be proud of this Bill.

Hon. Joan Coxsedge — Leave him out of it.

Hon. C. F. VAN BUREN — Mr Mier and I have been members of the Victorian Trades Hall Council disputes committee and we know from experience that when a dispute occurs and the pressure is applied, the coalition's mates buckle at the knees and pay millions of dollars to workers. A former Victorian Premier, Lindsay Thompson, paid workers in the Latrobe Valley millions of dollars.

The Bill is just window-dressing and a public relations exercise because the conservatives do not have the guts to solve these problems. I totally reject the Bill.

Hon. R. A. BEST (North Western) — I support the Bill, not just as a member of the National Party but also as a member of the coalition's industrial relations policy committee. The purpose of the Bill as set out in clause 1 is:

> to protect the lawful conduct of economic activity vital to the interests of Victorians and to enable persons who suffer damage from unlawful interference with such activity to recover compensation.

I refer honourable members to the second-reading speech, which repeats the words set out in the purpose clause and which says clearly:

> The legislation will provide reserve power for the government to ensure that those who seek, for whatever purpose, to dramatically reduce the efficiency of a Victorian business sector can be restrained before permanent damage has occurred.

Those people who do not break the law or disrupt the workplace should not be concerned, but those who put themselves above the law should beware. The second-reading speech also states:

> Should it be necessary to invoke this law we confidently expect a government, irrespective of its political flavour, to use it as legislation of last resort in a manner similar to the way the Essential Services Act has been carefully administered — not provocatively but in the public interest.

It is important to emphasise the context in which the Bill has been introduced. It is not union bashing. Unions have a responsible role to play in the arbitration of awards and conditions of workers. Any union that puts itself above the law should be dealt with by government, by legislation and through the courts.

The Bill will protect Victorians against unions that are anti-Victorian — militant unions that are not concerned so much about wages and awards, but specifically about union power and control of business so that they can extract every last cent. Victorians are crying out for commonsense to prevail within the union movement.

I place on the record a statement made by the Minister for Manufacturing and Industry Development, Mr White, when he was Minister for Health. As reported in *Hansard* of 24 July 1985, he said:

> A free trade union movement, like a free press and an independent judiciary, is a fundamental facet of a free society.
>
> Respect for, and commitment to, the integrity of our free trade union movement is basic to the philosophy of the Australian Labour Party and to the policies and programs of the Victorian government. But every freedom and every right is tempered by its need to be exercised in a way that does not impinge upon the rights and freedoms of others — exercised within accepted bounds of behaviour.
>
> The Builders Labourers Federation has gone beyond the bounds of even militant behaviour. As an organisation, it has exhausted the patience of the entire

community — I say this of the organisation — not of its members.

In 1985 the government was not prepared to accept the behaviour of a militant union; the opposition is of the same view. If unions step beyond the bounds of reasonable behaviour they should be dealt with using the full weight of the law.

Victoria is in a desperate state of economic decline. We need investment to create jobs, but most importantly we need confidence in our economy restored.

The unhealthy relationship between the Premier and Mr Curran of the Australasian Meat Industry Employees Union (AMIEU) has been well documented. In a way the Premier has pandered to the AMIEU. It is also relevant to take note of the actions of the Minister for Agriculture, Mr Baker, who has been scathing in his attack on the workers at Camperdown. I remind honourable members that it was because of an agreement reached with the Transport Workers Union of Australia and the Food Preservers Union of Australia that Mr Baker gained preselection for the next State election.

It is important to revisit history. Being a Bendigonian I recall the dispute in 1986 at the Mayfair factory. Honourable members will recall Mr Curran acted irresponsibly on that vital issue. The Mayfair dispute had a severe impact on the economy of Bendigo. Approximately 600 workers were thrown out of their jobs during the dispute. Those workers did not get the opportunity of voting on whether they should go on strike; they were told to do so. They were left standing on the street wondering where their next pay packets would come from when Mr Curran took off overseas leaving them high and dry. He walked out on his membership. What a wonderful leader and what a way to encourage people who are paying your wages!

Similar circumstances are occurring at Wodonga, Seymour and Camperdown. It is a disgrace that people are being denied the right to work. In the *Herald-Sun* of 16 November in an open letter to the Victorian public Miss Heather Davies says:

> If what I ask of you is too much, then please just tell me so. If not, then please could you show support.
>
> I believe that I have a right to work and that if I have an employer prepared to give me a go and that the employment is within the laws of the land and doesn't interfere with anyone, then I am entitled to do the job without fear of interference to or from others.
>
> For eighteen months I was unemployed and struggling to survive on the dole, a burden to the taxpayer and going nowhere fast. Finally I came across an employer who showed interest in employing me and I practically begged that employer to give me a chance. They did.
>
> The total elation I felt after that phone call to say that I could start Monday is beyond words. For the first time in a very long time, I was going to work. To actually get to the job, I had to travel in the back of a biscuit truck, along with other workers, so that we could be shielded from some of the ugliness of a picket line at the main gate.
>
> Yes, I'd signed up as a contractor to work at the Camperdown meatworks. Whether you're for or against non-union contract labour, the fact is that, after being a drain on the taxpayer for so long, I was now in a position to contribute to society and to pay taxes.
>
> After getting into work, all worries faded. The other contractors are a fantastic bunch of people to work with and the terms of employment were spelt out to me in clear black and white.
>
> We really have been denied the right to work. Please, just let me know how you feel.

I feel sorry for that lady. Through obtaining work she was able to restore some of her self-esteem but the Minister for Agriculture in another place had the gall to challenge her ability because she was a woman, even though she had the desire to do the same job as a man. I find that deplorable.

It is important to record that other disputes have been caused by militant unions. Disputes have occurred at H. J. Heinz Co. Pty Ltd and Leightons. These disputes have impacted not only on the Victorian economy but also on the work force. People should have the right to work and we should protect people who are investing in Victoria.

All political parties have recognised that the food manufacturing industry offers a way for Victoria to climb out of its current demise. The Premier has outlined a six-point plan to develop the food processing industry and to generate jobs. The Minister for Manufacturing and Industry Development has done the same thing and so has the Leader of the Opposition, Mr Kennett. Militant unions stand in the way of Australia and Victoria generating vital export dollars. I have great pleasure

supporting the legislation. The government is applying double standards and the Premier is showing hypocrisy in her stand of supporting Mr Wally Curran, which is clouding the commonsense that she has shown during the past twelve months.

If the government opposes the legislation it will have gone back on the words spoken by Mr White on 24 July 1985 on the BLF (De-recognition) Bill, which deregistered the BLF. He said that every freedom and every right must be tempered by its need to be exercised in a way that is within accepted bounds of behaviour. Militant unions in Victoria have moved way beyond the bounds of acceptable behaviour. Ms Heather Davies has been denied the right to work. I vigorously support the Bill. I urge government members to show their support for it and not to be hypocritical.

Hon. JOAN COXSEDGE (Melbourne West) — The destructive Bill before us today, which I vigorously oppose, comes at a time when militant unionism is virtually non-existent and when nearly every industrial action is based around defending hard-won conditions and rights which have been in place for a very long period.

These attacks and the onslaught on wages, which, to our shame, have now fallen to the fifth lowest of the countries on the scales of the Organisation for Economic Cooperation and Development, are further attempts to blame workers for the ineptitudes and venality of Australia's managerial class. The disgusting union-busting outfit, Troubleshooters Available, which was touched on by Mr Van Buren, is a good example of right-wing ideology prevailing over sound management and commonsense. It seems that some employers are prepared to fork out huge amounts of money to these shysters to get third-rate labour to replace their own long-established work force.

I do not want to make a long speech; in fact I shall read a poem, not one of my own — I have not got around to writing one yet — but one that was written by a great Australian, Henry Lawson. The poem was written not very long before his death in 1922. I do so because it applies to the debate; it not only talks about strikes but describes in a graphic way the conditions faced by workers that force them to strike in the first place. Lawson's poetry is full of the humour and fighting spirit that was once so widespread in this country, particularly throughout the labour movement. That spirit is now being trampled on by disgusting legislation like that before the House today.

Lawson was a radical and a republican in the days when the *Sydney Bulletin* was the "Bushmen's Bible". He was an inspiration and guide to the many Australians who hoped for the early establishment of a worker's paradise in the new south land. It is a pity there are no Henry Lawsons around today.

Hon. Robert Lawson — There is a Robert Lawson!

Hon. JOAN COXSEDGE — Unfortunately, Robert Lawson is a rather poor substitute, good and all though he is.

The poem is extremely well known to the labour movement and is called *Too Old to Rat*:

TOO OLD TO RAT

I don't care if the cause be wrong
Or if the cause be right —
I've had my day and sung my song
And fought the bitter fight.
In truth at times I can't tell what
The men are driving at.
But I've been Union thirty years,
And I'm too old to rat.

Maybe, at times in those old days,
Remembered now by few,
We did bite off in various ways
Much more than we could chew —
We paid in sodden strikers' camps
Upon the blacksoil flat.
We paid in long and hungry tramps —
And I'm too old to rat.

The Queensland strike in Eighty-nine
And Ninety's gloomy days —
The day the opera company sang
For us the "Marseillaise."
The sea of faces stern and set,
The waiting "bitter cup,"

The hopeless hearts, unbeaten yet,
The storm cloud rushing up.

The fighting, dying "Boomerang"
Against the daily press,
The infant "Worker" holding out,
The families in distress;
The sudden tears of beaten men —
Oh! you remember that! —
Our memories that make my pen
Not worth its while to rat.

I've wept with them in strikers' camps,
Where shivered man and beast;
I've worn since then the badge of men,
Of Hell! and London East!
White faces by the flaming torch!
Wraith wives! — the slaves of Fat!
And ragged children in the rain —
Yes! — I'm too old to rat.

I oppose the Bill.

Hon. R. A. MACKENZIE (Geelong) — I oppose the Bill for a number of reasons. The measure is more of a public relations exercise than anything else. It is obvious the backroom boys of the coalition have hit upon what they believe will be a note to which the Victorian people will respond. The opposition believes Victorians are concerned about industrial relations and industrial harmony, and it is right in making that assumption. However I disagree with the way the coalition is going about creating harmony. There is no way this Bill will create industrial harmony; it will simply do the opposite.

As members of the government have said, the Essential Services Act is still on the statute book, even though to this day its revocation is part of Labor Party policy; because of the hostile Upper House there has been no point in trying to do that.

Mr Smith and a number of other speakers, including Mr Best and Mr Craige, argued that the Bill will bring about the industrial harmony needed in Victoria to create a spirit within the community to get the State on the road to recovery. Regardless of what side of the political fence honourable members are on, they all want that to happen; it is just that everyone has different ideas on how it should be done.

Victorians are looking at the coalition as the future government. Governments run out of steam; that is part of the Westminster system. I shall not argue the rights and wrongs of the present government; the point is that the people of Victoria are likely to change the government within the next twelve months. They are beginning to put the coalition under a microscope and the coalition has a responsibility to produce decent policies. If this Bill is the beginning of its industrial relations policy, heaven help Victoria and the people looking to replace the existing government!

It is refreshing to take part in a debate that separates the parties on ideological grounds. I have been wondering whether there were any differences left between the Liberal and Labor parties!

The coalition should take a broader view and consider other ways of approaching industrial problems. Members of the coalition have said the difficulties with industrial relations are the fault of the union movement. There is no doubt that much work must be done, but there is another side of the coin.

What is the coalition's policy on management? Has it looked at successful managers? Has it considered companies such as Uncle Ben's, where industrial harmony reigns within an operation that works successfully? Has it considered Fred Herd's abattoir at Geelong, which has never suffered from industrial strife? Will the coalition introduce legislation to include the lessons learned in places where industrial harmony reigns? The Bill does not take into account the other side of the coin; it is a straightforward exercise in union bashing.

Australian management leaves a lot to be desired. An article in the *Australian Financial Review* of 4 February 1991 states:

> Many Australian company managements are hopelessly out of touch with international standards of performance and are deluding themselves about their level of competitiveness according to the Economic Planning Advisory Council.

The *Business Review Weekly* of December 1989 states:

> A survey by the European Management Forum found that Australia's managers ranked near the bottom of 28 developed countries on such issues as managerial competence and attitude to technology and work.

Statistics included in the publication *Australia Betrayed* refer to how Australia's managers rank in performance out of 23 countries; the scale is based so that No. 1 would be the best performer and No. 23 the worst.

Australia rated as follows: management outlook, 17; product quality, 18; management export capability/flexibility, 21; business credibility with the general public, 14; quality of management education, 14; management of plant maintenance, 14; on-time delivery managerial drive, responsibility, entrepreneurship, 14; management of job training, 14; and marketing management, 13. They are all low on the scale. Much work must be done by the government and any future government about what management is doing.

How has management responded to the challenges faced in the workplace today? According to that publication:

> The 1990 survey by the Australian Bureau of Statistics shows that 42 per cent of businesses in the private sector spend nothing on training their workers. Another 16 per cent spend less than 1 per cent of their wages bill on training.
>
> On any normal working day two Australians will be killed in workplace accidents caused in most cases by employers who neglect safety procedures ... detailed investigations of accidents have revealed that the careless worker is a myth. Instead the employer has often been careless. Mismanagement of occupational health and safety is serious and is costing Australia $10 billion a year.
>
> Only 3 per cent of large Australian companies which have targets for improving productivity set these targets against international competition.
>
> Sixty per cent of Australian managers have no formal education qualifications — —

The publication *Australia Betrayed* quotes the summary of the Australian Workplace Industrial Relations Survey 1991:

> On nearly every issue (management) at the majority of workplaces did not regularly provide information to employees ... management does not widely or consistently use consultation as a method of interaction with unions and employees.

The publication continues:

> Australian managers continue to ignore the importance of investing in new technologies at the workplace.
>
> Nearly 70 per cent of Australian manufacturing firms have not invested in any form of advanced manufacturing technology.

I could continue to read more statistics. An enormous amount of work must be done to get Victoria up and running. Work must be done not only with the union movement but also with management, as I have demonstrated through those statistics. If the opposition wishes to sell the people of Victoria on being good industrial managers, and if it tries to convince Victorians it will bring about industrial harmony in this State if and when it comes to government, this Bill is not the way to go about it. The Bill will be a total disaster.

The opposition should be addressing some of the matters I have referred to because there are irresponsible people on both sides of the fence — irresponsible unions and irresponsible managers. I am still a member of the Plumbers and Gasfitters Employees Union of Australia, as are Mr Crawford and Mr Mier.

Hon. K. M. Smith — I'm not.

Hon. G. R. Crawford — We don't want him.

Hon. R. A. MACKENZIE — It is the same with managers — Victoria has irresponsible members of management, irresponsible members of Parliament — —

Hon. R. M. Hallam — Name them!

Hon. M. A. Birrell — Name one!

Hon. R. A. MACKENZIE — There have been known to be some.

Hon. M. A. Birrell — In another House.

Hon. R. I. Knowles — Wimp!

Hon. R. A. MACKENZIE — I acknowledge there are irresponsible people in all walks of life and they cannot be allowed to ride roughshod over people. This Bill is not the way to go about it. The opposition

must get at the causes but it only tries to stop the effects of industrial trouble.

I would like to see the coalition adopt an industrial relations policy that addresses the basic issues; and if that failed after three or four years in government it may have some cause to introduce repressive legislation. I argue strongly against this Bill. It certainly is unnecessary.

Hon. K. M. Smith — Unnecessary?

Hon. R. A. MACKENZIE — We already have provisions to prevent or to correct what the opposition believes is of concern. This is a political gimmick. The opposition is pretending to be tough and strong; it thinks it will win votes, but I doubt it. If the opposition proceeds with legislation like this it will find the reverse is the case. Obviously Victorians are scrutinising what the opposition is saying and doing, but if the opposition wants to appeal to Victorians it will have to do better than producing this proposed legislation.

Hon. B. W. MIER (Waverley) — I oppose the legislation. In doing so, it is my opinion that the Bill is a political stunt. Mr Best made a comment — and everyone would appreciate his point — that no-one in the community should hold himself above the law, and in that context he referred to the trade union movement.

What law is Mr Best referring to? The Commonwealth and Victorian statutes are full of laws that do all sorts of things against all sorts of citizens about all sorts of actions. Through the years the trade union movement has had action taken against it under existing laws.

The proposed legislation is a knee-jerk reaction because of the failure of the industrial action taken to break the strike at Camperdown.

Hon. K. M. Smith — That is not correct.

Hon. B. W. MIER — It is the result of failed action.

Hon. R. M. Hallam — There was no strike.

Hon. B. W. MIER — The opposition has seen fit to try to make political capital by introducing offensive and dictatorial industrial legislation. I wonder whether it would be valid, whether it would hold up in law, whether it would contravene a number of Federal Acts and whether such Federal Acts supersede State Acts. I have grave doubts about whether the Bill can be enacted.

Mr Crawford made a sound point: if you want to put a close interpretation on the proposed legislation it could well be a double-edged sword and could fly back into the face of the opposition. As he said, if a company manager decided to pack up and go offshore, a trade union could use the proposed legislation against that employer and insist that his industry continue to operate.

I am under strict instructions to be brief; the Leader of the House has insisted I take only 5 minutes. However, I must refer to a section of the second-reading speech of Mr Craige when he referred to the Supreme Court case *Atlas Tiles v. Tile Layers Union* in 1960. I am familiar with that dispute because I was involved in it as a trade union official. The dispute concerned a threshold action taken under common law within the industrial relations movement against the then Tile Layers Union.

The law of tort was interpreted as being able to be used to impose penalties on people who, although not covered by contracts, caused harm to individuals or organisations as a result of a breach of duty.

The legal eagles employed by the company believed the tilers union, which was pursuing a claim for piecework rates in the building industry, could be prosecuted under common law. Although that failed — the claim was successful — the legal action demonstrates that then as now laws exist for use by individuals or organisations who feel badly done by.

The Bill will not achieve its aims. The opposition's plan to use the provisions of the Bill rather than the provisions of the Essential Services Act is doomed to failure!

In a democracy people have the right to organise, to assemble, and to withdraw their labour; and regardless of what any honourable member does in the House or in the other place those rights will continue to be cherished and fought for.

The sentiments expressed by Henry Lawson in the poem about workers rights referred to by Mrs Coxsedge are just as relevant today, because Australians will always fight for those rights.

The doom and gloom expressed by honourable members opposite when talking about the meat processing industry has no basis in fact. The

industry is now experiencing a recovery. Not all that far from Camperdown, a very successful meat processing operation is under way in Portland.

Hon. R. M. Hallam — Says who?

Hon. B. W. MIER — Says me.

Hon. R. M. Hallam — It has just reopened. It's been closed for months. That's how much you know about it. Half the town has been out of work.

Hon. B. W. MIER — I shall quote from an article in the *Portland Observer* —

Hon. R. M. Hallam interjected.

Hon. B. W. MIER — I'll table it if you like; and I'll poke it under your nose if you don't like the news because it contradicts all of the rubbish spoken by you and your mob!

Hon. R. M. Hallam — Don't quote the *Portland Observer* as an example.

Hon. B. W. MIER — What you have been saying about the industry is rubbish.

Hon. R. M. Hallam — It's not rubbish. You don't know what you're talking about.

The PRESIDENT — Order! It would be better if Mr Mier directed his remarks through me.

Hon. B. W. MIER — The front page of the *Portland Observer* of Wednesday, 30 October 1991 bears the headline, "Beef line ready to go". I know the headline talks about beef and not the processing of mutton. Nevertheless the article states:

> Portland's economy has received another welcome boost with news that Australian Meat Holdings' Portland Abattoir is shifting into beef mode.
>
> AMH chief executive, Don Ferguson, confirmed yesterday that beef processing at the Portland abattoir would resume next week.
>
> The resumption of the beef chain follows the return to life of the mutton chain earlier this month.

As a result of that statement, Elders Pastoral Heywood manager, Barry Hutcheson — Heywood is somewhere between Camperdown and Portland — said there would no doubt be a strengthening of the beef market in the area, as well as a strengthening of the mutton market:

> Mr Hutcheson said the opening of a second mutton chain would also be welcomed.

So the industry is producing again, developing export markets and creating jobs.

Honourable members interjecting.

Hon. B. W. MIER — Despite your union bashing, the abattoir is up and running. One of the reasons the abattoir closed is referred to in the article, where Don Ferguson states:

> We have been steadily increasing the production throughput and are now in a position to run the beef line with improved stock availability and orders to fill ...
>
> In early October we recommenced the mutton chain after a forced temporary closure due to stock shortages and bad weather ...

The abattoir was closed not because of union action but because of stock shortages and bad weather.

Hon. R. M. Hallam — Rubbish! The pickets at the gate had nothing to do with it, I suppose.

Hon. B. W. MIER — The opposition's claims are a furphy; the diatribe we have heard today is nothing more than union bashing.

The Bill is useless. It will not work, just as attempted applications of common law have not worked in the past — and, in particular, as the law of tort did not work against the tilers union in the 1960s in the case quoted by Mr Craige.

I vehemently oppose the Bill, because it is nothing more than another opposition political stunt.

Hon. R. I. KNOWLES (Ballarat) — I support the Bill and commend Mr Craige for its introduction. All we have heard from the government today are heated arguments that reflect the class war that was fought last century. It was most appropriate that Mrs Coxsedge quoted Henry Lawson's poem of the 1890s — —

Hon. Joan Coxsedge — It wasn't 1890; it was 1920. So catch up with it!

Hon. R. I. KNOWLES — Nevertheless, it was written 70 years ago, Mrs Coxsedge, and that era has long since passed.

The Bill is not the only approach taken by the coalition to improve industrial relations. The arguments put by Mr Mackenzie and Mr Crawford about the importance of workers resolving their own disputes in their own workplaces were valid and are the key to the approach taken by the coalition.

The Bill is one of a number of initiatives to encourage enterprise bargaining, the introduction of voluntary unionism and the holding of secret ballots, all of which are geared to improve industrial relationships and promote better management of negotiations between employers and employees. That is how we will achieve better industrial relations, which is the key to getting the economy going.

From time to time Victoria has experienced bouts of industrial intransigence at enormous cost to the State. Vital public projects such as the building of the Newport power station were put at risk because of industrial action. The power station would never have been built had special legislation not been passed, which included significant powers not to force people to work but to protect those who wanted to work but were being denied the opportunity because of outrageous trade union behaviour.

The coalition is not arguing that people should be forced to work at the Camperdown abattoirs but that those who want to should be entitled to work at the abattoirs without being subjected to the outrageous thuggery and intimidation that has been encouraged by an irresponsible trade union leadership.

I pick up the point Mr Mier made about the abattoir at Portland. It is working because the workers got rid of Wally Curran. They had a brawl with Wally Curran's union and got themselves under a different contractual arrangement, which enables them to actually work and not be subjected to the thuggery that the employees at Camperdown have been subjected to over recent weeks.

The government is right when it says that what has occurred at Camperdown has been one of the motivating reasons for the introduction of the Bill. The Essential Services Act cannot apply to an industry like that. It can apply only where there is direct government activity. It was used by the Liberal governments sparingly, and it was used by this government against the dairy farmers because it was able to apply it to the Victorian Dairy Industry Authority, which is covered by that legislation and which is government controlled.

The government has used those sorts of emergency powers on critical occasions just as former Liberal governments have done. We need to recognise that Parliament should protect the vital industries which want to work but which are being denied that right by intransigent, militant and irresponsible trade union leadership.

It is a matter of having a law to use as a last resort. It is not the cornerstone of our industrial relations approach but — —

Hon. Joan Coxsedge — It won't work!

Hon. R. I. KNOWLES — It has worked in the past and it will work in the future.

Hon. Joan Coxsedge — When?

Hon. R. I. KNOWLES — Similar legislation got the Newport power station built; it got the dairy farmers dispute resolved. This is a similar approach. On every occasion when this type of Bill has been used in this State it has worked.

Hon. B. W. Mier — Why wasn't it used in the case of Loy Yang A, when you paid out the workers with back pay?

Hon. R. I. KNOWLES — A number of honourable members have raised concerns about the extent to which the Bill establishes a power that is handed by the Governor in Council to a Minister. That is a legitimate concern, but a safeguard is built into the Bill through clause 4(3), which states:

> Upon the making of a declaration under section 4(1)(a) the Premier shall take all necessary steps to cause the Legislative Council and the Legislative Assembly to be summoned as soon as practicable.

That measure will force the Minister to be accountable in a public place for every action he takes. That does not occur now. Wally Curran has not been forced in any public forum to defend his actions at Camperdown, but under this Bill the Minister will be held publicly accountable for every action the government takes.

That is a powerful counterbalance to abuse, and any Minister who misuses the power as a result of the passage of the Bill will be held to ridicule and contempt, and will eventually be brought down, and the government with him. It is a powerful counterweight to the powers we are providing in the Bill.

Hon. T. C. Theophanous — Rubbish!

Hon. Joan Coxsedge — It doesn't work that way.

Hon. R. I. KNOWLES — It is not rubbish; it is the fundamental principle of Westminster government that any government action has to be defended in a public forum. It is the whole value of having a Parliament, and that is why that accountability is written into the proposed legislation — so that the Minister is held accountable for the declaration he has made.

I come back to where I started: the provisions of the Bill would be used sparingly and there would be accountability for the way it was used. It is not the cornerstone of our approach to industrial relations but it is an important plank of it, and it is best summed up in the *Age* editorial of Tuesday, 12 November this year — and the *Age* is hardly a newspaper that the government would consider to be right-wing and reactionary. The editorial states:

> It can be justified as a reserve power to affirm, if all else fails, the rule of law over industrial anarchy.

That is the basis of the Bill. That is why it is necessary and why it will be successful after the next election.

House divided on motion:

Ayes, 21

Ashman, Mr	Hallam, Mr
Baxter, Mr	Knowles, Mr
Best, Mr	Long, Mr
Birrell, Mr	Miles, Mr
Chamberlain, Mr	Skeggs, Mr
Connard, Mr	Smith, Mr
Cox, Mr (*Teller*)	Storey, Mr
Craige, Mr	Tehan, Mrs
de Fegely, Mr	Varty, Mrs
Guest, Mr (*Teller*)	Wright, Mr
Hall, Mr	

Noes, 16

Coxsedge, Mrs (*Teller*)	McLean, Mrs
Crawford, Mr	Mackenzie, Mr (*Teller*)
Davidson, Mr	Mier, Mr
Henshaw, Mr	Pullen, Mr
Hogg, Mrs	Sgro, Mr
Ives, Mr	Theophanous, Mr
Kennedy, Mr	Van Buren, Mr
Lyster, Mrs	White, Mr

Pairs

Evans, Mr	Walker, Mr
Lawson, Mr	Landeryou, Mr
Macey, Mr	Kokocinski, Ms

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 7 agreed to.

Clause 8

Hon. G. R. CRAIGE (Central Highlands) — I move:

1. Clause 8, page 5, line 31, after "organization to" insert "fail to comply with or to".
2. Clause 8, page 5, line 32, omit "fail to comply with".
3. Clause 8, page 5, line 38, after "250" insert "penalty".

The amendments correct drafting errors and insert some words to correct the grammar in the clause.

Amendments agreed to; amended clause agreed to; clauses 9 and 10 agreed to.

Long title

Hon. G. R. CRAIGE (Central Highlands) — I move:

4. Long title, omit "State services and works" and insert "industries".
5. Long title, omit "an amount" and insert "compensation".
6. Long title, omit "similar" and insert "other".
7. Long title, after "disruption" insert "to such an industry and for other purposes".

When the Bill was drafted its provisions were not finally settled. The amended long title will now clearly reflect the intent and content of the Bill.

Hon. T. C. THEOPHANOUS (Minister for Consumer Affairs) — I raise a couple of matters. It seems quite remarkable that an honourable member can introduce a Bill into this House and get the long title wrong and then come to the House at the third-reading stage and suggest that the content of the Bill was so dramatically changed since its drafting that the need exists to seek an amendment to the long title.

Here is another indication of how little thought has been put into the preparation of the Bill by the opposition. That is clear not only from the earlier amendments but also from the need to amend the long title of the Bill so that it will match the actual contents of the Bill. I ask Mr Craige if he can provide — are you listening?

Hon. R. I. Knowles — He does not have to; you never do!

Hon. T. C. THEOPHANOUS — He does not have to respond; I was asking if he was listening. I ask Mr Craige how it is that in an earlier draft of the Bill the contents matched the original long title and now the contents have been so changed that the long title requires amendment. Will Mr Craige explain his amendments?

Hon. R. I. KNOWLES (Ballarat) — The Minister for Consumer Affairs has chosen to be pedantic, but he has got it wrong. The Bill is actually in the Committee stage and not at its third-reading stage. It is quite appropriate that House amendments be made to any Bill. The government does it on almost every occasion that a Bill is introduced, and the only difference is that the government has pages of amendments to some Bills.

Mr Craige's amendments make the long title clearer and ensure that it reflects the Bill's contents accurately. It is not a big deal. The original long title was right; the amendments make it clear that the provisions of the Bill include industries and not just works and services.

Hon. K. M. SMITH (South Eastern) — I could not believe the Minister for Consumer Affairs would get to his feet on such a frivolous matter to try to score points. Mr Craige has presented the Bill in the way he thought necessary. A couple of amendments needed to be made. I am amazed that the Minister would attempt to be so pedantic. He seems to have forgotten that the government had some 600 amendments to the Water Bill! How many hundreds of amendments were there to the Firearms (Amendment) Bill? Yet the Minister wants to pick on Mr Craige!

Honourable members interjecting.

Hon. K. M. SMITH — It was most unfair and unnecessary for the Minister to do what he has attempted. He is trying to upset my colleague Mr Craige and for that he stands condemned.

Amendments agreed to; amended long title agreed to.

Reported to House with amendments, including amended long title.

Passed remaining stages.

CRIMES (BLOOD SAMPLES) (CLARIFICATION) BILL

Second reading

Hon. B. A. CHAMBERLAIN (Western) — I move:

That this Bill be now read a second time.

Since 1985 the State opposition has embarked on a program to bring discussion of the investigatory powers of the Victoria Police into the public domain. The opposition believes these issues should not be the prerogative of just the political parties but are issues in which the wider public has an interest and should have an opportunity to have an input.

Since that time, on behalf of the opposition, I have introduced a number of private member's Bills into this House on the subject. The Bills have proposed to give to the police the power to require statements of name and address, the power to fingerprint, the power to obtain body samples including blood samples, the power to search accused persons in custody and the power to intercept telecommunications in the investigation of serious crime. In each case the power is counterbalanced by appropriate safeguards.

The first reaction by the government and the Attorney-General Mr Kennan to all of those issues was to reject them out of hand. However over a period the government has introduced a number of measures dealing with fingerprints, blood samples

and telephone intercepts which go some of the way to addressing the issues that I first proposed in 1986 on behalf of the opposition in my Police (Powers of Investigation) Bill and which were refined over a number of years.

The lead we gave by introducing private member's Bills on bail laws, unsworn statements and public statements by jurors in criminal trials all resulted in action by the government, admittedly belatedly and imperfectly, but the opposition has led the way every time.

In 1989 the Parliament approved the Crimes (Blood Samples) Act 1989 with the support of all parties. The Act contained a sunset provision and earlier this year the Parliament lifted that sunset provision.

It has come to the attention of the coalition that there are technical problems with the 1989 Act. As a result the shadow Attorney-General Mrs Jan Wade has prepared a Bill to amend section 464U of the Crimes Act and that is the Bill that is being introduced into the House by the opposition.

The problem was identified in the Supreme Court of Victoria in the case of *Kelvin Glare (Chief Commissioner of Police) and Daniel Maurice Walsh* (as applicants/plaintiffs) *v. the Magistrates' Court of Victoria sitting at Melbourne and Paul Gerrard Loughnan* (respondents/defendants). Judgment was given on 10 July 1991 by Mr Justice Southwell.

Section 464U of the Crimes Act states:

> (1) If —
>
> (a) a person refuses to give a sample of his or her blood after being requested to do so ...; and
>
> (b) the person is a relevant suspect; and
>
> (c) a member of the police force believes on reasonable grounds that the person has committed the offence in respect of which the blood sample was requested —
>
> the member may apply to the Magistrates Court' for an order directing the person to give a sample of his or her blood.

Subsection (2) provides that the application must be supported by evidence on oath or affidavit. Subsection (3) provides that the court may make an order if it is satisfied as to certain matters.

Section 464U(4) states:

> The Magistrates' Court must not make an order directing a person to give a sample of his or her blood unless the person is present.

In the case before Mr Justice Southwell the defendant was suspected by the police of having raped and murdered Heather Joy Nelson at Geelong on 24 June 1988. He had not been charged with the offence. Semen was found in the vaginal area of the deceased. The police wished to obtain an order from a Magistrates Court pursuant to section 464U of the Crimes Act that a blood sample be taken from Paul Gerrard Loughnan, the defendant. It was said that scientific testing known as DNA would establish whether or not the defendant was the offender.

The application was made by Senior Sergeant Walsh to the Melbourne Magistrates Court. The application was dismissed on the basis that the magistrate was not satisfied as to proof of certain matters required to be proved under section 464U.

Subsequently Mr Justice Vincent made absolute an order nisi to review that decision and the matter was remitted to the Magistrates Court. It was eventually called on for hearing on 13 May 1991. In the meantime, summonses to produce various documents were served upon the Chief Commissioner of Police and Senior Sergeant Walsh by representatives of the defendant. On 13 May 1991 the question of the validity of those summonses or subpoenas was argued as a preliminary issue. The question was whether the application made by the plaintiffs under section 464U was "a criminal proceeding" within the meaning of section 43 of the Magistrates Court Act 1989, which I will subsequently call "the Act". If it was, the subpoenas were validly issued; if not, the question then arose of whether the Magistrates Court had inherent power to issue a subpoena.

The magistrate had held that subpoenas were validly issued in that the application under section 464U was a "criminal proceeding" within the meaning of the Act which provides "any party to a criminal proceeding in the court may apply for the issue of a witness summons".

The plaintiffs took out an originating motion seeking a declaration that the application was not a "criminal proceeding" within the meaning of section 43 of the Act and an order setting aside the subpoenas.

In the Supreme Court proceedings counsel for the police commissioner argued that there was no right for a suspect to apply for the issue of subpoenas

until a "criminal proceeding" has commenced; that could be accomplished only under section 26 of the Act which provides that a "criminal proceeding" must be commenced by filing a charge.

Arguments put to the Supreme Court indicate there is ambiguity in the provisions of section 464U of the Crimes Act which was inserted by the Crimes (Blood Samples) Act 1989. His Honour held that any ambiguity in the legislation should be resolved in favour of those whose personal rights are seriously affected by the possible forcible taking of a blood sample. In his judgment his Honour said:

> I agree with the submission of both counsel that if Parliament had wished to make the matter clear it could easily have done so. It is as if Parliament had either legislated ambiguously so that the courts could fill the difficult gaps or more probably had simply not turned its attention to the question whether an application under section 464U is a "criminal proceeding" within the meaning of section 43 of the Magistrates' Court Act. His Honour, Mr Justice Southwell, continued:
>
> If the defendant's contention is upheld the hearing of an application under section 464U may become a long and expensive forerunner to a long and expensive committal proceeding. I doubt whether Parliament had that in mind. It would appear that the Coldrey committee did not have that in mind. However, if Parliament thought it "essential to ensure that the interests of the suspect are protected" it failed to spell out how that might be achieved. It left it to the courts to do so; and as it seems to me that court should in the absence of plain words in the legislation excluding the rules of natural justice, so construe the legislation as to give suspects the full protection of those rules.

His Honour concluded that the magistrate was correct and that the subpoenas had properly been issued and that the plaintiffs were not entitled to the relief sought.

The purpose of the Bill is to clarify the intention of Parliament that proceedings under section 464U of the Crimes Act are not "criminal proceedings" for the purposes of that Act or any other Act or law.

The Bill inserts a new subsection 464U(4) into the Crimes Act which will read as follows:

> (1) For sub-section 4 of section 464U of the principal Act substitute the following sub-sections:
>
> (4) Subject to sub-section (4A) an application under this section is ex parte and the person referred to in sub-section (1) has no right to be heard in respect of the application, but a Magistrates' Court must not make an order directing a person to give a sample of his or her blood unless the person is present.
>
> (4A) The person referred to in sub-section (1) may be heard on, and with the leave of the court may call evidence on, any medical condition relevant to giving a sample of his or her blood.

Clause 3 of the Bill also proposes to insert in section 464U of the Act the following new subsection (6A):

> An application under this section is not a criminal proceeding for the purposes of this Act, the Magistrates' Court Act 1989 or any other law or practice.

This Bill has been prepared by the honourable member for Kew and is put forward by the coalition as a genuine attempt to address the problem identified in the Supreme Court judgment. We believe the intention of Parliament was to provide a speedy provision of an order of the court if the conditions of section 464U are satisfied. In our view, it was not the intention of Parliament — the Supreme Court also suggested it was probably not the view of Parliament — that the use of section 464U could lead to a situation where the defendant was entitled to issue subpoenas relating to the whole of the prosecution case, the vast majority of which would not be relevant to the question of whether a blood sample should be obtained if necessary pursuant to an order of the court.

We are hopeful the Attorney-General will accept this Bill as a genuine attempt to resolve a problem in the investigation of crime. If this measure is not accepted then the original intention of Parliament, imperfectly expressed at the time, will clearly be thwarted.

I hope the government will accept the Bill as not being a point-scoring exercise but as a positive attempt to assist the government to speedily resolve the problem which has been identified in the Supreme Court judgment and which is causing concern to the Victoria Police.

I commend the Bill to the House.

Debate adjourned on motion of Hon. M. A. LYSTER (Minister for Health).

Debate adjourned until next day.

LOCAL GOVERNMENT (ELECTIONS) BILL

Introduction and first reading

For Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs), Hon. B. T. Pullen introduced a Bill to amend the Local Government Act 1989 in relation to elections.

Read first time.

MEDICAL TREATMENT (AGENTS) BILL

Second reading

Hon. M. A. LYSTER (Minister for Health) — I move:

That this Bill be now read a second time.

This Bill addresses a problem that has arisen in connection with the operation of the Medical Treatment Act 1988. The Medical Treatment Act is one of the more significant pieces of legislation that has been enacted in recent years relating to the rights of patients. It sets out to clarify the law as it applies to the capacity of patients to refuse medical treatment.

As originally enacted, the legislation did two things. First, it prohibited a doctor treating a patient if that patient had been informed about the nature of his or her condition and had decided to refuse treatment for that condition, provided that a medical practitioner and another person had witnessed a "refusal of medical treatment" certificate. Second, it protected a doctor who withdrew, or declined to provide, treatment on the basis of such a certificate.

Honourable members will recall that the Act was extended in 1990. The thrust of the changes made by the amending legislation was to enable a person to appoint an agent to make medical decisions on that person's behalf in certain circumstances. Such an agent must be appointed by way of an enduring power of attorney (medical treatment) and can make decisions only in the event of the donor of the power becoming incompetent.

The Act contains a number of safeguards to prevent the misuse of an enduring power of attorney (medical treatment). These include a capacity for the power to be suspended or revoked by the Guardianship and Administration Board.

As currently drafted, the Act contemplates the appointment by a donor of only one agent to act on his or her behalf. The problem which has arisen, and which I mentioned earlier, is that some people have sought to appoint more than one agent. For example, a husband and wife might execute an enduring power of attorney (medical treatment) exercisable by the other.

However if, say, both were seriously injured in the same motor car accident, no-one would be available with the necessary legal authority to make decisions about medical care on their behalf.

With such a prospect in mind, advice given to the government is that a number of people have expressed a wish to appoint an alternate such as another member of the family or a friend, who could make decisions if the principal agent was unavailable or unable to act.

The current legal basis for the appointment of an alternate agent is, at best, questionable. Nevertheless, because an alternate agent may be called upon to make life or death decisions on behalf of the donor, it is essential that there should be no doubt as to the law underpinning his or her appointment.

The Bill is designed to amend the Medical Treatment Act to enable both an agent and an alternate agent to be appointed under an enduring power of attorney (medical treatment). It also sets out the circumstances under which an alternate is authorised to sign a refusal of medical treatment certificate.

Consequential changes are made to the jurisdiction of the Guardianship and Administration Board to enable issues relating to the exercise of the powers of an alternate, as well as those of the principal agent, to be resolved by the board.

It is important to emphasise that the Bill will not change the fundamental nature of the Medical Treatment Act or weaken any of the existing safeguards built into the legislation. Rather, its aim is to put beyond doubt that those members of the community who wish to appoint both an agent and an alternate to act in their interests at a time when they are unable to make their own decisions are legally capable of doing so.

I commend the Bill to the House.

Debate adjourned on motion of Hon. M. T. TEHAN (Central Highlands).

Debate adjourned until next day.

ROAD SAFETY (FURTHER AMENDMENT) BILL

Second reading

For **Hon. C. J. HOGG** (Minister for Ethnic, Municipal and Community Affairs), Hon. B. T. Pullen (Minister for Education and Training) — I move:

That this Bill be now read a second time.

As honourable members can see from clause 1 of the Bill, it has five main purposes. By far the most important of these is the introduction of zero blood alcohol concentration (BAC) for drivers or persons in charge of large vehicles, to make Victoria's roads safer.

Victoria is committed to the introduction of this measure as part of a package designed to enhance heavy vehicle safety. These requirements are being adopted because of:

the much higher road travel of commercial drivers;

the danger of even low levels of alcohol combined with fatigue particularly on long trips;

the more serious consequences of collisions involving larger vehicles and those carrying many passengers.

The zero BAC requirement will apply to drivers of trucks with a gross vehicle mass exceeding 15 tonnes and of buses with a seating capacity of more than twelve adults, including the driver.

The Bill also puts in place another element of the heavy vehicle package in requiring drivers of these vehicles to carry their licence at all times while driving or in charge of the vehicle. However, an exception is made where the journey does not exceed a radius of 80 kilometres from the place of business from which the vehicle normally operates.

This will aid the enforcement of measures which are being carried out under the regulations, namely, the introduction nationally of the policy of allowing drivers to have only one licence. A regulatory impact statement has been released for public comment on this matter.

This will improve the identification of offending drivers and ensure that disqualified drivers are not able to operate on another State's licence. It will also ensure that all demerit points are recorded against the single licence so that bad drivers are removed sooner from Victoria's roads.

The remainder of the Bill deals mainly with amendments of a consequential nature, the need for which has come to light in practice. For example, in introducing the Road Safety (Amendment) Act 1990 the government stated that a person convicted of a drink-driving offence involving a BAC reading of .1 or above in the case of a first offence, or any subsequent drink-driving offence, would be relicensed only on probation and kept to zero BAC for the probation period.

These are the levels of offences for which a court order must be obtained before the person can again obtain a licence, whether the person lost the licence under the present Act or under the previous Act. The intention of the 1990 amendment is therefore being expressed much more clearly and simply by saying, in effect, if a licence restoration order has been made in respect of a person the licence must be on probation. Another provision in this category deals with the consequences of licence suspension or cancellation.

The Road Safety Act provides that a licence cancelled or suspended by a court is of no effect and a person disqualified by a court must not apply for a licence during the disqualification period. However, there is no similar provision where the cancellation or suspension is not by a court — for example, if it occurs as a result of the licence loss infringement notice provisions. The Bill overcomes this omission.

Two other measures relate to detection and prosecution procedures for drink-driving offences. The first of these is the abolition of the offence of failing to undergo a preliminary breath test, while still retaining the offence of refusing to undergo such a test.

People have claimed that they fully cooperated with the police request but for some reason they were unable to "exhale continuously to the satisfaction of the member". In such cases it is normal police practice to discontinue the preliminary test and take the person to a breathalyser, or, if the person's doctor objects to breath testing on medical grounds,

a blood sample is taken. In those circumstances the police agree that it is unnecessary to have an offence of failing a preliminary test.

The other matter is the extension from 7 days to 28 days of the period of notice which must be given to the police before the hearing of proceedings for an alcohol-related offence if the person wishes to contest the breathalyser operator's certificate. Under the mention court system which now operates, this extension is not expected to impose an undue burden on individuals. On the other hand, it will greatly improve the efficiency of police breathalyser operations. Courts will have power to alter the period in appropriate cases.

The Bill also gives the courts power in exceptional cases to lessen the requirement that a person convicted of a serious drink-driving offence who makes a licence restoration application must have a report at least twelve months old about their alcohol usage, as well as a more recent one.

Finally, the Bill makes it clear that a person released on a bond for a first drink-driving offence is to be treated as a second offender if he or she reoffends.

In summary, the Bill represents a further significant step in the creation of national uniform road laws and improving road safety in Victoria. In particular, it will improve the safety of large vehicles for the benefit of all road users and the drivers themselves.

I commend the Bill to the House.

Debate adjourned on motion of Hon. W. R. BAXTER (North Eastern).

Debate adjourned until next day.

NATIONAL RAIL CORPORATION (VICTORIA) BILL

Second reading

For **Hon. D. R. WHITE** (Minister for Manufacturing and Industry Development), Hon. M. A. Lyster (Minister for Health) — I move:

That this Bill be now read a second time.

This Bill, in conjunction with similar complementary legislation which has been or will be introduced into the Commonwealth Parliament and the Parliaments of New South Wales and Western Australia, will facilitate the establishment and operation of the National Rail Corporation (NRC). As the House will be aware, the creation of the NRC will ensure micro-economic reform in the rail freight industry of Victoria and the nation. Accordingly, the importance of the Bill cannot be understated.

BACKGROUND TO THE DEVELOPMENT OF THE NRC

The National Rail Corporation has been in development for several years. The initial proposal for a national rail freight business began in October 1989 with the creation of a National Rail Freight Initiative Committee. This committee consisted of representatives of the five government-owned railways, the Australian Council of Trade Unions, Broken Hill Proprietary Co. Ltd, TNT Ltd, Mayne Nickless Ltd and Brambles, with Mr Ted Butcher representing the Federal Minister for Land Transport.

The committee presented its report in July 1990 which was based on a consultants' report prepared by Booz, Allen and Hamilton in conjunction with Travers Morgan Pty Ltd. This report of the committee recommended the establishment of a National Rail Corporation. The NRC was always to operate as a public company, not as a statutory corporation or authority.

INTER-GOVERNMENTAL COOPERATIVE ARRANGEMENTS FOR ESTABLISHING THE NRC

In September 1990, the transport Ministers of the Commonwealth and the States met and agreed to establish an independent task force to develop for governments — as potential shareholders in the proposed corporation — detailed proposals and recommendations on a wide range of issues relevant to establishing a fully commercial NRC.

The seven-member task force with a representative from the Commonwealth, New South Wales, Victoria, Queensland, Western Australia, the ACTU and, at a later stage, South Australia, commenced its investigation in October 1990.

To support the work of the task force, at the special Premiers Conference held on 30 and 31 October 1990 in Brisbane, the Prime Minister, the Premiers and the Chief Ministers of the Australian Capital Territory and the Northern Territory signed a heads of agreement which identified eight broad conditions as being essential to the NRC. The document stipulated that the NRC:

be established and operate on a strictly commercial basis with a financially viable corporate plan;

have access to existing rail system assets necessary to achieve commercial viability;

negotiate a "clean sheet" enterprise agreement with rail unions;

be subject to the Commonwealth Trade Practices Act 1974;

operate after an agreed transition period on performance contracts with rail authorities based on "world standard cost" levels;

would not disadvantage the financial position of rail systems' interstate freight operations during the transition period;

be able to tender on a commercial basis for carriage of business other than interstate rail freight; and

be subject to institutional and operating arrangements which facilitate the most efficient cost structure for operations which will encourage competition for services between public sector and private sector providers.

The national rail freight initiative task force met almost continuously from October 1990 to March 1991, when a report was presented to Transport Ministers. The report was supported by those Ministers. They decided to set up a committee of officers to translate the report into a shareholders' agreement and to establish a memorandum and articles of association for the NRC.

In addition officers were requested to advise transport Ministers prior to the special Premiers Conference on 30 July 1991 on the financial support for the corporation to be required of the individual shareholders.

Victoria participated actively in the development of the shareholders' agreement and the invaluable contributions of officers of the Ministry of Transport, the Public Transport Corporation, the departments of the Premier and Cabinet and the Treasury, the Ministry of Finance and the Victorian Government Solicitor's Office in developing the shareholders' agreement and the memorandum and articles of association for the NRC are acknowledged. The shareholders' agreement is reproduced in Schedule 1 to the Bill, while the memorandum and articles are readily available publicly.

The creation of the NRC fulfils the objectives of the studies into the desirability and viability of what was initially called the National Rail Freight Corporation. It is to be noted that the word "freight" no longer forms part of the name of the corporation. This omission was made during the development of the shareholders' agreement and clarifies the company's ability to undertake other business if agreed by the shareholders. However, such business should be undertaken only if it is to the commercial advantage of the NRC. In other words, the corporation will not undertake business as community service obligations unless it is specifically funded for those obligations.

FINAL APPROVAL OF THE ESTABLISHMENT OF THE CORPORATION AND THE NEED FOR LEGISLATION

At the special Premiers' Conference held on 30 July 1991, the shareholders' agreement and the memorandum and articles of the NRC were approved by the four originating shareholder governments and Queensland as a supporting government. At that conference, the governments of the Commonwealth of Australia, New South Wales, Victoria and Western Australia agreed to become equity shareholders in the NRC. The government of Queensland signed the shareholders' agreement as a non-equity shareholder, pledging to support the corporation in its operations and establishment. The government of South Australia did not sign the agreement and has indicated it will monitor the progress of the corporation and resolve bilateral issues between itself and the Commonwealth government over the 1974 Railways of Australia legislation before deciding whether to join the corporation either as a shareholder or as a supporting State.

The need for Victoria to pass legislation to facilitate the establishment of the NRC arises directly from obligations specified in the shareholders' agreement. In this context I direct the attention of the House to part III of the agreement.

The Bill before the House provides for Victoria to fulfil its obligations under the agreement to facilitate the establishment and operation of the NRC. Put simply, appropriate legislation is essential if the NRC is to operate in Victoria in accordance with the agreement.

WHAT DOES THE BILL PROVIDE?

In addition to approving the shareholders' agreement and providing for it to be given effect, the Bill addresses five critical aspects of the agreement which require supporting legislation. These are:

1. Victoria commits itself to $35.1 million cash equity funding of the NRC to 1996-97 as provided in part VI of the shareholders' agreement. This commitment is provided in clause 6(2) of the Bill. The commitment to cash equity funding is necessary to ensure that the debt-to-equity ratio of the company is maintained at a reasonable and sustainable level as agreed by the shareholders.

In addition to the cash equity, Victoria agrees to underwrite loss-making businesses the NRC takes over from the State.

The maximum period for which underwriting can be required is five years. The NRC commercial model developed by the task force and the shareholders' agreement support that a three-year underwriting is anticipated. This planned deficit support will reduce over the period.

Should the company not perform as advised, the agreement provides that during the total five-year establishment period the State has an obligation to underwrite unanticipated losses of the NRC up to the level of 13 per cent of such losses. This is of significant advantage to the Public Transport Corporation (PTC) as it has been independently assessed to bring 20 per cent of the intersystem rail freight losses to the company.

2. The Bill provides, in accordance with strict procedures, for the referral to the Commonwealth of the ability of the NRC, which is a company in which the Commonwealth will hold shares, to undertake intrastate rail services. It is to be noted that any intrastate business can be undertaken only with Ministerial consent.

3. The transfer of rail freight assets to the corporation is also provided for in the Bill. Transfer may be by way of vesting in return for share equity or by lease or licence in return for share equity. The transfer value of the assets is another means by which the State can obtain equity in the NRC. Ultimately, the assets required to be transferred to the NRC will be those identified by the company as appropriate to its business. Transfer will be a matter to be negotiated between the corporation and the PTC. However, assets cannot be withheld from the NRC. They must be transferred or provided to the NRC under a contractual arrangement.

4. Land currently used or available for use by the PTC for railway purposes is an asset which may be sought by the NRC. For the most part the land identified in the Bill is used for terminal operations. If it is appropriate, the Bill enables this land to be vested in the NRC. Alternatively, the land and other appropriate areas of land such as that in route corridors could be leased or licensed to the NRC.

As in the case of rail freight assets transferred, the transfer of land to the NRC may be necessary to enable the company to undertake its upgrading investment programs. If land is not transferred by way of vesting or by long-term lease, the NRC may be unwilling to invest in the necessary improvement and upgrading of those areas critical to the long-term commercial viability of the corporation.

5. Consistent with the requirement for the NRC to operate in a strictly commercial manner, the company is compelled by the Bill to pay State stamp duty and other charges or fees in relation to assets transferred to it.

CONSTITUTION ACT 1975 — SECTION 85(5) STATEMENT

I make the following statement under section 85(5) of the Constitution Act 1975 of the reasons why the Bill alters or varies that section.

1. Clause 13 of the Bill provides that it is the intention of that clause to alter or vary section 85 of the Constitution Act to the extent necessary to prevent the bringing before the Supreme Court of an action of a kind referred to in clause 10(4) and to prevent the Supreme Court from awarding compensation in respect of anything done or arising from clause 11.

2. Clause 10(4) of the Bill provides that the operation of clause 10 is not to be regarded as giving rise to any cause of action against the State, the Minister, the Public Transport Corporation or any other person. Clause 11(6) of the Bill provides that no compensation is payable by the Crown, the Public Transport Corporation or the National Rail Corporation in respect of anything done under or arising from clause 11.

3. The Bill:

(a) provides for the transfer of rail freight assets to the National Rail Corporation and prevents the bringing of actions against the State, the Minister, the Public Transport Corporation or any other person that may otherwise arise as a result of the transfer;

(b) provides for the transfer (by vesting and grant) of land to the National Rail Corporation and the Public Transport Corporation, and in connection with the transfer, extinguishes certain easements and covenants, removes a caveat and closes part of a road.

4. The reasons for preventing the Supreme Court from having the actions referred to brought before it and for preventing the Supreme Court from awarding compensation are as follows:

(a) for the transfer of rail freight assets to be effective it is necessary to prevent actions being brought by any other persons interested in those assets against the transferors;

(b) the bringing of actions for compensation in respect of land transactions connected with the transfer of assets to the National Rail Corporation might impede or frustrate the whole arrangement which is an arrangement beneficial to the community as a whole.

OPERATION OF THE CORPORATION

As a shareholder, the State of Victoria will be able to influence the direction and strategies undertaken by the National Rail Corporation. However, the corporation will be managed by an independent board of directors under the corporations law who have duties and obligations to the company for their decisions.

Despite the Bill before the House, it must be recognised that major managerial decisions governing the operation of the company will be taken by the corporation itself. For example, operating efficiencies must be implemented to ensure the corporation undertakes best-practice operating standards. It is to be noted that in the report of the task force, operating efficiencies of 35 per cent on average have been targeted.

In addition to these operating efficiencies a capital replenishment program of $1.7 billion is proposed by the company. The major part of this investment will be funded by debt raised in the market on commercial terms by the company. The equity commitment by the shareholders, including Victoria, is anticipated to be 35 per cent of total capital requirements.

CONCLUSION

The corporation is a major and historic initiative in the delivery of rail freight services in Australia. It will introduce commercial practices into the operation of railways in Australia and will provide good models for government-run railway systems. Overall, it is a critical micro-economic reform initiative. Government-run railways will be expected to improve their performance in order to compete with the NRC for staff and for service delivery. Victoria's intrastate rail businesses will benefit from the creation of the National Rail Corporation and the models for business it identifies. The State and national economies will also benefit from its establishment and this is a prime reason for the bipartisan support which the concept has attracted.

I commend the Bill to the House.

Debate adjourned on motion of Hon. W. R. BAXTER (North Eastern).

Debate adjourned until next day.

MELBOURNE LANDS AND MARKET SITES BILL

Second reading

Hon. B. T. PULLEN (Minister for Education and Training) — I move:

That this Bill be now read a second time.

The Melbourne market and parklands Acts deal with a number of parcels of land within the City of Melbourne. By an arrangement made and reflected in legislation in 1933, the City of Melbourne has been able to derive rent from two sites — the sites of the former eastern and western markets — and has been obliged to maintain certain parks and gardens, including Royal Park, the Domain, Treasury

Gardens and the area around the building occupied by the Royal Australasian College of Surgeons, an obligation that still continues.

The Bill deals only with three of those sites, the sites of the two former markets and the area which for convenience I shall call the College of Surgeons site.

The market sites were granted to the corporation of the then Town of Melbourne in 1846 for market purposes, but for some time before 1933 they were used by the city for a variety of other income-generating activities. Legislation at that time allowed the city to lease the land for municipal purposes, and further legislation in 1954 extended both the meaning of "municipal purposes" and the period for which the leases could run.

The City of Melbourne subsequently entered into leases of each of the market sites for 99 years, the western market site now being leased to the National Mutual Life Association and the eastern market site now being leased to the owners of the Southern Cross Hotel.

Since the time they were entered into, the leases have ceased to yield to the City of Melbourne the income needed to justify the arrangement. In particular, the incidence of land tax has caused the city to revise its assessment of the wisdom in financial terms of retaining the sites.

The Bill will allow the permanent reservations on those sites to be labelled and the sites to be sold to the present occupants. In the case of the western market site negotiations for sale are near completion. Only preliminary discussions have occurred in relation to the eastern market site.

Attention is drawn to the inclusion of a sunset clause in the Bill. The effect is that no permanent reservation will be revoked until the date of settlement, and that sale will not be possible after 1 December 1994.

To protect the interests of the City of Melbourne an agreement will be entered into between the city and the Minister for Finance. This agreement will deal with such matters as the active involvement of the city in negotiations prior to sale and in the terms of final contracts, the obligation of the city to give up the land free of taxes and encumbrances, and the basis on which proceeds will be distributed.

The College of Surgeons site was used for a school until the establishment of Melbourne High School and MacRobertson Girls High School. Following the 1933 legislation the area used for buildings and access was leased to the Royal Australasian College of Surgeons, but the remainder of the site was laid out by the State of Victoria as gardens and then permanently reserved and granted to the City of Melbourne as the committee of management to maintain.

The Royal Australasian College of Surgeons is now interested in entering negotiations to purchase the area it occupies, but to make this feasible it would need also to be able to purchase part of the area permanently reserved and be assured of the basis on which the area between its buildings and the boundaries of the site were to be controlled and managed. The present proposal is that the college purchase the whole site, and lease back the gardens to the city for 99 years at a peppercorn rent.

Although a number of arrangements are possible, the government will ensure that the integrity of the present gardens and of the site as a whole is not threatened or affected.

The agreement between the City of Melbourne and the Minister for Finance will ensure that the city endorses the approach finally adopted for the garden area of the site.

I make the following statement under section 85(5) of the Constitution Act 1975 of the reasons why clause 10 of the Bill alters or varies that section.

Clause 18 provides that it is intended to alter or vary section 85 of the Constitution Act 1975 to the extent necessary to prevent the Supreme Court from awarding compensation in respect of anything done under or arising out of the Act.

Clause 17 provides that no compensation is payable in respect of anything done under or arising out of the Act.

The Bill revokes the reservations of certain Crown land and the reservations and Crown grants of certain other land and extinguishes all interests and rights over that land. The reason for preventing the Supreme Court from awarding compensation in this case is as follows: to enable the Crown to change the use or status of reserved land, it is necessary to ensure that the land is no longer subject to any interests or rights arising out of the former use. The existence of these interests and rights, and claims for compensation based on them or on the former use of the land, could delay

or prevent a change in the use or status of the land that is for the benefit of the community as a whole.

The Bill deals with three sites, all of which have long been developed. The two market sites are leased until the second half of the next century, while the character of the development of the College of Surgeons site has been established and will not change. The Bill will allow the government, the City of Melbourne and the present occupiers to negotiate and implement arrangements for the control and management of all three sites which are better suited to the present times.

I commend the Bill to the House.

Debate adjourned on motion of Hon. M. A. BIRRELL (East Yarra).

Debate adjourned until next day.

ROYAL BOTANIC GARDENS BILL

Second reading

Hon. B. T. PULLEN (Minister for Education and Training) — I move:

That this Bill be now read a second time.

The main purposes of the Bill are to establish a statutory board and director for the Royal Botanic Gardens, Melbourne, and to provide a legislative framework for the sound management of our Botanic Gardens and herbarium in the 1990s and beyond.

Melbourne is very fortunate to have one of the world's finest landscaped botanic gardens right on its doorstep, only a few kilometres from the General Post Office. This is a great tribute to the foresight of Victoria's first Lieutenant-Governor, Charles La Trobe.

The gardens were established in 1846 on a site by the Yarra selected in 1845 by La Trobe when he was Superintendent of the Port Phillip District. Dr Ferdinand Mueller (later Baron Sir Ferdinand von Mueller) was Victoria's first Government Botanist in 1853 and in 1857 he was also appointed Director of the Botanic Gardens. After public criticism of Mueller's scientific design of the gardens, a public inquiry was held, and in 1873 Mueller was replaced as director by William Guilfoyle, who is responsible for the beautiful landscape design we know today.

Almost 100 years later, another public inquiry into the gardens was conducted, this time by a Select Committee of the Legislative Council which reported to Parliament in 1969. One of the main recommendations of the inquiry report was that a Bill be introduced to give the gardens and herbarium legislative protection. In that sense, one could say that this Bill is 22 years overdue! The committee also concluded:

> The Royal Botanic Gardens are a unique botanic, scenic and recreational attraction unsurpassed in the western world ... a haven of rest and tranquillity for all who wish to go there to see the glories of nature in her most extravagant moods.

The gardens are now approaching their sesquicentenary in 1996. Although there have been some variations in the style of direction of the gardens, the fundamental reporting relationships have not changed in almost 150 years. Melbourne is now the only State capital with its botanic gardens still managed directly by a government department. In Sydney, Adelaide, Perth and Hobart the botanic gardens are managed by statutory boards or trusts.

A recent survey showed that almost 1 million people visit the gardens each year, of which 17.55 per cent are from interstate and overseas. It is therefore an important tourist destination as well as a haven of peace and tranquillity for Melburnians.

The gardens are facing some serious challenges, due largely to their age. Many of the plantings established by William Guilfoyle at the end of the last century are now over-mature, and a program of careful rejuvenation is required. The services — paths, watering system and drainage — are also failing and require upgrading.

The program of works required to rejuvenate and improve the gardens will be difficult and expensive and now is a good time to review the management arrangements for the gardens and herbarium.

I should also mention the National Herbarium of Victoria. This is the State authority on the classification and nomenclature of plants. Its work is essential and basic to agriculture, horticulture, forestry, medicine and nature conservation, and to anyone who has to work with plants.

The herbarium contains an internationally significant collection of dried plant specimens and a botanical library, the foundations of which were laid by von Mueller. The scientific staff of the herbarium carry out research into classification and naming of particular groups within the Australian flora, in accordance with international standards and procedures.

The gardens and herbarium together form a unique scientific, cultural and recreational institution, with links to other gardens and herbaria in Australia and overseas.

Late last year the Minister for Conservation and Environment asked his department to conduct a review of options for the future management of the gardens and the herbarium, and to prepare a discussion paper for public comment. The three options investigated were a statutory board, a committee of management under the Crown Land (Reserves) Act 1978 and the current situation, that is, direct management by the Department of Conservation and Environment.

The review was completed in May of this year, and the discussion paper was released for public comment for two months, from 12 June to 16 August. The review found that the main advantages of the statutory board option related to increased community involvement, scientific and commercial independence and better ability to attract private funding through donations, bequests and sponsorship. The committee of management option is less attractive in these respects and not really appropriate for managing scientific institutions like the herbarium. In contrast, the only real advantage of the current situation is possibly easier coordination with other government programs.

More than 50 submissions were received, including one from virtually every organisation with a known interest in the future of the gardens and the herbarium. Not one submission opposed the statutory board option, and some useful suggestions were made, many of which have been incorporated into this Bill.

I turn now to the Bill itself: as I indicated earlier, the Bill establishes a body corporate, to be known as the Royal Botanic Gardens Board. The board will consist of seven members, with a variety of expertise relevant to the board's different functions and responsibilities for science, conservation, education, recreation and tourism. The members are to be appointed by the Governor in Council on the recommendation of the Minister, and will include a chairperson and a deputy chairperson, also appointed by the Governor in Council. The government will seek to appoint persons of the highest calibre to the board, in keeping with the high international status of the gardens and herbarium.

The provisions of the Bill will give the board powers to manage and control the Royal Botanic Gardens Melbourne and an area of land in Cranbourne known as the Cranbourne Botanic Gardens. The Bill also provides for the management of other land by the board.

The board will have powers to raise and spend money, to manage land, to carry out works, and to employ staff. It is expected that the board will be able to attract additional resources to the gardens from the private sector. However, the government accepts that it will continue to provide funding for the gardens. In fact the government has agreed to maintain the level of funding to the gardens, in real terms, for three years from 1992-93.

The Bill creates for the first time a statutory position of Director, Royal Botanic Gardens. Previous directors have been appointed under the Public Service Act 1974 and its antecedents. The Bill defines the functions, powers and responsibilities of both the board and the director. The staff of the Royal Botanic Gardens, Melbourne, the herbarium and the Cranbourne Botanic Gardens will be amalgamated into one organisation, under the director and the board.

The Bill also provides for the board to appoint a chief botanist, who will be responsible to the director for the curatorship and scientific use of the State botanical collection, and will also fulfil a statutory function pursuant to the Drugs, Poisons and Controlled Substances Act 1981.

Victoria's unique botanical heritage of plant specimens, books, maps and other documents and objects currently kept at the National Herbarium will comprise the State botanical collection. The Bill makes provision for the conservation and enhancement of the State botanical collection, and its use for scientific research and reference.

The board will be accountable to government via the Minister, and will be required annually to review and submit to the Minister a corporate plan setting down the board's strategies and targets. It will also be accountable to the Parliament in the usual ways, including an annual report.

I commend the Bill to the House.

Debate adjourned on motion of Hon. M. A. BIRRELL (East Yarra).

Debate adjourned until next day.

LAND (REVOCATIONS AND OTHER MATTERS) BILL

Second reading

Debate resumed from 31 October; motion of Hon. B. T. PULLEN (Minister for Education and Training).

The PRESIDENT — Order! Before calling Mr Birrell I understand that the Minister desires to make a brief statement on a procedural matter.

Hon. B. T. PULLEN (Minister for Education and Training) *(By leave)* — In the light of rulings that you, Mr President, have made on recent sitting days in relation to Standing Order No. 99, I believe I need to supplement what was said in my second-reading speech. Part 4 of the Bill relates to what is known as Mayday Hills land at Beechworth, and it raises a proposal which also appeared in the Land (Reservations Removal) Bill debated in this House in this session, on 14 May last.

The proposal was negatived at that stage on the grounds that there was no evidence of community support, that it was a bad time to sell and that in the circumstances inadequate reason had been given to justify the sale.

Since then the Shire of Beechworth has indicated that it now supports the sale, along with the local community, and that there is no community use for the land. It has become apparent that the land is in an area where rural prices are likely to remain low for a considerable time, regardless of changes in the general economy, and that deferral of sale would merely leave the land lying idle for no recognisable economic gain to the local community or the government.

The Minister sponsoring the Bill has informed me that in these changed circumstances the opposition accepts that sufficient reason has now been shown and it will not oppose the proposal. I have had a similar indication from the Leader of the Opposition in this House. Having regard to your recent rulings, Mr President, it appears that Standing Order No. 99 should now present no barrier to reconsideration of the proposal in the light of the changed circumstances since it was last before the House.

Hon. M. A. BIRRELL (East Yarra) — The Land (Revocations and Other Matters) Bill is an omnibus Bill. It deals with five separate areas of land, which will have their reservations altered for totally different reasons. The opposition does not oppose the Bill, having consulted widely to find out the views of the community.

The first proposal refers to Westerfolds Park, which is an extremely popular metropolitan park. A promise has been made by the government, with our support, to build a new bridge at Fitzsimons Lane, which will involve a small part of the land currently in the park being used for the bridge access, and replacement land is being provided.

We welcome the construction of the bridge and the provision of replacement land. We hope the bridgework will be done expeditiously and that it will be suitable to the surrounding environment, leading also to better access to Westerfolds Park by the many people using it at weekends.

The second issue relates to the Albert Park land and the rezoning of land around the St Kilda railway station. It was made clear to the opposition that the proposal is not opposed by the local community and that we should not oppose it.

The third issue relates to the Beechworth land, which is part of the Mayday Hills Hospital grounds and which was previously dealt with in part of a debate on legislation proposing large asset sales earlier this year. We do not oppose that sale at this stage.

The fourth issue relates to the Port Fairy land, particularly the old municipal chambers. The reservation needs to be changed. We do not oppose this proposal. Mr Chamberlain will outline the matter in more detail subsequently.

Finally the Bill provides for a change to the reservation of land near Geelong at Belmont Common recreation reserve. We understand from what the government has indicated in the second-reading speech that this is the normal course of events and on that basis we do not oppose the Bill.

Hon. B. A. CHAMBERLAIN (Western) — I shall briefly deal with Part 5 of the Bill which concerns the land at Port Fairy that is zoned for municipal purposes. As honourable members are aware, Port

Fairy is a beautiful township that retains many features of a nineteenth century fishing village. There are many buildings dating back to the 1850s and the 1860s that are in original condition or have been restored to original condition, including rows of cottages, which were built by fishermen from Cornwall and other places on the south coast of the United Kingdom.

I have a strong sentimental attachment to Port Fairy because my forebears arrived there in 1852. The land described in Part 5 was reserved for municipal purposes on 5 December 1881. The proposal is to revoke that reservation and as a result the land will become unreserved Crown land. The government has agreed to transfer the freehold title of that land to the Borough of Port Fairy for a nominal sum.

The borough council has recently vacated the chambers and moved to a restored former bank building, and earlier this year I was pleased to be present when it was opened by the Minister for Ethnic, Municipal and Community Affairs.

The council has sold the former borough chambers to a family that has established a delightful restaurant that would appeal to you, Mr President, being a connoisseur of fine foods. I highly recommend Lunch at the Borough to all honourable members. The building on the site is extremely old and was originally the Port Fairy post office. In his social history of Port Fairy local historian Jack Powling pointed out that for many years before 1880 the borough council had been telling the postmaster-general that the building was unsatisfactory for use as the Belfast Post and Telegraph Office. The council was running down the building in the hope that the post office would give it to the council for use as chambers. The building was supposedly not good enough for posting letters from but it was good enough for use by the council!

In his interesting social history of Port Fairy, Jack Powling states:

> Remembering certain other cases in the past, one cannot help but wonder whether the old Belfast strategy of getting something good by stealth (and not blushing at all) was again at work on a long-term plan.

When the post office decided to leave the building it was offered to the Victoria Police as a station. An offer was then made by a gentleman on behalf of the Atkinson estate, which owned almost all of Port Fairy at one stage. He offered the government half an acre on the north side of the courthouse for police purposes in exchange for the old post office and promised that, if the offer were accepted, he would give the council the Bank Street land.

That was in January 1881, but by August of that year the then Public Works Department was aggravatingly adopting the position that, although it was all right for the Atkinson estate to give the land to the council, the department owned the building and expected to be paid for it. Nothing has changed! It was finally agreed that the department be paid 100 pounds and on 2 August 1882 the council met for the first time in its own borough chambers. It took the council 26 years to wiggle its way into the building.

When it went to sell the property recently the borough believed it had a freehold title to the land. It was only after agreeing to sell it to the operators of the restaurant that it discovered that the land was subject to a permanent reservation for municipal purposes. The Bill revokes the reservation; a freehold title will be issued and the sale of the property will be complete. It is on that basis that I support that area of the Bill, and highly recommend that all honourable members visit Lunch at the Borough.

Hon. R. A. MACKENZIE (Geelong) — After that commercial, I wish to make a contribution to the debate. I certainly support the Bill. Every sessional period a Bill similar to this is introduced to tidy up reservations placed on parcels of land many years ago that have now become redundant. Parliament must go through the process of removing the reservations, and that is right and proper. It is important that reservations be revoked only by Parliament. This debate gives honourable members an opportunity of learning about different parcels of land throughout the State.

Mr Chamberlain gave a brief history of the parcel of land in his electorate, and I shall briefly mention the parcel of land in my electorate, Belmont Common. The Bill repeals the Belmont Common Recreation Grounds Land Act 1969.

Belmont Common is an interesting piece of land. Most honourable members will have passed the common while travelling to the Great Ocean Road. As one goes over the bridge over Barwon River the large expanse of flat land on the left is Belmont Common.

Hon. D. M. Evans — It was an aerodrome in 1938.

Hon. R. A. MACKENZIE — My first recollection of Belmont Common was in 1938 when I went there with my father to watch the biplanes taking off. A fellow by the name of Pratt used to build aeroplanes there and he would often use motorbike engines. One always knew when a Pratt biplane flew by because it sounded like an old motorbike.

Prior to that time the land was vested in the port of Geelong. In the early 1880s and 1890s it was proposed to dredge the Barwon River from Barwon Heads to form a large channel and place the port of Geelong on the Belmont Common. The idea was that ships could then come straight up from the Heads and have only a 10-mile trip to the port. That did not happen and ships must now travel 40 miles to Melbourne and Geelong from the Heads. The channel would have substantially reduced the length of journey and it was an ambitious idea. Until the 1960s the land was still vested in the port of Geelong.

After the second world war the aerodrome was disbanded and the common was left with only a few derelict Army huts. I used to play football with a club that practised on the common and the players used to change at the back of one of the Army sheds. A few cricket grounds were established on one part of the common, but not much else was done with it. One reason for that was that the land was subject to flooding. In 1951 and 1952 there were two serious floods when the water level rose to its highest point in more than 100 years.

In 1960 the land was transferred to the management of the Shire of South Barwon and a lot of work has since been done. There is now a fine golf course and golf driving range on the common along with a conservation area and bike tracks. The land is a credit to the Shire of South Barwon and the people involved in improving it. It is an important piece of land for many people in Geelong who have derived considerable enjoyment from it.

For those honourable members who are interested, I inform them that the Sunday market at the Belmont Common has become popular. If honourable members are passing through Geelong on a Sunday and wish to spend some money the market will accommodate them.

I have great pleasure in supporting the Bill and relating to the House some recollections about the parcel of land called Belmont Common. Next time honourable members pass through the area on their way to the Great Ocean Road they will know a little bit about the large area of land on the left side.

The PRESIDENT — Order! Before putting the motion for the second reading, I shall make two observations: firstly, in view of the changed circumstances outlined by the Minister for Education and Training — which are not contested in any way, as indeed the Bill is not contested — it is inappropriate to apply Standing Order No. 99. Secondly, the second reading of the Bill requires to be passed by an absolute majority.

Bells rung.

Members having assembled in Chamber:

The PRESIDENT — Order! To enable me to ascertain whether an absolute majority exists for the carriage of the motion, I invite honourable members supporting the second reading to rise in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

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

Motion agreed to by absolute majority.

Read third time.

LITTER (AMENDMENT) BILL

Second reading

Debate resumed from 10 October; motion of Hon. B.T. PULLEN (Minister for Education and Training).

Hon. M. A. BIRRELL (East Yarra) — This Bill has created some controversy but the amendments that the government will now belatedly move will make it acceptable to the opposition.

The Bill amends the Litter Act and seeks to impose, among other things, fines for littering by people deliberately putting unsolicited junk mail in letter boxes that have been marked to receive no advertising material. The Bill also allows litter abatement notices to be issued and provides for other related actions.

The central issue of concern with the Bill has been the control of so-called junk mail. We immediately

state that if someone exercises his right to inform the public that he does not wish to receive certain mail in his letterbox or under his door, that right should be respected; we should condemn people who violate that right.

A small but nevertheless significant percentage of Victorians have chosen to put "No junk mail" or "No advertising material" stickers on their letterboxes to indicate that they do not wish to receive unsolicited mail. Basically those people are happy to receive mail delivered by Australia Post but perhaps nothing else. They may be trying to ensure they do not receive brochures or leaflets in their letterboxes, now classically delivered at weekends. Perhaps they are also seeking to ensure they do not receive suburban newspapers in their letterboxes — although that is often not clear.

The coalition believes people who have exercised their rights to indicate they do not wish to receive junk mail should not have to receive that type of unsolicited material in the future.

Therefore we received this Bill and discussed it with a number of organisations, including the Printing and Allied Trades Employers Federation of Australia, the Progress Press Newspaper distributors and printers business, and the association representing advertising distributors throughout Australia. Also we spoke to bodies like the Keep Australia Beautiful Council and the Australian Conservation Foundation.

Business representatives believe it is improper for any of their agents or employees to deliver unsolicited material to people who have clearly indicated on the front of their letterboxes that they do not wish to receive such publications. They also made it clear that their internal practice and self-discipline is to ensure that their employees do not breach that arrangement and do not simply place things in letterboxes regardless of the indications of the home owners on their letterboxes.

However, many anecdotal complaints have been received from individuals who have placed "No advertising material" signs on their letterboxes but the signs have been ignored. I have also had the experience of unsolicited mail not finishing up in my letterbox but being blown around in the street or in my front garden. I would be surprised if anyone in this Chamber has not experienced that form of annoying litter which now seems to be a rather constant feature of our lives.

The government's response was somewhat heavy handed in that it sought to crush this problem in an overstated manner, with very strict legislation that had one major problem — it was largely unenforceable. It is all very well to pass a law against litter. It is easy for us to deliberate and vote but the practice of litter prevention is far different from enacting a law.

We are not talking about white-collar criminals or outrageous crimes but about the actions of ordinary citizens who deliberately or casually have disregard for other citizens, and therefore in one way or another create litter.

How do you catch those people? The way to solve the problem is to educate Victorians not to litter their community and to ensure that anyone distributing material, in any way, has due regard to the fact that it may end up as litter.

The government's original proposal was deficient in that it introduced very heavy-handed legislation with the likelihood that the provisions would never be used because there is no realistic prospect of the police or prosecuting bodies actually prosecuting people for minor littering offences.

That must be seen in the light of what distributors of unsolicited mail have said to the coalition and the government, which is that they want to work hand-in-hand with government to ensure that any problems caused by distributors are dealt with head-on, and that a code of practice should be established to regulate the entire industry.

As a result of representations made by those groups and other business groups, the government has told the coalition that it intends to make a number of amendments to the Bill, which the Minister will propose during the Committee stage.

As I understand it the amendments are designed to take account of the code of practice that has been established by key players in the industry to ensure that individuals who deliver unsolicited mail are strictly controlled. The opposition chooses not to call such material junk mail because most Victorians opt not to attach "No advertising material" stickers to their letterboxes. Clearly they are happy to receive it; and those who choose to receive such mail should have their rights respected.

The distribution industry has established a code of practice that binds each of its members. We believe

the code of practice should be given a chance to work before heavy-handed legislation is proposed.

On 6 November a press release from the Department of Conservation and Environment announced a government back-down on the Bill and that a code of practice would be recognised in amending legislation.

In the press release the Minister for Conservation and Environment said:

> The State government has agreed to change legislation relating to junk mail after productive meetings with the distribution industry.

He said he had recently introduced amendments to the Litter Act outlining a number of new offences and that:

> After meetings with relevant industry groups, it is agreed that a code of practice drawn up by the Australian Catalogue Association (ACA) will achieve the same objective if adhered to by all parties.

In the press release the Minister indicated his acceptance of the code of practice.

The government has learned an important lesson, which is that by treating all industry as having a callous disregard for the outcomes of its actions it is ignoring the reality of the 1990s, which is that these days most businesses are environmentally aware and are prepared to meet environmental imperatives.

Industry is keen to create its own codes of practice which meet high standards and which are enforceable because of peer pressure and the threat of exposing the misbehaviour of those who could be called the rotten apples in the barrel. The coalition wants to give the code of practice a try, and we are glad that the government is prepared to adopt the same attitude.

During discussions on the coalition's environmental policy, which will be implemented after the next election, my colleague Mr Evans and I have acknowledged the attractiveness of establishing a code of practice.

On many occasions the code of practice may need to be supported by reserve powers, but in its amended form the model put forward by the government is certainly acceptable to the coalition.

Although there are other aspects of the Bill, I have canvassed the most important. We look forward to amendments being moved in the Committee stage, and if that occurs the Bill will not be opposed by the coalition.

Hon. D. M. EVANS (North Eastern) — I support the comments made by Mr Birrell and I commend him for making them. As a piece of social engineering legislation the Litter (Amendment) Bill is not very practical.

The Bill deals with the problems faced by many people who do not clear their mailboxes of junk mail or advertising material. Nevertheless it is obvious that the delivery of that type of material is acceptable to the public. If it were not, businesses would not go to the significant expense of producing high-quality unsolicited material, or junk mail, as it is colloquially referred to. Nor would businesses go to the considerable expense of having such material distributed if it were not effective.

Only a relatively small number of people do not want to accept unsolicited advertising material. Such people have the option of attaching signs to their letterboxes saying that junk mail is not welcome. On seeing those signs the people distributing the material would recognise not only that their material was not wanted but also that putting the material in those letterboxes would be counterproductive — in other words, it would be likely to offend and would be unlikely to attract customers to the businesses advertised.

The only distributors likely to ignore notices of that kind would be either inexperienced or casual workers. Professional distribution businesses would not condone their employees and contractors ignoring signs that specified that junk mail, or advertising material, was not welcome.

Honourable members must bear in mind that if litter legislation became too onerous other methods of distributing the material would be sought. For example, advertising material of various kinds could be inserted in newspapers; and, after all, it is difficult enough now to carry weekend newspapers out of newsagencies because of the amount of advertising inserts slipped between their pages.

Such material could also be inserted into local newspapers — —

Hon. M. A. Birrell — Or by unsolicited mail through Australia Post, which is not covered by the Bill.

Hon. D. M. EVANS — That's right. The Bill is not a practical piece of legislation, and for that reason the establishment of a code of practice is a far better and more sensible way to go. Once a code of practice is put in place, responsible businesses and advertisers will conform to its provisions because they will see it as being advantageous to do so.

Mailboxes stuffed with junk mail, particularly those carrying signs indicating that junk mail is not welcome, often signal to passers-by that the owners are not at home. For example, people who go away on holidays leave themselves open to being burgled and having their property damaged because of the tell-tale signs of their absence. Such matters must be taken into account when legislation of this type is being debated.

The course the government is taking is sensible; and I for one am pleased that the government has finally seen reason. But it would be better if the government concentrated on solving the grave problems facing this State and, for the present, left to one side peripheral or minor issues.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Hon. B. T. PULLEN (Minister for Education and Training) — I move:

1. Clause 1, lines 4 and 5, omit all words and expressions on these lines.

The remarks I will make on clause 1 will probably serve to support the majority of amendments, which are consequential to the change that has been referred to in the speeches of honourable members so far.

In relation to the depositing of advertising materials in receptacles with "No junk mail" signs on them, the government proposes that the relevant subclause be omitted from the Bill because the Australian Catalogue Association has drawn up a code of practice to monitor and control the deposit of advertising material.

Certainly it has been my local experience that there is considerable and growing resistance to people receiving junk mail, and more and more people are indicating such by putting signs on their letter boxes.

The problem does not end there because the people charged with the distribution of material are often in a quandary because they have to deliver a certain amount to receive their pay; so they have to distribute it somehow, and often it is distributed all over the place rather than into the appropriate letterboxes, which may mean the material floats around and becomes litter in every sense of the word.

However, the code of practice is worth a try and the government will monitor its effectiveness over the six-month period commencing on the date of operation of the Bill. It will give industry an opportunity of proving to the government and the people of Victoria that the code of practice adequately controls the deposit of advertising material.

If, after six months, the government is not satisfied that the code of practice has been adhered to in a satisfactory manner, we can consider introducing legislation to ensure that the right of people to choose whether or not they wish to receive advertising material is respected, and that littering does not result.

Amendment agreed to; amended clause agreed to; clauses 2 to 4 agreed to.

Clause 5

Hon. B. T. PULLEN (Minister for Education and Training) — I move:

2. Clause 5, line 27, before "A" insert "(1)".
3. Clause 5, line 27, omit "an unsolicited leaflet" and insert "any advertising material".
4. Clause 5, after line 34 insert —

   "(2) This does not apply to —

   (a) any newspaper, or any material folded or inserted into a newspaper; or

   (b) any document issued under, or for the purposes of, any Act or Commonwealth Act; or

(c) anything that is of such a size, shape or volume that it is not possible or appropriate for it to be deposited in accordance with sub-section (1).".

5. Clause 5, page 5, line 2, omit "an unsolicited leaflet" and insert "any advertising material".

6. Clause 5, page 5, lines 8 to 35, and page 6, lines 1 to 18, omit proposed section 6C.

7. Clause 5, page 6, line 19, omit **"6D"** and insert **"6C"**.

8. Clause 5, page 6, line 23, omit "6B, or 6C" and insert "or 6B".

9. Clause 5, page 6, lines 25 to 35, and page 7, lines 1 to 3, omit proposed section 6E.

10. Clause 5, page 7, line 4, omit **"6F"** and insert **"6D"**.

11. Clause 5, page 7, line 14, omit **"6G"** and insert **"6E"**.

12. Clause 5, page 7, lines 24 to 32, omit proposed section 6H.

These amendments are consequential on the same proposition.

Amendments agreed to; amended clause agreed to; clauses 6 to 18 agreed to.

Clause 19

Hon. B. T. PULLEN (Minister for Education and Training) — I move:

13. Clause 19, lines 4 to 13, omit proposed Schedule 1.

14. Clause 19, line 14, omit "2".

15. Clause 19, line 26 (item 6), omit "1 penalty unit" and insert "5 penalty units".

16. Clause 19, line 27 (item 7), omit "5 penalty units" and insert "1 penalty unit".

17. Clause 19, lines 29 to 31 (items 9 to 10A), omit all words and expressions on these lines.

18. Clause 19, line 32, omit "11" and insert "9".

19. Clause 19, line 33, omit "12" and insert "10".

20. Clause 19, line 34, omit "13" and insert "11".

21. Clause 19, line 35, omit "14" and insert "12".

22. Clause 19, line 36, omit "15" and insert "13".

23. Clause 19, line 37, omit "16" and insert "14".

24. Clause 19, line 38, omit "17" and insert "15".

25. Clause 19, line 39, omit "18" and insert "16".

26. Clause 19, page 21, line 2, omit "19" and insert "17".

27. Clause 19, page 21, line 5, omit "20" and insert "18".

These amendments are again consequential on the changes I referred to earlier.

Amendments agreed to; amended clause agreed to; clause 20 agreed to.

Reported to House with amendments.

Passed remaining stages.

WATER (ELECTIONS) BILL

Second reading

Debate resumed from 19 November; motion of Hon. B. T. PULLEN (Minister for Education and Training).

Hon. D. M. EVANS (North Eastern) — The Bill makes a minor adjustment to the major legislation introduced a year or so ago after a substantial inquiry and negotiations over a long period, during which the whole of the water industry legislation in Victoria was rewritten and consolidated into one Act.

That Act followed an exhaustive inquiry and reported recommendations by the Public Bodies Review Committee. I was a member of that committee when the recommendations were formulated in the early 1980s.

I also remind the House that the new Water Act was the product of an enormous amount of negotiation between the government on the one side and members of the opposition parties on the other — at that stage they were not in coalition. I comment in particular on the part played by two of my colleagues, Mr Steggall, the honourable member for Swan Hill in another place, and Mr Lou Lieberman, the honourable member for Benambra in another place, who shares an electorate with me.

The legislation was predicated on the need for major reform in the industry, but during the course of negotiations to obtain bipartisan support for its passage it was required of the Minister to give guarantees that no person would be worse off as a result of the introduction of the legislation in Victoria.

However, significant amendments to the legislation remain to be made, and that is to be expected as the legislation is put into practical effect. For example, amendments are required relating to the transfer of water entitlements, which have not been dealt with.

Provisions in the Act were not actually explained or fully understood and a power now exists, which many people did not realise existed, that enables the Minister to arbitrarily amalgamate water industry bodies throughout Victoria overnight.

As a result of that power, in the new Act a significant number of water authorities, river improvement trusts and similar organisations have received letters in the mail from the Minister saying, "As of now you are out of it. Sorry; you may have served your community well for many years; you may have served in an honorary capacity and you may even have the temerity to believe that what you have done as a group of people was in the community's interest, but because of a change of government policy and because the Minister has such absolute power under the new Act, you are out. You do not even have a right of appeal. You have no way of complaining about the Minister's actions. You do not even have to be consulted; you just go".

I have a letter from the Minister indicating that one of the reasons for such action was his belief that organisations like water bodies may transfer funds out if they were given warning. In fact, that letter virtually accuses some people of being capable of acting dishonestly in the future. I was not prepared to distribute the letter because I believed by my very distribution of it I could have been seen to be slandering the people or acting as party to such a slander. Some weeks ago I asked for an elaboration by letter from the Minister; I have not received it.

Clearly the Water Act contains a number of provisions that need to be examined or reviewed and perhaps amended. The Water (Elections) Bill amends what might be considered to be the most minor matter requiring attention in the Water Act. Many years ago a film *The Mouse that Roared* was released. It was about a small nation that made an enormous noise about something of no substance. The Bill is like the film: it is a small Bill of little consequence when compared with the problems faced by those in the water industry; it is a measure of not much moment.

However, the coalition has decided that if the people in what remains of the water industry bodies have an impediment to contend with, that should not remain. I am aware that difficulties arise in obtaining the voters rolls when an election is to be conducted for members of water authorities. I understand the Electoral Office cannot obtain such rolls in many instances and as a result an immediate problem is created. I am aware also that the Bill provides for fines to be imposed on people who do not vote in elections for members of water authorities. It is obvious that many people are not concerned about water authorities, provided that when they turn the tap on water comes out of it and when they try to flush the toilet there is water there. They do not worry about any other aspects of the water industry. They are not concerned about the public-spirited citizens who act on their behalf to ensure that these things come to pass. I doubt that many people, particularly those in areas covered by the larger water boards, would be aware that as ordinary citizens they have any responsibility at all. I wonder why people must be fined in the event that they do not vote in such elections.

However, this is the government's legislation, and the effects of it will be on its own head, so to speak. The coalition in opposition wishes that the government would address the real issues that need addressing in the water industry and not concern itself with peripheral matters. The coalition will not object to the passage of the Bill. In the Committee stage, we will move some small but — compared with the significance of the Bill — relatively important amendments. I shall explain those at that time. As I said, the coalition will not oppose the passage of this minor Bill.

Hon. R. A. MACKENZIE (Geelong) — As Mr Evans said, the Water (Elections) Bill is of relatively small consequence in an area that requires a considerable degree of reform. It is a pity that some other aspects of the Water Act have not been dealt with at the same time.

In my province we have just conducted elections for membership of the local water board. The whole thing was something of a fiasco because the Water Act did not provide for penalties to be imposed on those who did not vote although voting was compulsory. The whole process was a bit of a joke. One day the water board was advertising in the newspapers that everyone had to vote because the Water Act made it compulsory; the next day the advertisements indicated that although everyone had to vote no penalties were attached to not voting. The issue would have been a cause of some embarrassment to the government. The proposed legislation goes some way towards addressing the problem that has been laughed at.

I have no difficulty in supporting the Bill, but I make a couple of comments on it. As honourable members are aware, many amalgamations have taken place among water authorities and now some water

boards are very large, with up to 200 000 or 300 000 voters. As Mr Evans said, those conducting the elections for members of water boards have not had access to the electoral rolls. The Electoral Office is not obliged under law to provide the voters rolls; as a result, considerable problems have been encountered by those conducting the elections. On their behalf, I made endeavours to persuade the Electoral Office to provide the voters rolls for the recently conducted elections to the water board in the province I represent. It could not be done. The elections were delayed for several months, so people remained members of the water board beyond the elected periods.

It is unfortunate that the elections for members of the water board in Geelong were a bit of a joke. Elections should be taken seriously and legislation should provide for them to be run properly.

That leads me to another point. Clause 5 of the Bill provides:

> The Governor in Council may make regulations for or with respect to the holding of elections for, and the filling of vacancies in, the offices of members including, but not limited to, regulations for or with respect to ...

And a heap of items follow. I should prefer that Parliament decided these matters under legislation, rather than that they be left to the Governor in Council, which actually means that they are left to the responsible Minister. The issue is too important to be left to the Minister to decide. As I said, some water boards are very large, in some cases with up to 200 000 or 300 000 voters in their area. The importance of the decisions and work of water boards requires that they come under the scrutiny of Parliament rather than just the Minister through the Governor in Council. Although I do not oppose the Bill, I ask that the government give consideration to this issue because of the changing circumstances of the work of water boards.

I guess this raises another issue that will be the subject of further debate. At the present time compulsory voting is being debated to some degree in the public arena. I do not want to begin debate on that issue now but I indicate that for quite some time voting in the elections for members of Federal and State Parliaments has been compulsory, that is, since the 1920s at least. I do not know whether it has served its purpose. However, I have found that in those countries or areas where people take an interest in politics right from the local government level up, up to 85 per cent or even 88 per cent of people vote even when voting is not compulsory. In the recently conducted New Zealand elections, 88 per cent of those eligible to vote did so. I know that in Scandinavia 85 per cent to 87 per cent of those eligible to cast a vote do so. Here, even though we have compulsory voting, we often get only 91 per cent or 92 per cent of people voting. Some debate must be conducted on this issue. It is time for the matter to be reviewed; we must decide whether compulsory voting should be enforced. I mention that matter in passing.

With those few words, I indicate that I support this small piece of proposed legislation. It certainly clears up some anomalies, especially those experienced recently in the province I represent.

I do not know what amendments Mr Evans will move to the Bill as I have not had the privilege of seeing them; I take it they are minor.

Motion agreed to.

Read second time.

Committed.

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

Committee

Clauses 1 to 4 agreed to.

Clause 5

Hon. D. M. EVANS (North Eastern) — I move:

1. Clause 5, page 3, lines 4 to 6, omit paragraphs (m) and (n).

Mr Chairman, the other three amendments in my name are consequential on the carriage of amendment No. 1. The purpose of amendment No. 1 is to omit two paragraphs of proposed new section 87(7) providing for the counting of votes and the method of determining the result of an election.

The coalition has moved for the omission of the paragraphs because it believes the two paragraphs combined indicate that proportional representation could be introduced for water elections by regulation, and it does not favour that course of action.

Clause 5 provides for all the issues that could be covered, apart from perhaps the inference that

proportional representation may be provided by paragraphs (m) and (n).

Hon. B. T. PULLEN (Minister for Education and Training) — The government opposes the amendment and believes the coalition may be under a misapprehension in moving it. If paragraphs (m) and (n) are not included in the proposed new section, it may be that there will be no incontestable method of counting votes and determining the result of an election, which would create chaos.

As the wording of paragraphs (m) and (n) has been available in this form for some time and the coalition has had the opportunity of having briefings, it is difficult to understand why no earlier objection has been raised.

Honourable members will also be aware that regulations can be disallowed at any time by resolution of either House of Parliament, so adequate protection is provided if the coalition believes the regulations are not working in a way that benefits the water industry. I suggest any action should be taken at that stage. I am advised that the omission of these paragraphs may well prejudice the orderly conduct of elections.

I ask the coalition to reconsider its position on the omission of the paragraphs because no immediate benefit will result. In the interim the method of elections can be monitored and a remedy will subsequently be available if it is necessary to take action.

Hon. D. M. EVANS (North Eastern) — On behalf of the coalition, I do not accept the arguments advanced by the government. As I pointed out a few moments ago, paragraph (q) adequately covers the matter. It states:

> ... generally, all matters necessary for the proper conduct of elections.

I believe nothing in either paragraph (m) or paragraph (n) cannot be covered or administered under that provision. I accept the argument that the coalition or any member of Parliament has the right to move in either House for the disallowance of a regulation made under this provision. However the coalition wants to ensure that no suggestion of proportional representation should be made. I had instructions to move the amendment, and I fully support it.

Amendment agreed to.

Hon. D. M. EVANS (North Eastern) — I move:

2. Clause 5, page 3, line 7, omit "(o)" and insert "(m)".
3. Clause 5, page 3, line 11, omit "(p)" and insert "(n)".
4. Clause 5, page 3, line 14, omit "(q)" and insert "(o)".

The amendments are consequential on the passage of amendment No. 1.

Amendments agreed to; amended clause agreed to; clauses 6 and 7 agreed to.

Reported to House with amendments.

Passed remaining stages.

TEACHING SERVICE (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 19 November; motion of Hon. B. T. PULLEN (Minister for Education and Training).

Hon. J. G. MILES (Templestowe) — The Teaching Service (Further Amendment) Bill is a small Bill that the coalition education committee has discussed at some length. The committee has consulted with the Association of Councils of Post-Primary Institutions in Victoria, the Federation of Victorian School Administrators and the Victorian Affiliated Teachers Federation and was briefed by Ministry officials.

Having spoken at length for many years about the bureaucracy in all government departments, the coalition has come to the conclusion that the government is attempting to limit that bureaucracy. The coalition platform in every portfolio is to remove, limit or eliminate unnecessary bureaucracy. The Bill goes towards that removal.

Firstly, the Bill removes the requirement placed upon the Department of School Education to compile and publish lists of persons eligible to be appointed as a principal, or a deputy or vice-principal in a government school. The publication of the lists is no longer necessary as the local selection panel makes the appointments.

Secondly, the Bill removes the requirement to fix by regulation the salary and allowances of the chairperson and members of the Teaching Service Appeals Board.

At present the salary and allowances of the chairperson and members of the Teaching Service Appeals Board are determined through the Remuneration Review Committee and approved by the Governor in Council without the need to make regulations. The improvement, which is implicit and explicit in the Bill, will result in less paperwork, fewer delays, less cost and less bureaucracy. There will be no necessity for regulations to fix salaries and allowances of members of the Teaching Service Appeals Board and of principals and deputy or vice-principals.

The coalition has been concerned about the long-running dispute in the education area. The Minister has reached agreement with the two major teaching unions in retaining the Victorian certificate of education. That agreement does not jeopardise the budget. It is in the interests of the teachers and students rather than of the teacher unions. I hope the Minister has not taken the advice of the militant left-wing teacher unions who say that it is acceptable to reduce grants to independent schools.

Some independent school principals with whom I have spoken recently are concerned that the reduction of bureaucracy and the allowing of teacher unions to persuade the Minister to continue with industrial agreements make it difficult to meet their budgets. One way of meeting the budget is to reduce grants to independent schools.

One principal has informed me that the reduction of grants to independent schools in categories 1 and 2 — the most effective categories in the education of students — would make it more difficult for parents to make the sacrifice to send their children to the independent schools of their choice.

The coalition approves of the Bill because it limits the bureaucracy and ensures that money is saved in paperwork, delays and time. There is no longer a need to publish a central list of teachers who are eligible to be appointed as principals or deputy or vice-principals because they are now selected locally. Promotion is no longer based on seniority but on merit.

The Bill removes the requirement for the salary and allowances of the chairperson and members of the Teaching Service Appeals Board to be fixed by regulation because that matter will in future be determined through the Remuneration Review Committee and the Governor in Council.

Some reservations have been expressed about the removal of the requirement of the publication of a central list for selection of principals or deputy or vice-principals in country areas. The National Party will refer to that matter in greater detail. The coalition supports the Bill.

Hon. D. M. EVANS (North Eastern) — I shall make some comments on this Bill because I believe an instance in which I was involved approximately twelve months ago gave rise to this Bill. Certainly I raised the issue of sections 58A and 64A in questions without notice on 26 March and 10 April. At that stage I had considerable concerns about the effect of non-compliance by the Ministry with section 58A and its consequent effect on section 64A of the Teaching Service Act.

In order to deal with those two issues it is worth while going through the history but I also want to make some comments on clause 4, which inserts a new subsection providing for the payment of remuneration to the chairperson and members of the Teaching Service Appeals Board as from time to time fixed by the Governor in Council.

It is worth noting the names of the people who at least until recently constituted, and I believe still do constitute the Teaching Service Appeals Board: Mr Barry Rimmer, a former adviser to a previous Minister of Education, Robert Fordham; Mr McPherson; and a Mrs Nelms. They are people with teaching qualifications and they constitute the board under the Teaching Service Act 1981. Their salaries will now be fixed by Governor in Council action and not by regulation.

I turn now to sections 58A and 64A. I have chaired three selection subcommittees for the Wangaratta High School. First a second vice-principal was selected and more recently a new principal, and it was as a result of certain actions that I took as the chairman of that selection subcommittee in about September 1990 that the issue first arose.

At that time applications came forward for the position of vice-principal and, as chairman, it was my responsibility to open the sealed envelopes which were intended to contain eight copies of each application and to distribute them to the people who formed the selection subcommittee: the principal of the school; a Ministry representative who was the principal of an adjacent secondary school; a union representative from the major union in the high school, the Victorian Secondary Teachers

Association (VSTA); an elected staff member; and two members of the school council.

On opening the envelopes I noticed that one of the applications contained a personalised letter addressed to each of the members of the selection subcommittee by their Christian names, "Dear David" and so on. I was concerned about that matter because I was conscious of the voluminous instructions given to the chairman. It was my task as chairman to preserve absolute and total equity between the various applicants for the position. I believed that by addressing a personal letter to each member of the subcommittee by name — and the person concerned was known to most if not all of the members of the subcommittee — the applicant was making a personal appeal for favour over and above any other candidate. Some candidates came from as far afield as Portland, Swan Hill and Robinvale.

I was therefore not prepared to distribute that document. I did that because I believed the person who made the application had made an error. I believed the person should be selected or not selected for interview and perhaps for the position on his or her merits and not as a result of something that should not have been done.

I could also see it causing significant problems if it were challenged on the selection subcommittee, as I believed it would have been. I took the action that I did in the interests of fairness and equity and in the interests of the proper process. Because of certain other factors I might say I kept that information to myself, and I perhaps should not have done so.

It was discovered that the document was not there because one member of the selection subcommittee discussed the application with the applicant and the fact that certain information the person had provided was not in the documentation was mentioned. I was asked what had happened and I told the members of the selection subcommittee.

Subsequently, because the person concerned did not reach the interview stage or get the position, an appeal was made on the basis that all documents were not made available. The Teaching Service Appeals Board came to the City of Wangaratta and interviewed all members of the selection subcommittee. That took about 5 or 6 hours and I was interviewed by the board for an hour and a half and I made the comments that I have made tonight. I can honestly say I judged that person on that person's merits, and that was never questioned. The board accepted that what I had done was done totally in good faith. Nevertheless on a sheer technicality the board said that further action needed to be taken by the selection subcommittee.

We were ordered to review the decision. We were given one day prior to the end of the last term of 1990 to carry out that review; otherwise the appointment could not have been made until the middle of 1991. At 2 hours notice we came together and copies of the letter that I had not previously been prepared to distribute were distributed to members of the subcommittee. Each member read the letter and decided that its contents would not have made any difference to his or her decision and the Teaching Service Appeals Board was informed of that.

The board decided that, as we had not handed out all the information that was available and had replaced the letter with the file of the one applicant who had not been selected and who had subsequently appealed, the procedure we had gone through was not satisfactory. That was despite the fact that the decision of the selection subcommittee was unanimous and had been relayed to the board. As a result, the board upheld the appeal and we then had to go through the whole process of advertising the position, examining another group of applicants and making a further recommendation.

Interestingly enough the person we selected on the first occasion was selected on the second occasion and is now the vice-principal at the high school. A lot of volunteers wasted a lot of time unnecessarily.

I discovered afterwards that the person concerned had personalised the file to each of the selection subcommittee members after attending a training session conducted by the Victorian Secondary Teachers Association at which that course of action had been suggested. That made me happier about the applicant concerned, in that it reinforced my view that the mistake, as I deemed it to be, had been made in good faith.

However, given that such voluminous instructions were sent out to selection subcommittee members and chairpersons, I am cross that the VSTA unilaterally departed so significantly from the procedure in making that recommendation to its members. I had a further concern about that procedure because, if each member of a selection subcommittee were to have a personally addressed application, that could constitute lobbying and the file sent to each member could be different. The one directed to me as the chairman of the school council

could have been different from the file directed to other members of the selection subcommittee and could have been appealing to me on an issue which may not have been favoured by other members of the selection subcommittee but might have found favour with me.

I am certain that did not happen in the case to which I refer. In fact in the initial investigation in September last year I quickly looked through each of the folders to see if I could discern any obvious difference but I could not. However, if that process were to become commonplace, individually addressed and individually structured applications could be sent to each of the members of a selection subcommittee. Not only would that not satisfy the instructions for selection; it would also give those people who were known to members of the selection subcommittee a significant advantage in presenting their cases before it. I have said that to the Teaching Service Appeals Board and in letters to a number of people in the Ministry of Education and Training.

As is correct and proper all selection subcommittees are now instructed that personally addressed files are not to be presented and will not be accepted. As a result of our experience significant changes have been made to procedures for forwarding applications for positions of that nature — some good has resulted from what happened. I described that incident with embarrassment because I was put under considerable pressure at the time; I hope we can learn from it.

When I requested a copy of a Teaching Service appeals authority I was given copies of the Teaching Service Act. Section 58A(1) of that Act provides:

> Before 31 December in each year the Minister shall cause to be published in the *Education Gazette* lists of persons eligible to be appointed to positions of principal or deputy or vice-principal.

Section 58A(3) describes what constitutes an eligible person, and refers to:

> ... the person's qualifications and experience and to such other criteria (if any) as are decided upon by the Minister after consultation with the relevant industrial association of employees or industrial associations of employees for the list in question.

In other words, it was intended to be a list of persons whose qualifications were such that in the view of the Ministry they had the necessary experience and so on to fill the position of principal or vice-principal. I shall discuss the importance of that point later.

Section 64A of the Teaching Service Act — the section under which the Teaching Service Appeals Board is empowered to act in hearing an appeal — provides that an officer who is listed under section 58A as eligible for appointment as a principal or deputy or vice-principal in a school and who considers that he or she has a better claim than the officer provisionally transferred or promoted may, subject to and in accordance with the regulations made under Division 2 of the Act, apply to a Teaching Service Appeals Board for a review of the provisional transfer or promotion.

I have just described the technicalities which led to the Teaching Service Appeals Board upholding the original appeal and ordering the readvertising of the position at Wangaratta High School; it was equally apparent that no person, unless he or she was on such a list, had a right to appeal under that section.

I put to the Teaching Service Appeals Board that neither it nor anyone else had a right to hear an appeal because a list had not been prepared. That argument was rejected on the basis — and I think it is correct and just — that natural justice would not be served by saying that a person had no right of appeal because of an administrative action over which he or she had no control.

The Ministry of Education and Training could be in breach of its own Act but the chairman of the high school council at Wangaratta could not. The Bill is now before the House as a result of that incident and my questions in the House.

The selection of principals and vice-principals is a very onerous task for members of a school community to undertake. Last year when we received our first applications for vice-principal each member of the selection subcommittee put in at least 40 to 50 hours work reading the nineteen applications, attending meetings and training sessions, short-listing the applicants the subcommittee wished to interview, carrying out interviews, and making a final decision.

The interviews occupied a full day and a further 3 hours on the following morning was required to make a decision on short-listing and to rank the candidates who were regarded as suitable for the position. It is an immense task.

There are also strong confidentiality requirements imposed on members of selection subcommittees. Members would breach the conditions — which could lead to an appeal — if they discussed any applicant for the position with any person outside the selection subcommittee or outside a meeting, any other organisation or the applicant concerned. That could lead to an appeal on a technicality, which, if upheld, could well lead to readvertising being called for.

The amount of information available to selection subcommittee members to assist them perform this onerous task is limited to the written applications provided by applicants and the interview, which must take place prior to short-listing and ranking and the eventual appointment recommendation.

When you come to short-list the applicants you can be faced with up to 70 applications — that is the maximum number received in the last round of applications for vice-principal. You are then left with no information apart from the written application. It is rumoured that some of the applications are professionally prepared so that you do not get a proper opportunity to judge the applicants.

No guidance is provided by the Ministry of Education and Training. If a section 58A list were provided by the Ministry it would at least give some guidance as to the suitability of those persons who might put in an application. It may cut out some applicants. The repeal of section 58A removes guidance that a selection subcommittee may receive in performing a most difficult task.

Many people who apply for these positions do not qualify. I am aware that in many cases across Victoria, from the 30 to 70 applications for positions that were received in the last round, no more than two or three applicants were short-listed for interviews. I am also aware that on more than one occasion, even though there may have been 20 to 30 applicants, no more than one person was short-listed for the position.

That is important because at each of the training sessions the selection subcommittee members are told that the person they choose as their No. 1 applicant may have received the same ranking from two or three other schools and may not choose their school. It is strongly suggested to selection subcommittee members that they recommend in ranked order those persons they interview for positions who they believe will be suitable because their school may not get its first or even second ranked choice. In some cases it has gone down as far as the fourth ranked choice.

Despite those instructions and the onerous task of reading through the applications, ranking candidates and short-listing for interview the large number of applicants, some schools recommended no more than one applicant, and more than half of the seventeen schools that required a principal listed no more than two applicants. That indicates that the selection subcommittees felt, for whatever reason, that no more than one or two out of a very significant list of people were capable of carrying out that task in their schools.

Therefore, there are real problems in the local selection process. You have groups of people who must work with inadequate information, maintain confidentiality and yet make an important decision for their schools.

Selection subcommittees have received assistance in one other way. Each applicant for a position is invited to provide the names of three people who will act as confidential referees on his or her behalf.

Once an applicant is short-listed the executive officer of the selection subcommittee contacts the confidential referees and asks that confidential references be forwarded. The applicant should not know the contents of the reference, but as he or she has selected the referee a wise applicant will obviously have selected a person who will give him or her a reasonable reference.

That is the only additional information available to the selection subcommittee. It is not entitled to make contact with the confidential referee, but I am sure that, despite breaching guidelines, some members of selection subcommittees contact referees to ascertain if the applicant is as good as his or her written application and the reference indicate.

The picture I have painted is of a complex process. In doing so I hope I have demonstrated the difficulty that selection subcommittees and school councils have in choosing people to fill senior positions.

As chairman of the school council, I have retained my position on the selection subcommittee at Wangaratta High School. It is my responsibility to accept applications and distribute them to members of the selection subcommittee. That must be done no less than half an hour after the closing of applications — normally at 4 p.m. on a Monday.

On this particular occasion, at 4.20 p.m. — 10 minutes before the applications were due to be distributed — I received a fax from the President of the Victorian Secondary Teachers Association (VSTA) suggesting that my position could be challenged because I may be considered to be biased against an applicant, particularly one who may appeal. That fax was designed to create chaos in the selection process; it was irresponsible and an invasion into the affairs of the school. It was an attempt to subvert the proper processes.

Not only was I convinced in my own mind that I could make a fair and reasonable judgment, but I had the advice and support of a number of senior educationalists throughout the State. However, the VSTA sought to intervene and tried to subvert the process at Wangaratta High School.

Hon. R. I. Knowles — Did he get the job?

Hon. D. M. EVANS — I cannot say what happened to the person concerned, except that the person was interviewed. The person who had the job the previous year was reappointed. I did not blame the applicant who caused this furore. It was an unfortunate incident. It has been cleared up, but it was an irresponsible action by the VSTA president, Mr Henderson.

I support the passage of the Bill and I hope the issues I have addressed are of interest to all honourable members, particularly those who are involved in similar proceedings.

Hon. P. R. HALL (Gippsland) — I support the remarks made by my colleagues Mr Miles and Mr Evans. I shall not go through all the issues canvassed by my colleagues, but I shall raise three points not covered to date. The first concerns the local selection process for the appointment of principals, vice-principals and deputy principals. I ask the Minister for Education and Training to extend the selection process so that school communities have the flexibility to choose the staff of the school. The local selection process is supported by the coalition, and despite some of the difficulties outlined by Mr Evans it is worth pursuing because it gives school communities the flexibility of selecting persons to head their schools.

The selection process need not always be undertaken by the principal; it may be undertaken by a local selection panel or a district panel formulated to specifically select teachers suitable for schools in a district. At present school councils have a say in choosing only the category of teacher. They should have a say in choosing the individual teachers.

I am concerned that principals are appointed for a seven-year term. The length of the term does not give school councils the chance of reviewing the performance of the principal. I believe the term of appointment should be for four or five years, which is long enough for the principal to demonstrate his or her ability in the position.

Hon. D. R. White — Is our term too long?

Hon. P. R. HALL — Members of the Legislative Council should be more accountable.

The process is worth while but the length of the term of a principal's appointment is too long.

The Teaching Service Appeals Board has been established so that teachers objecting to a promotion or transfer of one of their colleagues can appeal against that promotion or transfer. Mr Evans referred to section 64A of the Teaching Service Act which sets out the process of review of principals, vice-principals and deputy principals and explained the particular problem he experienced at Wangaratta High School where the board overturned a decision taken by the local selection panel. If responsibility is to be delegated to local selection panels there should not be undue interference in the processes they adopt. Indeed, if all teachers were selected by local selection panels, there would be little need for the board. If the government really wants to reduce the size of the bureaucracy it could abolish the board.

Those points were not raised during the second-reading debate and I ask the Minister to consider them, but, like my colleagues, I support the Bill.

Motion agreed to.

Read second time.

Passed remaining stages.

LAND TAX (REVISION) BILL

Second reading

Debate adjourned from 14 November; motion of Hon. D. R. WHITE (Minister for Manufacturing and Industry Development).

Hon. R. M. HALLAM (Western) — The Bill implements a range of recommendations made by the Fordham inquiry into land tax in Victoria. It captures a diverse range of shifts in the land tax law of the State. Firstly, it replaces the five-step rate scale with a three-step rate scale; secondly, it removes the surcharge of 0.6 per cent; thirdly, it caps the 1992 equalisation factors at 1.45 per cent. In effect the 1992 land tax will be based on notional 1988 values capped at 45 per cent above 1986 valuations. Fourthly, it provides taxpayers with assessments of between $500 and $2500 the opportunity of paying by instalments. Fifthly, and importantly, it exempts retirement villages from land tax.

Sixthly, it tightens aggregation grouping of companies and anti-avoidance provisions. Seventhly, it progressively removes from 1992 to 1994 the additional 20 per cent tax on absentee owners. Eighthly, it makes commercial statutory authorities and public sector superannuation schemes subject to land tax. Ninthly, it increases the general exemptions to $179 999. Tenthly, by administrative action the land tax office will bring forward the assessment date so that, firstly, taxpayers with assessments up to $2500 will be billed in the March quarter from 1992, and, secondly, taxpayers with assessments above $2500 will receive their assessments approximately three months earlier.

The coalition does not oppose the Bill, particularly since the government has agreed to soften the provisions imposing special land tax on trusts and schemes of multiple ownership on the presumption that they were tax avoidance mechanisms. I shall come back to that. I commend the shadow Treasurer, Mr Stockdale in another place, for his persistence and advocacy on what was a difficult issue. I commend the Treasurer of the State for his willingness to listen to arguments put forward. As a result grave injustices have been minimised, if not averted, in respect of trusts and joint ownerships.

The coalition has little choice on whether to pass the Bill. Its position is something akin to falling between a rock and a hard place. In the first instance the Bill represents part of the 1991-92 Budget package, and indeed we have already passed the Budget in this sessional period. It was passed unopposed and effectively we have closed off our options.

Moreover, the Bill provides some relief to the hard-pressed Victorian taxpayers and although there are several additional reforms to land tax that we seek, unashamedly so, nonetheless it remains a fact that under the Bill the overall tax revenue will be reduced, and to that extent we have no choice in the matter. In other words, a decision to refuse the Bill will result in greater pain being visited upon the taxpayers of the State. Although we are not totally happy about the Bill, it does represent a step in the right direction and on those grounds it will not be opposed by the coalition.

The Bill implements a number of fundamental recommendations of the Fordham land tax review undertaken by the government and the honourable member for Footscray, Robert Fordham. We acknowledge the work done by that review, particularly by Mr Fordham. We have some specific reservations but we support the general thrust of the review. The report was released in August. It represented a valuable commentary and explanation on the land tax regime in this State. I suggest the report will be a useful resource document for policy makers and taxpayers alike, particularly given the fact that it goes to great lengths to explain a whole range of modelling exercises and incorporates comparisons with other States.

The most fundamental change advocated in the Fordham report is to direct the way in which land tax is used as a source of revenue. In the past few years the Treasury has struggled on in its attempt to include estimates of the cash impact of land tax in the Budget. I am not sure, and I do not want to be unkind, of how diligent the Treasury has been in that task because consistently the revenue from land tax has been underestimated and on each occasion Treasury has been able to claim the benefit of windfall gain. However, notwithstanding the fact that I believe the budgetary accuracy is questionable, the fact remains that the task each year has been to predict the revenue from any impact of shifts in property values and the collection of tax from the previous year.

The review suggests that the horse and cart should be reversed. It recommends that the government decision, first and foremost, should be directed towards the dimension of the revenue sought — in other words, what the dollar sign is on the revenue side of the Budget — and then it is a matter of striking a land tax rate to produce that revenue. That should not be a problem. It should be a fairly simple task. We must have the technology available to do that and I believe the system is already in place to produce a particular revenue outcome at a particular rate struck on each occasion.

That is precisely what local government does each year as part of its budgetary program. It sets the revenue target, in each case presumably after examining its expenditures, and it is only after that that local government strikes the rate at a percentage required to produce the desired yield.

The important thing is that local government does not go in first and strike the rate and then sit back and wait to see what sort of revenue it produces, but in fact does precisely what I and indeed the Fordham review have advocated in respect of land tax, it says that the revenue target should be struck before anything else is done about land tax. However the report goes one step further.

It recommends that the take from land tax in 1992 should be constrained within a margin of $350 million and $450 million. In other words, the Honourable Robert Fordham is suggesting that the 1992 land tax take should be less than the amount collected in 1991.

I am not sure whether the change advocated by the honourable member for Footscray in respect of the fundamental assumptions underpinning land tax is endorsed by the government; I am not sure whether the government is prepared to reverse the cart and the horse, thereby kissing goodbye the chance of a windfall gain. However, it can be said that the government certainly did not adopt the target advocated by the honourable member for Footscray.

Even though the second-reading speech suggests the government should expect a yield from land tax in 1992 of $400.6 million, the target incorporated within the Budget structure shows that the government expects to collect $442 million, a 6.4 per cent increase over the 1991 collection. It is clear the government could not bring itself to adopt the target advocated by the honourable member for Footscray. Indeed, the anticipated rate of growth in land tax flies in the face of the Fordham recommendations.

In addition, the variations in the tax targets advocated by the Honourable Robert Fordham and built into the Kirner government's Budget make it extremely difficult for members of the coalition to believe all the talk they hear from members of the government about restraint, equity and reform.

Honourable members were told that the scale in the Bill will yield less tax in 1992 than in 1991. That is simply untrue. If one considers the projections that underpin the Budget, the fact remains that the 1992 target is $40 million more than the target adopted twelve months earlier. Honourable members are also told — and are apparently meant to be consoled by it — that some 500 people who currently pay land tax will not have to pay it in 1992. Approximately 71 000 Victorians currently pay land tax.

There are terrible complications because the tax is imposed for a calendar year and yet the Budget effect is recorded for a financial year. It is hard to come to grips with the fact that the take for 1992 is less than that of 1991 when the Budget anticipates a 6.4 per cent increase over the target for the previous year. I resent the extent to which the government seeks to pull the wool over my eyes. I simply want to record that it is extremely hard for the coalition to get enthusiastic about the Bill when the figures have been manipulated to the extent they have been.

Another reservation I have, which is shared by members of the coalition, is that the honourable member for Footscray did not take the opportunity of recommending the incorporation in the land tax law an exemption in respect of the primary place of residence. That is an opportunity missed. To that extent the Honourable Robert Fordham turned his back on the example of all other mainland States of Australia.

It is a matter of record that the coalition firmly believes such an exemption on the primary place of residence is an absolute prerequisite to any reform of land tax in Victoria. It is certainly justified on the grounds of equity, and the coalition is extremely disappointed that the government has not bitten the bullet.

It is a matter of simple fact that if one leaves aside the eleven most adversely affected municipalities, on a single-holding basis, only 1.2 per cent of residences across Victoria attract land tax. The impact of the tax is dreadfully localised, arbitrary in its effect and totally inequitable. Land tax cannot be supported in its current application, and on that basis alone there is a compelling argument for applying a general exemption to the primary place of residence.

Against those general reservations I concede and acknowledge that the review contains many supportable recommendations. I shall confirm that the coalition certainly endorses the shift in the way land tax is levied in this State. The coalition is delighted to learn that the threshold on property values has been increased to $179 999, effectively $180 000. It supports the reform which sees the

scales flattened across the spectrum and it also supports the fact that the steps in the tax structure have been reduced from five to three. The coalition supports the previous surcharge applicable at the top step being abolished.

The review is certainly a step in the right direction, and the coalition welcomes the reduction in the regressive nature of the tax rate structure. That will provide relief in one instance where the system is absolutely impossible to justify. I refer to where a tenant is required to pay land tax way above the value of the rented property simply because the landlord holds other property and is thus forced into a higher land tax scale. I could never understand how that sort of incredibly inequitable system could be tolerated, and it is a matter of fact that because the Bill flattens the scale some relief will be provided from that penalty. Although the penalty visited upon tenants in those circumstances will still exist, its impact will be less savage.

That represents the major argument about aggregation of property and the unintended victims it consistently captures in a landlord-tenant circumstance. The flatter the scale, the less prospect there is of an unfair penalty under aggregation. We certainly support the reduction in the number of steps in the scale and the extent to which the scale has been flattened.

We also support the deletion of the surcharge, partly because of the circumstances I have outlined in respect of the owner-tenant circumstance and partly because it represents an onerous burden on a group already heavily taxed. That surcharge has taken land tax in Victoria to the rate of 3.6 per cent on each property of more than $3 million in value.

A review of land tax was undertaken by a member of the government, the honourable member for Footscray, Robert Fordham, a former Deputy Premier. He reached the conclusion that the surcharge could not be justified — it is as simple as that. The review and the legislation now mirroring the recommendations remove the surcharge and eliminate what was to all intents and purposes the sixth tier in the scale of taxation.

The Bill has another effect, namely the capping of the equalisation factor at 1.45 per cent for 1992. That implies the maximum increase over the values for metropolitan municipalities is held at a ceiling of 45 per cent; for central activities, the cap provided is 14.2 per cent in land values employed as at 1991.

The fact that we have an equalisation factor and that we saw the necessity for it in the first place reverts to the fundamental flaw in the land tax system that I have already described; that is, the government simply sets the scale, and sits and waits for the land value computations to establish the actual revenue outcome. That practice has produced violent fluctuations in the past. In the past few years massive increases have led to a need to impose an artificial ceiling — another title for an equalisation factor.

It is clear that if the budgetary process were turned around in the way I have described, and started at the correct end — in other words, at the outcome in revenue end — and worked back to the dollar rate required to produce that revenue there would be no need to tinker at the edges. There would be no need for an equalisation factor. There would be no need for an arbitrary ceiling and, to that extent, the equalisation factor has always been expedient. That particularly applies when business is faltering under the tax burden. We have seen that precise outcome during the past few years.

I emphasise the importance of the government establishing the dollar outcome at least to overcome the crisis situation currently confronting many small businesses, many of which have been hit by the savage escalation in the land tax hike year after year.

The world is tough enough out there in the business place without having to face the full penalty of some notional shift in the implied value of land. The fact that the next-door neighbour's property is said to be worth, say, 10 per cent more than it was last year returns not $1 more to the till; yet because of that implied shift in value next door each business is required to pay a greater penalty at tax time. I have never been able to understand how that is justified.

The Bill also brings forward the billing cycle. The Bill provides that taxpayers with assessments up to $2500 will be billed in the March quarter each year; those with bills of $2500 or more will receive accounts three months earlier with the intent that a similar arrangement will prevail in 1993 and 1994 so that effectively, at the end of the 1994 billing cycle, each Victorian taxpayer will be required to find the total of the land tax bill in the March quarter.

That fact has passed almost unnoticed. I have seen few comments about the manipulation of the billing cycle but, as someone who has struggled to meet a wages bill each week in my previous business experience, I must say this provision represents

another savage blow to Victorian business. It is another blow, and virtually says, "Here is a tax that may not be increased but each year you must find it and pay it that much earlier". Apart from anything else that will cause great confusion.

Already it is bad enough with the system imposed on business. After all we have a calendar year assessment for land tax and a financial year apportionment in the books of the taxpayer. That is very complicated but at least it is standardised to the extent that all tax assessments will fall due in the March quarter.

In addition, those whose assessments total between $500 and $2500 will be able to pay by instalments. That provision is welcomed by the coalition because it represents another opportunity for business to manage the tax bill and provide some relief. It will do little for an understanding of the complications of the system, as I outlined a short time ago.

We are yet to see the details about the opportunity of paying by instalments; that provision has not been spelt out. We do not know whether some form of premium or penalty will be applied. We reserve judgment. We confirm that, to the extent it provides relief in a really tough business world, the coalition must support that initiative.

We also support the exemptions provided for retirement villages. It overcomes one deep-seated and rather controversial anomaly that applied in the land tax regime in the past. The incidence of tax on retirement villages depended on the village ownership structure and on ownership of each unit in the village. Whether retirement villages were exempt from land tax depended purely on the ownership of individual units.

The law of the land now allows specific exemptions for all retirement villages, which is warmly supported by the coalition, particularly given the consequential effects that resulted when the land tax burden became absolutely awesome. In many cases land tax was imposed on residents who were unable to afford it and the rate at which it was imposed was often dramatically increased by the value of the total property. In other words, the tax penalty imposed on individual units within a retirement village depended on the extent of ownership, and may have been exacerbated by additional property held by the owner of the village. That highlights the iniquitous ramifications in some circumstances of the aggregation system.

We welcome the exemptions offered across the board to retirement villages. I suspect that at least some members on this side of the Chamber can take credit for the changes, which have been advocated for several years.

Hon. M. A. Birrell — I thought you were going to say we might take advantage of it.

Hon. R. M. HALLAM — We might do that, but let's take the credit, first.

The removal of the 20 per cent surcharge that previously applied to absentee owners is another recommendation of the Fordham review that is given effect to in the Bill and is also supported by the coalition.

In addition, the Bill extends the application of land tax to commercial statutory authorities and public sector superannuation schemes. In general terms the substantial shift in the State's taxation regime is supported by the coalition. Nevertheless we are concerned about the short-term effects, given that many of the authorities are grappling with the effects of the recession. One of the clear implications of the application of land tax to such authorities is that their costs will increase and that, in turn, the costs will be passed on to consumers.

In that sense the timing of the increase could be said to be unfortunate, to say the least. However the coalition takes the view that putting authorities on an equal footing — and although I hesitate to use the term, I suspect that is where the notion of a level playing field first evolved — is a rational approach. If public sector enterprises are to enter the domain of private competition, it makes good sense to ensure that they compete on equal terms. Because that is utterly consistent with coalition policy, we support the provision as it is outlined in the Bill.

In a similar vein the coalition has no complaint about the proposal to aggregate Crown leases with other land held by individual owners for the purpose of establishing tax liability, and we use the same argument that we have used in agreeing to the application of land tax to public sector authorities. The proposal is again consistent with the general policy directions a coalition government would take, so it is therefore unopposed.

We note the exemptions outlined in the Bill, which include land managed by Melbourne Water and land developed by the Urban Land Authority for

low-income earners, and to which we do not raise objection.

The most contentious issue raised by the Bill, which is highlighted by the recommendations contained in the Fordham review, is the extent to which joint ownerships and trusts are alleged to have been established to avoid or minimise the incidence of tax. We are told of the need to close gaping loopholes; and the second-reading speech, among other documents, explains that under the present ownership provisions each joint ownership is assessed separately and that no account is taken of a possibly large aggregate holding of an owner whose land is held in joint ownership with different parties, unless some of the land is held in sole ownership.

Apparently the real sin is that by exploiting such arrangements the landowner can reduce the average tax rate applied, or even avoid paying tax altogether.

The second-reading speech also states that discretionary trusts for a similar class of beneficiaries can also be used as a means of forming multiple tax entities, each holding separate parcels of land, and that again the outcome is a reduced tax liability or no liability at all.

To overcome that the Bill includes a provision to correct the arrangements applying to joint ownerships and trusts. We are told the provisions are similar to corresponding New South Wales legislation and that their purpose is to improve equity by treating taxpayers in similar positions in a similar manner — so I am sure we will all feel better about that — and to prevent trusts and joint ownerships from being exploited for reasons of tax avoidance. That, apparently, is the big sin!

The review quotes from a significant submission made on those matters and states:

> Owners of large land holdings are able, without too much difficulty, to order their affairs in such a manner as to avoid the imposition of the aggregation or grouping provisions of the Land Tax Act.

The review was also told that the avoidance has occurred by virtue of the use of multiple company or trust structures. The conclusion drawn is that the existing grouping provisions are inadequate and that anti-avoidance provisions are necessary.

Two specific recommendations in the *Land Tax Review Victoria* that are germane to this point are recommendations 9.3 and 9.4, which are contained on page 169 of the review report. Recommendation 9.3 states:

> That the government should tighten the grouping provisions of the Land Tax Act:
>
> to extend the grouping provisions to cover situations of effective control of relevant legal entities using the provisions of the NSW Land Tax Management Act as a model ...

So it appears we are about to pinch legislation from our colleague Mr Greiner. The recommendation continues that the tightening is necessary:

> to maintain the current joint ownership provisions but to add to these provisions to allow for joint ownerships to be grouped where one joint owner has an effective controlling interest and to also embrace the situation where a person jointly owns several land parcels with different other persons.

Recommendation 9.4 states:

> That the government should introduce additional provisions into the Land Tax Act to allow the special taxing of discretionary and special trusts.

The coalition has no argument with the Bill to the extent that it moves to strike down tax contrivances which have been designed simply to avoid tax that would otherwise be payable. That is a matter of commonsense. Nevertheless in those circumstances two maxims must be applied, the first of which is the long-recognised view that a taxpayer is able to arrange his or her affairs to minimise the incidence of tax within the precise framework of the law.

That has always been a tenet of law under which we live, and to the extent that taxing authorities have been outfoxed, my view is so be it; that is life, and it is not likely to change. I do not believe any legitimate complaint can be made about the extent to which an innovative taxpayer has been able to use the law. However, I do not believe a taxpayer can complain when that loophole is closed.

But that is not the debate in this context because we must ensure in every circumstance that we do not knock down the entire row just to get at one rotten apple. We should not knock over the genuine taxpayer whose only sin has been to arrange his or her affairs within the legal framework that we have provided and in circumstances where the framework happened to provide some tax benefit as a secondary effect.

We should not overreact, yet that is precisely what the government did the first time around. It killed a bull ant with a brick. As the Bill was originally designed, it implied that all schemes of joint ownership involving discretionary trusts were nothing more or less than tax avoidance mechanisms and should therefore be struck down to the extent that the exemption from tax would now be denied.

That is a ridiculous statement. It is an absolutely crazy situation. I might add as evidence of that assumption that the government even planned to provide relief from stamp duty to allow all those structures to be rearranged in the interim. Never mind about what other effects those structures had had — they were bad because they were deemed to be tax avoidance structures and therefore should be struck off the corporate map; and the government would have us believe that it was somehow being benevolent by providing a time factor and relief from stamp duty to allow for that reconstruction.

As the provisions of the Bill were originally designed, they caught the lot — lock, stock and barrel. Every joint ownership structure and every trust in Victoria was to be assumed to have been based on nefarious intent and therefore guilty by suspicion, and needed to be struck down by legislation, notwithstanding the fact that not one solitary example of hard evidence was provided by the government.

We were told that in the case of trusts the benefits of splitting holdings are to be denied by charging tax at a rate of at least 1.5 per cent and allowing no general exemption. We were also told that it was not expected that significant amounts of tax would be collected directly under these provisions — that that was not the intention, but that the intention was to provide for land currently held in trust to be held in different forms of ownership, where it would be taxable at normal rates.

We were also told, as was the case in New South Wales, that a moratorium would be thus provided to allow trusts to rearrange their affairs, and that stamp duty exemptions were proposed to facilitate that measure.

Not surprisingly the Bill in its original form caused absolute consternation right throughout the business world because it was very clear that it had unintended consequences. I give the government the benefit of the doubt, but it was clear that the government had knocked down the entire row just to get at one bad apple.

We are fortunate that good sense has prevailed and again I pay tribute to the shadow Treasurer in another place, Mr Alan Stockdale, for the case he mounted in these circumstances and the powers of persuasion that he was able to use in the situation.

I am quite genuine in extending my compliments to the authorities involved in the Treasury and in the Stamp Duties Office for their willingness to listen to the arguments and the evidence advanced.

Whatever else is said, the last thing we need in Victoria now is massive and unnecessary disruption in our corporate world, particularly disruption driven by the need to ensure that each trust or joint ownership is squeaky clean. That would be sheer madness.

As a community we need to be a bit smarter than that. It is not too much to ask of our authorities that they be a bit more effective in isolating the real culprit. If, in fact, the culprit exists, the responsibility lies with the authorities to isolate that culprit, particularly when the culprit's only sin may have been nothing more than to have used the legislation, which emanated from this Parliament, to his or her advantage.

When the effect of the Bill in respect of joint ownership and trust structures began to emerge it led to major concerns, and that certainly is an understatement. I refer to a number of well reasoned objections provided to the opposition as a result of the inquiries initiated by Alan Stockdale, the shadow Treasurer.

I mention in particular the detailed response that the coalition was provided with by the Law Institute of Victoria. It is an impressive, well researched and well reasoned document. I also mention a response from a little closer to home: from James Tait of Taits Solicitors and Consultants in Warrnambool. Mr Tait captures the argument more succinctly than any of the other respondents. He said the government was cracking a small nut with a large hammer and that it had succeeded in not simply cracking the nut but smashing the entire bench.

The upshot was that in response to those consultations and arguments, to his credit, the Commissioner of Land Tax, Mr Sebo was prepared to entertain a substantive amendment; and ultimately the Bill now contains such an amendment which addresses the issues I have outlined.

Proposed section 3(1)(f) states that the definition of a special trust does not include:

> a trust declared in writing by the Commissioner not to be a special trust —

In other words, to be free of the problems I have described —

> for the purposes of this Act because the trustee has satisfied the Commissioner that the purpose of altering or reducing the incidence of land tax on land is not, to a material extent, a reason for the acquisition of land by the trust.

In other words, the test is that if the commissioner is satisfied that the trust has been established for purposes other than the minimisation or avoidance of land tax, the trust will not be declared to be a special trust and therefore the penalty land tax would not be imposed.

The arguments were well documented in another place by my colleagues Mr Stockdale and Mr Clark. As I said, the role of Treasury officers in achieving a practical, reasonable and welcome outcome in trying circumstances is acknowledged.

The test for a special trust under which a particular trust is caught does not rest upon some inference in respect of avoidance; it is not left to some bureaucratic discretion, but is spelt out in the legislation. That has to be a dramatic step forward. It is a much better solution than that advocated earlier by the government. As I said, it is a reasonable outcome in the circumstances.

I say this also, and I do so in all sincerity: the amendment says a great deal for the system under which we operate. It actually commends not just those who were directly involved but the entire Parliamentary process. Obviously we have a system that allows for a compromise to be arrived at and any difficulties to be settled through negotiation. All honourable members should take heart from the outcome.

In conclusion, I indicate that the government expectation that land tax revenue in the 1992 year will actually increase is not disputed. It actually increases and appears as an increase in the Budget documents. It comes after a massive, frightening and gut-wrenching increase over the past two years. Nonetheless, the Land Tax (Revision) Bill has the effect of actually reducing the rate of increase in land tax. It is on that basis that the coalition must support the Bill. We do so, bearing in mind particularly the effects of what would have been a most savage impost of the special tax to be imposed upon joint ownership and trusts that has been softened or avoided altogether in some circumstances.

On behalf of the coalition, I report to the House that the Land Tax (Revision) Bill will not be opposed.

Motion agreed to.

Read second time.

Passed remaining stages.

CO-OPERATION (CREDIT CO-OPERATIVES) BILL

Second reading

Debate resumed from 13 November; motion of Hon. M. A. LYSTER (Minister for Health).

Hon. J. V. C. GUEST (Monash) — If it were earlier in the sessional period it would be incumbent upon the opposition to try to explain to the government what should be done about the supervision of credit cooperatives. At this point in the session, it is perhaps sufficient to say that the opposition does not oppose the legislation despite the fact that it is unnecessary. The Co-operation (Credit Co-operatives) Bill is unnecessary from the public point of view. On the face of it, the proposed legislation will provide for the supervision of credit cooperatives in a form that is consistent with the building societies and friendly societies legislation passed earlier. That gives only a superficial justification for the Bill.

The reality is that, having made a thorough mess of financial regulation in the State of Victoria, having exceeded despite his limited jurisdiction even the deregulatory follies of the Federal Treasurer, the Attorney-General, when his hands were on the controls five years ago, launched financial institutions in Victoria into an entrepreneurial frenzy with his blessing. Then he presided over — as has the government generally — the failure to regulate, the failure to supervise and the failure to fund the registrar who had the legal task of keeping an eye on non-bank financial institutions in Victoria, with the results that we have seen: the Pyramid group of building societies had to be taken over.

In the area of operation of credit cooperatives, there have been scares but no serious amounts of money

have been lost, so I ask: why are honourable members debating the proposed legislation? The answer is: the Attorney-General is, as ever, engaging in "busy" work. Of course, he can always make himself busier than he needs to be. Honourable members will have to deal with the usual raft of further government amendments. I suppose it could be said they will be evidence of the Attorney-General's constant attention to detail; in fact, they are evidence of his inattention to detail at critical points.

The Attorney-General knows very well that nation-wide uniform laws for the regulation of non-bank financial institutions are being considered and that is a desirable course. He knows also that he has not the confidence in his Ministerial sphere to provide for the detailed form of regulation needed for the non-bank financial institutions. That was made explicitly clear in the case of friendly societies and again in the case of credit cooperatives. If it has not been made explicitly clear, it is nonetheless clear. It is quite clear because what honourable members have here is just a foreshadowing of a possible form of supervision for credit cooperatives.

However, the opposition has consulted widely and on balance it seems that the legislation should both do no harm and provide something appropriate in the way of supervisory mechanisms for credit cooperatives.

I will not go into the detail of the course that has been taken; it is really too depressing to reflect on how a Bill is introduced by the Attorney-General with various matters left out of it that are then included by way of House amendments in the Assembly, followed by yet another set of inclusions by way of amendments presented in this House.

I direct the attention of the House to the need for further monitoring of the proposed legislation and ask it to remember that the Bill is by no means the last word.

Before I come to the submission of the Law Institute of Victoria, a matter on which I should like the Minister for Health to provide some answers, I refer the House to clause 5(1)(d) which provides:

> After section 84C(3)(i) insert —
>
> "(j) Subject to the approval of the Reserve Board and any modifications that the Reserve Board may require, the membership rules of the credit societies involved in the merger become the membership rules of the merged credit society;

What does that mean? Does it mean that where the membership rules of the two credit societies, three credit societies or whatever, are compatible the reserve board — not a body of legal draftsmen — has some implicit responsibility to redraft the membership rules? I do not know whether the Minister can provide an answer to the House. It is probably one of those matters that can be remedied in the long term under the supervisory nature that non-bank financial institutions operate, but would probably have been better for the Attorney-General to leave well enough alone, rather than to rush in as he did with the friendly societies legislation, and introduce a Bill that is full of problems.

The proposed legislation establishes a reserve board to supervise the industry and sets up an advisory body comprising people from the industry who know how the industry works to provide advice to the reserve board and the Minister. That would be appropriate if the reserve board was actually the independent body it was meant to be. I will not go through the Law Institute's submission at length because the Minister will have a copy similar to the one sent to relevant members of the opposition, but I ask for her comment, as the shadow Attorney-General asked for the Attorney-General's comment, on the Law Institute's expressed views.

I direct the Minister's attention in particular to what the Law Institute said about the independence of the reserve board:

> The Law Institute supports the principle expounded in the second-reading speech that the Credit Cooperatives Reserve Board be as independent as possible from government. However, as presently drafted, the Bill does not provide for the independence of the board. Under the provisions of the Bill as it now stands:
>
> the Minister appoints the seven board members ... of the Co-operation Act 1981;
>
> the board members' terms are at the Minister's discretion, not exceeding three years but with eligibility for reappointment ...;
>
> the Minister appoints the chairperson who has a casting vote at meetings ... At present the chairperson is elected by the members from among their number ...

The Law Institute suggests that appointment to the board should be for half that period in order to provide staggered terms thereafter.

The Law Institute of Victoria has raised the matter of the need for a reserve board. There is no suggestion that there is an overlapping membership between the boards supervising building societies, friendly societies and credit cooperatives. Presumably some sharing of administrative costs or some unstated formula should be instituted.

Will the Minister explain the government's view? The view of the institute about the direction which the uniform national legislation will eventually take appeals to the opposition. There should be a single reserve board. It is generally accepted that it should consist not of people who are intimately involved in the industry but of experts in financial matters.

The institute comments on the desirability of independence of the advisory committee. Will the government guarantee that the advisory committee will be independent?

The Law Institute has raised other matters. Because the Bill is acknowledged as interim legislation — demonstrating that the Attorney-General is trying to do something just in case some credit cooperatives get into trouble and somebody should visit political trouble on him — there is no need to consider the weighty matters raised by the institute, because the Attorney-General has had notice of them.

From her vast knowledge as Commissioner for Corporate Affairs, the shadow Attorney-General made a well-considered and soundly based contribution to the debate about the government's failure in regulating the financial industry.

In the course of the shadow Attorney-General's dealings with the Attorney-General both outside and in Parliament, the matters raised by various parties, particularly the institute, have been discussed. The government should provide answers if it wishes to be taken seriously — even half seriously — in its approach to the Bill.

The opposition has consulted widely and considered the amendments not only in the other place but also in this place. The opposition will not oppose the Bill.

Hon. R. J. LONG (Gippsland) — The Co-operation (Credit Co-operatives) Bill spends a lot of time setting up a new advisory board to monitor credit cooperatives. I strongly suspect that Bills are introduced by the Attorney-General to give the impression that he is doing something about credit cooperatives.

What is needed is some mechanism that triggers the alarm bells when a credit cooperative takes a wrong step. In November 1986 an administrator was appointed to the Latrobe Country Credit Cooperative based in Morwell, which is in my province. I could never obtain from the Attorney-General the reasons for that appointment. He said there were "deficiencies in the operation of the cooperative". These deficiencies were further defined as "breaches of legislation", "lack of internal control procedures" and "inadequate skills to conduct its commercial loan portfolio". That is as far as I got.

In 1987 an amending Bill was introduced which most people thought would prevent a repeat performance. Now we have a further amendment called in the second-reading notes "a major reform" and the promise of another Bill which is referred to in the second last paragraph of the second-reading notes:

> I should like to report to honourable members that the working group is making rapid progress preparing template legislation for building societies and credit cooperatives, which the Victorian government will consider applying in this State in due course.

I get the distinct impression that this is a cover-up for the Attorney-General in case anything happens.

The Latrobe Country Credit Cooperative is still under official administration. It is five years since the appointment of the administrator. That has cost the cooperative close to $500 000 up to 31 March this year. The members of the cooperative had to pay that money. In the year ended 31 March 1991 — and we should be thankful for small mercies because it was the second lowest administration cost — the cost was only $64 715 for the administrator.

We are told the administrator will not be removed until the credit cooperative has built up 5 per cent reserves, about $1 million, and has wiped out any deficit. I am not criticising administrators per se but the government should consider ways of lessening the cost to cooperatives because they will reach the stage where the administrators will never be removed.

With regard to the Latrobe Country Credit Cooperative, I have information available to me which suggests that the government contended that the reserve board obtain a legal opinion which argued that the cooperative had broken the lending rules, whereas prior legal opinion obtained by

members of the cooperative argued that was incorrect. To test the matter was beyond the credit resources of anybody so the government was allowed to have its way.

If that was not enough, in 1990 the Moe Credit Cooperative, which also is in my province, was placed under an administrator. This was caused by the cooperative advancing about four loans in excess of $10 million and it was argued — probably correctly — that there was insufficient security to support the loans. Fortunately in this case the matter was solved simply by the State Electricity Commission Credit Cooperative taking over the Moe Credit Cooperative and so the administrator was removed fairly quickly. To my knowledge no-one within the Morwell or Moe credit cooperative has been prosecuted.

My argument is that under section 18 of the Co-operation Act credit societies must comply with guidelines fixed by the reserve board. Nothing in the existing guidelines prevented the Latrobe or Moe credit cooperative from having an administrator appointed. I do not believe reconstituting or setting up an advisory board will do anything to remedy that situation. However, I make a couple of simple suggestions that should be prescribed in the guidelines.

The first is that no credit cooperative should be able to build luxurious offices, as they usually turn out to be, without the consent of the reserve board. Secondly, I suggest that, depending on its size, no credit society should be able, without the approval of the reserve board, to make a loan above a certain amount, which could easily be calculated. If those guidelines had been in place before these two credit cooperatives were forced to appoint administrators, the problem would have been avoided.

I take this opportunity of urging the government to give earnest and urgent consideration to reducing the cost of administrators. With administrators appointed at the rate of $120 or $150 an hour it is becoming almost impossible for credit cooperatives to get out of trouble.

The opposition does not oppose the Bill, but I do not believe this measure will help credit societies one bit.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 agreed to.

Clause 2

Hon. M. A. LYSTER (Minister for Health) — I shall respond briefly to the matters raised by Mr Guest. Mr Guest referred to the independence of the Credit Cooperatives Reserve Board; that matter was raised by the Law Institute of Victoria, which believes the term of appointment of board members and the chairman may undermine the independence of the board. They are administrative decisions that the government believes are appropriately vested in the Minister, who is ultimately responsible for administering the legislation. It is considered that these provisions are appropriate to ensure accountability of the board.

The Law Institute of Victoria suggests that reserve board members should have staggered terms of appointment. The government does not necessarily rule out that possibility, but it could be done administratively by setting the term of each appointment. The government does not believe it is necessary to include a provision in the proposed legislation.

Mr Guest asked for an explanation of clause 5, which refers to the powers given to the reserve board to approve membership rules of credit societies involved in a merger. The purpose of the clause is to empower the board to approve rules which may be required to determine, among other things, the appropriate membership bond for merged credit societies. It is possible that two credit societies may have as members two organisations that do not appear on the surface to have an affinity, but it is obvious from the circumstances of a merged society that it is appropriate for a body to determine that there is a new membership bond created by the merged credit society. The reserve board will approve those membership rules.

Clause agreed to.

Clause 3

Hon. M. A. LYSTER (Minister for Health) — All the House amendments relate to clause 3. I move:

1. Clause 3, page 4, line 30, omit "Minister" and insert "Treasurer".

2. Clause 3, page 5, lines 20 to 22, omit paragraph (e).

3. Clause 3, page 5, line 23 after "sub-section" insert "(15),".

4. Clause 3, page 5, line 25, omit "(16)" and insert "(15)".

5. Clause 3, page 5, lines 32 to 39, and page 6, lines 1 to 22, omit proposed sub-sections (17) to (22).

6. Clause 3, page 6, line 23, omit "(21)" and insert "(16)".

7. Clause 3, page 7, line 1, omit "(22) Sub-section (1)" and insert "(17) Sub-section (16)".

Hon. J. V. C. GUEST (Monash) — I agree that the Minister should deal with the amendments expeditiously, but she should put on the record the reasons for the amendments. The notes for amendment No. 1 indicate that the amendment was requested by the opposition so that the delegation provision in the Bill is consistent with the building societies legislation. I am glad the assiduous work of the shadow Attorney-General is acknowledged, but other matters should be put on the record by way of explanation.

After all the Interpretation of Legislation Act allows reference to debates to ensure that legislation is understood, and therefore an appropriate explanation should be given.

Hon. M. A. LYSTER (Minister for Health) — I am happy to do that. Amendment No. 1 was requested by the opposition. It requires that an administration fund or reserve fund may be delegated only to a person who has been approved by the Treasurer. Amendment No. 2 is consequential upon amendment No. 8, as is amendment No. 6. Amendment No. 3 has the effect of deleting existing subsection 22(15) of the Co-operation Act. This subsection contains the existing provisions for annual reporting which are to be replaced by proposed section 22B. Amendment No. 4 is consequential upon the insertion of the new annual report provisions. It corrects the numerical order of sections in the Co-operation Act.

Amendment No. 5 deletes the existing provisions providing for the audit of the annual report and financial statements of the Reserve Board. This is a result of the insertion of new provisions dealing with the audit of the Reserve Board annual report and financial statement. I have already dealt with amendment No. 6. Amendment No. 7 is complementary to amendment No. 6. Amendment No. 8 inserts new provisions that exist in proposed sections 22A, 22B and 22C. Proposed section 22A requires that the Reserve Board must keep proper accounts and records of its affairs. Proposed section 22B requires the Reserve Board to submit an annual return to be tabled in Parliament and proposed section 22C provides that the financial statements of the Reserve Board be audited by the Auditor-General. On the recommendation of the Auditor-General it was felt that a more comprehensive audit provision would be appropriate. These provisions are entirely consistent with the audit provisions in the building societies and friendly societies legislation. Indeed the general accounts and the annual report provisions mirror those in the building societies and friendly societies legislation.

Hon. R. J. LONG (Gippsland) — We have seen these amendments for the first time and I am intrigued by amendment No. 8 which provides proposed section 22B for annual reporting.

The CHAIRMAN (Hon. K. I. M. Wright) — Order! Mr Long, we are not dealing with that amendment.

Hon. R. J. LONG — The Minister has explained all the amendments, or she has endeavoured to do so.

The CHAIRMAN — Order! We shall deal with amendments Nos 1 to 7.

Amendments agreed to.

Hon. M. A. LYSTER (Minister for Health) — I move:

8. Clause 3, page 7, after line 9 insert —

"(2) After section 22 of the **Co-operation Act 1981** insert —

"22A. Accounts and records

(1) The Reserve Board must ensure that there are kept proper accounts and records of the transactions and affairs of the Reserve Board and such other records as sufficiently explain the financial position of the Reserve Board.

(2) The Reserve Board must do all things necessary to do each of the following:

(a) Ensure that all money payable to the Reserve Board is properly collected;

(b) Ensure that all money expended by the Reserve Board is properly expended and properly authorised;

(c) Ensure that adequate control is maintained over assets secured by, or in the custody of, the Reserve Board;

(d) Ensure that all liabilities incurred by the Reserve Board are properly authorised;

(e) Ensure efficiency and economy of operations and avoidance of waste and extravagance;

(f) Develop and maintain an adequate budgeting and accounting system;

(g) Develop and maintain an adequate internal audit system.

22B. Annual Report

(1) The Reserve Board must, in respect of each financial year ending on 30 June, prepare an annual report containing —

(a) a report of its operations during the financial year; and

(b) financial statements for the financial year —

and submit the report to the Minister not later than the following 30 September.

(2) The report of operations referred to in sub-section (1)(a) —

(a) must be prepared in a form and contain information determined by the Reserve Board to be appropriate; and

(b) must contain any further information required by the Minister.

(3) The financial statements referred to in sub-section (1)(b) —

(a) must contain information determined by the Treasurer to be appropriate; and

(b) must be prepared in a manner and form approved by the Treasurer; and

(c) must present fairly the results of the financial transactions of the Reserve Board during the financial year to which they relate and the financial position as at the end of that year; and

(d) must be signed by the principal accounting officer (by whatever name called) of the Reserve Board and by the Chairperson and another member of the Reserve Board who must —

(i) state whether, in their opinion, the financial statements present fairly the results of the financial transactions of the Reserve Board during the financial year to which they relate and whether they sufficiently explain the financial position of the Reserve Board as at the end of the year; and

(ii) state whether, at the date of signing the financial statements, they were aware of any circumstances that render any particulars included in the statements misleading or inaccurate and, if so, particulars of the circumstances; and

(e) must be audited as required by section 22C.

(4) The Minister must cause each annual report submitted to the Minister under this section to be laid before the Legislative Council and the Legislative Assembly before the expiration of the seventh sitting day of the Legislative Council or the Legislative Assembly, as the case may be, after the annual report has been received by the Minister.

(5) If the Reserve Board fails to submit an annual report to the Minister —

(a) if an extension has not been granted under sub-section (7) — by 30 September in any year; or

(b) if such an extension has been granted — by the date to which the extension was granted —

the Minister must report or cause to be reported that failure and the reasons for the failure to each House of the Parliament.

(6) The Reserve Board may apply in writing to the Minister for an extension of the day by which an annual report is to be submitted to the Minister.

(7) The Minister may in writing grant to the Reserve Board an extension to such date as the Minister determines.

(8) The Minister must advise or cause to be advised each House of the Parliament of each extension granted under this section and the reasons for the extension.

(9) This section does not apply to the Reserve Board if, as a result of an order made

under the **Annual Reporting Act 1983**, the Reserve Board is required to submit an annual report under that Act.

22C. Audit

(1) The financial statements referred to in section 22B must be audited by the Auditor-General.

(2) The Auditor-General has in respect of the audit of the financial statements all the powers conferred on the Auditor-General by any law relating to the audit of the public accounts.

(3) Without limiting the generality of sub-section (2), the Auditor-General and the officers of the Auditor-General —

(a) have right of access at all times to the books of the Reserve Board; and

(b) may require from an officer, employee or member of the Reserve Board any information, assistance and explanations necessary for the performance of the duties of the Auditor-General in relation to the audit.

(4) The Reserve Board must pay to the Consolidated Fund an amount to be determined by the Auditor-General to defray the costs and expenses of any audit by the Auditor-General under this section.".".

Hon. R. J. LONG (Gippsland) — Amendment No. 8 deals with the annual report. There appears to be a tremendous interest in the Reserve Board. It is a government board with government appointees. I should have thought that was the least of the government's trouble. The main problem will be with credit cooperatives. After all that is the purpose of the exercise. Proposed section 22B(5) provides that if the Reserve Board fails to submit an annual report to the Minister by 30 September or by the date to which an extension has been granted, the Minister must report or cause to be reported that failure and the reasons for it to each of the Houses of Parliament.

I suppose the reason for the failure is that it has not been lodged; I cannot think of any other reason. I want to know what this House is expected to do if the return is not lodged. Are honourable members expected to do cartwheels down Bourke Street? What are they expected to do to remedy the sin of the Credit Co-operatives Reserve Board?

Hon. M. A. LYSTER (Minister for Health) — As I said, the provisions mirror those already accepted by Parliament in legislation dealing with building societies and friendly societies. It is a common requirement initiated by this government requiring accountability to Parliament and through Parliament to the general community for the way a range of agencies undertake their activities. Those activities may otherwise be shielded from public scrutiny and the requirement provides some monitoring of the activities.

I am always keen to ensure that members of Parliament have access to a wide range of annual reports from local hospitals, community health centres and any other agencies that come within my Ministerial province. I am pleased the Attorney-General has ensured that this sort of accountability is available in respect of the Credit Co-operatives Reserve Board.

Hon. R. J. LONG (Gippsland) — I thought the Committee was dealing with credit cooperatives. It is obvious the government is setting up a monster called the Credit Co-operatives Reserve Board and is trying to make sure it reports to Parliament. The Committee has lost sight of credit cooperatives.

Amendment agreed to; amended clause agreed to; clauses 4 to 7 agreed to.

Reported to House with amendments.

Passed remaining stages.

NATIVE VEGETATION PROTECTION BILL (No. 2)

Committee

Resumed from 19 November; further discussion of clause 1.

Hon. B. A. CHAMBERLAIN (Western) — I move:

1. Clause 1, omit this clause.

My amendment No. 14 proposes the insertion of new clause A to substitute the purpose provision of the Act, and states:

> The purpose of this Act is to protect native vegetation by setting up a mechanism to establish procedures and local guidelines to protect and control the clearing of native vegetation.

The House will recall that the opposition has constantly specified the need to have conditions relating to the protection of native vegetation reflecting local needs and local conditions and, therefore, be more relevant. Proposed new clause A is a more appropriate form of purpose than that contained in the Bill in clause 1, which is:

> The purpose of this Act is to protect native vegetation by using the planning system.

We will vote against clause 1.

Hon. B. T. PULLEN (Minister for Education and Training) — The government opposes this amendment to remove clause 1. I treat the amendment as a test of the Bill rather than applying a test for each of the amendments.

In the second-reading debate Mr Chamberlain said he intended to propose a series of amendments and that they were remarkably like a Bill introduced to the House by Mr Evans, the preparation of which involved the work of a number of honourable members including Mr de Fegely and me.

It is clear that the intention of the opposition is to eliminate the government's Bill and replace it with the private member's Bill. Far from protecting native vegetation the amendments would enshrine clearing as a right in most of the State. The amended Bill would permit clearing as of right to construct, use or maintain a farm; during timber production; for roadworks; and for installing utility services such as State Electricity Commission lines in addition to the nineteen classes of exemptions already in the government Bill. These exemptions are so all-encompassing that there would be no effective control over clearing.

Further, the amended Bill would establish a dual planning system with regional clearing guidelines to be prepared by land protection regional advisory committees. The guidelines, written by voluntary advisory committees, would override any provisions in the State section of a planning scheme.

The broad exemptions, coupled with the limited grounds of objection by the Department of Conservation and Environment and municipal councils, and the lack of third-party rights mean that the amended Bill would have no effective control mechanism at all.

If adopted, the amendments would completely negate the intention of the government's Bill by encouraging rather than constraining the broadscale clearing that the independent panel rejected and which has done so much damage to the State. That is clearly the intention of the opposition. The government rejects that plan.

While going through this process the opposition fully realises we have a mechanism in place — S16 — establishing controls anyway. They did not exercise their numbers in this House to remove that plan. This is basically a facade because we will be left with the necessary protection in Victoria anyway.

The opposition is deceiving the people of Victoria because it is conducting an exercise in this place whereby it pretends it will effect changes to gut the government's Bill.

That was deliberate, not careless, because as has often happened of late, the coalition acted in an ad hoc way to remove amendments from planning schemes.

By omission the coalition has admitted that the planning controls are necessary, because it was not prepared to take the action available to it. The coalition knew that if it did so the people who support the retention of native vegetation would have seen the coalition for what it is.

By moving these amendments the coalition is going through a charade to gain the support of a particular section of its constituency. The charade is designed to give the impression that the coalition is anxious to remove the powers that will be conferred under the Bill. But the coalition knows that all of the necessary powers are contained in regulations, which is why it took no action when it had the opportunity.

The people of Victoria will see through the transparency and deviousness of the coalition. Political parties that try to appeal to sections of the electorate with opposing interests will always be caught out. By remaining silent on S16 the coalition tried to pretend that it was in favour of the protection of native vegetation; and this charade is a hairy-chested attempt to impress another section of its constituency by claiming that it will gut the legislation.

The government's position is clear: we will not accept any of the amendments. Although protection is conferred by S16, we believe it would be better if the powers were contained in legislation, which is why we have introduced the Bill.

The coalition has been exposed for the devious opposition that it is. It attempted to hoodwink the people of Victoria by not acting when it had the opportunity; and now it is pretending to act when the opportunity has passed.

Hon. D. M. EVANS (North Eastern) — It is clear from the Minister's comments that he has neither read the amendments proposed by Mr Chamberlain nor listened to the debate in the Chamber last night.

The amendments are designed not only to put in place a simple scheme containing a series of guidelines that are regionally based and regionally sensitive but also to put a safety net underneath the guidelines to ensure that if genuine problems arise the department and the municipalities will have an opportunity of addressing them and taking action under existing Acts, one of which, the Flora and Fauna Guarantee Act, was introduced by the government.

There are two clear sets of proposals contained in the amendments. As to the references to S16, the Minister will be aware that regulations S5 and S15 were disallowed by the Chamber because of the obnoxious provisions contained in the relevant ordinances. The coalition could also have rejected S16, while understanding that the government could have immediately reinstated the same or a similar regulation.

We have reached a ridiculous situation, so instead of going through a charade and running the risk of the government having no controls in place, the clear intent of the proposed amendments is to guarantee that some controls and disciplines remain in place until the amended Act is proclaimed.

If the Minister takes the opportunity of studying the amendments, a little later this evening it may become plain to him that until the amendments take effect adequate provisions will remain in place. That is a clean way of ensuring that our intentions are carried out.

The Minister should read and try to understand the amendments. He should also try to grasp the fact that the amendments are strongly supported by one of the groups directly affected, the farmers of Victoria, on whose cooperation the protection of native vegetation on private land utterly depends.

Hon. B. A. CHAMBERLAIN (Western) — The Minister has absolutely no basis for claiming that the coalition is encouraging the broad-scale clearing of native vegetation. Every statement made by spokespersons on this side of the House has been to the contrary!

The question is whether there is any aspect of our proposals on which the Minister can hang his hat. The Minister should read the objectives and the basis on which a land protection regional advisory committee shall form its recommendations. It would be under the control of the Minister, who would obviously establish some moral guidelines to assess that process.

If he examines the exemptions, which are fairly similar to those proposed by the government, he will find there is no basis on which he could honestly say that we are in favour of broad-scale clearing. It is anathema to any belief that Mr Birrell or any other spokesman for this party has. We know the protection is in place. We know we have a Statewide planning amendment and that if we knocked it out again, the government would , as it has done twice before, introduce it in another and perhaps worse form the next day.

When the opposition voted against planning amendment S5, when we formulated our approach to the issue we said that we were giving a clear indication of the type of legislation that the community could expect from a coalition government.

We do not control the other House and we know that. We know that if we push these provisions through, the government could bury them because they would not pass in the other House. We realise this, but we have argued from the beginning that the Statewide planning amendment was deficient because it was a non-Parliamentary process.

We can argue the issues and come to a conclusion, which I should have thought was the up-front and honest way of dealing with the issues. We have our disagreements but we are on the public record as saying that we do not want a position of no controls, and we are certainly more comfortable with planning amendment S16 than we were with amendment S5 because the government has taken the hint about some of the major problems with S5, which have now been expunged as a result of pressure from the opposition.

The opposition is content, for the relatively short period before the change of government, to say to the public, "We are interested in these issues; we will keep talking to the interested groups" — and

many groups in the community are interested — "and listen to their advice. Here is a model you can expect from us, perhaps with variations subject to discussion". But to suggest that the opposition is in any way in favour of encouraging broad-scale clearing is absolute nonsense, and the Minister knows it.

Committee divided on amendment:

Ayes, 18

Coxsedge, Mrs	McLean, Mrs
Crawford, Mr	Mackenzie, Mr
Davidson, Mr *(Teller)*	Mier, Mr
Henshaw, Mr	Pullen, Mr
Hogg, Mrs	Sgro, Mr
Ives, Mr	Theophanous, Mr
Kennedy, Mr	Van Buren, Mr
Kokocinski, Ms *(Teller)*	Walker, Mr
Lyster, Mrs	White, Mr

Noes, 22

Ashman, Mr	Hall, Mr *(Teller)*
Baxter, Mr	Hallam, Mr
Best, Mr	Knowles, Mr
Birrell, Mr	Lawson, Mr
Chamberlain, Mr	Long, Mr
Connard, Mr *(Teller)*	Miles, Mr
Cox, Mr	Skeggs, Mr
Craige, Mr	Smith, Mr
de Fegely, Mr	Storey, Mr
Evans, Mr	Tehan, Mrs
Guest, Mr	Varty, Mrs

Pair

Landeryou, Mr	Macey, Mr

Amendment agreed to.

Clause negatived.

Clause 2

Hon. B. A. CHAMBERLAIN (Western) — I move:

2. Clause 2, omit this clause.

The effect of the amendment is to omit clause 2, which provides for the operative commencement date of the Bill. The proposal contained in proposed new clause B has two sets of dates. Part 3 will come into operation six months after the day on which the Act receives the Royal assent and the rest of the Act will come into operation on the day the Act receives the Royal assent.

The amendment will provide for the matter raised by Mr Evans so that there will not be a gap in controls. If there is a six-month period after most provisions of the Act are proclaimed the guidelines will be appropriate for each area. Accordingly, the opposition will vote in favour of the omission.

Amendment agreed to.

Clause negatived.

Clause 3

Hon. B. A. CHAMBERLAIN (Western) — I move:

3. Clause 3, after line 9 insert —

"**"broad acre farming"** means grazing, cropping, intensive agriculture or intensive horticulture;'.

4. Clause 3, page 2, lines 4 and 5, omit all words and expressions on these lines and insert —

"**"Director-General"** means the body corporate established under Division 1 of Part 2 of the **Conservation, Forests and Lands Act 1987**;'.

5. Clause 3, page 2, after line 17, insert —

"**"guidelines"** for a region means the guidelines for that region prepared and lodged by the Land Protection Regional Advisory Committee under Part 2;

"**landholder"** means —

(a) for land under the **Transfer of Land Act 1958**, the registered proprietor of an estate in fee simple or the lessee; and

(b) for land that is not under the operation of that Act and is not Crown land —

(i) if the land is mortgaged, the holder of the equity of redemption or the lessee; and

(ii) in any other case, the owner of the fee or the lessee; and

(c) for Crown land, the lessee."'

6, Clause 3, page 2, after line 20, insert —

"**"Land Protection Regional Advisory Committee"** for a region means the committee established for that region under section 5C of the **Vermin and Noxious Weeds Act 1958**;'.

7. Clause 3, page 2, after line 22, insert —

"**"notice of intention to clear"** means a notice given under Division 1 of Part 3;'.

8. Clause 3, page 2, lines 23 and 24, omit all words and expressions on these lines and insert —

"**"region"** means a land protection region under the **Vermin and Noxious Weeds Act 1958.**'.

The amendments will delete some of the definitions in clause 3 and add some others. The ones that will be deleted are references to "groundwater recharge" because the proposed amendments will make them unnecessary. Similarly, there is no need for a definition of "waterway". There is a need for definitions of "Director-General" of the Department of Conservation and Environment and "guidelines" covering the land protection regional advisory committees, which will require resources and input from the Minister to assist the process. The definition of "landholder" is required to cover freehold land and other land as well as land that is leased. The definition of "Land Protection Regional Advisory Committee" is picked up from the Vermin and Noxious Weeds Act. The definition of "notice of intention to clear" is the basis on which the Act works. A "region" is defined because the land protection regions are defined in the Vermin and Noxious Weeds Act.

Hon. R. A. MACKENZIE (Geelong) — I oppose some of the amendments proposed by Mr Chamberlain, particularly amendment No. 5, which provides definitions. I am very much opposed to the definition for "guidelines" and believe it is the most serious flaw in the proposed legislation. In fact the Committee is debating Mr Evans's private member's Bill because the amendments will alter this Bill to the one Mr Evans introduced.

Hon. B. A. Chamberlain — I made that very clear at the beginning of my contribution.

Hon. R. A. MACKENZIE — I understand that. I believe the land protection regional advisory committees may not have the legal and practical ability to carry out the functions designated under the proposed legislation. The committees are not set up to do the job. In almost all cases they do not have the sufficient expertise in a range of areas to carry out what Mr Chamberlain and Mr Evans are expecting them to do under the Act. To some degree they are inappropriate.

An advisory council was set up in South Australia to cover the whole State with regard to the clearing of native vegetation on private land. That alternative should be examined. That advisory council consists of farming groups and other expertise to enable it to introduce proper guidelines.

It is asking a great deal of the Land Protection Council to expect it to take responsibility for introducing guidelines in those areas. I remind Mr Chamberlain and Mr Evans that while they may think there is some protection under the scheme at present, one might wonder where the 80 000 tonnes of roundwood logs came from that were shipped from the Geelong wharf. They were felled on private land in the Otways and the Dandenongs. My information from councils is that not enough planning permits were given for that quantity of logs to be cleared. Silviculture thinning has just been developed over the past three years and only began as a practice in Victoria late this year. If silviculture thinnings are to be used in the clearing of native vegetation a trained forester must be on hand.

How will the Land Protection Council give advice on guidelines when somebody wishes to carry out silviculture thinning? The council is set up under the Vermin and Noxious Weeds Act, which in my opinion is the incorrect Act. I have serious misgivings about the clauses in the Bill dealing with the role of the council.

I have some sympathy with what the opposition is saying about more local input. That warrants the setting up of a special group in the fifteen regions of the State. Maybe a special native vegetation clearing committee should be set up in those regions which has representatives from the Victorian Farmers Federation and the Department of Conservation and Environment, a forester and somebody who has an understanding of landscape values.

I have some doubt about the legality of placing the responsibility on the Land Protection Council. I do not believe it has the ability to carry out those functions properly.

Consideration should be given to what I am suggesting. I oppose the amendment.

Hon. D. M. EVANS (North Eastern) — I thank Mr Mackenzie for his thoughtful consideration, and his suggestion deserves a thoughtful answer. I am not sure why he is challenging the legality of legislation that has been passed — that is a thin reed — but it is worth considering the people who might be on the land protection regional advisory committees. The qualifications required are that they be appointed by the Governor in Council and must include a person who has practical farm experience and a knowledge of soil conservation. One of the key issues is that eight rural land-holders are appointed by the Governor in Council and each of them must

be an elected member of a land protection regional advisory committee.

That will provide not only a spread of interest; no doubt landholders elected to the regional advisory committees will represent various farming and landholder interests and will bring local views to those committees. So, there is a good opportunity to obtain a representative view from the local community.

In addition, the committees will include up to four persons, each of whom, in the opinion of the Minister, is representative of one or more of the farming, trade union, conservation and any other relevant interests. So, the committee we propose to use in this case — —

Hon. B. A. Chamberlain — I think you are reading the provisions in relation to the Land Protection Council.

Hon. D. M. EVANS — I am reading the provision relating to land protection regional advisory committees.

The CHAIRMAN — Order! Mr Mackenzie referred to amendment No. 5.

Hon. D. M. EVANS — That is correct, and in dealing with that he said that the land protection regional advisory committees are not the suitable bodies to draw up the guidelines. I am pointing out that those committees are suitable. Am I mistaken?

The CHAIRMAN — Order! Please proceed.

Hon. D. M. EVANS — It is a representative committee. It was for that reason that the coalition committee chose this very representative group to carry out that task. I have been referring to section 5C of the Vermin and Noxious Weeds Act 1958.

Hon. B. A. CHAMBERLAIN (Western) — I welcome the spirit in which Mr Mackenzie put forward his suggestion about an alternative to the land protection regional advisory committee. As I said before, it is fairly obvious that the proposal we are discussing tonight will not pass through the Legislative Assembly: it is something we can consider between now and when the coalition is in government.

If Mr Mackenzie wishes to discuss that issue we would be happy to talk with him about it. I am not yet convinced that that is the way to go but it is a reasonable option. In the initial period the work of the committees will be setting up the guidelines and after that their work will be basically finished.

Because the work of the committees will be uneven the opposition envisages there will obviously need to be input from the Minister administering the Act and the provision of some resources, model guidelines and officers sent into the field to work with the local committees. As Mr Evans has said, the committees are broadly based.

The proposal Mr Mackenzie has put forward is worth examining, and I undertake that the coalition will pursue that matter in the months ahead.

Hon. R. A. MACKENZIE (Geelong) — I thank honourable members opposite for their responses and for accepting that my idea has some merit. What the opposition proposes is a step backwards: it would be better for the opposition to allow the Bill to pass — it is a definite improvement on the planning scheme system that exists at present — and inform the public about how it intends to alter the situation if it wins government. That would be more sensible and in the meantime would provide more protection for native plants.

The opposition bases all its arguments on the assumption that it will win office. I can understand that approach. I am saying that it would be better for the protection of native vegetation for the opposition to allow the proposed legislation to go through Parliament without amendment but to foreshadow the changes it will make and the subjects we will be debating when and if it becomes the government.

That is my view, and I know the opposition will not necessarily change its mind about the issue or be persuaded to adopt my view. I think the opposition is going about it in the wrong way. I cannot support the opposition's amendments.

Hon. D. M. EVANS (North Eastern) — I must admit that in referring to the Vermin and Noxious Weeds Act I read from the wrong page. I should have said that persons appointed to the committees will include rural landholders elected in the manner determined by the council and up to four persons who represent community interest groups, government bodies and public authorities and who have a direct interest in land protection issues. It is a broadly representative group. I read from the wrong section of the Act and I wish to make it clear that I made that mistake this evening.

Amendments agreed to; amended clause agreed to.

Clause 4

Hon. B. A. CHAMBERLAIN (Western) — I move:

9. Clause 4, omit this clause.

The opposition intends to substitute for clause 4 the objectives in proposed new clause C. Clause 4 of the Bill sets out the government's objectives. The opposition has considered those objectives and agrees with some of them but it believes the clause it is proposing is more appropriate in the scheme of things as I outlined to the House yesterday and today. Accordingly, the opposition will be voting against clause 4 and will seek later to substitute another set of objectives.

Hon. R. A. MACKENZIE (Geelong) — The basic objective proposed by Mr Chamberlain's amendment is to protect and conserve native vegetation. I think that is unlikely to be achieved through an as-of-right system. The wording, "not widely and significantly represented in Victoria" is ambiguous; it could be taken as meaning that protection should be afforded only to vegetation types that are not widely and significantly represented in Victoria. If that is the case the objective is severely limited.

We are trying to provide measures that will protect native vegetation in Victoria regardless of the value of the bush, however unexceptional. We are not looking just at endangered species but also native vegetation simply because it is native vegetation which belongs to an area, provides food and shelter for native species, and a whole range of other things.

The opposition is limiting itself in the way it has worded the objective, which is not sufficiently broad and which will not achieve the principles or spirit of the Bill as drafted or what the opposition has outlined in its arguments in the second-reading speech. That is the way I read it.

The objectives do not stress native conservation values as the primary motive for protecting native vegetation, but that should be one of the objectives.

Hon. D. E. HENSHAW (Geelong) — Mr Mackenzie is putting arguments relating to proposed clause C in Mr Chamberlain's amendment No. 15 rather than to clause 4. I propose to put similar arguments when the Committee discusses that amendment.

The CHAIRMAN — Order! Mr Chamberlain has foreshadowed the amendment inserting the proposed clause, so if members wish to debate it now they may do so.

Hon. D. E. HENSHAW — I agree with Mr Mackenzie that the proposed new clause will narrow the provisions of clause 4. Proposed clause C has as its objective:

> to protect and conserve native vegetation, on leased Crown land and on private land, that is not widely and significantly represented in Victoria.

The few subparagraphs set out refer generally to arresting the decline of native vegetation, controlling the spread of salinity and soil erosion, replacing lost native vegetation and facilitating the implementation of landscape agreements. Clause 4 is wider in scope than that. Paragraph (a) states than one objective is:

> to reverse the decline of native vegetation in Victoria.

Paragraph (b) states that another objective is:

> to protect and conserve native vegetation so as, in particular —

it then refers to matters not covered in the proposed new clause —

> (i) to protect the habitat of flora and fauna.

That is a general statement that is not covered by the definition set out in the Flora and Fauna Guarantee Act. Subparagraph (ii) states:

> to help to protect ecological processes.

Again, that is an important issue that should be included in the new clause. Subparagraph (iii) states:

> to help to maintain the genetic diversity of flora and fauna ...

Again, that is not covered in the provisions of the Flora and Fauna Guarantee Act and is certainly not covered in the provisions of proposed new clause C. Subparagraph (iv) refers to lessening contributions to and adverse impact of the greenhouse effect. That is an important environmental aspect, but it is not included in the proposed new clause.

The opposition's proposal refers to native vegetation that is not "widely and significantly represented in Victoria". If a landowner, his neighbour and a friend

up the road have some stringy-bark scrub, it may be said that scrub is widely distributed throughout Victoria, but those pieces of scrub may be different or serve different ecological processes. It may be important to conserve that scrub even though some people may say it is of no value.

Proposed new clause C contained in Mr Chamberlain's amendment No. 15 is restrictive and typifies the approach adopted by the opposition. It is only interested in preserving native vegetation for narrowly constrained purposes such as to implement the provisions of the Flora and Fauna Guarantee Act, soil conservation and so on, but it does not take into account the general value to the wider community of native vegetation, the retention of environmental shelter belts or the greenhouse effect. This is one of the reasons why the government sees the whole proposition put by the opposition as no more than a charade.

Hon. D. M. EVANS (North Eastern) — As we are moving away a little from dealing strictly with the amendment before the Committee to discuss the other proposals, I point out that the opposition has a replacement for clause 4 that is worth noting. Amendment No. 16 sets local guidelines that need to be taken into account. They are included on page 4 of the circulated amendments and relate to the extension and character of native vegetation in the area and the effect of clearing on native vegetation in the region. Those two issues should be taken into account when setting local guidelines.

To consider only the four objectives in the amendment to which Mr Henshaw and Mr Mackenzie have referred represents a failure to appreciate that significant additional protection exists beyond that proposed in this series of amendments. It is also clear that Mr Mackenzie and Mr Henshaw have totally underestimated the Flora and Fauna Guarantee Act and the soil conservation Act, which provide extra protection for the community, and the community must bear some of the burden for the protection of native vegetation on private land.

According to the government's figures a considerable amount — about 35 per cent — of native vegetation is on public land, and about 5 per cent is on private land. The two must be seen together and in fact there is significant additional protection in the opposition's proposal beyond that which Mr Mackenzie and Mr Henshaw have recognised at this stage. The Bill is much more clever than they are prepared to credit it.

Hon. R. A. MACKENZIE (Geelong) — I believe Mr Evans is supporting what I am saying because the objectives laid out do cover those matters but the Bill is not quite as clever as it may appear to Mr Evans. If it were a clever Bill it would have covered the other areas that require protection. I suggest that it does not. The objectives need to be tidied up.

I disagreed with one point made by Mr Evans. He seems to have the idea that there is a safety net in the Flora and Fauna Guarantee Act, but that is not so. That Act is a world leader; it is a significant Act, but it is limited to dealing with threatened species in the community. We are not arguing about what is wrong with the objectives but we are looking at a whole range of flora and if Mr Evans believes the amendments will protect species other than threatened species, he is wrong. It is not the clever Bill that Mr Evans believes and he ought to get these objectives right.

Hon. D. E. HENSHAW (Geelong) — I want to pick up Mr Evans on an important point he made in his remarks. He suggested that a lot of bushland was in public ownership — I believe he suggested 35 per cent is on public land and 5 per cent is on private land. There is no reason for comfort when considering native vegetation on land in public and private ownership. It is extremely important to concentrate on the soil types and other attributes of the native vegetation held in private ownership and on public land because those areas offer a small representative sample of the ecological samples available. It is misleading to suggest that we do not need to worry because a lot of the land is in public ownership.

Hon. D. M. EVANS (North Eastern) — Some of the land on my property is covered by native bush that has not been affected and over the fence are several thousand acres of public land. The coalition Bill is intended to provide an opportunity to protect native vegetation if it is required for habitat or if it is a rare and endangered type. The coalition specifically has in mind native grasslands and its Bill deals with that.

It is also relevant to note that there is a considerable amount of native vegetation on public land. In addition, the most effective way for landowners to counter the greenhouse effect is by planting trees and working with LandCare groups. The coalition proposes to continue to encourage those two approaches, which will be well supported by the

farming community and will be successful for that reason.

Amendment agreed to.

Clause negatived.

Clauses 5 to 19

Hon. B. A. CHAMBERLAIN (Western) — I move:

10. Part 2 (clauses 5 to 19), omit this Part.

I shall go into detail about this amendment when I move new clauses at a later stage.

Amendment agreed to.

Clauses 5 to 19 negatived.

Clause 20

Hon. B. A. CHAMBERLAIN (Western) — I move:

11. Clause 20, line 18, omit "the clearing controls" and insert "this Act".

Clause 20 provides for additional functions for the Land Protection Council. It is interesting that Mr Mackenzie criticised the coalition's proposal regarding the Land Protection Regional Advisory Committee saying the Vermin and Noxious Weeds Act has nothing to do with it. The coalition is adopting part of the provisions of that Act. The amendment is small; it deletes reference to "effectiveness of the clearing controls" and replaces it with "effectiveness of this Act".

Amendment agreed to; amended clause agreed to.

Clause 21

Hon. B. A. CHAMBERLAIN (Western) — I move:

12. Clause 21, lines 27 to 34 and page 9, lines 1 to 18, omit all words and expressions on these lines and insert "include a review of its operations under this Part during the period to which the report relates".

The amendment does not alter the purport of the clause. The Bill requires the Land Protection Council to include in its annual report a review of its operation under the Bill. The coalition believes it is not necessary to provide all the information listed in the clause, some of which would be inconsistent with other changes being made to the Bill.

Amendment agreed to; amended clause agreed to.

Clause 22

Hon. B. A. CHAMBERLAIN (Western) — I move:

13. Clause 22, omit this clause.

I invite the Committee to vote against the clause.

Amendment agreed to.

Clause negatived.

New clauses A and B

Hon. B. A. CHAMBERLAIN (Western) — I move:

14. Insert the following new clauses to follow the heading to Part 1:

"**A. Purpose**

The purpose of this Act is to protect native vegetation by setting up a mechanism to establish procedures and local guidelines to protect and control the clearing of native vegetation.

B. Commencement

(1) Part 3 comes into operation on a day six months after the day on which this Act receives the Royal Assent.

(2) The rest of this Act comes into operation on the day on which this Act receives the Royal Assent.".

I have already explained the new clauses which deal with the purpose of the Bill and its commencement date.

New clauses agreed to.

New clause C

Hon. B. A. CHAMBERLAIN (Western) — I move:

15. Insert the following new clause to follow clause 3:

"**C. Objective**

The objective of this Act is to protect and conserve native vegetation, on leased Crown land and on private land, that is not widely and significantly represented in Victoria, so as —

(a) to arrest the decline of native vegetation in Victoria;

(b) to assist in controlling the spread of salinity and soil erosion;

(c) to encourage the replacement, where practicable, of areas of lost native vegetation by regeneration or replanting;

(d) to facilitate the making and implementation of landscape agreements.".

The Committee has debated the issue. Because honourable members know what will happen to the Bill in the other place, I give an undertaking that the coalition will consider the issues raised by Mr Mackenzie when it considers the thrust of the Bill.

New clause agreed to.

New clauses D to R

Hon. B. A. CHAMBERLAIN (Western) — I move:

16. Insert the following new headings and clauses to follow Part 1:

"PART 2 — GUIDELINES

D. Local guidelines

(1) Written guidelines are to be prepared in accordance with this section for its region by each Land Protection Regional Advisory Committee —

(a) relating to the clearing of native vegetation in accordance with the objectives of this Act; and

(b) fixing a maximum area which, if it is in the same ownership, may be cleared without lodging a notice of intention to clear; and

(c) relating to the clearing of native vegetation to carry out timber production; and

(d) specifying the purposes for which and the conditions under which landholders or occupiers may use cleared native vegetation otherwise than for firewood for themselves.

(2) In preparing guidelines under sub-section (1)(a), a Land Protection Regional Advisory Committee must take the following into account —

(a) the social and economic costs and benefits of retention or re-establishment of native vegetation;

(b) the social and economic costs and benefits arising from the clearing of native vegetation;

(c) the need to allow landholders to carry out works without undue interference, and to develop good farming procedures in accordance with local practice;

(d) the extent and character of native vegetation in the region;

(e) the effect of clearing on native vegetation in the region;

(f) the extent to which native vegetation in the region should be protected, replanted or allowed to regenerate;

(g) whether native vegetation can be protected by design or siting of works.

(3) A Land Protection Regional Advisory Committee must consult with a municipal council about any guideline that it proposes to prepare that may affect the council's municipal district.

E. When are guidelines to be prepared?

(1) As soon as possible but not later than 6 months after the commencement of this Part, each Land Protection Regional Advisory Committee must prepare guidelines for its region.

(2) A Land Protection Regional Advisory Committee may, by guideline, revoke, amend or replace any of the guidelines which it prepared.

F. Lodgement and publication

(1) As soon as possible after a Land Protection Regional Advisory Committee prepares a guideline, the chairperson of the Committee must lodge a copy of it with —

(a) the Director-General; and

(b) the Minister administering the **Planning and Environment Act 1987**; and

(c) each municipal council in whose district the area covered by the guideline is located.

(2) After lodging a guideline with each person or body listed in sub-section (1), the chairperson of the Land Protection Regional Advisory Committee that prepared it must publish a notice in accordance with sub-section (3) in the **Government Gazette** and in a newspaper circulating in the area to which the guideline applies.

(3) The notice must state the dates when the guideline was prepared and lodged, and where it is available for inspection.

(4) A guideline takes effect on the date of publication of that notice in the **Government Gazette.**

(5) A person or body that receives a guideline lodged under sub-section (1) must make it available during ordinary office hours at an office nominated by it for any person to inspect free of charge.

G. Guidelines to be taken into account when preparing planning amendments

In preparing an amendment to a planning scheme which relates to broad acre farming, the relevant planning authority must take into account any guidelines applying to the area covered by the scheme.

PART 3 — CLEARING OF NATIVE VEGETATION

Division 1 — Notice of intention to clear

H. When must notice be given?

(1) Before a landholder clears, or causes or permits the clearing of, native vegetation on land of that landholder, the landholder must give a notice of intention to clear in accordance with this section.

Penalty: First offence: 40 penalty units.

Second or subsequent offence: 60 penalty units.

(2) The notice —

(a) must be given to the Director-General and to each municipal council in whose district the area to be cleared is located; and

(b) must be given at least 45 days before clearing takes place; and

(c) must include —

(i) details of the location (by map, plan, photograph or otherwise) and area of the land to be cleared; and

(ii) a works program setting out the method of clearing to be used; and

(iii) a statement of how long the clearing works are expected to take; and

(iv) a copy of the guidelines with a statement signed by the landholder that the landholder understands their contents; and

(d) may include a management plan.

(3) In addition to any other way in which a notice may be given, a landholder may give it to the Director-General by delivering or posting it to the Regional Office of the Department of Conservation and Environment nearest the land to be cleared.

I. Objections

(1) The Director-General or a municipal council that receives a notice of intention to clear may give to the landholder written notice of objection to the proposed clearing.

(2) A notice must be given within 45 days after the notice of intention to clear is received.

(3) The Director-General or a municipal council must be taken not to object to proposed clearing if notice of objection is not given in accordance with this section.

J. Grounds of objections

(1) The only ground of objection by a municipal council is that the proposed clearing would contravene the **Planning and Environment Act 1987**, a planning scheme, a condition of a planning permit, an agreement under section 173 of that Act, or the guidelines.

(2) The only ground of objection by the Director-General is that the proposed clearing should be prevented by taking appropriate action under the **Flora and Fauna Guarantee Act 1988** or the **Soil Conservation and Land Utilization Act 1958.**

K. When does an objection lapse?

An objection lapses if at the end of 45 days from the date the notice of objection is given, action has not been taken to prevent the proposed clearing —

(a) under the **Planning and Environment Act 1987** or to prevent contravention of the guidelines, if the objector was a municipal council; or

(b) under the **Flora and Fauna Guarantee Act 1988** or the **Soil Conservation and Land Utilization Act 1958,** if the objector was the Director-General.

L. No clearing where objections

A landholder who has given a notice of intention to clear must not carry out the proposal in the notice until —

(a) if no notice of objection is received, the end of 45 days after giving notice of intention to clear; and

(b) if notice of objection is received —

(i) the objection is withdrawn or lapses; or

(ii) the Administrative Appeals Tribunal sets aside the objection.

Penalty: First offence: 40 Penalty units.

Second or subsequent offence: 60 Penalty units.

M. Disputes

(1) A person who gives a notice of intention to clear or a notice of objection may refer any dispute about objections to the proposed clearing to the Administrative Appeals Tribunal.

(2) The Administrative Appeals Tribunal may confirm or set aside the objection.

(3) The **Administrative Appeals Tribunal Act 1984** applies, with the necessary modifications, to a dispute referred to the Administrative Appeals Tribunal as if it was an application for a review.

(4) If the **Administrative Appeals Tribunal Act 1984** is inconsistent with this Division, this Division prevails.

N. Relationship between this Division and other Acts

(1) The Administrative Appeals Tribunal must not deal or continue to deal with a dispute under this Act if action to prevent that clearing of native vegetation has been commenced under the **Planning and Environment Act 1987, the Flora and Fauna Guarantee Act 1988** or the **Soil Conservation and Land Utilization Act 1958** unless the action is discontinued.

(2) If an objection to clearing under this Act has been withdrawn, has lapsed or has been set aside by the Administrative Appeals Tribunal, that fact must be taken into account in deciding whether or not to take any action to prevent that clearing under the **Planning and Environment Act 1987, the Flora and Fauna Guarantee Act 1988** or the **Soil Conservation and Land Utilization Act 1958.**

O. Clearing must comply with guidelines

A landholder must ensure that clearing of native vegetation on land of the landholder for which he or she must give a notice of intention to clear complies with any applicable guidelines.

Penalty: First offence: 40 penalty units.

Second or subsequent offence: 60 penalty units.

Division 2 — Exemptions

P. When is notice of intention to clear not required?

The Schedule sets out the cases in which a landholder does not have to give notice of intention to clear before clearing native vegetation.

Division 3 — General

Q. Matters considered under this Act are additional to those under planning system

The requirements in this Act to consider guidelines before making certain amendments to planning schemes are additional to matters required to be considered in making those amendments under the **Planning and Environment Act 1987.**

R. Relationship between this Part and other legislation and instruments

(1) Subject to this Part this Act is in addition to, and does not take away from, anything in the **Flora and Fauna Guarantee Act 1988, the Soil Conservation and Land Utilization Act 1958,** or the **Planning and Environment Act 1987,** a planning scheme or a planning permit.

(2) If anything in the State section of a planning scheme is inconsistent with this Act, this Act prevails.

(3) Despite anything in the State section of any planning scheme, a permit is not required under that section for the clearing of native vegetation."

I shall take the Committee briefly through proposed new clauses D to R inclusive. The major thrust has been to provide a local imprint on the clearing controls to exist in the various areas of Victoria. We have adopted as those areas the various regions set out under the Vermin and Noxious Weeds Act. One amendment has included that reference.

That gives us the opportunity, by using the land protection regional advisory committees (LPRACs) — or there may be some variation in accordance with the suggestions of Mr Mackenzie — to devise a set of controls more appropriate to the area.

As I told the Chamber yesterday, we have no objection to prescriptive planning controls locally devised, locally administered and for which there is local accountability. If we have such a system — as a number of councils already have — we would not need this Bill. However, the Bill provides a minimum throughout the State.

It is possible for individual councils to prescribe more than prescriptive controls; in that sense the planning objective is something that we, in government, would encourage.

In this case, if one likes to provide that minimum standard, we suggest that the LPRAC — with the assistance of the Ministry's resources and specialist systems — would be able to prepare those guidelines to reflect those local conditions, because they vary enormously throughout Victoria.

Proposed new clause E refers to timing. The guidelines must be in place within six months of the operation of the Bill so that there is no gap; it is envisaged that the planning controls currently in place will stay there until replaced. We are not seeking and have never sought a vacuum. The moves made previously were designed, if you like,

to improve the negotiating power particularly of rural landowners who are affected by the Bill.

Proposed new clause F sets out mechanisms by which the guidelines are lodged with the Ministry, and the way they are made available and made known to the community.

Proposed new clause G is the provides guidelines that are to be taken into account when preparing planning amendments; it is self-explanatory.

Proposed new clause H concerns the giving of notice. When a landholder intends to clear native vegetation he must give notice of an intention to clear. If he does not do so, he commits an offence for which a penalty applies. The notice must be given to the Director-General of the Department of Conservation and Environment and each council. The council has 45 days in which to conclude that the proposal does not accord with the guidelines, or the department may invoke the provisions of the Flora and Fauna Act; or the Soil Conservation Authority can refuse the proposal if it considers the clearance would breach the legislation.

Under new clause I, the director-general or a municipal council may give notice of objections to the clearing of land to the landowner if the proposed clearing was not in accordance with the guidelines or if it conflicted with the provisions of other legislation.

Hon. D. M. Evans — Or if it was not in accordance with the local council's planning schemes.

Hon. B. A. CHAMBERLAIN — That, as well. The grounds of objection are set out in new clause J and deal with the point made by Mr Evans. The only ground of objection by a municipal council is that the proposed clearing would contravene the provisions of the Planning and Environment Act, particularly an agreement under section 173 of the Act, a planning scheme, a condition of a planning permit, or the guidelines. The Director-General of Conservation and Environment has a more narrow right of objection.

New clause K states that an objection will lapse if at the end of 45 days from the date the notice of objection is given action has not been taken to prevent the proposed clearing under the Planning and Environment Act, the Flora and Fauna Guarantee Act or the Soil Conservation and Land Utilization Act.

New clause L provides that a landowner who has given notice of intention to clear must not carry out the proposal until no objection is received by the end of the 45 days or, if an objection is received, it is withdrawn or lapses, or the Administrative Appeals Tribunal sets it aside.

New clause M deals with disputes that may be referred to the AAT. New clause N, which is modelled on another provision of the Bill, defines the relationships between the new clause and other Acts of Parliament.

New clause O states that the clearing must satisfy the guidelines so that an owner who breaches the guidelines is subject to a penalty of 40 penalty units — $4000 — for the first offence, which is higher than the penalty under the Planning and Environment Act. The penalty for a second or subsequent offence is 60 penalty units or $6000.

New clause P defines when a notice of intention to clear is not required; and the coalition has adopted the government's scheme of objections.

New clause Q concerns matters that should be considered in addition to the guidelines, as well as matters under the Planning and Environment Act. New clause R concerns the relationship between the new clause and other Acts of Parliament.

Hon. D. E. HENSHAW (Geelong) — In the interests of brevity I shall refer to only one aspect of the amendment. It concerns provisions for consultation between the various land protection regional advisory committees and municipalities.

New clause D(3) states that a land protection regional advisory committee must consult with a municipal council about any guidelines that it proposes to prepare that may affect the council's municipal district. That is the only mention of consultation in the amendments with anyone other than the landholder or the committees.

I understand the Minister may have some administrative capacity to influence such matters, to which Mr Chamberlain has already referred; but I do not know how far that could go without its being outside the terms of the legislation. I also cannot understand why the opposition has not included provisions for wider consultation.

A land protection regional advisory committee might be well served by consulting with experts in particular fields, whether in botany, ecology or other

relevant disciplines. Such a committee might be well advised to encourage consultation with conservation groups or the Victorian Farmers Federation, for example. I should have thought it would have been possible to include such a process of consultation in the amendments.

At the other end of the process, in relation to new clause J dealing with grounds of objection, according to the amendment, once there is a notification the only people to hear about it will be the municipal council and possibly the Director-General of Conservation and Environment.

Hon. D. M. Evans — Certainly you must let the director of the local DCE office know. You absolutely must.

Hon. D. E. HENSHAW — I accept that, but there is no provision built into the amendment for general knowledge to accumulate within the community that a notification has been given, which I should have thought was essential not only for the benefit and general knowledge of the community but also for record keeping.

Also — and this may not be too relevant to the amendment — I have observed no process whereby records could be maintained of the unnotified clearing that has been undertaken, and that is an important point.

Hon. D. M. Evans — That is an illegal act, Mr Henshaw.

Hon. D. E. HENSHAW — But no-one will know about it.

Hon. R. A. MACKENZIE (Geelong) — A lot of work has gone into the guidelines laid down in the amendments of Mr Chamberlain and Mr Evans. I point out by way of constructive criticism, for example, that they certainly outline the process by which the guidelines are to be made but it seems the theme running through them is more concerned with the clearing of native vegetation than its protection.

I am also concerned that the economic and social costs and benefits must be considered, and that is mentioned a number of times. The amendment now before the Committee does not mention things like nature conservation or land protection values being considered. Although it could be argued that social values mean that, it could also be argued that they do not. Therefore that provision needs to be tightened up to be an effective guideline; if it is not, its theme will be more about clearing than conserving.

It appears that the guidelines to be developed by the Land Protection Council will be able to override the State section of the planning scheme and that would be seen to be a remarkable extension of the functions of the council. It would appear that it is able to override the State planning scheme.

I worry also about dispute resolution. The amendment provides that disputes can be resolved only by the Administrative Appeals Tribunal; there is no opportunity for third-party objections, just those of the landholders themselves. These points ought to be considered in the opposition's guidelines.

Hon. D. M. EVANS (North Eastern) — I point out to Mr Mackenzie that one of the issues in the guidelines is the extent and character of native vegetation and the effects of clearing of native vegetation in the area, which are two quite important matters that need to be taken into account.

As I indicated by interjection to Mr Henshaw a few moments ago, the local office of the Department of Conservation and Environment must be notified of any intention to clear by a landholder, and notification must take place 45 days prior to the clearing being commenced.

That gives a clear opportunity for the expert people who may be available to inspect the area proposed to be cleared; and, as we have indicated several times, they have a clear opportunity, under at least two Acts of Parliament — the Flora and Fauna Guarantee Act and the Soil Conservation Act —to take action, if necessary, to protect any particular values that may need to be protected in the community interest. It is important to understand that a series of safety nets has been put in place to assist protection in that area.

Mr Chamberlain referred also to new clause R, "Relationship between this Part and other legislation and instruments". The intention is not to have a Statewide planning scheme that controls clearing on a Statewide basis and is not sensitive to local conditions. A Statewide planning scheme has the clear fault that it is not sensitive to local conditions, so we have a different set of conditions for the area around Melbourne; the northern part of the State and the Goulburn Valley, where there are not many trees; East Gippsland, where some 92 per cent of the

area has trees; and the Mallee, where different conditions obtain, as they do in the Western District. The intention is to protect the local sensitivity.

Buried in the clause is a section that maintains the existing controls until such time as the new controls take over. As Mr Chamberlain has pointed out, that was done deliberately and specifically to prevent any panic clearing before the controls are put in place. This specific provision was carefully thought through. I hope that in making that explanation I have answered the reasonable fears expressed by Mr Henshaw and Mr Mackenzie.

Hon. B. A. CHAMBERLAIN (Western) — Mr Henshaw asked which groups will be represented on the land protection regional advisory committee that is preparing the guidelines. If he looks at the composition of the bodies, he will see that by their nature they are fairly broadly based. Section 5C(6) of the Vermin and Noxious Weeds Act provides that the committees are to include:

> (a) rural landholders elected ... and approved by the Minister ... and
>
> (b) up to four persons who represent community interest groups, government bodies and public authorities and who have a direct interest in land protection issues ...

Nothing in the Bill will stop them.

Hon. R. A. Mackenzie — But they could all be farmers.

Hon. B. A. CHAMBERLAIN — No, because of the definition they cannot all be farmers; they must include representatives of government agencies. They can consult if they like; it would be against the spirit of what we are doing, in making it a public process, if there were not consultation. I am really agreeing with what Mr Henshaw is saying and indicating there is nothing that prevents that happening.

New clauses agreed to.

New clauses S to V

Hon. B. A. CHAMBERLAIN (Western) — I move:

17. Insert the following new headings and clauses to follow Clause 21 —

"PART 5 — RETENTION OF NATIVE VEGETATION

S. Duties of Director-General

(1) The Director-General must take all reasonable action to encourage and assist landholders to conserve, and promote the regeneration of, native vegetation.

(2) Sub-section (1) does not oblige the Director-General to object under this Act to the clearing of native vegetation or to take action under any Act to prevent that clearing.

PART 6 — LANDSCAPE AGREEMENTS

T. Landholder may enter into landscape agreements

(1) A landholder and any other person may enter into an agreement about the protection of the landscape qualities of any land that the landholder owns.

(2) Without limiting what may be contained in an agreement, an agreement may provide for any of the following —

(a) the clearing, in accordance with the guidelines and any other applicable provisions of any Act, planning scheme or permit, or retention of native vegetation or specified kinds of native vegetation;

(b) the management, control or planting of native vegetation.

U. Amending or ending an agreement

An agreement under this Part may be amended or ended by agreement under this Part between —

(a) the landholder for the time being of the land covered by the agreement; and

(b) each other party to the original agreement.

V. When can an agreement be registered on title?

(1) An agreement can be registered on title under this section if it is under seal and is expressed to be binding on the parties.

(2) Sections 181 to 183 of the **Planning and Environment Act 1987** and the regulations made for the purposes of those sections apply to an agreement under this Part as if those sections referred to —

(a) the landholder instead of the responsible authority; and

(b) an agreement under this Part instead of an agreement."

New clause S provides that:

> The Director-General must take all reasonable action to encourage and assist landholders to conserve, and promote the regeneration of, native vegetation.

It is an important provision. The opposition wishes that Victoria had the money South Australia has. Apparently a fund of $40 million is available in South Australia and that is obviously a considerable inducement to landowners not to clear areas of native vegetation. As I said, the opposition wishes the finances of Victoria were such as to enable us to offer the same sort of inducement.

However there are other ways the director-general can encourage and assist landowners. Through supporting education programs and LandCare organisations, encouragement and assistance can be given to landholders to:

> ... conserve, and promote the regeneration of, native vegetation.

New clause T provides for landscape agreements. At the moment the provision appears in a different form in the Land Act. It complements the agreement that might be entered into by private landowners and the Victorian Conservation Trust, an excellent organisation that has been doing some very good work. New clauses U and V deal with other aspects of landscape agreements and provide for them to be registered on the title.

Hon. R. A. MACKENZIE (Geelong) — I refer the Committee to Part 6, which provides for landscape agreements. I suggest new clause T does not extend the existing opportunities that exist for current agreements. I ask the Committee to compare the agreements provided under new clause T with conservation covenants, land management areas or public authority management agreements. I suggest they do not compare favourably with controls under those agreements. I express concern that none of the agreements under the Bill are binding on future owners. Their usefulness is somewhat limited.

On the previous amendment I raised an issue relating to disputes before the Administrative Appeals Tribunal and asked whether he would consider the right of third parties to object. Mr Chamberlain did not take up the point, and I do not know whether he forgot or simply ignored it. I ask him to respond to the matters I raised under new clause T on the landscape agreements.

Hon. D. M. EVANS (North Eastern) — The landscape agreements are an important part of the proposals being put forward in the Bill.

Hon. R. A. Mackenzie — I agree, they are.

Hon. D. M. EVANS — The opposition has provided for the position where a third party wants to enter into an agreement with a landholder to preserve a particular quality of native vegetation or other landscape quality on the land. If another person wants 20 or 30 hectares of property to be preserved because of some significant value, it would be reasonable for that person to say to the landowner that a deal should be done so that the land is not cleared. An agreement could be struck that involved the payment of money or some other consideration so that the landholder would willingly enter into an agreement with the covenant owner to preserve the landscape qualities. That is a willing agreement between two independent parties.

Hon. B. A. Chamberlain — Between two consenting adults!

Hon. D. M. EVANS — Yes, between two consenting people. Under new clause V it is clearly spelt out that an agreement can be registered on title if it is under seal and is expressed as binding on the parties.

Hon. R. A. Mackenzie — On the parties at the time?

Hon. D. M. EVANS — Yes, the third person who enters into agreement with the landowner can register on title. New clause V(2) provides for the regulations to apply in certain circumstances.

New clause U, which provides for amending or ending an agreement, states:

> An agreement under this Part may be amended or ended by agreement under this Part between —
>
> (a) the landholder for the time being of the land covered by the agreement; and
>
> (b) each other party to the original agreement.

An agreement cannot be registered on a title without the agreement of all parties.

Hon. R. A. MACKENZIE (Geelong) — I do not accept what Mr Evans is saying. The amendment could be a lot stronger. Under the amendment the agreement can be registered on the title but the proposed clause does not say that it must be; it is

optional. For example, the Land Protection Council designates a certain area; an application is made for clearing and the council, using the local guidelines laid down by the Department of Conservation and Environment is advised, and it is everybody's opinion that the vegetation is important for a variety of reasons. The two parties concerned at that time can protect the land. What happens if the land is sold in a couple of weeks? Does the process commence again? Once the land has been valued for conservation purposes the agreement should remain part of the title. The process should not have to be commenced again because there has been a change of ownership. That should be written into the amendment.

Mr Chamberlain and Mr Evans have not taken the point I raised about an objection by a third party.

Hon. D. M. EVANS (North Eastern) — To explain it more clearly: if I own an area of land and Mr Mackenzie desires that I not clear that land it is possible — and this will be facilitated by the proposed new clauses — for Mr Mackenzie to enter into a binding legal agreement with me. He pays me an amount of money not to clear that land. It is possible but not mandatory for the parties to enter into a voluntary arrangement for me to enter on my title the agreement that I will not clear that land. It is clear under the proposed new clauses that I cannot remove the agreement from my title even if I sell the land, unless Mr Mackenzie agrees to that removal. It is a voluntary agreement that can be broken but only with the agreement of the person who has paid for that encumbrance to be entered on the title.

Several steps must be taken. How would it work with the Victorian Conservation Trust? I am sure the trust would use these provisions to purchase the landholding rights, enter on the title the covenant that the land was not to be cleared or that only a small portion could be cleared for the building of a home, and then sell the land and get much more for it. The trust would roll over the funds and sell the land to another person who desired an area of land with those particular landscape qualities. In that way it could be permanently and absolutely preserved. That is the intention of the provisions.

Mr Chamberlain spelt out clearly that public consultation will take place because of the representation on the land protection regional advisory committee and the requirement to consult with local government, which is the representative of the local community.

New clauses agreed to.

Schedule 1

Hon. B. A. CHAMBERLAIN (Western) — I move:

18. Schedule 1, Heading, omit this heading and insert —

"EXEMPTIONS FROM NOTICE OF INTENTION TO CLEAR"

19. Schedule 1, Clause 1, omit this clause and insert —

"1. Exemptions under guidelines

The clearing of native vegetation where the area to be cleared is less than the maximum area fixed by the guidelines as the area which may be cleared without a notice of intention to clear."

20. Schedule 1, page 10, clause 6, after "to the extent necessary to" insert "establish or".

21. Schedule 1, page 10, clause 7, omit sub-clauses (2) and (3) and insert —

"(2) Clearing of native vegetation where reasonably necessary to enable a municipal council to carry out works within a road reserve."

22. Schedule 1, page 11, clause 8, in sub-clause (1)(a), after "fire-fighting" insert "or control".

23. Schedule 1, page 11, clause 8, in sub-clause (1)(d) omit "fire break of up to 6 metres wide" and insert "reasonable fire break".

24. Schedule 1, page 11, clause 9, at the end of this clause insert —

";or

(d) planted for shelter belts, woodlots, street plantations, gardens or horticultural purposes.".

25. Schedule 1, page 11, clause 10, omit this clause and insert —

"10. Timber harvesting

Clearing of native vegetation in the course of timber production if carried out in accordance with the Code of Forest Practices for Timber Production under the **Conservation, Forests and Lands Act 1987.**".

26. Schedule 1, page 12, clause 16, after sub-clause (4) insert —

"(5) Clearing of native vegetation in the course of using farm cultivation and pasture seeding and fertilizing equipment to cultivate for cropping or establish and maintain pasture.

(6) Clearing of native vegetation within 10 metres of a fence-line.".

27. Schedule 1, page 13, clause 18, in sub-clause (3) omit ",if the area of any native vegetation cleared on land and on adjoining land in the same ownership is not greater than 10 hectares."

28. Schedule 1, page 13, clause 19, after sub-clause (1)(d) insert —

"; or

(e) a farm and its associated structures, access ways, facilities and equipment (other than dams on streams).".

29. Schedule 1, page 14, clause 20(a) after "commencement of" insert "Part 3 of".

Basically the opposition is adopting the schedule put forward by the government but with some amendments. In amendment No. 19 the heading will be changed. Under the government proposal there is a minimum area above which a permit is required. Because conditions in the State vary so dramatically there should be a Statewide minimum area and that is one of the issues that should be dealt with when setting the guidelines.

In some areas it may be appropriate to clear no land because the area is so sensitive. In other areas it may be appropriate to clear a significant area but that would be a matter for the local guidelines to reflect. That is why that alteration has been suggested.

I assume honourable members can read what is before them and I need not explain it. Amendment No. 22 is Mr Knowles's amendment which deals with the firefighting provisions. If there are any questions I shall be happy to answer them.

Hon. R. A. MACKENZIE (Geelong) — I express some concerns that I have expressed in this Chamber before about the exemptions listed under amendment S16 and I am still not happy about some of the exemptions. I guess we will never come to agreement on that. All I can do at this stage is express my concern.

Without doubt stock grazing could be used for clearing and I am concerned that recognised important grasslands could be endangered. I shall not argue about every single exemption that is laid down except to say that I am unhappy about the exemptions and I want it placed on the record.

Hon. D. E. HENSHAW (Geelong) — I wish to speak on amendments Nos 25 and 28. The exemptions mentioned in amendment No. 25 do not have to be notified unless there is some illegality detected. Because that clearing would not be notified the community in general would not be aware of it. The amendment states:

> Clearing of native vegetation in the course of timber production if carried out in accordance with the Code of Forest Practices for Timber Production under the Conservation, Forests and Lands Act 1987.

Mr Chamberlain may be able to explain what happens if a landholder has land on which he believes he can carry out timber production and he does not have to give notice of that clearance provided he does it in accordance with the Code of Forest Practices. It is important to understand that that code lays down guidelines for how the timber production is to be carried out. It makes no specification of where it is to be carried out and it seems that any timber production, no matter how large the area, is not a notifiable clearance.

If that is the case I have grave concerns about this exemption. I also wish to mention amendment No. 28 but perhaps Mr Chamberlain might refer to the point I have raised.

Hon. B. A. CHAMBERLAIN (Western) — Honourable members will recall that the *Code of Forest Practices for Timber Production* was a matter of widespread community debate in 1987 when Mrs Tehan handled the matter on behalf of the opposition and Mr Evans on behalf of the National Party.

As a result of a lot of work by a lot of people and a lot of cooperation between the industry, the government and the political parties, an agreement was reached about the basis for commercial timber harvesting.

Hon. R. A. Mackenzie — I never agreed to it. I put forward 25 amendments.

Hon. B. A. CHAMBERLAIN — Apart from Mr Mackenzie, all honourable members agreed, and agreement was also reached between the industry, conservation and the broad base of the community. The amendment is indicating that we have reached agreement on this issue and do not need to reinvent the wheel; rules have been set up for timber harvesting operations and it is appropriate to incorporate that agreement in the proposed legislation. That is the basis on which amendment No. 25 is put forward.

Hon. B. T. Pullen — But you didn't answer the question of how or where.

Hon. D. E. HENSHAW (Geelong) — Mr Chamberlain seems to have confirmed my concern that it would not matter whether a landholder had 1000 hectares or any other sized holding provided by the code of practice.

Hon. B. A. Chamberlain — Your code of practice.

Hon. D. E. HENSHAW — Indeed. Provided that certain things are complied with a landholder can clear his land no matter how valuable the native vegetation on that land may be. The code of practice refers only to how timber production is carried out and not to the original ecological system that was in place. It gives no consideration to the matter the opposition is proposing to deal with in its amendments.

Amendment No. 28 inserts in clause 19(1) of Schedule 1:

> (e) a farm and its associated structures, access ways, facilities and equipment ...

After the inclusion of that subclause we would end up with wording to the effect that a permit would not be required for the clearing of native vegetation to the extent necessary to construct, use or maintain a farm and its associated structures. It seems clear to me that if there is an area of bush on which one intends to construct a farm it will involve clearing that area of bush. This is being done without consideration to the value — —

Hon. B. A. Chamberlain — Even S16 provides that at the moment.

Hon. D. E. HENSHAW — You are proposing that S16 will eventually not exist.

Hon. B. A. Chamberlain — This is a substitution but it has exactly the same effect as S16.

Hon. D. E. HENSHAW — If that also applies to S16 — and I am advised it does not — it should be modified because it is against the intent of the government restrictions on the clearing of native vegetation; it is a major flaw in the provisions for the protection of native vegetation in Victoria.

Hon. D. M. EVANS (North Eastern) — The provisions of amendment No. 28 have been lifted straight out of S16 and put in in a slightly different position — that is the only reason it came in as an amendment. It is an important provision.

Chapter 3 of the *Code of Forest Practices for Timber Production* is headed "Private land application of code — operational principles and guidelines for planning schemes". It has a number of very broad headings on native forests which include regeneration, reforestation, tree species, seed source, stocking, tending and so on.

It must also be recognised that the only way the provisions of the Native Vegetation Protection Bill (No. 2) may be used as an exemption is if the landowner conforms with the Code of Forest Practices. If a landowner does not conform with that code and carries out any operation without giving the requisite notice of intention to clear using the procedure we have just spelt out, he or she would be in breach of the Act and liable to very heavy penalties of between $4000 and $6000, and no doubt a similar fine for a continuing offence.

There are very clear directions set out in the Code of Forest Practices, which was passed by this Parliament. It is a good code and if people do not abide by it they must go through the processes of notification of intention to clear. If people do not do that they commit offences. I suppose that no Act of Parliament can prevent a person from committing an offence; it can only prescribe an offence and provide a penalty to be imposed on a person who is caught.

For example, if I drive at speed this evening and I am not picked up by a policeman I get away with that infringement of the road law and do not get fined, but if a policeman picks me up I will be fined. The legislation is no different. Significant penalties apply for disobeying the provisions. Landowners must abide by this provision.

Hon. R. A. MACKENZIE (Geelong) — Mr Chamberlain and Mr Evans do not have much on which to hang their hats and I understand the argument they put. I am gravely concerned that the opposition is relying on the Code of Forest Practices. Investigations have shown that timber harvesting is breaching the code regularly. When I was the Minister I tried to close the loopholes and I inserted new provisions in the Act, but they are still not working.

It is no good relying on the provisions in the Flora and Fauna Guarantee Act. A lot of harvesting of timber occurs on private land in the Otways region

because people have been encouraged to clear land to supply the woodchip operators.

I am concerned about amendment No. 25 and I suggest to the opposition that when considering reform of these matters it should consider tightening up the Code of Forest Practices.

Hon. D. E. HENSHAW (Geelong) — It remains my advice that S16 refers to farm structures. Mr Evans is wrong in saying that the provision exempts farms from clearing. Clearing for farm structures is exempt, not farms. Problems would arise with the opposition's amendment because it inserts "farm" in an unqualified way and would allow the construction of a farm without any consideration of the value of native vegetation on that farm. That is against the objectives of the government and should be against the objectives of the opposition.

The Code of Forest Practices is widely accepted in the community, but it specifies how timber production is carried out and does not specify what country should be cleared for farm production. The Bill should specify when the clearing of native vegetation can occur.

Amendments agreed to; amended schedule agreed to.

Schedule 2

Hon. B. A. CHAMBERLAIN (Western) — I move:

30. Schedule 2, omit this schedule.

The schedule should be omitted because it is now incompatible with the Bill.

Amendment agreed to.

Schedule negatived.

Schedule 3

Hon. B. A. CHAMBERLAIN (Western) — I move:

31. Schedule 3, omit this schedule.

We apply the same argument put in support of the previous amendment to this amendment.

Amendment agreed to.

Schedule negatived.

Reported to House with amendments.

Report adopted.

Third reading

Hon. B. T. PULLEN (Minister for Education and Training) — I move:

That this Bill be now read a third time.

Hon. D. M. EVANS (North Eastern) — On behalf of the opposition subcommittee which worked long and diligently on this legislation I thank the members of the government and Mr Mackenzie for the constructive way in which the debate has taken place. It proceeded in the way it should have done and we thank them for their contributions.

Motion agreed to.

Read third time.

ADJOURNMENT

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — I move:

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

Motion agreed to.

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — I move:

That the House do now adjourn.

Pre-registration nurse education

Hon. G. P. CONNARD (Higinbotham) — I direct to the attention of the Minister for Education and Training — and I should also like the Minister for Health to take note of the matter as well — the correspondence I have received from the Royal College of Nursing, Australia. The Minister would be aware there have been some discussions recently concerning the pre-registration of nursing education and its course length.

On Friday, 8 November 1991 the Joint Interdepartmental Steering Committee for the Transfer of Nurse Education recommended that the pre-registration degree for general nursing be four years, eight semesters in length. It is nearly twelve months since the Premier created the process to address the course length issue and the outcome of

the deliberations is well overdue. There appears to be no reason why a decision cannot be made.

What progress has occurred? It is crucial to the college that a decision be made before Parliament goes into recess. If the Minister is unable to reply about any decision tonight I request that he confer with his colleague the Minister for Health who may also know something about the matter and provide me with the information tomorrow.

Bayside Project

Hon. B. A. CHAMBERLAIN (Western) — I direct to the attention of the Acting Minister for Major Projects the Bayside Project and the agreement that was announced last week.

I ask the Minister to indicate to the House the approximate amount the government has spent on or committed to that project and what additional funds are required to be spent in the years ahead when the agreement with the developers is implemented. I want some indication of the current and future investment in the project.

Apprenticeship fees

Hon. K. I. M. WRIGHT (North Western) — I direct to the attention of the Minister for Education and Training an urgent matter brought to my notice only today. I refer to the huge projected increase in technical and further education fees for apprentices.

Mr Dick Shallard, a respected automotive engineer in Mildura, has advised me that apprentices in his industry will have to pay huge increases in fees. First year apprentices currently pay $150 and next year second year apprentices will have to pay $300. However, that is not the worst of it. In addition, apprentices must also pay for tools and materials. The apprentices earn only $150 a week.

Last week Mr John Halfpenny visited Mildura and said more apprentices should be employed. I direct this matter to the attention of the Minister and point out that the increased fees will discourage rather than encourage people to take up apprenticeships.

Bone Marrow Donor Registry of Victoria

Hon. M. T. TEHAN (Central Highlands) — I direct to the attention of the Minister for Health the Bone Marrow Donor Registry of Victoria, a support group established two years ago with the aim of setting up a bone marrow registry that will have some 150 000 donors. Within two years the group has raised $1.5 million. More than 13 000 Australians have already been tissue-typed and another 15 000 are waiting — some 50 per cent of them are Victorians.

Victorians have been particularly generous in both the money raised to set up the registry and in the number of persons who have said they will make their bone marrow available in the event of it being successfully matched with the primarily young people who need bone marrow transplants.

The recipients of the transplants are primarily aged between 12 and 45 years and suffer from leukaemia, aplastic anaemia or some other complaints.

Recently six transplants using donors from the registry have been performed in Australia. However, 30 Victorians are waiting for transplants. Five of them have been matched with donors from the registry and 25 are waiting to use siblings as donors. Only three hospitals in Victoria are able to do the transplants. The Alfred Hospital has one bed and it only performs transplants where the donors are siblings. The Royal Melbourne Hospital has one bed and it performs transplants from both related and non-related donors. The Royal Children's Hospital has one bed and performs transplants from both related and non-related donors but treats patients only up to the age of twelve years.

The 30 Victorians currently waiting for transplants have only limited time during remission when they can effectively use the incredible transplant procedure. Because of the generosity of Victorians in both money raised and bone marrow donated the young people on the waiting list should be looked after more quickly than is currently the case.

If those young people were admitted because of accidents or emergencies they would have immediate recourse to all available hospital services, whether medical or rehabilitation, at whatever cost. However because the patients are being admitted with illnesses they are forced to wait. The worry is they will lose the optimum time for transplants.

Everyone recognises the shortage of money in the system at the moment. I understand applications have been made for centres of excellence for bone marrow transplants. Pending that procedure — and it takes time — as a matter of priority, and from within priorities in Health Department Victoria, the Minister should examine at least doubling the two

beds currently being used for those children and young people.

It may appear to be an expensive item but it is not by comparison with other procedures. Certainly in assisting people or looking to their prime of life, considering the success rate of bone marrow transplants and taking into account the generosity of the donors, the government has not directed its attention to the existing bottleneck and the ability to admit those patients into the system, into beds and on to courses of treatment that will lead to cures.

The procedure is important. It is imperative that the work already done be capitalised on; facilities should be made available to treat at least those presently waiting.

Water damage to McCrae property

Hon. K. M. SMITH (South Eastern) — I am not sure to whom I should address my concern — the Minister for Education and Training representing the Minister for Conservation and Environment in the other place, because the matter concerns the Rural Water Commission, or the Minister for Manufacturing and Industry Development as Leader of the House, because — —

Hon. D. R. White — Is this "I spy"?

Hon. K. M. SMITH — Please listen.

Hon. B. T. Pullen — Who should listen at this stage?

Hon. T. C. Theophanous — Do you want me to handle this?

Hon. K. M. SMITH — Just listen.

Hon. T. C. Theophanous — Any consumer issues in it?

Hon. K. M. SMITH — Mrs Helen Grant of 533 Nepean Highway, McCrae was awoken on 13 September 1980 at 2 a.m. — —

Hon. D. R. White — 1980?

Hon. K. M. SMITH — Yes, please listen. She was awoken by the sound of falling stones on her house. She went downstairs to investigate and found herself standing knee-deep in water that had flooded her house. It appears that the water flooded into her house because of a burst water main behind her property. Next day the local council and the then State Rivers and Water Supply Commission started on a clean-up.

From 13 September 1980 until today Mrs Grant has been trying to achieve some compensation for the damage caused to her property. She has tried every means to obtain compensation from the Rural Water Commission of Victoria and the Mornington Peninsula and District Water Board, which took over the case when the Dromana organisation responsible for sewerage amalgamated with the Mornington body.

Mrs Grant has made efforts through arbitration and, where possible, separate reports to discover the cause of the flooding. At times during the eleven years it appeared that agreement would be reached and payment would be made on behalf of the RWC and the Mornington authority but on every occasion, the deal would suddenly fall through.

Mrs Grant is an elderly woman. Based on 1981-82 figures, some $48 000 worth of damage has been done to her house. The wall is ready to fall over onto Nepean Highway, and her house is falling apart because it is slowly shifting down the hill.

Solicitors employed by the Rural Water Commission, MacPherson and Kelley, have made Mrs Grant some silly offers, the latest of which was $20 000 on a take-it-or-leave-it, pay-your-own-costs basis. Mrs Grant has almost been driven to her grave because of the problems that have been caused. Her house is virtually falling down around her, and she is desperately seeking a resolution of the problem.

I ask the Minister for Health to take up the matter with the Minister for Conservation and Environment. I also ask the Leader of the House to urgently review the matter, because it was brought to his attention during his time as Minister for Water Resources.

This serious matter goes back a long way. The two water boards involved have not been prepared to take up the cause. I urge the Minister to urgently seek a resolution to the problem.

Exploration code of practice

Hon. D. M. EVANS (North Eastern) — The matter I direct to the attention of the Minister for Manufacturing and Industry Development concerns whether a particular provision in the code of practice relating to the rehabilitation of land after

low-impact mining exploration contains technical imperfections that may mean that the code is invalid.

I understand the Minister has made inquiries to ascertain the validity of the code of practice and to discover whether additional measures are needed to ensure that this valuable code is valid and can be used as a guide by landowners and miners. I ask the Minister whether he has made such inquiries, and, if so, what the result is.

R. E. Ross Industrial Centre

Hon. ROBERT LAWSON (Higinbotham) — The matter I direct to the attention of the Minister for Health concerns the R. E. Ross Industrial Centre, which is part of the Caulfield hospital complex.

The industrial centre, which is a sheltered workshop for people who are retarded or who are mentally disabled, contains two sections, one of which is the process section. Apparently that section is in danger of being closed.

I have with me a petition signed by 356 people pleading that the centre not be closed. The centre provides employment for 33 people, who are paid wages small enough not to affect their pensions.

I attended the opening of the process section only two years ago. I understand it cost approximately $400 000 to build — —

Hon. M. A. Lyster — Two years ago?

Hon. ROBERT LAWSON — The honourable member for Caulfield in the other place asked me to raise the matter. When talking to him I said that I remembered going to the opening, which he said was about two years ago. I am not sure how long it has been, but I believe two years is correct. Perhaps you have better information, Minister.

Mr Tanner, the honourable member for Caulfield, asked me to raise the matter because the 33 people are in danger of losing their jobs. If the process section is closed those people will have to be accommodated elsewhere because they are unable to look after themselves.

It is a serious matter. We local members hope the R. E. Ross Industrial Centre will not be closed, because it is a vital part of the hospital complex.

Goulburn Valley Base Hospital

Hon. W. R. BAXTER (North Eastern) — I raise a matter with the Minister for Health concerning appointments to the board of management of the Goulburn Valley Base Hospital.

Section 33 of the Health Services Act provides for boards of management, sets out how those boards are to be appointed, and requires the boards to advertise for interested applicants, interview them and rank them in order, and to submit that list to the Minister for nomination. The section also sets out certain requirements for the representation of women on the boards as well as medical practitioners and the like.

Recently the board has undertaken that task and submitted a list of nine names to the Minister. The Minister appointed the first two on the list and then jumped down the list and appointed the person ranked seventh.

In the normal course of events there may be no particular concern about that but in this case the person ranked third appears to me to meet all the requirements for appointment to the board, as this government so loudly and frequently proclaims them.

In a letter I received from the board it refers to the attributes possessed by this particular nominee. The letter states that:

> Apart from the fact that this woman has much to offer the board as a caring, sensible citizen, she meets more of the criteria than your preferred candidate, namely:
>
> 1. She is female. Without her the board would have only three women.
>
> 2. She is a general practitioner. Without her the board would have no general practitioner to represent actual patients from outside the hospital and no medical (as opposed to surgical) advice available to the board.
>
> 3. She is of ethnic origin, having, I believe, been born in Sri Lanka. She would be our only representative of ethnic origin.

I remind the House of the very large ethnic population in Shepparton and the Goulburn Valley.

> 4. She has served the Koori population here for many years; being employed by the Board of Management of

"Rumbalara". She is well respected by and contributes greatly to the welfare of the Koori population.

5. She serves on committees concerned with women's health and has been associated with the Vadcare drug and alcohol centre.

6. Her appointment would provide a marvellous opportunity for the viewpoints on the health of minorities to be represented; particularly those of Aboriginal people.

That list covers all the issues that we hear so much about from the government — social justice, ethnic minorities, Kooris and females; but — surprise, surprise! — this lady was not appointed.

The Minister chose to appoint the person appearing seventh on the list, who happens to be a public servant and also secretary of the local branch of the ALP!

This person recently contested a by-election in Shepparton and achieved less than 10 per cent of the vote, and would therefore seem not to be terribly popular in Shepparton.

This matter has caused a good deal of concern among the community because it seems that the matters the government so often claims should be the matters taken into consideration when appointments such as this are made — the issues it "trumpets" as Mr Hallam puts it — have been overlooked in favour of an ALP operative, and that has been regarded by the community as very unfair.

I suggest that perhaps the appointment was made without the Minister actually having the opportunity of closely scrutinising the nominees, and perhaps the advice provided to her by her officials was coloured in some respects.

I invite her to reconsider the nomination so that the people of Shepparton and particularly the board of management might feel that justice has been done.

Bulldozing of Crown land

Hon. G. R. CRAIGE (Central Highlands) — I address my remarks to the Minister for Education and Training, and I ask him to direct them to the attention of the Minister for Conservation and Environment in another place.

The matter concerns a property at Thornton and illegal bulldozing of Crown land. The land in question is Lot 27 — Volume No. 9389, Folio No. 726 — in the Parish of Thornton, and the size of the property is approximately 40 hectares.

On Anzac Day, 25 April 1989, a bulldozer was working on Crown land moving earth from the banks of the Goulburn River up to private land and levelling it off. The next-door neighbour went down and informed the driver of the bulldozer that he should cease to carry out that activity as it could have an effect on the Goulburn River and its flow. The neighbour also contacted the Department of Conservation and Environment at Alexandra and two officers of the department went down and inspected the work that had been undertaken. They informed the operator of the bulldozer that he was to cease his activities immediately.

Two days later surveyors from the Department of Conservation and Environment carried out an inspection of the damage that had been done. All that happened in 1989.

Since that time, two large river red gums have fallen over and the banks of the Goulburn River have somewhat deteriorated. The owner of the land has been advised by the Department of Conservation and Environment that he is to restore the Crown land to its original state.

Hon. B. A. Chamberlain — What, put the trees back?

Hon. G. R. CRAIGE — Not only did the bulldozing on lot 27 occur on that date, but on the same land on 8 May of this year a river red gum was felled without a permit from the Shire of Alexandra. In fact, the shire wrote to the manager of that property on 10 May about the felling of some trees at another property owned by the same person. The letter says:

As a separate but related issue, it was noted that a tree was felled on Crown Allotment 27, Parish of Thornton, on Wednesday the 8th May, 1991. This property appears on our records as being in the company ownership. I would regard this action as fairly poor timing.

Lot 27 is owned by M. A. Zetloff Pty Ltd of 21 Selbourne Road, Toorak. The registered office of the company is Clark Richards, 4th floor, 380 Lonsdale Street, and a director of the company is Margaret Diana Berkeley of 21 Selbourne Road, Toorak, the same address as that of the Victorian Solicitor-General.

The driver of the bulldozer was the Victorian Solicitor-General and he was seen removing the Crown land. I ask the Minister to look into the matter as one of urgency. The Goulburn River and the trees on its banks are deteriorating. The land must be restored to its original state before more damage is done.

Performing Arts Centre Advisory Board, Warrnambool

Hon. R. M. HALLAM (Western) — On behalf of the City of Warrnambool Performing Arts Centre Advisory Board I raise an issue with the Minister for Ethnic, Municipal and Community Affairs, as representative in this place of the Minister for the Arts. The matter is outlined in letters addressed to the Premier and the Minister for the Arts above the signature of Cr James Nicol, the chairman of the board. He refers to an article in the *Age* of 30 October that states:

> The Victorian State Opera will receive an extra $100 000 for its Ballarat Festival initiative in place of this year's regional tour allocation.

Cr Nicol, in his letter to the Premier and to the Minister for the Arts, states:

> The City of Warrnambool is extremely disappointed that the Victoria State Opera can be allowed to change its Statewide commitment to tour opera performances in favour of only one VAPAC approved centre at Her Majesty's Theatre Ballarat.
>
> In recent years, the Victoria State Opera has been prepared to share its resources by arranging tours to at least three VAPAC centres at country locations.

Cr Nicol was very careful to make the following point:

> Ballarat is in relatively close proximity to Melbourne as compared to several other country centres in Victoria, and whilst there is no objection to Ballarat being included as one of say three country venues, it is quite inequitable and possibly completely contrary to the State government's social justice policy to have such important cultural performances centred at just one country venue.

I ask the Minister to use her best endeavours to have that decision reviewed on behalf of not only the City of Warrnambool and the board but also other Victorian country centres that value the opportunity of participating and enjoying the performances of the Victoria State Opera.

Eltham Library Service

Hon. B. A. E. SKEGGS (Templestowe) — I raise a matter for the attention of the Minister for Ethnic, Municipal and Community Affairs, who is the representative in this House of the Minister for the Arts. I refer particularly to the problems of public library funding and to the need for predictable resourcing for libraries. Currently there appear to be inadequate cash flow guarantees to public libraries.

The government's meddling in public library funding has caused concern to the Eltham Library Service. The Eltham Shire Council in a letter of 15 November 1991 states:

> ... the public library funding formula fails to give adequate funding surety towards providing a planned and adequate library service.

The shire council provided me with details and suggested the shortfall for 1991-92 will be more than $22 000. That is the difference between what it expected and what it received the previous year for library funding. The letter states:

> It indicates that council's as-of-right grant has not only failed to keep up with inflation but has in fact decreased in cash terms.

There appears to be a need for a much clearer approach to library service funding. The Eltham Library Service has suffered financially this year compared with the previous twelve months. It is possible that further cutbacks could occur and the council is unsure of its future library service planning. The letter further states:

> Council is concerned at the State government's inability in meeting its part of the contract with the community for the funding of this highly used and important service.

This is a matter of significance for the Eltham area and also for the State. The letter further states:

> ... the siphoning off in excess of $1 million for so-called cooperation does very little for the effective programming and maintenance of the service.

I ask the Minister for the Arts to give favourable consideration to the issue so that predictable resourcing can be achieved and some surety can be

given to councils for their future library planning. It is important that the whole procedure be reviewed. I make the request particularly on behalf of the Shire of Eltham and the Eltham Library Service.

Wattle Park

Hon. R. A. MACKENZIE (Geelong) — I raise a matter for the attention of the Minister for Education and Training, who is the representative in this House of the Minister for Conservation and Environment. This morning I laid before the House a petition of 944 citizens of Victoria protesting about the proposal to build an American-type playground in Wattle Park. Although 944 may not appear to be a large number of citizens it must be remembered that the petition was commenced only last week in an effort to get it into Parliament before the recess. I direct the Minister's attention to the announcement made by Melbourne Water on Monday of this week about the proposals for Wattle Park. In the proposal, Melbourne Water states:

> Melbourne Water also inherited a proposal to build a large children's playground within the park. Given the history of the park, its size and its diversity, Melbourne Water took the view that, in principle, a larger playground was not inappropriate in Wattle Park, provided that it could be sited and designed in such a way that it would not compromise the park's character. In this regard a playground with the appearance of the large playground in Hampton would not be acceptable.

The playground is the idea of an American, Mr Leathers, who has built 500 playgrounds in the United States of America. Mr Leathers has persuaded a group of people to build a playground in the Box Hill area despite more suitable areas being available. The group insists the playground should be built at Wattle Park and has the support of the Minister. The building of the playground is being railroaded, despite concerns expressed by a large number of people.

An opinion of the solicitor for the Environment Defender's Office about restrictions on the use of Wattle Park states:

> Having carefully examined the opinion and discussed it with another solicitor I believe that Ms Cornwall's assessment of the legal position is correct. The Wattle Park Land Act 1991 has, so far as Wattle Park is concerned, drastically restricted the general land use powers of the MMBW under sections 213 and 214 of the MMBW Act 1958. The MMBW may use or permit the use of Wattle Park for the purposes of a public park but not otherwise.
>
> The exclusion of such wide options as "pleasure grounds, gardens or places of public resorts or for the recreation or amusement of the people" as set forth in section 213(1) severely limits the board's powers as to the use of Wattle Park. The fact that Parliament was not prepared to allow the MMBW to retain its normal powers of use and control of land is very significant and cannot be regarded as unintentional. Wattle Park has been expressly differentiated from other land under the control of the MMBW.

The legal opinion raises serious doubts. Will the Minister take up the matter with his colleague in another place to put on hold the program that is being railroaded through by a group of over-enthusiastic people?

Melbourne Water has an area in which it can create a natural reserve at Wattle Park. Will the Minister have the legal opinion investigated to ascertain whether Melbourne Water can do what it proposes?

Contaminated material

Hon. G. H. COX (Nunawading) — I direct the attention of the Minister for Consumer Affairs, in his capacity as the representative in this place of the Minister for Labour, to a problem involving contaminated material. I have been contacted by the Director of Environmental Services of the City of Croydon about factory 6 at 176 Canterbury Road, Croydon. The council is considering the matter of contaminated material stored at that site. It is concerned that the removal of the contaminated material is too slow and is convinced that either the Environment Protection Authority or the Department of Labour is not taking the matter seriously.

The council is concerned because people working in and around the site are complaining about headaches. It is alleged that approximately 25 per cent of Melbourne Water material still exists and half of the State Electricity Commission contaminated soil still remains.

Apparently the Minister was out there some six months ago and said he would look into it but nothing has eventuated. It seems that it is difficult to get anyone to take responsibility for these materials. The council would like to be provided with information about what contaminated materials are still on the site because nobody seems to know for

sure. The council would also appreciate knowing what program is in place to clear the site completely.

This issue has been running for some considerable time and it should be given the serious treatment it deserves. I ask that it be taken up with the Minister without delay.

Responses

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — Mr Chamberlain asked a question about the Bayside Project. The government has incurred cost with the clean-up of the BP site and provision of community services. Of course there is a significant saving to the government in the provision of housing in inner suburban areas because the infrastructure is already provided. The saving is approximately $30 000 a house compared with the outer suburbs. I do not have the relevant figure with me but I shall take that up with the Major Projects Unit and provide Mr Chamberlain with an answer in due course.

Mr Evans raised the possibility of some problems with the *Code of Practice for Exploration and Rehabilitation of Exploration Sites* which was approved by Parliament last week. The problems have arisen because the code makes reference to the *Code for the Abandonment of Mineral Drillholes*. This latter code has been prepared by my department and will be submitted to Parliament next year for approval.

The code is a subordinate instrument under the Interpretation of Legislation Act 1984. Section 32 of that Act provides that a subordinate instrument — in this case the code — cannot pick up or incorporate another instrument or code unless the enabling Act — in this case the Mineral Resources Development Act — specifically provides for this.

Advice to me is that as a consequence those sections of the code that refer to the *Code for the Abandonment of Mineral Drillholes* are not effective, but that in no way negates the rest of the code.

Last week I informed the House that I intended to bring the code back for debate in the autumn session following review of the comments made by Mr Mackenzie and some further comments by the Mining and Environment Advisory Committee. It is my intention to present both codes to Parliament for approval.

To cover the sections that are not effective due to the above problem, my department will make procedures for the abandonment of drillholes a specific condition on the licence until such time as the two codes are approved by Parliament and adopted by me.

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — Mr Hallam asked me to raise with the Minister for the Arts a matter relating to the Victoria State Opera and possible changes in arrangements for the remainder of the year. I do not think that is the financial year; it is possibly for the calendar year 1992. I shall raise that matter with the Minister because I am also interested to know whether changes in arrangements are to be made and, if so, whether they will be permanent. I shall do that as soon as I can.

Mr Skeggs also raised a matter for the Minister for the Arts relating to library funding. I believe this matter has been brought to his attention by the Eltham shire which is concerned about its library services. He asked on the council's behalf for some certainty and clarification of the way in which the library is funded. I shall seek precise information from the Minister for the Arts and inform Mr Skeggs.

Hon. B. T. PULLEN (Minister for Education and Training) — Mr Connard raised the matter of the period of training for nurses prior to registration. I understand that matter is before a Parliamentary committee. I have not yet received a report or recommendations but I shall investigate the matter and advise Mr Connard of the current state of that proposal.

Mr Wright raised the matter of fees charged for TAFE courses for apprentices and possible changes. I point out that in the past TAFE colleges have classified their fees as charges for materials, administration and so on to avoid a prohibition on the charging of tuition fees. That has led to a fairly piecemeal approach to fees and charges.

Following the presentation of the Deveson report I gave a reference to the State Training Board on an appropriate way of rationalising the fee structure to provide a systematic and equitable approach. It had been pointed out in the Deveson report that a number of anomalies existed.

As a result, in the Budget context we determined to bring forward a new set of fees for all TAFE colleges. It is true that the new set of fees has increased fee levels overall, but all funds raised are kept within

the TAFE system and used to increase places in TAFE colleges for 1992 so that we are able to maintain opportunities in TAFE. The full scale of fees must be looked at as a whole; considerable exemptions are involved. I undertake to provide Mr Wright with a complete schedule of fees and background material.

Mr Smith raised a matter of the type that all honourable members take up from time to time: a situation of hardship that goes on for a period. It seems from the information Mr Smith provided that it is a genuine case. I will seek to have the matter dealt with, and certainly examined by the Minister for Conservation and Environment in his capacity as the Minister responsible for water resources.

Mr Craige raised a question about the effect on the Goulburn River of felling trees. I think this matter has been raised previously but I will convey the honourable member's concern to the Minister for Conservation and Environment.

Mr Mackenzie raised the issue of proposals by Melbourne Water to create a playground at Wattle Park. I do not know a great deal about the type of playground except that there is a large emphasis on community involvement. It may be helpful to have a playground of that nature. I will convey to the Minister for Conservation and Environment the concerns which have been raised with the honourable member and on which he presented a petition to the House.

Hon. M. A. LYSTER (Minister for Health) — Mrs Tehan raised a matter with which I am familiar, on a number of occasions having met with the executive of the bone marrow registry group and having had the pleasure of opening Bone Marrow Week a couple of months ago. I have also met a number of families who have been involved in the program in different ways.

When this issue is looked at dispassionately it raises the vexed question of the appropriate allocation of health resources. I believe a bone marrow transplant can cost $125 000 per patient in the case of a non-sibling transplant. When one compares that with the $10 000 per patient for cardiac surgery of the type referred to by Mr Storey in a question earlier this week it presents clinicians and hospitals with the difficult task — —

Hon. M. T. Tehan — And governments!

Hon. M. A. LYSTER — And governments — of deciding just where the health dollar is best spent. One would not dream of saying that one situation has a greater or lesser priority than the other.

I am aware of the situation at the Alfred Hospital where ten people are on the waiting list. The Alfred has made a deliberate decision to pursue only sibling transplants because there is a concern among the doctors at that hospital about the high risk involved in non-sibling transplants. The hospital is confident its waiting list of ten is manageable and is not dangerous. If doctors identify a patient on the waiting list whose condition is deteriorating, that person is moved up the list quickly. Mrs Tehan says patients have to be in remission so their conditions cannot deteriorate. It is difficult for the families to reconcile, especially families that are virtually grieving.

The Alfred Hospital has not, I believe, put in a submission to Health Department Victoria for funding, but it is in the process of putting together an application for increased funding and that, of course, will be considered. I know that the Royal Melbourne Hospital has compiled a draft submission to the Federal government for it to become a nationally funded centre. The executive of the hospital discussed the matter with me when it saw me some three or four months ago. If I recall correctly, the hospital is seeking a unit of ten beds.

Hon. M. T. Tehan — Two units of ten.

Hon. M. A. LYSTER — Ten or twenty beds; nevertheless it would be a staged development. It was put to me that the hospital did not have enough people on the bone marrow register to justify even the first ten beds. Mrs Tehan requests a doubling of the existing two beds to four. I shall look at that, but I would want to be confident that both hospitals, particularly the Royal Melbourne Hospital with its involvement in non-sibling transplants, can justify this considerable expenditure. It is a decision where clinicians and the board have to play prominent roles.

I do not wish Mrs Tehan or the House to think that I am not sympathetic to this issue. Anyone who has knowledge of the difference that can be made, not just to an individual but to a family, when a successful bone marrow transplant is effected cannot fail to be convinced that this is an important area of endeavour for the future, to which the government will eventually have to dedicate funds.

Mr Lawson raised the concern of employees at the R. E. Ross Industrial Centre. This matter was brought to my attention and I sought advice from the management of the Caulfield General Medical Centre as to the action it was taking. The issue should be placed in context.

It is not the general custom for an acute hospital to be involved in a sheltered workshop for people with intellectual disabilities. When the matter was first raised with me I was staggered that such a facility had been considered to be part of a hospital's activity.

Hon. Robert Lawson — Your predecessor must have given $400 000.

Hon. M. A. LYSTER — It has been operated for some time by Caulfield hospital, but it has increasingly become a financial drain on it. Historically the hospital has subsidised the direct costs of the workshop and at present the subsidy is $100 000 a year.

There has never been any Commonwealth funding under the Disability Services Act and the Handicapped Persons Assistance Act. Advice given to Caulfield hospital has indicated that because of the location and operation of the workshop it does not qualify under Commonwealth funding guidelines. The major concern of the board is that the workshop is accumulating a significant deficit each year, and the advice I have received from the hospital is that this cannot continue.

The hospital board has examined the operations of the workshop and it has decided to phase out the process work section, as Mr Lawson says. This will involve finding alternative places for the 20 employees who will be affected by the change out of the 33 people currently employed at the workshop. I am advised the hospital intends to take some time effecting the closure to enable it to find places.

Caulfield hospital has indicated that it will continue to support the financial and viable elements of the workshop and it hopes to expand this component over time to provide additional employment opportunities. I am satisfied that the manager of the Caulfield General Medical Centre is working through the issue with the people working at the sheltered workshop. I know the hospital is liaising with the Commonwealth Department of Community Services and Health, with Headway Victoria and with other agencies. I have also suggested that they make contact with Community Services Victoria. I will certainly ensure that a watching brief is kept on the matter. An officer from the South Eastern Region attended a meeting held at the centre today and I will seek a report from that officer.

Mr Baxter referred to an appointment to the Goulburn Valley Base Hospital. I confess that over the past twelve months I have appointed approximately 700 persons to hospitals and therefore I prefer not to comment on the specifics of the case.

Hon. W. R. Baxter — I invite you to look at it.

Hon. M. A. LYSTER — I shall make some broad comments about the board appointments. The recommendations of any board to the Minister are just that: the appointments are made by the Minister. It has never been the intention of the legislation that the Minister should act as a rubber stamp on those recommendations. I shall examine the matter raised by Mr Baxter.

Hon. T. C. THEOPHANOUS (Minister for Consumer Affairs) — Mr Cox raised for the Minister for Labour a matter relating to a contaminated site at 167 Canterbury Road. The matter was raised with me by an environment officer from the City of Croydon. I understand the property is privately owned and although it is the responsibility of the Department of Labour to ensure dangerous chemicals are stored correctly it is the responsibility of the owner to ensure the site is cleaned up.

Hon. G. H. Cox — Under compulsion if necessary.

Hon. T. C. THEOPHANOUS — That is correct. With that in mind, I shall take up the matter with the Minister for Labour to ensure that the company that owns the property cleans it up, if that is what is required.

Motion agreed to.

House adjourned 1.5 a.m. (Thursday).

Thursday, 21 November 1991

The PRESIDENT (Hon. A. J. Hunt) took the chair at 10.33 a.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

BAYSWATER SECONDARY COLLEGE

Hon. G. B. ASHMAN (Boronia) — The Minister for Education and Training has said he is not prepared to accept the planning committee report on the proposed closure of Bayswater Secondary College and the establishment of Tormore Secondary College as a specialist VCE college in the area.

Was his decision not to accept the closure of Bayswater Secondary College and attempt to close Tormore Secondary College at the end of this year based on the political needs of Kay Setches; and why were the schools involved not notified until after the Minister's press release of 12 November had been circulated?

Hon. B. T. PULLEN (Minister for Education and Training) — I thank the honourable member for his question. This is one of the cases where there was a non-consensus report on a reorganisation of schools following the district provision processes. It is always a difficult issue to work through: on the advice of the region and the department a judgment is made as to what would be the best way forward.

What has happened now is that that has been sent back to the local schools to determine the future arrangements about the creation of a years 11 and 12 college setting and the way those schools can relate to that setting.

As to the second part of Mr Ashman's question, it was intended that the regional office would explain the situation to all the schools in the area in the normal way. I believe an attempt was made to do so, but in the time available the regional office may have inadvertently omitted to inform the school.

GRANTS TO NON-GOVERNMENT SCHOOLS

Hon. W. R. BAXTER (North Eastern) — I direct to the attention of the Minister for Education and Training the government's decision to permanently defer February recurrent grants to non-government schools. Will the Minister assure the House that the schools will be provided with a government guarantee to secure the additional private bridging funding that will necessitate, and will the government meet its budgetary commitment to cover any additional costs incurred by the schools as a result of the deferral?

Hon. B. T. PULLEN (Minister for Education and Training) — I have been in discussions with non-government schools and I have assured the representatives of the various parts of the non-government sector that arrangements similar to those made last year will be put in place. At the moment I am in the midst of discussions with the Department of Treasury to facilitate the making of those arrangements.

JIANGSU PROVINCE

Hon. LICIA KOKOCINSKI (Melbourne West) — The Minister for Manufacturing and Industry Development will be aware that among the sister-State relationships Victoria enjoys with other States it has a strong relationship with Jiangsu Province in China. Will the Minister advise the House of the significant economic initiatives that flow from this relationship?

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — I am delighted to inform honourable members of a significant export initiative that has been finalised. This morning I attended the signing of an agreement between Jiangsu Province and a hide company at Laverton North, Victorian Hide and Skin Producers Pty Ltd. The company signed the agreement to establish a joint venture in Victoria to provide 300 000 salted hides to Jiangsu each year. The deal is expected to be worth $12 million, annually.

The company will enter into a joint venture with a tannery in Xuzhou, a major city in the province, to further process wet blue hides. This is an excellent result, and Victorian Hide and Skin Producers is to be congratulated on the culmination of negotiations lasting two years.

A five-member delegation from Jiangsu Province has been in Victoria for the past three weeks, talking to several companies; and Victorian Hide and Skin Producers emerged from several strong contenders to be selected as the suitable joint venture partner.

The agreement is a welcome boost to the hide and skin industry in this State. Honourable members should be aware that there is considerable value-adding in this industry, a great deal of which occurs in Ms Kokocinski's electorate.

In particular, the department has provided assistance to two tanneries in the State — PMK at Laverton, which is a Korean investment, and Victoria Mouton Pty Ltd — which were established as a consequence of assistance from the department and which are new investments in Victoria over the past twelve months.

Through the Office of Trade and Investment and the section within the Department of Manufacturing and Industry Development that deals with China programs, the department has facilitated the securing of the investment that I am announcing today.

I am confident that as a result of the agreement Victoria will secure with Jiangsu Province, which has a population of 60 million, very significant increases in both the export of hides and skins and the export of tannery products.

We look forward to providing further assistance to that section of Victorian industry to secure exports for value-added primary products to markets in the Pacific Basin.

SCHOOL RECORDS

Hon. G. H. COX (Nunawading) — Taking into consideration the confidentiality of school records, will the Minister for Education and Training tell the House under what circumstances it is appropriate for a school to make public the names and addresses of its Victorian certificate of education (VCE) students? If it is not appropriate, will the Minister investigate how the honourable member for Ringwood, a government Minister, obtained a list of and wrote to the VCE students of Heathmont Secondary College, which is outside her own electorate and her responsibilities as a government Minister?

Hon. B. T. PULLEN (Minister for Education and Training) — I shall have to obtain the details and provide the answer for Mr Cox.

BUDGET OF MINISTRY OF EDUCATION AND TRAINING

Hon. K. I. M. WRIGHT (North Western) — My question without notice is directed to the Minister for Education and Training.

Hon. D. R. White — This is not your last question!

Hon. K. I. M. WRIGHT — Who knows, it may be the last opportunity I have of asking a question.

Hon. D. R. White — We are coming back next Tuesday for you!

Hon. K. I. M. WRIGHT — Is the Minister for Education and Training aware that more than 2000 primary school students from seven Mildura district schools stayed away from school on Monday?

Honourable members interjecting.

Hon. K. I. M. WRIGHT — Is he aware that the reason for the school councils and parents taking this action is the fear that Victorian country schools will bear the brunt of increased Budget cuts, following settlement of the dispute with teachers?

Will the Minister inform the House why he has not answered letters written in September and since, requesting information on Budget cuts? Finally, will the Minister take action to overcome concerns of country students, parents and school councils?

Hon. B. T. PULLEN (Minister for Education and Training) — I can assure Mr Wright that the settlements arrived at in respect of necessary Budget savings in the education area will not at all disadvantage country schools. That is the case in respect of both primary schools in the country, where there will be no loss of teachers as a result of Budget cuts — numbers will be maintained — and secondary colleges. They will have some additional teachers coming in, particularly to provide support for students with disabilities. The distribution of the teachers will be on a needs basis and those country schools with needs relating to supporting students with disabilities in an integrated setting in their schools will be treated absolutely the same as any other school.

I suggest Mr Wright assures members of school councils in his electorate that they can look forward to suffering no disadvantage compared with other schools in the State as a result of the settlements that have been reached.

YOUTH HOMELESSNESS

Hon. C. F. VAN BUREN (Eumemmerring) — My question is for the Minister for Ethnic, Municipal and Community Affairs. I refer to the Burdekin report on homeless youth and its associated problems and ask the Minister to inform the House what initiatives the government has taken to address youth homelessness through parent/adolescent mediation?

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — The Burdekin report was critical of the tendency of some youth workers to accept homelessness and young people leaving home as something of a fait accompli. It suggested that greater attempts should be made to achieve reconciliation within families, where that is possible.

Parent/adolescent mediation programs — something the government regards as quite successful and looks upon with some pride — have been developed in the northern suburbs, where there is a mediation program, and at Frankston, where there is a dispute settlement centre for that city, which also serves the Peninsula. The programs are funded through the youth homelessness task force. They have shown that young people want to retain relationships with their families, including their parents, and vice versa.

The parent/adolescent mediation model uses young people as mediators. In other words, it trains adolescents to be peer mediators, as well as using adults in the role of mediators. The model uses innovative techniques. It begins with an intake interview with the participants. This is obviously a complex process that involves some dispute counselling, but often it is sufficient intervention to in fact reconcile the family prior to actual mediation. A mediation session may follow, in which the participants to a dispute attempt to resolve their conflicts and develop new understandings with each other.

In the twelve months that the model has been piloted, 96 intake interviews have been conducted, 70 per cent of which have been successful.

How do we judge the success? The participants — that is the adolescents and the parents or another close relative — indicate that they believe the process has been successful. The result has been significant in its effect on family life and its fabric. In terms of human cost, it is a saving type of process. When one considers the costliness of homelessness in economic as well as human terms, it is quite obvious that if we continue with this idea of mediation — a very powerful process in itself — and keep on testing its effectiveness we may find a procedure by which to bring families together again or hold families together. Then we can begin to reduce the numbers of young people who are simply taking off and eventually becoming homeless or living on the streets.

In the light of that, it is proposed to continue with the programs for another twelve months. The programs are extremely cost-effective for government, which makes available $10 000 to each of the dispute settlement centres for the training of young people and for the conduct of interviews and courses. For that relatively small amount of money I believe we are getting significant results, results that will be looked at right across Australia and throughout the world.

GRANTS TO NON-GOVERNMENT SCHOOLS

Hon. HADDON STOREY (East Yarra) — I refer the Minister for Education and Training to his undertaking to advise non-government schools of their 1992 funding by the middle of October and to his earlier answer and ask: when will schools receive advice on this matter, which is crucial to their operations?

Hon. B. T. PULLEN (Minister for Education and Training) — I expect to have advice out by the end of this week.

SALE OF LOY YANG B POWER STATION

Hon. P. R. HALL (Gippsland) — I direct my question to the Minister for Manufacturing and Industry Development. In reply to a question without notice on Tuesday, the Minister advanced the argument that the private bidders for 40 per cent equity in Loy Yang B were pleased that the government will retain 60 per cent ownership, as this ensured power produced from Loy Yang would have access to the State grid.

In saying that, did the Minister imply that any future private generator in Victoria would or could be denied access to existing State-owned transmission infrastructure? If so, is that not in conflict with the policy to establish a national grid that would guarantee Victorian access to interstate electricity.

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — The House may recall that, in answer to that question, I referred to the honourable member as a lightweight.

Honourable members interjecting.

Hon. D. R. WHITE — It is clear Mr Hall did not listen to my answer to the question.

Hon. P. R. Hall — I have even read the answer!

Hon. D. R. WHITE — You did not listen to the facts of the matter. I'll make it clear again.

In extensive discussions with the five bidders and other parties and also with international bankers and local bankers at the most senior levels in those organisations — the most senior people one can speak to in those organisations — it was made absolutely clear that the security of the Loy Yang B proposal was built around the fact that if the State government and the State Electricity Commission (SEC) retained an equity interest, particularly at this stage of the process where a number of bidders and international bankers have had no previous experience in Victoria or in the Latrobe Valley, it would enhance the bid on the grounds that they would know that the SEC and the State government would not attempt, either directly or indirectly, to see the Loy Yang B site stand alone and have an unknown group of people not familiar with Victoria deal on their own in an uncertain environment.

The preferred position — and it remains the preferred position — with the State Electricity Commission having an equity interest is for it to be a vested interest not only on the part of the people who have made a bid as of last November but also on the part of the State Electricity Commission to ensure that that power station is a successful venture.

The commission's confidence in Loy Yang B is enhanced by the fact that those people are present. The Industry Commission report says that any power station in whatever capacity would have access to the transmission system, but that in itself would not produce adequate security. The commercial relations that unfold from that in that there will be a long-term electricity — —

Hon. R. M. Hallam — What about providing a contract?

Hon. D. R. WHITE — There will be a long-term coal contract for the provision of coal. There will be a long-term labour contract.

Hon. R. M. Hallam — What about a contract for access to the grid? That is the second proposition.

Hon. D. R. WHITE — There will be a long-term electricity contract from Loy Yang B back to the State Electricity Commission. Eighty per cent of the electricity will be sold back at a known long-term fixed price and 20 per cent will be sold back from Loy Yang B to the commission at optional prices, at prices that move depending on what is occurring in the market at the time. All the bidders know that.

It is the view of the Industries Commission that part of the 20 per cent, if not the whole of the 20 per cent, should be available to third parties via the transmission system and that Loy Yang B should sell 20 per cent of the power direct to a third party using the transmission system in competition with the SEC.

That is not the preferred view of the bidders at this stage. What they prefer is a 100 per cent sell-back to the commission at least in the initial period; 80 per cent at a fixed price and 20 per cent at a price to be determined depending on their capacity to bid with other prospective suppliers in the market place, such as a power station in New South Wales or a hydro-power station in Tasmania when the grid is built and completed by 1997 or 1998.

Within that system, in terms of security prior to making a first bid for a new asset in a land where many of the investors have not previously been, their much preferred position is that the State Electricity Commission should have an equity in the power station and that there should be an electricity contract back to the SEC for 100 per cent of the electricity with 80 per cent at a fixed and known price with a fixed and known coal contract and a fixed and known labour contract. All that will occur.

I repeat, the merit and the quality of the bids that have been received have been enhanced by the fact that the commission and the government have retained an equity interest in what is a first-class asset that is being presented to the marketplace, which will be operational and will provide

electricity to meet Victoria's needs for the winter of 1993.

PSYCHIATRIC SERVICES

Hon. R. S. IVES (Eumemmerring) — Will the Minister for Health advise the House what improvements in psychiatric services have occurred in the southern suburbs of Melbourne in recent years?

Hon. M. A. LYSTER (Minister for Health) — In a week in which we have heard of the worst of the services for people with psychiatric disabilities in this State it is important that we balance the record by hearing what Victoria offers as some of the best in the provision of psychiatric services in Australia and, I believe, in the Western World. I shall concentrate on what is happening in the southern suburbs of Melbourne. The per capita spending in 1985-86 was $8; in 1991-92 the per capita spending on psychiatric services in this region is $28 — a most significant redistribution that must be acknowledged.

Honourable members interjecting.

Hon. M. A. LYSTER — I note the singular lack of interest in this response from the opposition. It is not surprising that it is commensurable with the amount of interest the opposition showed in mental health during the 27 years it was in government. However, it is not the rhetoric but the record that is the reality of this government.

With respect to services to children and adolescents we have had the opening of a 10-bed adolescent unit at Monash Medical Centre and new community teams for the southern and Peninsula suburbs managed by the Monash Medical Centre.

To improve general psychiatric services for adults we have seen the establishment of Heatherton hospital as a major psychiatric services corporation including 48 acute beds and 82 geriatric psychiatric beds; the building of a new 36-bed psychiatric unit at Monash Medical Centre, which will open early next year; the building of a new psychiatric unit at the Frankston hospital with 25 adult and 11 geriatric beds, which I shall be honoured to open next week; the expansion of beds from 48 to 52 at the Dandenong Psychiatric Centre; the redevelopment of the Community Psychiatric Service in the southern suburbs, including the establishment of the Southern Community Health Service and 24-hour crisis intervention team; the expansion of the Community Psychiatric Service at Frankston; and the establishment of post-acute day care at Dandenong Psychiatric Centre, in the honourable member's own electorate. In the inner area there is the commencement of capital development at the Alfred Hospital to establish a 50-bed psychiatric unit, which will be commissioned in January 1993.

Not only are we meeting the needs of young people, adolescents and the general adult population but we are also recognising the ageing of the population and the fact that as the population ages problems such as dementia increase. Therefore there is a need for an increase in appropriate services to meet these needs. As part of the closure of the Willsmere hospital we have seen the establishment of two 18-bed cluster house units in Bentleigh and Seaford; the building of two 30-bed psychogeriatric nursing homes in Springvale and Mount Eliza; the establishment of 82 geriatric beds at Heatherton hospital, to which I have referred, and 11 assessment beds at Frankston; and the expansion of psychogeriatric assessment services at Dandenong Psychiatric Centre and the new team at the Heatherton hospital.

Those are services currently provided within the Public Service but there is also an important role for the non-government sector, the voluntary sector, to play in the ongoing community-based support provided for people after they are discharged from hospital. They include the groups of which I declare my interest, Mr President. I am the patron and the founder of the excellent rehabilitation day programs and housing support programs provided by Peninsula Psychiatric Services. There is also the Southern Regional Housing Council.

Hon. R. I. Knowles — They are still the worst in Australia.

Hon. M. A. LYSTER — That must be a massive condemnation of what is happening in other States.

Hon. R. I. Knowles — That's logic for you.

Hon. M. A. LYSTER — I cannot reconcile Commissioner Burdekin's comments with the sort of record that I am going through — just for the southern region of Melbourne, because I still have not finished.

The expansion of non-government programs also includes the commencement of a specialist accommodation program for women with psychiatric disorders and their children provided by

the Prahran Parish Commission, and the funding of the Eastern Regional Mental Health Association to provide day programs and accommodation support for older people in the Dandenong area.

That is not rhetoric, that is the reality of what has been achieved in just one part of Melbourne on which virtually nothing was being spent in acute, rehabilitative or extended care services for people with psychiatric disabilities.

I heard what Commissioner Burdekin said yesterday. We all mourn the reality of what is happening at Aradale Psychiatric Hospital but I believe the record of the government, demonstrated in just a small part of Melbourne, is shown in what I have shared with the House today. While we know there is still much more to be done, much has already been achieved.

CHANGE PAYMENT ARRANGEMENTS TO NON-GOVERNMENT SCHOOLS

Hon. J. G. MILES (Templestowe) — I refer the Minister for Education and Training to the commitment contained in the 1990-91 Budget which reads:

> To ensure that the change payment arrangements to non-government schools and municipalities are cost-neutral, provision will be made in 1991-92 and future financial years for additional payments to offset the interest impact.

Will the Minister advise the House of the precise provision included in the 1991-92 Budget to cover the commitment which was made in the 1990-91 Budget?

Hon. B. T. PULLEN (Minister for Education and Training) — As I indicated, discussions are occurring now with the Ministry of Finance and with Treasury to ensure that the means for providing the original intent of the arrangements are achieved and the Treasurer's commitment is met. I have informed the Catholic Education Office and the Independent Schools Association of that fact and the commitment will be honoured.

SCHOOLS COMMUNICATION FESTIVAL

Hon. JOAN COXSEDGE (Melbourne West) — I direct my question to the Minister for Education and Training. I do not believe it is my last question! I ask the Minister to advise the House about the Schools Communication Festival to be held at the end of this month in the State Library.

Hon. B. T. PULLEN (Minister for Education and Training) — The festival referred to by the honourable member has been initiated and organised by the State Library Education Centre and the *Age* newspaper. It will take place in the State Library on Friday, 29 November and will provide a forum for students who are doing the Communication Project in VCE English this year. The project is designed to develop oral language skills and research initiatives in students through presentation.

Students are required to give a presentation to an audience other than their teachers and to organise a way for audiences to make an evaluation of the presentation. It is an important part of the VCE requirements in year 12, and it is important in the sense that oral communication is such an integral part of communication generally.

The presentation has received wide support as an addition to the curriculum. The students who have been selected in consultation with the *Age* will make a presentation on their particular project work which will be heard by some eminent people such as the Chancellor of the Victoria University of Technology, Creighton Burns and the ABC newsreader Mary Delahunty; and Campbell McComas will make the welcoming address on Saturday evening.

I am pleased to inform the House that the *Age* newspaper has made a generous donation of $10 000 to support the festival, which is an indication of the importance it places on the value of the VCE communications project. It is estimated that some 85 per cent of communication in day-to-day life is verbal, so the project is important for students' level of education and provides an opportunity for vocational success. The students are able to demonstrate skills in oral as well as written communication.

The education centre at the State Library of Victoria is supported jointly by the William Buckland Foundation and the Ministry of Education and Training, which is providing a manager and three project officers.

I shall attend the session myself so that I can see the work being done by Fitzroy VCE students. Honourable members who have a genuine interest in understanding the achievements that students are making in this part of the VCE course will be very

welcome. It will be an interesting and informative session and an opportunity to see the excellent examples of work completed by students of the VCE, with particular emphasis on communication and oral skills.

LORD MAYOR OF MELBOURNE

Hon. B. A. CHAMBERLAIN (Western) — I refer the Minister for Ethnic, Municipal and Community Affairs to the widely publicised allegations of bribery made against the Lord Mayor of Melbourne by Mr Neil Cole, the honourable member for Melbourne in another place. From the Minister's answer to me last Thursday and this Tuesday, it appears she has established that Mr Cole did not take his allegations to her, nor to her Ministry, and that the Ministry has found nothing untoward in the actions of the Lord Mayor. Will the Minister now, as a matter of fairness to that public figure falsely maligned with widespread publicity, formally advise the Lord Mayor and the Melbourne City Council that her Ministry has found no basis for the accusation and innuendoes made under Parliamentary privilege?

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — I explained to Mr Chamberlain on Tuesday, in answer to a question from him, that there appeared to be no breach of any of the pecuniary interest provisions but that the Ministry of Ethnic, Municipal and Community Affairs had advised me that there might be a charge that should be investigated by the police. I wrote to the Minister for Police and Emergency Services suggesting that the matter should go through the normal processes and be checked out.

As soon as I have some information about that I imagine I will send a letter to the Melbourne City Council setting out what I have done and the results of the investigation.

Hon. B. A. Chamberlain — Mr Cole still has not been to you?

Hon. C. J. HOGG — No.

MAIL ORDER SCAMS

Hon. C. J. KENNEDY (Waverley) — I direct my question to the most capable Minister for Consumer Affairs and I ask him to inform the House of any recent mail order scams and whether he expects there will be an increase around Christmas time.

Hon. M. A. BIRRELL (East Yarra) — On a point of order, Mr President, the latter part of the question, apart from being bizarre, is speculative and invites the Minister to do something not in accordance with the forms of answers to questions without notice. Unless the Minister has a personal awareness and a personal understanding of the likelihood of an increase in crime, it is not the type of question that can be asked.

Hon. C. J. KENNEDY (Waverley) — Mr President, I will rephrase the last part of the question. I ask the Minister: is there currently an increase in this type of scam?

Hon. T. C. THEOPHANOUS (Minister for Consumer Affairs) — There are always unscrupulous people who dream up schemes to part people from their hard-earned money. Experience has shown that such schemes tend to become more prolific around Christmas time. Mail order scams are one of these schemes. During times of financial pressure people are more vulnerable and are more inclined to take up the offers of such scams if they believe they can make quick or easy money.

The Ministry has received complaints and inquiries from the public about a number of such mail order operations, particularly from overseas. Recently I issued a warning about letters sent to people telling them they had won a colour television, or a trip to Hong Kong, or a luxury car, or a special watch, or cash. However, to claim a prize people had to send money to a post office box in Gibraltar. The warning bells rang for hundreds of consumers around the country and the Ministry received telephone calls from consumers about this and other mail order operations.

I am pleased to inform the House that the Australian Direct Marketing Association in its communication with the Ministry, has also expressed concern about such schemes. It now has a code of conduct for its members and is anxious to put the fly-by-nighters out of business, which is also good for business. The association now advises people planning to order by mail to do a number of things: firstly, that they order with care and understand the terms of the offer; secondly, that they check whether goods can be returned, if unsatisfactory; thirdly, that they do not send cash through the mail because it is not possible to prove that it has been sent if it is lost or stolen; fourthly, that they should keep a record of the order form, the company's name and address and what was ordered; and finally that they should return goods immediately if they are faulty.

I endorse the association's advice, and I would simply add from a consumer affairs point of view and my own: consider carefully — if the offer seems too good to be true, it probably is!

ANSWERS TO QUESTIONS ON NOTICE

Hon. M. A. BIRRELL (East Yarra) — On 14 November this year I wrote to the Minister for Health seeking an answer to question on notice No. 1137, which has been on the Notice Paper for some time. The Minister has not provided a response, and I would welcome an indication of why no answer has been given.

Hon. M. A. LYSTER (Minister for Health) — The question to which Mr Birrell refers was asked of me on behalf of the Attorney-General. The matter was brought to the attention of the Attorney-General's Department but, as Mr Birrell will be aware, the Attorney-General is currently overseas. Prior to my communication he had instructed that responses be prepared immediately and forwarded to honourable members as soon as possible. Although Mr Birrell may have to wait until next session for the formal tabling of the response in the House, I hope the answer will be communicated to him informally during the Parliamentary recess.

Hon. M. A. BIRRELL (East Yarra) — On 14 November this year I wrote to the Minister for Consumer Affairs requesting an answer to question on notice No. 1162, and I would welcome the Minister's response as to why an answer has not been provided.

Hon. T. C. THEOPHANOUS (Minister for Consumer Affairs) — The question was asked of me on behalf of the Minister for Labour. I have inquired with the Minister about all questions that are not the responsibility of my Ministry and have sought explanations as to why the questions have not been answered. I am continuing to pursue that course of action. As soon as I receive a response I shall make it available to Mr Birrell. That may be done informally during the Parliamentary recess, given that it will not be possible to do so formally before the end of this session.

Hon. M. A. BIRRELL (East Yarra) — On 14 November I wrote to the Minister for Manufacturing and Industry Development requesting an answer to question on notice No. 1046.

Hon. D. R. White — Who was the question directed to?

Hon. M. A. BIRRELL — The question was to the Minister for Manufacturing and Industry Development on behalf of the Treasurer.

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — I recall receiving a letter from Mr Birrell, but I cannot recall to which particular question it related. However, I asked officers of my department to contact the relevant Minister. During the course of the day I shall take steps to see what has transpired as a consequence of those representations.

Hon. K. M. SMITH (South Eastern) — Question on notice No. 1206 was directed to the Minister for Education and Training on behalf of the Minister for Conservation and Environment. Last Tuesday I faxed the Minister's office requesting an answer to the question, and the Minister gave an undertaking that some action would be taken. Nothing has eventuated and I once again ask the Minister to inform me when the answer will be provided.

Hon. B. T. PULLEN (Minister for Education and Training) — As I have indicated, my officers pursue these matters with the responsible Ministers. As yet, I am not aware of a response. I will pursue it further today and endeavour to provide an answer today or, if that is not possible, to provide informal information to Mr Smith prior to the next sitting of Parliament so that he is at least aware of the situation, even though it will not be possible to table additional information.

The PRESIDENT — Order! I believe the particular question was answered on Tuesday. It was in the long list that was tabled without being read. Mr Smith should check the answers given on Tuesday and inform me if I am wrong. If I am right he should consult with the Minister and inform him accordingly.

Hon. M. A. BIRRELL (East Yarra) — Arising out of those comments, I move:

> That the Council take note of the explanations given by the Ministers in relation to unanswered questions.

It is of concern to the opposition that this is probably the last sitting day for this House this year and many questions remain unanswered.

We have waited patiently until the last day to raise this matter. All five Ministers appear to fit into the category of having a large number of unanswered questions, many of which were directed to them and

many to the Ministers they represent in another place.

When the rules of this House were changed in 1989 there was an expectation that Ministers would answer questions with some degree of promptness.

The total number of unanswered questions in the Legislative Council at this stage is approximately 164. At a similar time last year there were about 79 unanswered questions and in 1989 there were only 61. The number of unanswered questions is more than double the figure at this time last year.

Questions are meant to be answered within 30 days and it is extraordinary that there are still questions unanswered from as far back as 4 September 1990.

Since Ministers have absolute leniency to answer questions in any way, so long as the answer is relevant to the question, it stretches one's imagination to work out how questions asked as far back as 4 September last year have not been answered.

The situation in the Legislative Assembly is not much different, with a catalogue of 237 unanswered questions on notice.

I stress that these questions have been asked not just by Liberal or National Party members but also by Labor Party members and the one independent member.

The opposition records its deep concern. It recognises that Ministers sometimes find it difficult to obtain answers on behalf of Ministers in the other House, but that should not mean a delay of ten or eleven months in answering questions!

Clearly the situation is intolerable, particularly in view of the long breaks in sittings when one would have expected most of the answers to have been organised.

In the Legislative Council the largest number of unanswered questions rests with the Minister for Manufacturing and Industry Development. With 38 unanswered questions he wins the award this year for the most secretive Minister. Second is the Minister for Health, with 35 unanswered questions. The Minister for Consumer Affairs comes third, with 33 unanswered questions. Fourth is the Minister for Ethnic, Municipal and Community Affairs, with 32 unanswered questions; and a close fifth is the Minister for Education and Training with 25 unanswered questions.

Failure to provide information to the public on key issues is intolerable, and the most secretive Minister, Mr White, should be here to explain why the answers have not been provided.

In the Legislative Assembly the person with the worst track record for unanswered questions is the Minister for Finance, Mr Sheehan, with 34 unanswered questions, closely followed by our old friend the Deputy Premier, Mr Kennan, with 38 unanswered questions.

We seek answers and a flow of information. This performance is nowhere near tolerable and cannot be idly accepted. It is a calculated failure to provide information to the public. We use the vehicle of this debate on questions on notice to draw the House's attention to that failure.

I stress that these answers are meant to be provided within 30 days so they can be used by the media and the public. In this House one question has been outstanding — in fact, many questions have been outstanding — for more than one year.

Hon. T. C. Theophanous — Which one?

Hon. M. A. BIRRELL — I give one example of a question addressed to the Minister for Consumer Affairs, Mr Theophanous.

Hon. T. C. Theophanous — Is that the one?

Hon. M. A. BIRRELL — It was asked on 4 September 1990 but has not been answered. A further question was addressed to the Minister for Manufacturing and Industry Development, Mr White, on 26 September 1990, but it has not been answered. Another example is a question which was addressed to Mr Theophanous on 30 October 1990 but remains unanswered.

Hon. T. C. Theophanous — I wasn't the Minister then.

Hon. M. A. BIRRELL — Mr Theophanous says he was not the Minister then. That is true; he was not even a twinkle in the Premier's eye back then!

Hon. T. C. Theophanous — How do you know?

Hon. M. A. BIRRELL — Now he has been elevated to the frontbench despite the level of surprise in the community at that process.

Hon. G. H. Cox — In desperation!

Hon. M. A. BIRRELL — He has to accept some of the responsibilities that come with the portfolio, including picking up some of the problems left by his predecessor. We are beginning to think we want Brian back! Even if he did not answer the questions at least he was affable!

Hon. B. T. Pullen — To you.

Hon. M. A. BIRRELL — I am sure Mr Theophanous is disappointed he has hit the key players in the "Most Secretive Ministers Stakes"! We hope he can answer at least the questions asked prior to November last year. We would appreciate it if he could answer the questions that are more than twelve months old.

Hon. T. C. Theophanous — They are not questions to me.

Hon. M. A. BIRRELL — They are questions to you. I do not think you need invite a ruling from the President, Mr Theophanous, because the President has already made it clear that the questions are addressed to the Minister in this House and he has a responsibility to answer for matters where the responsible Minister is in another House. It is a responsibility that you should not take lightly, nor treat in a flippant manner.

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — On a point of order, Mr President, I take offence at being described earlier as the most secretive Minister. All questions on notice asked in this House of me as a Minister in the past ten years have been answered.

Hon. M. A. Birrell — In ten years?

Hon. D. R. WHITE — Over the period of ten years they have been answered within the — —

An Honourable Member — It is not a point of order.

The PRESIDENT — Order! It is clearly not a point of order. I can understand the objection but it is a matter for debate and the Leader of the House will be able to respond when Mr Birrell has concluded. The remarks the Minister was commencing to make were in the nature of a response rather than a point of order.

Hon. M. A. BIRRELL (East Yarra) — I would welcome the Minister for Manufacturing and Industry Development — who has at last returned to the Chamber — defending his record. He can explain, as I hope other Ministers will, why some of the questions have not been answered. As a benchmark, if they would answer questions within the year we would clear up some of the backlog; perhaps they could be answered within six months. It is somewhat beyond belief that three or four months can pass without a question being answered in any way. Ministers know very well that any answer can be provided so long as it is vaguely relevant, but no attempt has been made to do even that.

The information asked for gives the lie to the claim that the answers are impossible to provide. To give the House an example: a question on notice directed to Mr Theophanous, the Minister for Consumer Affairs, on 30 October 1990, asked for the details of overseas trips made by the Minister for Labour, and that information is on file and could be easily provided.

Hon. G. P. Connard — Other Ministers provided it.

Hon. M. A. BIRRELL — As Mr Connard says, other Ministers have provided that information. It is a simple request to fulfil, one that has been fulfilled by the Minister's colleagues.

Obviously the Minister for Labour does not want to publicly release the details of his overseas trips; or at the very least, he does not want the details in *Hansard* so that he can be held accountable for them. I should like the government to explain why it is impossible to provide an answer about the overseas trips made by the Minister for Labour and why such information cannot be put on the public record.

If a Minister says that because the answer asked for is complex he or she needs extra time to answer it, we would accept such an argument. But the government has not shown the coalition the courtesy of giving an explanation along those lines. Nor have Ministers said, for example, that questions are so general as to make the giving of specific answers very difficult. If that were the case Ministers could ask for more detailed questions — —

Hon. T. C. Theophanous — We would have to do that for every question.

Hon. M. A. BIRRELL — If that is the case, Minister, you should do so. A Minister who has a problem with the framing of a question should raise the matter with the questioner either formally or informally.

The coalition is not saying that all questions must be answered within 30 days if, for example, the supplying of an answer within that time is not in the interests of the questioner — in other words, if the time limit imposed means that the information supplied is useless because a Minister did not or could not understand the question. If problems are encountered Ministers should respond by explaining to the House the nature of the problem; at least there would be that sense of outcome.

The reforms made by the House in 1989 were designed to cut the average waiting time from 180 days to 30 days; in other words they were a genuine attempt to speed up the process of answering questions on notice. If the House is to respect the intent of the reform, Ministers who have not answered questions on notice that have been on the Notice Paper for twelve months should get cracking, if for no other reason than to rid themselves of the embarrassment of their failure to answer. That is especially so when many of the questions are technical or statistical in nature and do not require much work because the information is on file in a pure form which can easily be turned into an answer.

Mr Connard, Mr Ashman and Mr Smith will all explain why they are concerned by the failure of Ministers to answer questions of a purely technical nature which require a simple technical answer.

I should like the Minister for Consumer Affairs to explain why he has not answered questions on notice Nos 496 and 711; and I should like the Minister for Health to explain the problems she is having in answering question on notice No. 733. Those questions have been on the Notice Paper for more than twelve months and are a test of whether Ministers are prepared to make an extra effort to get the answers from their Ministerial colleagues in the other place.

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — I remind honourable members that this is probably the last day of the meeting of the House in this sessional period, and that certain protocols and traditions should be followed when matters such as this arise.

The government was given no warning by the Leader of the Opposition or any other member of the coalition that prior to dealing with the Business of the House the coalition intended to raise this matter.

Hon. M. A. Birrell — We wrote to you.

Hon. D. R. WHITE — We were given no indication. As a matter of protocol I remind all honourable members that the tradition of the House has been that no general business is dealt with during the last week of the sitting of the House. On a previous occasion the government extended that courtesy and that debate took from the end of question time, approximately 11.15 a.m., until 4.30 p.m. or 5 p.m. The first Bill was not passed until after 5 o'clock.

Tradition, custom and practice have been that the Leader of the Opposition gives notice of any motion proposed to be debated on a day set aside for government business, particularly if it is the intention to do so on the last day of the session.

Hon. M. A. Birrell — We wrote to you on 14 November. It arises naturally under Standing Orders as it did on the only other occasion that the matter has been debated!

Hon. D. R. WHITE — In response to the Leader of the Opposition I point out that if he wanted to take up the time of the House to pursue a matter about which he wrote to me a week ago, he could have shown some decency and extended common courtesy by approaching the government Whip and indicating that that was his intention. I saw the Leader of the Opposition before the sitting of the House commenced this morning and he could have told me then that he intended to take up some time in pursuing the matter.

The fact that the Leader of the Opposition did not make any attempt, either directly or by way of the government Whip, to approach me about the matter is an indication of the standards he wishes to set!

Hon. M. A. Birrell — We thought you were going to provide the answers today, the last day of the session; that is why we wrote to you! You received a letter — isn't that notice?

Hon. D. R. WHITE — The Leader of the Opposition persists with pointing out that he sent

me a letter. I have acknowledged to the House that he did send me a letter.

Hon. M. A. Birrell — It says that I will be raising the matter in the Upper House.

Hon. D. R. WHITE — By way of decency and as a matter of common courtesy, the matter should have been dealt with in the same manner as other business on the government Notice Paper is dealt with. Today the Leader of the Opposition sent the opposition Whip over to ask me whether the Land (Miscellaneous) Bill could be dealt with after lunch because the Leader of the Opposition was not ready to make his contribution to the debate on the Bill. As a gesture of generosity and by way of courtesy the government has moved Order of the Day No. 3, the Road Safety (Further Amendment) Bill, to No. 2. Here is an example of the degree of generosity and the level of courtesy extended to the Leader of the Opposition every day of the week!

By way of contrast, he did not say at the same time he was asking for a delay in the resumption of the debate on the Land (Miscellaneous) Bill that he wanted to pursue in some detail and at some length the issue of the outstanding questions on notice. I take it as a profound offence against the traditions of conduct of the House.

Hon. M. A. Birrell — Terrible!

Hon. D. R. WHITE — The Leader of the Opposition sits here and proclaims what he considers to be the way the House should be conducted but consistently behaves in a fashion contrary to that. He conducts himself in the same way in dealings with all his colleagues on that side of the House. That is common knowledge; it is part of his character.

I make this point about the questions on notice — —

Honourable members interjecting.

Hon. D. R. WHITE — He will never grow up!

Hon. M. A. Birrell — What about the substantive issue?

Hon. D. R. WHITE — Your character is the substantive issue!

Honourable members interjecting.

Hon. D. R. WHITE — Mr President, you have given a number of rulings on questions on notice. To my knowledge there is no question outstanding that has been directed to me in my capacity as Minister for Manufacturing and Industry Development, Minister for Gaming or Minister responsible for ports. Since 1989 I have also adhered to the ruling, spirit and practice of the House, as have all other Ministers, in accordance with the 30-day rule. We accept it as a sensible discipline. We accept it as something that ought to be pursued. Officers in departments and agencies and people handling the correspondence also see it as a sensible measure. We see it as a sensible reform and we have practised it.

To be described as the most secretive Minister as a consequence of adhering to the spirit of that rule and the demands that that in turn introduces is something to which I also take offence. I take offence at the fact that a rule was introduced to which we adhered — —

Hon. M. A. Birrell — You are not adhering to it!

Hon. D. R. WHITE — And the Leader of the Opposition, by a shorthand tactic, is attributing to me in terms of my responsibilities something that is not my responsibility. I also make it clear that the President has given a ruling which is in keeping with the spirit of the reforms that we are also practising.

The ruling you have given, Mr President, is on questions on notice that are addressed to us as representatives of Ministers in another place. We understand there is ample capacity for those questions to be directed by the opposition to Ministers in the other place, but we also understand that members have the right to raise the matters here — we have used our best endeavours to get those questions answered. However I am not the Minister responsible for the Department of the Premier and Cabinet, the Treasury, the Ministry for the Arts or any other portfolio. I may be the representative in this House of Ministers in another place, but I am not the Minister responsible for ensuring that the questions are answered in this House within a specified time. Nor under the traditions of the Westminster system is it possible for me or for any other Minister to do that.

We have adhered to the spirit and practice of the reforms and of the rulings that you, Mr President, have made. If there is some mechanism by which you indicate that those rules should be changed so that some other practice can occur, we will adhere to

that. But it is not possible for any Minister in this place to direct a Minister in another place as to when that Minister should answer a question on notice that is raised here. I cannot see any way around that.

When members ask us a question and follow it up with a letter there has never been a case where any Minister here has done other than follow it up with the relevant Minister. We will not spend our time speaking on behalf of Ministers in another place.

So we have done two things. Firstly, as Ministers in this place we have at all times adhered to the 30-day rule. There are no exceptions to that. If there were an incidental exception within the general range of questions it would be almost a unique event.

Secondly, we have adhered to the spirit and practice that you, Mr President, have laid down in respect of questions that are asked of us on behalf of Ministers in another place. We have adhered to that ruling.

So on both counts we are adhering to the reform and to your ruling. In that context I take the strongest possible exception not only in my own right but also on behalf of all Ministers in this House to the view that we are taking some short cut or using some misleading tactic to try to find some way of getting around answering the questions. We are not in that business. We have not attempted to be in that business. We take the strongest possible exception to the character of the remarks that have been made about us, particularly when we have had no notice of the intent to do so.

Hon. M. A. Birrell — Apart from the letter!

Hon. D. R. WHITE — And on a day that we have changed the batting order in this House to suit you.

Honourable members interjecting.

The PRESIDENT — Order! I call Mr Baxter.

Hon. D. R. WHITE — Childish bloody scumbag!

Hon. W. R. BAXTER (North Eastern) — I support the motion moved by Mr Birrell. The House has witnessed yet another example of the Leader of the Government, when bereft of an argument, resorting to personal abuse, both directly and by the disgraceful interjection he has just made.

How can the Minister suggest that this is totally unexpected? In making notes before he rose to speak I noted the point on my sheet that there has been plenty of warning. Bearing in mind the 30-day rule that has been applied in the House for some time, any Minister could fully expect that on the last day of sitting any questions still outstanding, particularly those that have been on the Notice Paper for some time, would be raised. If Mr White did not foresee that, he does not deserve to be the Leader of the Government in this place.

His allegation that he had to alter the batting order today to suit the convenience of the Leader of the Opposition is an interesting statement. How often do honourable members follow the batting order that is set on the Notice Paper, anyway? At about midnight yesterday I was approached by the government and asked whether I was in a position to debate the Road Safety (Further Amendment) Bill and the National Rail Corporation (Victoria) Bill first thing this morning and I said yes. To my surprise, when the Notice Paper came out this morning, that was not the batting order. How can the Minister suggest that some special favour has been given to the Leader of the Opposition when the order of Bills on the Notice Paper was overturned in any event? I do not complain about that, as it happens so often in this place, but it is totally irregular and erroneous for the Minister to suggest that what is on the Notice Paper is written in gold and never changed.

Hon. D. R. White — We changed the Notice Paper this morning at the request of the opposition Whip!

Hon. W. R. BAXTER — The failure of government Ministers to answer questions on notice undermines the integrity of the questions on notice procedure in this House. It is an important part of the procedures of the House for members to be able to obtain information for their constituency work and as part of the mechanism for maintaining accountability of government to the electors and taxpayers of the State. I reject the attempt of the Leader of the Government to paint the picture that he has no responsibility for questions asked of him as the representative of Ministers in another place. There is one government; there is one Parliament; it just happens to have two Chambers. The Minister is a member of the government and a member of Parliament. He sits around the Cabinet table with his colleagues. If he does not have the influence, or is not prepared to use his influence, to tell the Ministers he represents that questions have been outstanding for a long time and he is being pressed to get answers, what is he doing? Does the Minister not have any influence with his colleagues at all?

I suggest the Minister is totally erroneous in suggesting that he did not foresee that this matter would be raised today. It is a matter of public importance that questions are asked and remain on the Notice Paper ad infinitum and are never answered. The opposition would be derelict in its duty if it did not highlight the fact that questions have been outstanding for more than twelve months and that today, on the last day of the sitting, there has been no attempt by the government to answer them.

I support the motion.

Hon. B. T. PULLEN (Minister for Education and Training) — I wish to make two points in response to the way Mr Birrell has presented his case. From the information I have, as I did not receive notice of the motion, I have quickly put together some facts which suggest that Mr Birrell has been erroneous in his statements on two counts and has come close to misleading the House.

Firstly, my perusal of the statistics indicates that Mr Birrell has quoted them inaccurately. From the examples of unanswered questions on notice and my recollection of the work that has been done, at least within the areas I represent in this House, I suggest no questions up to 22 October remain unanswered. That applies to questions directed to me as Minister for Education and Training and those directed to me as the representative of Ministers in another place.

Secondly, Mr Birrell has given a false impression to the House in quoting the number of questions because he included unanswered questions from 22 October, which are questions within the discipline of the House. In that case he has got it wrong because the number on the Notice Paper today is 18.

In his moralistic tone he criticised the work done by Ministers in responding to these questions, but he could not even get his sums right in adding up the number of questions.

Hon. M. A. Birrell — How many are you claiming?

Hon. B. T. PULLEN — Eighteen is the number. The least the honourable member could have done in raising the matter was to quote accurate figures, instead of misleading the House by including questions asked after 22 October, which are within the discipline of the House.

The second impression the honourable member has given is even worse. The measure that should be applied is the number of questions answered. The honourable member is relating only to questions unanswered and has not taken into account the amount of information provided to the House.

It would be more useful if the Clerks were to provide information for the benefit of members about the volume of material that has been provided in response to questions compared with the past rather than referring to outstanding questions — some of which have been outstanding for less than 30 days.

I accept that Mr Baxter usually does his homework. In this case, if he were to examine both matters in the context of the discipline of the House, his defence would carry no weight. He has applied himself only to an examination of the objectives.

It has been a specious exercise by Mr Birrell to give an impression that responsibility has not been exercised by Ministers within the agreed discipline of the House.

The PRESIDENT — Order! The question is that the House take note of the explanations given by Ministers today, and that is all. I extended wide latitude to Mr Birrell and therefore to Mr White. I do not propose to extend any further latitude on that question. I am prepared to hear any member who wants to argue about the three questions on which explanations were sought, but I will hear nobody on the general issue of question time.

Hon. K. M. SMITH (South Eastern) — At page 5 the Legislative Council Standing Orders Committee report of March 1990 recommends the adoption on a trial basis of the following Sessional Order which states in part:

> (i) at the conclusion of the normal time for answering questions on notice on any day after that period the Member may ask the relevant Minister for an explanation; and
>
> (ii) at the conclusion of any such explanation the Member may move, without notice, "That the Council take note of the explanation".

The PRESIDENT — Order! With respect, that is exactly what I have just said. A member is entitled to ask for an explanation and, if not satisfied, to move that the House take note of the explanation. That has been done. The debate has ranged far beyond those explanations. There will not be any more widespread debate. If any member has anything to

say about the explanations given by the Ministers from whom explanations were sought today, I shall hear the member on that point, but no more.

The question is:

That the House take note of the Ministers' explanations.

Motion agreed to.

DRIVER EDUCATION CENTRE OF AUSTRALIA

Hon. B. T. PULLEN (Minister for Education and Training) presented reports of the Driver Education Centre of Australia for years 1989 and 1990.

Laid on table.

Ordered to be considered next day on motion of Hon. R. S. de FEGELY (Ballarat).

HEALTH COMPUTING SERVICES — VICTORIA LTD

Hon. M. A. LYSTER (Minister for Health) presented report of Health Computing Services — Victoria Ltd for the year 1990-91.

Laid on table.

Ordered to be considered next day on motion of Hon. R. S. de FEGELY (Ballarat).

PAPERS

Laid on table by Clerk:

Agriculture Department — Report and financial statements for the year 1990-91.

Albury-Wodonga (Victoria) Corporation — Report and financial statements for the year 1990-91.

Altona District Hospital — Report and financial statements for the year 1990-91.

Ambulance Officers Training Centre — Report and financial statements for the year 1990-91.

Ambulance Service Victoria — Metropolitan Region — Report and financial statements for the year 1989-90 and financial statements for the year 1990-91 (two papers).

Ambulance Service Victoria — North Eastern Region — Report and financial statements for the year 1990-91.

Ambulance Service Victoria — North Western Region — Report and financial statements for the year 1990-91.

Ambulance Service Victoria — South Eastern Region — Report and financial statements for the year 1990-91 (two papers).

Ambulance Service Victoria — South Western Region — Report and financial statements for the year 1990-91.

Ambulance Service Victoria — Western Region — Report and financial statements for the year 1990-91.

Apollo Bay and District Memorial Hospital — Report and financial statements for the year 1990-91.

Ararat and District Hospital — Report and financial statements for the year 1990-91.

Austin Hospital — Report and financial statements for the year 1990-91 (three papers).

Bacchus Marsh and Melton Memorial Hospital — Report and financial statements for the year 1990-91.

Batman Automotive College of TAFE — Reports and financial statements for the years 1989 and 1990 (two papers).

Beeac and District Hospital — Report and financial statements for the year 1990-91.

Birregurra and District Community Hospital — Report and financial statements for the year 1990-91.

Box Hill College of TAFE — Reports and financial statements for the years 1989 and 1990 (two papers).

Box Hill Hospital — Report and financial statements for the year 1990-91 (two papers).

Broadmeadows College of TAFE — Report and financial statements for the year 1990.

Burwood and District Community Hospital — Report and financial statements for the year 1990-91.

Casterton Memorial Hospital — Report and financial statements for the year 1990-91.

Clunes District Hospital — Report and financial statements for the year 1990-91.

Colac District Hospital — Report and financial statements for the year 1990-91.

Community Services Department — Report and financial statements for the year 1990-91.

Dandenong and District Hospital — Report and financial statements for the year 1990-91.

Dandenong College of TAFE — Report and financial statements for the year 1989.

Dimboola District Hospital — Report and financial statements for the year 1990-91.

Donald and District Hospital — Report and financial statements for the year 1990-91.

Dunmunkle Health Services — Report and financial statements for the year 1990-91.

East Gippsland Community College of TAFE — Reports and financial statements for the years 1989 and 1990 (two papers).

East Gippsland Hospital — Report and financial statements for the year 1990-91.

Eastern Suburbs Geriatric Centre — Report and financial statements for the year 1990-91.

Echuca District Hospital Incorporated — Report and financial statements for the year 1990-91.

Edenhope and District Memorial Hospital — Report and financial statements for the year 1990-91.

Eildon and District Community Hospital — Report and financial statements for the year 1990-91.

Ethnic, Municipal and Community Affairs Ministry — Report and financial statements for the year 1990-91.

Flagstaff College of TAFE — Reports and financial statements for the years 1989 and 1990 (two papers).

Frankston College of TAFE — Reports and financial statements for the years 1989 and 1990 (two papers).

Frankston Hospital — Report and financial statements for the year 1990-91 (two papers).

Gas and Fuel Corporation Superannuation Fund — Report and financial statements for the year 1990-91.

Geelong Hospital — Report and financial statements for the year 1990-91.

Geelong Regional Commission — Report and financial statements for the year 1990-91.

Gippsland Base Hospital — Report and financial statements for the year 1990-91.

Gordon Technical College — Reports and financial statements for the years 1989 and 1990 (two papers).

Goulburn Valley Base Hospital — Report and financial statements for the year 1990-91 (two papers).

Grace McKellar Centre — Report and financial statements for the year 1990-91.

Grants Commission — Report for the year ended 31 August 1991.

Hamilton Base Hospital — Report and financial statements for the year 1990-91 (two papers).

Hampton Rehabilitation Hospital — Report and financial statements for the year 1990-91.

Healesville and District Hospital — Report and financial statements for the year 1990-91 (two papers).

Health Department — Report and financial statements for the year 1990-91.

Health Promotion Foundation — Report and financial statements for the year 1990-91.

Heywood and District Memorial Hospital — Report and financial statements for the year 1990-91 (two papers).

Historic Buildings Council — Report and financial statements for the year 1990-91.

Holmesglen College of TAFE — Report and financial statements for the year 1990.

Infertility (Medical Procedures) Act 1984 — Report on Central Register for the year 1990-91.

Kingston Centre — Report and financial statements for the year 1990-91.

Koroit and District Memorial Hospital — Report and financial statements for the year 1990-91.

Kyabram and District Memorial Community Hospital — Report and financial statements for the year 1990-91.

Kyneton District Hospital — Report and financial statements for the year 1990-91.

Loddon Campaspe College of TAFE — Reports and financial statements for the years 1989 and 1990 (two papers).

Lorne Community Hospital — Report and financial statements for the year 1990-91.

Lyndoch, Warrnambool — Report and financial statements for the year 1990-91.

Macarthur and District Memorial Hospital — Report and financial statements for the year 1990-91.

Maffra District Hospital — Report and financial statements for the year 1990-91.

Maldon Hospital — Report and financial statements for the year 1990-91.

Maroondah Hospital — Report and financial statements for the year 1990-91 (two papers).

Maryborough and District Hospital — Report and financial statements for the year 1990-91.

Melbourne College of Decoration — Report and financial statements for the year 1989.

Melbourne College of Textiles — Reports and financial statements for the years 1989 and 1990 (two papers).

Members of Parliament (Register of Interests) Act 1978 — Summary of variations notified to 20 November 1991.

Mental Health Review Board — Report and financial statements for the year 1990-91 [incorporating the Report of the Psychosurgery Review Board for the year 1990-91].

Mercy Hospital for Women Incorporated — Report and financial statements for the year 1990-91 (two papers).

Monash Medical Centre — Report and financial statements for the year 1990-91 (three papers).

Moorabbin College of TAFE — Reports and financial statements for the years 1989 and 1990 (two papers).

Mortlake District Hospital — Report and financial statements for the year 1990-91.

Mount Eliza Centre — Report and financial statements for the year 1990-91 (two papers).

Mt Alexander Hospital — Report and financial statements for the year 1990-91.

Nathalia District Hospital — Report and financial statements for the year 1990-91.

Nhill Hospital — Report and financial statements for the year 1990-91.

Northern Metropolitan College of TAFE — Reports and financial statements for the years 1989 and 1990 (two papers).

Nursing Council — Report and financial statement for the year 1990-91.

Omeo District Hospital — Report and financial statements for the year 1990-91.

Optometrists Registration Board — Report and financial statements for the year 1990-91.

Orbost and District Hospital — Report and financial statements for the year 1990-91.

Outer Eastern College of TAFE — Report and financial statements for the year 1989.

Parliamentary Committees Act 1968 — Minister's response to recommendations in Social Development Committee's report upon Mental Disturbance and Community Safety — Young People at Risk.

Penshurst and District Memorial Hospital — Report and financial statements for the year 1990-91.

Peter MacCallum Cancer Institute — Report and financial statements for the year 1990-91.

Pharmacy Board of Victoria — Report and statement of accounts for the year 1990.

Planning and Housing Department — Report and financial statements for the year 1990-91.

Port Fairy Hospital — Report and financial statements for the year 1990-91.

Prahran College of TAFE — Report and financial statements for the year 1989.

Preston and Northcote Community Hospital — Report and financial statements for the year 1990-91 (two papers).

Queen Elizabeth Centre — Report and financial statements for the year 1990-91 (two papers).

Radiation Advisory Committee — Report for the year ended 30 September 1991.

Richmond College of TAFE — Reports and financial statements for the years 1989 and 1990 (two papers).

Rochester and District War Memorial Hospital — Report and financial statements for the year 1990-91.

Royal Dental Hospital of Melbourne — Report and financial statements for the year 1990-91 (two papers).

Royal Melbourne Hospital — Report and financial statements for the year 1990-91 (two papers).

Royal Melbourne Institute of Technology Limited — Reports and financial statements for the years 1989 and 1990 (two papers).

Royal Victorian Eye and Ear Hospital — Report and financial statements for the year 1990-91.

Sandringham and District Memorial Hospital — Report and financial statements for the year 1990-91 (three papers).

School of Mines and Industries Ballarat Limited — Reports and financial statements for the years 1989 and 1990 (two papers).

South Gippsland Hospital — Report and financial statements for the year 1990-91.

South West College of TAFE — Reports and financial statements for the years 1989 and 1990 (two papers).

Southern Peninsula Hospital — Report and financial statements for the year 1990-91 (two papers).

St Arnaud District Hospital — Report and financial statements for the year 1990-91.

St George's Hospital and Inner Eastern Geriatric Service — Report and financial statements for the year 1990-91 (four papers).

Stawell District Hospital — Report and financial statements for the year 1990-91.

Sunraysia College of TAFE — Reports and financial statements for the years 1989 and 1990 (two papers).

Swan Hill District Hospital — Report and financial statements for the year 1990-91.

Tawonga District General Hospital — Report and financial statements for the year 1990-91.

Terang and District (Norah Cosgrave) Community Hospital — Report and financial statements for the year 1990-91.

Timboon and District Hospital — Report and financial statements for the year 1990-91.

Urban Land Authority — Report and statement of accounts for the year 1990-91.

Victorian College of Agriculture and Horticulture — Report and financial statements for the year 1989.

Wangaratta District Base Hospital — Report and financial statements for the year 1990-91.

Waranga Memorial Hospital — Report and financial statements for the year 1990-91.

Warrnambool and District Base Hospital — Report and financial statements for the year 1990-91.

Water Act 1989 — Minister's reasons of 21 November 1991 for decision to appoint the Macedon Region Water Authority to take over various responsibilities under the Act of the Gisborne Water Board.

Western Hospital — Report and financial statements for the year 1990-91.

Western Institute — Reports and financial statements for the years 1989 and 1990 (two papers).

Willaura and District Hospital — Report and financial statements for the year 1990-91.

William Angliss College of TAFE — Reports and financial statements for the years 1989 and 1990 (two papers).

Wimmera Community College of TAFE — Reports and financial statements for the years 1989 and 1990 (two papers).

Winchelsea and District Hospital — Report and financial statements for the year 1990-91.

Wodonga College of TAFE — Report and financial statements for the year 1989.

Wycheproof District Hospital — Report and financial statements for the year 1990-91.

Yallourn College of TAFE — Reports and financial statements for the years 1989 and 1990 (two papers).

Yarram and District Hospital — Report and financial statements for the year 1990-91.

Yea and District Memorial Hospital — Report and financial statements for the year 1990-91.

Ordered that reports tabled by Clerk, other than reports of hospitals, ambulance services and colleges of TAFE, be considered next day on motion of Hon. R. S. de FEGELY (Ballarat).

Hon. M. T. TEHAN (Central Highlands) *(By leave)* — It is a pity that for reasons of convenience to the House, which I fully understand, the 92 health reports will not be taken into consideration. There are 92 health reports on the Notice Paper and it is of concern that they have all been presented on the one day. In compliance with the Health Services Act, if the annual reports were with the Minister by 31 October it would be appropriate that they be available and tabled on a daily basis and that they be open to public scrutiny, which is the purpose of tabling them. There would not be the difficulty of the Legislative Council Notice Paper being cluttered with 92 Orders of the Day dealing with hospital reports. For that reason I understand it has been decided that the reports will not be placed on the Notice Paper but will be available for consideration at any time when it is desired to present them.

It would be more efficient and more open to public scrutiny if the reports were tabled as they became available and not, as it were, dumped on the House on the last day of the sessional period.

LOCAL GOVERNMENT (ELECTIONS) BILL

Second reading

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — I move:

That this Bill be now read a second time.

INTRODUCTION

The heart of a democracy is the process of elections. Council elections are the expression of the democratic process at the local level.

The confidence of electors in the democratic process is based on the soundness and fairness of the electoral system. The government is committed to the best possible electoral system for local government in this State and that process commenced with the new Local Government Act in 1989. The 1989 Act introduced a number of changes to election procedures including how-to-vote cards and the establishment of municipal electoral tribunals.

To examine the operation of the new provisions a working party, chaired by the Honourable Max McDonald, MP, and comprising representatives from councils, the Municipal Association of Victoria, the then Local Government Department and a solicitor practising in local government law, was established. The working party sought submissions from councils. The working party's analysis of the submissions indicated that the provisions had in general worked well but a number of issues needed to be refined. The working party consequently reported with a number of recommendations for amendment to the Local Government Act.

In addition to the recommendations of the working party, other amendments in the Bill were drawn from the recommendations of the Municipal Electoral Tribunal, which considered applications for review of elections after the 1990 council elections, which were the first general council elections held under the new Act. The amendments relate to:

enrolment and conduct of elections;

the Municipal Electoral Tribunal;

introducing optional proportional representation; and

how-to-vote card procedures.

ENROLMENT AND CONDUCT OF ELECTIONS

New enrolment provisions are inserted in the Act to provide for a council voter roll to be drawn in the first instance only from the relevant portion of the State electoral roll. Any other persons who wish to be included will be required to apply. This in

essence means everyone will apply for enrolment either to the Federal Electoral Commission, in which case they are included on the Legislative Assembly roll, or direct to the council. The responsibility will be on those who are not on the State electoral roll and who seek to vote to apply for enrolment. Voting will be compulsory for all voters on the roll; therefore provision is made for voters other than those on the Legislative Assembly roll to be able to apply to be removed from the roll. The amendments will ensure an up-to-date roll and help to eliminate duplicate enrolment.

To ensure that people who wish to become enrolled have adequate time and opportunity to do so it is proposed not to commence the enrolment provisions until the annual elections at least one year after the Royal assent to the Act. This delay in operation will ensure that councils are able to contact all voters to ensure that they make any necessary application to remain on the roll if they so wish. It will enable all council electoral rolls to be completely updated and, through the enforcement system for non-voting, it will keep the roll up to date.

To improve the system for enforcement for non-voting the Bill includes provisions for the issue of infringement notices. This will enable councils to take advantage of the PERIN (penalty enforcement by registration of infringement notice) system, thereby reducing enforcement costs for councils and the strains on court time.

To assist in the proper conduct of elections a power similar to that available under State legislation is extended to candidates to seek injunction against people committing electoral offences under the Act.

MUNICIPAL ELECTORAL TRIBUNAL

In 1990 the first annual council elections were held in which there was an ability to appeal to a municipal electoral tribunal. The tribunal was chaired by Magistrate Kevin Mason and he subsequently recommended a number of changes to the Act. These also have been included in the Bill. These amendments:

enable the establishment of a tribunal for up to twelve months;

extend the period for application to a tribunal from seven to fourteen days;

clarify the powers of a tribunal to undertake a preliminary review of an application, request further information and impose fines;

restrict the report to be prepared by a tribunal to possible offences rather than findings of improper conduct.

In addition amendments are made to clarify the timing and nature of an extraordinary election where an election has been overturned by a tribunal.

INTRODUCTION OF OPTIONAL PROPORTIONAL REPRESENTATION

The proportional representation system represents a fair way of ensuring that councils reflect the diversity and views of their community. Under proportional representation, significant groups within the community are more likely to gain representation than under the existing exhaustive preferential system. Similarly, candidates with a substantial percentage of the primary vote are more likely to be elected if proportional representation applies. The existing exhaustive preferential system can operate to deny election to a candidate with as much as 49 per cent of the primary vote or to elect a candidate with less than 1 per cent of the primary vote. Under proportional representation popular candidates will be less likely to be disadvantaged because they are not on "voting tickets".

The working party has recommended the introduction of optional proportional representation. Proportional representation will not be mandatory. A council's decision to move to proportional representation would be subject to a poll of voters.

HOW-TO-VOTE CARD PROCEDURES

How-to-vote cards at the local level are new for local government and it is to be expected that there will be some teething troubles with their introduction. The proposed amendments to how-to-vote card procedures follow the recommendations of the working party. The amendments will:

clarify several matters in the timing and processing of how-to-vote cards;

substitute the concept of registering rather than approving cards; and

expressly empower the police or the returning officer to seize how-to-vote cards which have not complied with the legislation.

The Bill implements proposals generally supported and urged by local government.

I commend the Bill to the House.

Debate adjourned for Hon. R. M. HALLAM (Western) on motion of Hon. R. S. de Fegely.

Debate adjourned until next day.

ROAD SAFETY (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 20 November; motion of Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs).

Hon. W. R. BAXTER (North Eastern) — The Bill amends the Road Safety Act in a number of respects, several of which are quite minor and deal with blood alcohol procedures, but it introduces a major new standard for the drivers of certain heavy vehicles in respect of alcohol content in the blood. It imposes a zero blood alcohol level for drivers of vehicles weighing more than 15 tonnes gross vehicle mass and for buses carrying more than twelve passengers.

Although the opposition is keen to see the downward trend in road fatalities continue and at every turn to discourage people from drinking and driving, we have some concerns that the Bill could be seen in many respects to discriminate against certain classes of drivers and to be moving away and in some respects disregarding much of the research that was done extensively prior to the introduction of the .05 legislation in this State some years ago. Honourable members will recall that that research showed that the .05 level was about the benchmark beyond which drivers' judgment was impaired and their driving skills were affected. That level has come to be accepted virtually Australia-wide. New South Wales originally had a .08 level and has now come back to .05. I understand that elsewhere in the world .05 also has currency.

Despite that research and despite establishing that alcohol levels below .05 are not significant in driver impairment and judgment, the State intends to impose a zero level on this group of drivers. To me, that flies in the face of all the previous research. If one accepts that a zero level should be imposed on drivers of heavy vehicles on the ground that they are driving vehicles that are far heavier than motor cars and, if involved in accidents, are likely to cause a good deal more damage because of the extra weight, and if it is argued that the drivers of heavy vehicles may be suffering from fatigue because they tend to be long-distance drivers or that they may be affected by some other substances such as what are known as "yippy beans" to maintain their alertness, I wonder why the 15-tonne limit has really been selected.

It seems to me that the limit will apply to only about 21 per cent of trucks in Victoria; in fact, only 12 per cent of rigid trucks. The propensity to drink and drive could well apply to drivers of smaller trucks rather than drivers of heavy articulated vehicles on interstate runs. They are professional drivers — in most cases they are owner-drivers — and they have special interests in maintaining their vehicles and timetables.

Perhaps we should consider the drivers of delivery vans, concrete mix trucks, mini-mixers and courier services that run around metropolitan Melbourne. They often find long counter lunches appealing, encounter a vastly greater number of vehicles than long-distance transport drivers and might be less professional than interstate drivers, and yet they are exempted. I put that on the record because it seems the argument does not stand up entirely on the basis of logic.

The Bill also discriminates against certain workers; for example, loggers in the timber industry who are out in the bush cutting logs. They will be denied the opportunity of having a drink at the end of the day before driving home — notwithstanding the fact that they could be well under the .05 limit — on pain of incurring fairly hefty fines. I am concerned about that sort of discrimination.

I know the government has advanced the legislation on the basis that it is part of a move towards national uniformity. There is no doubt that is a desirable objective. However, I ask the Minister to be more accurate when he tells the public about uniformity. In a press release dated 9 September 1991 and headed "Zero alcohol limit for bus and truck drivers" the Minister states:

> These new measures, which already apply in Queensland and New South Wales, bring Victoria into line with uniform national requirements.

That is incorrect because New South Wales does not have a zero blood alcohol concentration (BAC) limit for heavy vehicle drivers; the limit is .02. I wonder why that is not the level in Victoria. As I understand

it, police do not prosecute people with readings below .02. Honourable members will be aware that zero BAC applies to P-plate drivers but the police have not strictly applied the zero BAC provision.

The "Force Circular Memo" dated 21 January 1991 makes clear that prosecutions should not be authorised where the blood alcohol content is less than .02. It seems Parliament is being asked to pass a law stating that the blood alcohol content must be zero when the Police Force will not prosecute anyone with a BAC below .02. I have some concerns about that because it tends to bring the law into disrespect. The Parliament legislates for one thing and the police take it upon themselves to adjust the law according to their experience of what is practical.

Practicality is the crucial point. The police have learned from experience that it is not practical to enforce a zero blood alcohol limit and that .02 is the appropriate benchmark to allow for inaccuracies in readings and faulty equipment. I believe more consideration should be given to the possibility of setting the level at .02 instead of zero.

I am also concerned about the insurance implications of setting the blood alcohol level at zero. A driver of a heavy vehicle may be involved in a collision which is no fault of his own. Perhaps the driver on his left failed to give way at a minor intersection and the vehicles have collided. The driver of the heavy vehicle may be entirely innocent, but a blood test showing that he had even a minuscule level of alcohol in his system could make his insurance void. That is a very costly penalty to impose.

Hon. R. A. Best — What about medication?

Hon. W. R. BAXTER — Indeed, Mr Best, medication can cause a minuscule level of alcohol to show in the system. That valid point was raised by the honourable member for Portland in another place. I hope during the Committee stage the Minister will propose some measures that will overcome that problem.

Another matter alluded to in the debate in another place was that the Bill provides for the compulsory carrying of drivers licences by the drivers of certain classes of heavy vehicles: those over 15 tonnes gross vehicle mass. I have no objection to the requirement for drivers of heavy interstate transports to carry their licences. Clearly, if drivers are stopped hundreds of miles from home it is desirable that the police can ascertain whether they are licensed. Honourable members are aware that in recent times some interstate drivers have been holding licences from different States. If they are apprehended they produce whatever licence is appropriate for the location. The introduction of the national heavy vehicle licensing scheme, which is currently in train and will be fully operational by July 1993, will prevent that scam.

Drivers of such transport vehicles can conveniently carry their licences and it is no great disability. Certainly for some people who work close to home, especially if they are using more than one vehicle and working in conditions that would make the wearing of heavy clothing inappropriate, it is inconvenient to carry wallets; for example, wheatgrowers climbing in and out of wheat bins.

I suggested to my colleagues in another place that they move an amendment similar to the provision applying to the carrying of logbooks. They are not required when a person is operating within an 80-kilometre radius of the place of business. I am pleased the government accepted that suggestion when the Bill was in the other place. It is a matter of practicalities. If a driver in such a circumstance is apprehended by the police, who want to ascertain whether he or she has a licence, the person is not far from home and can easily get it. Such occasions will not arise often but it would be a gross inconvenience if people were forced to carry their licences at all times on pain of incurring $500 fines.

The Bill improves measures designed for blood alcohol testing and removes the offence of failing to take a breath test. It has been found that the offence is not necessary because it is covered by other provisions. Those amendments have merit and I support them.

The opposition wants to ensure that the various agencies of government — the Transport Accident Commission, VIC ROADS and the Victoria Police — continue to emphasise the sheer stupidity of drinking and driving. Regrettably, the number of drivers of motor vehicles killed with a blood alcohol concentration of more than .05 is far too high. I am disappointed that the situation still exists where in almost 20 per cent of road accidents drivers who are killed have had a BAC of more than .05. It indicates to me that the message is not getting through to some people; I suspect it is a certain class of drivers.

Previous road safety legislation has made a significant impact on the moderate drinker, but clearly there are consistently heavy drinkers who

continue to ignore the law. My local newspapers support that claim because from time to time they report the proceedings of the local court, and time and again I have seen drivers before the court on their third or fourth drink-driving charge. It is obvious that these persons are not apprehended on every occasion when they drive a vehicle while over the blood alcohol limit. If they have been apprehended on three or four occasions it is a fair indication that they have broken the law on numerous other occasions.

I am disappointed that a relatively small group of people in the community still continue to indulge in antisocial behaviour. If that means Parliament has to make penalties even harsher, so be it. Road trauma costs the community billions of dollars, in addition to the family stress and the tragedy of having the breadwinners or, in some cases, whole families wiped out by drunk drivers.

I am an advocate of strong action in this regard. Last year 548 drivers were killed in road crashes in Victoria and 15.5 per cent of those people had a BAC reading of more than .05. It is disgraceful that we still have this high percentage of people over the blood alcohol limit. The statistics do not say how many people died in motor car accidents caused by drunk drivers, but clearly that figure would also be significant.

Although the opposition has some reservations about the proposed legislation because it moves away from the logic that previously existed, it should be passed because it is a move towards national uniformity of road laws. Drink-driving is a significant part of road trauma and further measures need to be taken. More attention should be given to ensure that certain classes of drivers are not discriminated against without good reason. I doubt whether that issue has been thought through properly.

Hon. G. B. ASHMAN (Boronia) — The Road Safety (Further Amendment) Bill is a significant measure although it is a relatively minor Bill. Victoria has achieved substantial reductions in the road toll by vigorously pursuing motor car drivers who are above the .05 blood alcohol concentration (BAC).

The Bill imposes a zero blood alcohol concentration for drivers of vehicles weighing more than 15 tonnes and drivers of buses that have the capacity for more than twelve passengers. It does not however address the problem of smaller vehicles, such as trucks in the 3 to 5 tonne range, and perhaps that is the next issue that needs consideration. No-one would argue that a collision with a 10-tonne truck is any less serious than a collision with a 15-tonne truck.

The proposed legislation will assist national uniformity of road laws. Mr Baxter said that the New South Wales legislation does not mirror this Bill. That State has imposed a maximum .02 blood alcohol level for drivers of heavy vehicles.

Drink-driving is a major contributor to the road toll. Much of the credit for Victoria achieving a significant reduction in the road toll is attributed to speed cameras and the vigorous policing of speed limits. The information available suggests it is not necessarily the case always that speed kills, but frequently it is the excessive use of alcohol and other drugs. Many fatalities are attributed to speed when other factors are more significant causes of road accidents. Information published by VIC ROADS indicates that 23 per cent of all fatalities can be attributed to the excessive use of alcohol.

The statistics do not indicate the level of other drug use which inhibits the performance of drivers of motor vehicles. Last year approximately 1.29 million random breath tests were conducted, and the .05 program is having a significant impact on the road toll.

Members of the public are more conscious of drink-driving than they were some years ago and I attribute much of the reduction in the road toll to the reduced level of alcohol abuse. People who may have abused the laws on drink-driving years ago are now more moderate in their drinking habits.

The reduction in the road toll can also be partly attributed to improved vehicle design over the past ten years. Vehicles today are better equipped to handle accidents. More vehicles have seat belts then they did in 1980. At that time seat belts were required to be fitted to older vehicles only when the ownership of the vehicle changed. If a vehicle remained with the original owner the fitting of seat belts was not mandatory. Body compression rates, safety padding and other features of vehicles have also improved. These factors should not be overlooked when evaluating road toll statistics.

As I have already indicated, the New South Wales legislation sets a maximum of .02 blood alcohol content for heavy vehicle drivers. Our legislation proposes a zero BAC limit. This is causing some concern because it could be applied as an absolute

figure with no discretion. We have some information that the police are using discretion and are not pursuing a zero BAC for P-plate drivers as long as the blood alcohol level does not exceed .02. It appears that the same discretion will be applied to those driving heavy vehicles, which will offer some leniency to people who may be on medication that has a high alcohol content, such as cough medicine, although it is unlikely they would have a BAC exceeding .02 under normal dosages.

I am also concerned about the interpretation of the .02 BAC and the insurance implications for drivers of heavy vehicles. A large number of insurance companies will use any means possible to avoid meeting their moral obligations if not their legal obligations when claims are made. If a vehicle runs off the road and sustains substantial damage, the police attend, and if the driver is assessed as having a BAC of, say, .01, which exceeds the BAC level limit — in this case zero — the insurance company may decide to deny the claim and cancel the policy. It concerns me that such an approach may be taken by the insurance industry. If the legislation were passed without amendment I understand that insurance companies would be within their rights in doing so.

I ask that the government give some consideration to clarifying the position. The Minister should make a clear statement that insurance policies would be deemed to be valid providing no charges are laid against the driver. This could also apply to a P-plate driver who has an accident in similar circumstances, has alcohol detected in his or her bloodstream but is not charged with an offence by the police. I understand these matters will be addressed in Committee and the appropriate amendments moved. With that understanding we support the Bill as a contribution towards further reducing the road toll.

Hon. ROBERT LAWSON (Higinbotham) — While listening to the two previous speakers, I was reflecting on the fact that during the course of this sessional period there has been a war raging in Yugoslavia where people are killing each other, yet those fatalities will probably not add up to the number of people who are killed on our roads every year.

In 1985, 683 people were killed on Victorian roads and I note that 126, or 18.4 per cent, of those drivers had a blood alcohol concentration (BAC) of .05 or more. In 1990 the road toll was reduced to 548 people and the percentage of drivers with a BAC of .05 decreased to 15.5 per cent. The war in Yugoslavia has reached a point where it is believed a United Nations peacekeeping force should be brought in. However, there is no peacekeeping force on the roads in Victoria, only the police. We have to reinforce their efforts.

The opposition is totally in agreement with the government's proposals to reduce the road toll further; no civilised society should tolerate an average of three people being killed every two days when it is possible to prevent those deaths. Once people are killed they are gone, but their families remain and must make tremendous adjustments; society must also look after injured people. We are prepared to do anything we, as a Parliament, can do to reduce the road toll.

I do not want to quote a lot of figures because if anyone wants figures they can read the speeches made by the two previous speakers in this House and the speech of the honourable member for Mornington, Mr Cooper, in the Legislative Assembly during debate on the Bill. However, I direct to the attention of honourable members the Driver Education Centre of Australia that is situated in the Goulburn Valley. It is subsidised by the government to the extent of $1.8 million a year. I know a lady who gave her son a course in driver education for his 18th birthday. That seemed a splendid idea.

We can frighten people. We can show them the television advertisements and the dreadful results of crashes but when one looks at the number of drivers involved in fatalities and notes that the percentage of alcohol-related injuries has dropped by only 2 per cent since 1985, one begins to wonder whether the campaigns are working. It is doubtful that they are. We should concentrate on education instead of trying to frighten people.

Over recent years we have reached a stage where smoking is no longer a macho thing to do. It is not considered a sign of masculinity, adulthood or sophistication.

Hon. K. M. Smith interjected.

Hon. ROBERT LAWSON — These people have freedom of choice. People no longer believe smoking is fashionable. Suntans are no longer considered fashionable since people have found out about the hole in the ozone layer and the incidence of skin cancer. People now tend to stay out of the sun. I should like to see an advertising campaign directed towards actually changing people's views about

drinking. Advertising people and motivational people should sit down and decide how it is to be done. They have managed beautifully with suntans and smoking, so let us see what they can do with alcohol.

It is not a question of using scare campaigns, although the fear of lung cancer stopped many people from smoking and the fear of skin cancer made people more aware about exposure to the sun. In this case, the attitudes of people towards alcohol must be changed.

In addition, people must be taught to drive elegantly and expertly. Parents should consider paying for their children to go to driving courses such as those conducted at the Goulburn Valley centre. It is well known that many young men kill themselves in motor cars and on motorbikes. When driving peacefully along a road one may hear a vehicle roar up behind and see it in the rear-vision mirror darting from side to side seeking an opening to pass. When it finally streams past you can be sure a young man will be behind the wheel. A combination of youthful exuberance and alcohol is a dangerous cocktail and causes many deaths on the roads. Not all accidents can be attributed to alcohol, but it is an extremely significant factor.

Society must do two things: firstly, it must persuade young men that it is not fashionable or macho to get drunk; and, secondly, it must persuade young drivers that it is better to drive elegantly than too fast. In today's driving conditions in driving too fast one is only racing other vehicles to the next set of traffic lights, and that is not smart driving. People should be taught to drive smart rather than fast. They must be taught that speed is not the be-all and end-all of driving motor cars. As people grow older they settle down and become more expert drivers. However, one cannot put an old head on young shoulders. We must persuade young people, particularly young men, that it is not macho to drink and drive.

Hon. R. A. MACKENZIE (Geelong) — I support the Bill. Any measure to improve safety on our roads must be commended and supported. The Bill does not propose anything that is unreasonable; it requires drivers of large vehicles to carry their licences with them and to have zero blood alcohol concentration at all times while driving their vehicles. Such provisions are not new for airline pilots or tram drivers. Probationary drivers also have to have zero blood alcohol concentration while driving. The Bill does not infringe on the rights of truck drivers in that regard, and it will go some way towards reducing the appalling road accident statistics.

The government is to be commended for the road safety measures it has introduced during its time in office. Statistics show that vast improvements have been made. However, much remains to be done and we must never be lulled into a sense of complacency by the success that has been achieved to date. Despite the successes, each year thousands of people are involved in road accidents. Hundreds of people are killed and thousands are injured at a cost to the community of more than $3 billion a year. That is an almost inconceivable figure.

Many other road safety factors apart from those in the Bill need to be addressed. Although alcohol may be a factor in some accidents, it is not the main cause; the government needs to consider other factors such as the pressure placed on long-haulage drivers by the industry.

Controls must be introduced to reduce the pressure placed on long-haulage drivers who are often forced to drive beyond their capabilities. There is currently an oversupply of drivers and their employers place unreal expectations on them.

If drivers want jobs they must ignore safety rules regarding speed and the number of hours they drive. They must cheat when filling out their logbooks simply so they can scrape a living together. One often reads about truck drivers who have mortgaged their houses to keep their trucks on the roads. I have heard some amazing stories about the pressures placed on drivers. Some time ago a freight forwarder in Brisbane was insisting on a guarantee of a maximum delivery time of 32 hours for freight from Brisbane to Adelaide. That is unbelievable.

Apart from pressures put on drivers by freight forwarders there is also the problem of unsafe roads. The standards of roads must be kept up because of the increasing number of vehicles using them, and the government must address that issue because it is a contributing factor to the road toll.

Although a great deal of work has been done regarding alcohol consumption and driving, very little work has been done on the effect of drugs on one's ability to drive. I am referring to both prescribed and illicit drugs. Not much is known about the effect of prescribed drugs on drivers; some information is available but it is extremely sketchy. Victoria does not have a system of testing drivers for

the concentration of drugs in their blood. Western Australia and Tasmania have done serious work on the issue, and Tasmania has even developed a pot-bag where a person blows into a breathalyser that measures the concentration of marijuana in the blood.

Marijuana and alcohol are a lethal combination. I am using the Bill to raise these issues because I am concerned that we tend to be a bit complacent sometimes with our success, but we can never be complacent while we have a huge number of accidents every year.

The cost is not only human lives but broken lives for those who survive the accidents. Often they are incapacitated for life and this has massive effects on families.

I congratulate the government for taking this step, and I hope it will take on board some of the serious suggestions I am making because we still have a long way to go.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — I move:

1. Clause 1, page 2, after line 2 insert —

   "( ) to avoid certain provisions in contracts of insurance in relation to blood alcohol concentration of not more than .05; and ".

Amendment agreed to; amended clause agreed to.

Clause 2

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — I move:

2. Clause 2, line 5, omit "16(2) and 16(3)" and insert "17(2) and 17(3)".
3. Clause 2, line 7, omit "and 12" and insert ", 12 and 14".
4. Clause 2, line 8, omit "16(2)" and insert "17(2)".
5. Clause 2, line 10, omit "16(3)" and insert "17(3)".

Amendments agreed to; amended clause agreed to; clauses 3 to 17 agreed to.

New clause

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — I move:

6. Insert the following new clause to follow clause 13:

'**AA. Insertion of new section 58A**

After section 58 of the Principal Act insert —

"**58A. Avoidance of certain provisions in contracts of insurance**

(1) Any covenant, term, condition, or other provision of a contract or other agreement is void to the extent that it purports to exclude or limit the liability of an insurer under a contract of insurance in the event of the driver or person in charge of a large vehicle having a concentration of alcohol present in his or her blood as indicated by an analysis of his or her breath or blood of not more than .05 grams per 100 millilitres of blood.

(2) Sub-section (1) applies to a contract of insurance whether entered into before or after the commencement of section 14 of the *Road Safety (Further Amendment) Act 1991*.'.

Hon. W. R. BAXTER (North Eastern) — I thank the Minister for introducing the new clause because it deals with matters raised by the opposition in another place. Its inclusion is very important because the subject has caused a good deal of concern. It is a worthy amendment because it maintains the status quo that insurance coverage and liability are likely to be affected if the driver has a blood alcohol concentration greater than .05 — the measure previously established as the benchmark for driver impairment and judgment.

If, by failing to insert this proviso, the Bill put at risk the insurance of people detected with miniscule amounts of alcohol in their blood streams, particularly in circumstances where they had not been the cause of any collisions or mishaps on the roads, it would impose penalties well beyond the offence; and might impose penalties on innocent third parties.

For example, it would be unfair if a third party whose vehicle was damaged was unable to claim from a particular person because that person's insurance cover had been made void because of his

or her very low reading of alcohol. The third party in that case would be facing an unfair financial penalty. I am pleased the government has taken note of the points raised, and has acted accordingly.

New clause agreed to.

Reported to House with amendments.

Report adopted.

Third reading

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — I move:

That this Bill be now read a third time.

I thank members of the opposition for their suggestions, which have either been incorporated or will be taken on board, and for their cooperation.

Motion agreed to.

Read third time.

Sitting suspended 12.57 p.m. until 2.3 p.m.

RETAIL TENANCIES (RENT REVIEW) BILL

Second reading

Debate resumed from 14 November; motion of Hon. D. R. WHITE (Minister for Manufacturing and Industry Development).

Hon. K. M. SMITH (South Eastern) — I speak on this Bill with some trepidation because the opposition has been forced by the government into a position of not opposing it. Although we will not oppose the Bill we have had insufficient time to examine it properly.

The Bill was presented to us late last Thursday. We have had insufficient opportunity of having what we consider to be the appropriate and necessary discussions with a number of organisations.

The need for the Bill arises as a result of the decisions of two Supreme Court judges regarding section 10(1) of the Retail Tenancies Act 1986, but it annoys me greatly that it has taken the government about four months to bring the Bill to the House. It has given the opposition less than one week to decide whether to support it. The government has been extremely unfair and has not done the right thing.

The government saw fit to consult with about 42 organisations but not with the opposition; it has not explained the Bill nor outlined the reason why the Bill should be supported by this side of the House.

As I have said, the Bill deals specifically with section 10(1) of the Retail Tenancies Act which concerns whether rents can be fixed. Certain provisions make signed leases void because of the way in which tenants and landlords have come to agreements about whether rents will be fixed or whether they will be fixed to percentage increases.

One Supreme Court judge has already said that the leases are illegal because of the way they were interpreted by the landlords and tenants. The second judge has said he interpreted the fixing of increases as legal. An appeal against the judgment of Mr Justice McGarvie is pending.

I am concerned that Parliament will amend an Act before the learned appeal judges can rule on the situation. Although the Bill provides that the appeal will not be affected by any decisions of this place, that procedure must lend weight to the view that what is decided here may influence any judicial decision.

I do not object to the Bill allowing for increases in rent to be adjusted according to CPI increases. This Bill provides an excellent opportunity for tenants to negotiate with landlords to prevent dramatic rent increases.

Hon. R. A. Mackenzie — He is really softening up; it is not the hard line.

Hon. K. M. SMITH — The government asks that we support that part of the Bill.

The Bill clarifies difficulties experienced with fixed rents; increases may also be controlled by being fixed to annual percentage increases.

I do not like the fact that the provisions of the Bill will be retrospective to 1986. The opposition is concerned at the time taken by the government to introduce the Bill here since the Supreme Court judgments were made about four months ago. It is also concerned about the lack of consultation the government has had with the opposition. A copy of the Bill was thrust into my hands last Thursday and there has been only a short briefing with the

Minister, although he has made people available to discuss the Bill with us.

However we wished to talk to the real people — the tenants — not the bureaucrats.

Hon. R. A. Mackenzie — With the tenants?

Hon. K. M. SMITH — That is, the real tenants, not the ones you support, Mr Mackenzie. I am talking about the workers.

We will not oppose the Bill.

Hon. D. R. White — Do you support it!

Hon. K. M. SMITH — We do not support it but we will not oppose it.

A current review provides the opportunity for the opposition to support the Bill. The principal Act contains a sunset clause stipulating that the review must be completed by 16 September next, I think — although there is confusion about two different dates.

Hon. D. R. White — The proposed legislation was requested by the owners; it is nothing revolutionary.

Hon. K. M. SMITH — That is the problem. The government is prepared to give the owners — —

Hon. D. R. White — We have seen the tenants and they agree.

Hon. K. M. SMITH — You think you have seen the tenants. We would have liked the opportunity of talking to the tenants but the limited time made available for consideration of the Bill is unfair to tenants.

Hon. R. A. Mackenzie — Don't you talk to them on rent collection day?

Hon. K. M. SMITH — It is not fair that people who are interested in the Bill have not had an opportunity of examining it.

The Minister will be aware that there is a strong feeling in the community that the Bill should not be passed and that consideration of it should be deferred until the next sessional period. But to get the government off the hook the coalition will not oppose the Bill.

While rushing through the original legislation the government made some stupid decisions by including clauses that restricted negotiations between landlords and tenants about periodic adjustments of rent. The government failed to take account of the factors considered by landlords when setting rents for properties based on what they think those properties are worth.

It is important that after negotiation the agreements reached between landlords and tenants are set down on paper and that those agreements are binding on both parties — which is what the government claims the Bill attempts to do.

I look forward to the review referred to in the second-reading speech, because it will give the opposition an opportunity of closely scrutinising the legislation and ensuring that changing economic circumstances are taken into account when rents are adjusted.

Although the opposition will not oppose the Bill, I advise the government that we are concerned about some of the provisions.

Hon. R. A. BEST (North Western) — I do not intend to reiterate the points made by Mr Smith. The Retail Tenancies (Rent Review) Bill is a small Bill that has been introduced to resolve uncertainties in arrangements between landlords and tenants arising from two decisions of judges of the Supreme Court on rent reviews under section 10(1) of the principal Act.

In the first instance, a judge held that a clause providing for an annual increase of rental by a fixed percentage did not infringe section 10(1); but another judge concluded that a similar provision did infringe the section and that to that extent it was void. The second judge also considered that the expression "review" used in section 10(1) meant "alteration". Those differing interpretations of the section have cast doubt on the rental review provisions of existing leases.

Any valuations required to resolve the doubts created by those two decisions and to overcome any uncertainty affecting new leases would be costly. For example, if a dispute arises between a tenant and a landlord concerning an increase in rent a valuation could be needed, which would be costly not only for the landlord but also for the tenant; and in the current economic climate such expense should be avoided.

I have been advised that landlords and tenants want the problem resolved and that a small amendment is all that is needed. Although it is important that the amending legislation is passed, it contains retrospective provisions that could cause problems if back payments of rent are required, which would be not only costly but messy.

As the National Party spokesman handling the Bill, I was disappointed not to receive a briefing from departmental officers on the provisions of the Bill. Nevertheless it is important to resolve the problems caused by the uncertain interpretation of section 10(1) as quickly as possible, and for that reason we will not oppose the Bill.

I look forward to the recommendations of the review that is anticipated and I hope that, as a consequence, amending legislation will soon be introduced to strengthen retail tenancies legislation.

Motion agreed to.

Read second time.

Third reading

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — By leave, I move:

That this Bill be now read a third time.

I thank Mr Smith and Mr Best for their strong support for the measure.

Motion agreed to.

Read third time.

LAND (MISCELLANEOUS) BILL

Order of the Day read for resumption of debate.

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) *(By leave)* — On behalf of the Minister for Education and Training I wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons why I propose, in Committee, to move that a clause be inserted in this Bill to alter or vary that section.

1. I propose to move, in Committee, that a clause be inserted to follow clause 10 of the Bill, providing that it is intended to alter or vary section 85 of the Constitution Act 1975 to the extent necessary to prevent the Supreme Court from awarding compensation in respect of anything done under or arising out of the Act.

2. Clause 10 of the Bill provides that no compensation is payable in respect of anything done under or arising out of the Act.

3. The Bill:

(a) revokes the reservations of certain Crown lands;

(b) revokes the reservation and Crown grant of certain land at Caulfield;

(c) closes part of a road;

(d) extinguishes all rights and interests in the lands mentioned in paragraphs (a) to (c).

4. The reason for preventing the Supreme Court from awarding compensation in this case is as follows. To enable the Crown to change the use of reserved land, it is necessary to ensure that the land is no longer subject to any interests or rights arising out of its former use. The existence of these interests and rights, and claims for compensation based on them or on the former use of the land, could delay or prevent a change in the use or status of Crown land that is for the benefit of the community as a whole.

Second reading

Debate resumed from 1 October; motion of Hon. B. T. PULLEN (Minister for Education and Training).

Hon. M. A. BIRRELL (East Yarra) — The Land (Miscellaneous) Bill, like another Bill dealt with earlier in the week, includes a large number of amendments to the uses of Crown land, most of which are not related.

I shall deal with the amendments in an order different from the way they are listed in the second-reading speech.

Changes will be made to the boundaries of the Caulfield racecourse reserve, which, according to representations made to the coalition, will reflect the

use of two pieces of land that, among other things, are reserved for use as a road. The representations made it clear that the change is not opposed because it will ratify the current use of the land.

The opposition does not oppose the amendment but points out to honourable members that a related matter is being debated before the Administrative Appeals Tribunal, concerning the government's handling of issues regarding the use of Caulfield racecourse.

Some doubt exists about the propriety of the actions of the Minister for Conservation and Environment in his role of protecting the public interest in dealings relating to the use of the Caulfield racecourse. While the matter before the Administrative Appeals Tribunal is on the minds of members of the coalition, we will not delay the passage of that part of the Bill relating to the Caulfield racecourse.

Clause 3 revokes the reservations of four parcels of land, north of Bendigo at Dingee, at Edenhope, Trentham and Glenrowan. This will enable old Land Conservation Council (LCC) recommendations to be properly implemented. The Bill changes the existing reservations by establishing reservations consistent with the recommendations put forward by the LCC.

My colleague Mr Wright will raise a matter relating to the Tang Tang Swamp at Dingee. I hope the Minister for Education and Training will take full account of Mr Wright's comments. I hope also that the amendments that will be moved by the Minister will ensure that sympathetic treatment is given to the existing rights of and uses by the current adjoining landowners. I hope that officers of the Department of Conservation and Environment are rational in their dealings with individuals who might be affected by the outcome of the changes made by the Bill.

I refer particularly to what might perhaps be described as the major part of the Bill. An extraordinary future has been planned for the land surrounding an area known as the Janefield Colony in Bundoora. The Minister told us in his second-reading speech what the government wanted to do with the land when it introduced the Bill. The main purpose of the Bill was to change the reservation of land surrounding the Janefield Colony and use it for a cemetery. I have been told by the Minister — not on a confidential basis, so it is proper for me to refer to it at this stage of the debate — that the government will withdraw this entire part of the Bill so that the land adjoining the Janefield Colony, as it is called, will not be used as a cemetery. The proposal is to maintain the reservation the purpose of which is "for the treatment of mental defectives", as it was described at the time the reservation was established.

Now a plan has been created for the land to be used for housing. The entire approach of the government to this prime piece of public land has been bizarre. The Lands (Miscellaneous) Bill has been introduced in both this House and the other place. It passed through the Legislative Assembly under the guise of providing that the land in Bundoora will be used for a cemetery.

Cemeteries are not an extraordinarily exciting issue for most people. However, it must be put on the record that Mr Miles has shown a continuing interest in cemeteries. The provision of cemeteries is an important State responsibility and Melbourne is short of cemetery space. Therefore, Health Department Victoria in particular and the State government in general supported the creation of a major new cemetery at Bundoora on the land the subject of the Bill. Everyone agreed that was a good idea. It was available public land and any new cemetery established there would be used.

Then the Premier, Mrs Kirner, came up with a bright idea: to put residential housing on the same piece of land! I remind honourable members that currently the land is reserved as a site "for the treatment of mental defectives". The government has introduced a Bill that provides that the land will be used as a cemetery; the Premier, as part of the Better Cities program and in support of the Deputy Prime Minister, has said that the land should be used for housing!

As the person on the coalition side with responsibility for the Bill, I am finding it all very hard. I made a recommendation that the coalition should support the government's Bill to create a cemetery on the site, only to read in the newspapers that the government wanted to use the site for housing! Now I have been given amendments to be moved by the Minister that will delete all that part of the Bill dealing with the revocation of the reservation, which is the major reason for having the Bill before us!

The course of action taken demonstrates an ad hoc approach to planning and an extraordinary lack of vision about the use of public space.

The 222 hectares of the Janefield Colony land are no longer required for use by Health Department Victoria. I simply do not know what is going on; I was not helped very much by the Minister's second-reading speech.

The irony is that there is nothing the coalition can do but support the amendments that, as I said, defeat the government's original proposal. I put on record that the coalition regards the government's behaviour as irregular, incredibly unprofessional and as sending out a mixed message to the residents of the area. The local residents do not know what is planned for the land. The Premier has been quoted as saying that the land should be used for housing.

The Minister has said that it will be used as a cemetery site, and now the government is saying that the reservation will be maintained and the site will continue to be used "for the treatment of mental defectives". The outcome of the debate is hardly satisfactory. I put on record that the coalition regards it as a pathetic demonstration of management.

As I said, the Minister for Education and Training has indicated he will move amendments to change the Bill in the Committee stage. The effect of those eighteen amendments will be to almost negative the very reason for introducing the Bill in the first place. If nothing else, it has been a waste of time and money.

Hon. R. S. de Fegely interjected.

Hon. M. A. BIRRELL — As Mr de Fegely says, it might have been better if the Bill had not been introduced at all. This is not a debate that can just be put into the bizarre category. In fact, the government does not know what it plans to do with its own land.

When considering the debate, one realises that the government is plucking policy ideas out of the air with no application of a rational approach or consideration for proper economic planning processes.

In July the Premier announced that 1500 houses will be built on the land the subject of the Bill. The Bill introduced by the government provides that the land will be used not for houses, but for 6-foot trenches, as appropriate to its use as a cemetery! The Premier has not withdrawn her promise to develop 1500 house blocks on the site, but the Bill, which will be amended in the Committee stage, will not result in the reservation "for the treatment of mental defectives" being altered to allow for residential housing to be provided on the land: that is, the existing reservation will be maintained.

The irony of this debate is that Parliament, as a result of these changes, is being asked to confirm that the land will be used for the exact use that everyone knows it will not be used for. Parliament is being asked to debate the issue and reach the conclusion that the future use of the land will be for "mental defectives" when everyone knows it is not needed for that at all. The Janefield Colony, now the Janefield Training Centre in Bundoora, does not need the land. Several hundred hectares are lying idle.

The Bill will create another bizarre element. In the next sessional period the government will have to introduce an almost identical Bill to rectify the problems created by this Bill: it will seek to change what the House will pass today. That is absolutely stupid. The Bill has led to confusion about the urban development priorities of the Kirner government. It has justifiably led to the conclusion that the urban development plans of the government are thought up on the run.

It appears that the plan to return the idle hectares of land at the Janefield Training Centre into a housing community was cobbled together over a few weeks by the Premier without consultation with the Minister for Conservation and Environment or the Minister for Health.

A relatively small Bill provides us with a useful insight into the planning processes of the government and gives notice that next session, should there be one under this government, a Bill will be introduced to rectify what we are doing today. That is absurd.

Nevertheless, the opposition has no option other than to support the amendments to be moved by the government in the Committee stage and to support the passage of the Bill. In view of those constraints the opposition will not be calling divisions on the Bill.

Hon. K. I. M. WRIGHT (North Western) — The Leader of the Opposition has capably dealt with the details of the general provisions of the Bill, but I will discuss one aspect of the Bill that affects my constituents.

The Land (Miscellaneous) Bill revokes reservations of Crown land in various places, including a small

site at Dingee in the North Western Province. The site at Dingee known as Tang Tang Swamp comprises 126.3 hectares and was first reserved as a site for watering purposes under Order in Council as long ago as 25 November 1874.

The Bill implements recommendations C1-C17 of the Land Conservation Council report on the area which state:

> C1-C17
>
> That the areas ... and described below should be used:
>
> (a) primarily to conserve the habitat of native animals, particularly water birds, and
>
> (b) for public recreation and education where this does not conflict with the primary aim, and
>
> (c) grazing be permitted at the discretion of the managing authority and that they be permanently reserved under section 4 of the Crown Land (Reserves) Act 1978, and be managed by the fisheries and wildlife division ...
>
> C9
>
> Tang Tang Swamp (126 ha) Parish of Dingee a swamp and associated woodlands used by brolgas.
>
> Note: This is one of a series of swamps most of which are within the Murray Valley area.

As the local municipality is the Shire of East Loddon, I forwarded a copy of the Bill as introduced in the other place, together with the Minister's second-reading notes. On 10 July the shire wrote to me advising that the area had been grazed with cattle by Mr John Grylls of Dingee. They advised me that Mr Grylls is very conscious of and sensitive to wildlife conservation and that his occupation had enhanced the reserve in all respects. The shire council is anxious that grazing will remain permitted after the declaration.

It is significant to note that the Land Conservation Council also recommended that grazing continue to be permitted in the area.

Local members and the opposition shadow Minister for Conservation and Environment, Mr Geoff Coleman, have also made representations on the matter. The Shire of East Loddon also contacted the regional office of the Department of Conservation and Environment. On 23 August 1991 Mr Max Kitchell, the regional manager, responded:

> In answer to your specific concern as to whether grazing is to be permitted, the proposed revocation will not in the short term affect Mr Grylls's occupation of the land, as grazing is a permitted use at the discretion of the land manager. At some stage in the future, however, the department may wish to review the use of the area for gazing.

I express concern that the responses received so far offer no guarantees of permanency for grazing. I hope the Minister, in his response in the second-reading debate, will comment favourably.

The Shire of East Loddon, through its shire secretary, Mr Mark Johnston, shares that view. On 23 August the shadow Minister, Mr Coleman, wrote to my colleague Mr Michael John who also represents the area. At the next election Mr John will lose his representation of this area to the honourable member for Swan Hill, Mr Barry Steggall. His letter states:

> Clearly the response does not give Mr Grylls the permanency he might expect and I consequently believe it would be useful for him to consider entering into a management plan for the area involving himself, the Department of Conservation and Environment and a local field naturalists group, whom I understand have an interest in the swamp area. That management plan would need to have a period of time written into it and stocking levels such as previously have occurred and for which there is recognition declared also.

Finally, I advise the House and the Minister that the Grylls family have been grazing the area for generations. There have been no complaints about their interest in conservation and the way they have treated the area. In the interests of equity to Mr Grylls and at the same time of the preservation of the area, I urge the Minister to introduce such an amendment or to give a commitment to the long-term continuation of sensible grazing in the area.

Hon. J. G. MILES (Templestowe) — As the Leader of the Opposition pointed out in his contribution, the Land (Miscellaneous) Bill is a nonsense. It is not a Bill at all.

Last May when the opposition was prepared to support the proposed legislation the Bill provided for the revocation of reservations of land in certain areas to change their purpose and future use.

At the time the Leader of the Opposition and I issued press releases — and several articles

appeared in the *Diamond Valley News* — stating that although it was important to have a new cemetery opened in Bundoora the government was five years too late in reserving a piece of land, of which Janefield is a part, for cemetery purposes.

I will concentrate on the cemetery land issue to demonstrate the ineptitude of the government in its planning functions and its lack of ability to follow its own policies. At times the policies of two Ministers of the Crown have clashed.

In an article in the *Herald* of 6 July 1987 Trent Bouts went into some detail on the acute shortage of cemetery space in metropolitan Melbourne. It was found that new cemeteries had to be opened to relieve the acute shortage because in Australia approximately 50 per cent of people are still choosing burial rather than cremation. Therefore cemetery space is an extremely urgent matter.

Soon after becoming a member of Parliament six years ago I was appointed to the Mortuary Industry and Cemeteries Administration Committee. I was told by officials of Health Department Victoria who are in charge of cemetery activities and also by Ministers, "Don't worry about the shortage of cemetery space; Bundoora will be open very soon". It was often said that Bundoora would be ready by 1990.

In May 1991 the first step was made to reserve the Bundoora land for a cemetery, something that should have been done four or five years ago. The Bundoora land would have been available in 1993, 1994 or 1995, some five or six years late, but better late than never.

When the Bill was introduced there was the extraordinary situation of the Minister for Conservation and Environment saying that at long last the land at Bundoora would be reserved for a cemetery. A few days later the Premier announced that the land in question was to be used for a housing development. The two Ministers did not know what each other was doing because they belong to different factions. They did not communicate.

On the last sitting day of the Legislative Council for this sessional period a Bill has been introduced that will not be the same Bill at all when amendments are moved in the Committee stage. The Minister for Planning and Housing has promised that there will be a housing development on the land; the Minister for Conservation and Environment has said another thing; and the Premier has said the land will be used for purposes other than the existing reservation for the Janefield Colony. It is to be used either for housing or for a cemetery. From the evidence, the documentation and press releases, it appears that the land is required for a cemetery but will not be used for that purpose. What will it be used for? Nobody knows.

The government has foreshadowed that it will buy land nearby for a cemetery. The Janefield reserve has been reserved for a cemetery for many years and is an ideal site. The Premier and the Minister for Conservation and Environment say two different things.

The matter is a shambles, and is an illustration of the government's incompetence to govern. It should resign today. The residents of the area surrounding Bundoora, particularly the residents of Eltham, who have been fobbed off, have been promised a cemetery. They have been told not to worry, but the Eltham Cemetery is full.

The government has let down the voters in that area. At the next election the voters of Eltham and of Bundoora, the former Premier's electorate, will show their displeasure at the government's failure to analyse its programs properly and its total inability to act intelligently and sensitively in the interests of constituents in the area.

The PRESIDENT — Order! In view of the statement added by the Minister for Manufacturing and Industry Development, which did not appear in the second-reading speech, and because of the provisions proposed to be inserted during the Committee stage, it is apparent that an absolute majority will be required. As there is not an absolute majority of the members of the House present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in Chamber:

The PRESIDENT — Order! So that I may be satisfied that an absolute majority exists, I ask honourable members to rise in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read second time.

The PRESIDENT — Order! I remind honourable members that their presence will shortly be required for the third reading.

Committed.

Committee

Clause 1

Hon. B. T. PULLEN (Minister for Education and Training) — I move:

1. Clause 1, line 9, omit "for a cemetery and".

Amendment Nos 1 to 13 remove from the Bill the provisions which relate to the area of 65 hectares which forms part of the Janefield Colony Reserve and make consequential changes. That part of the reserve was proposed to be revoked to enable it to be re-reserved for cemetery purposes.

The government has now changed its proposals for the Janefield Colony Reserve and for the siting of the proposed cemetery.

Grassy woodland with themeda grassland understorey has recently been discovered on some of the land proposed for use for cemetery purposes, and that area needs protection from any use for burial plots. Also Community Services Victoria has now proposed that all parts of the reservation no longer required for health purposes should be revoked. Recent proposals for use of the Janefield Colony Reserve for housing projects are still under consideration as to the exact location and extent.

Any reduction in the size of the area available for use for cemetery purposes would leave insufficient land to provide for the long-term needs of the north-eastern suburbs. The government is negotiating for the purchase of land at Yan Yean to fulfil those needs. Two sites are under consideration, one having tested satisfactory as to the suitability of soil and the other appearing to be satisfactory from information on geological maps. Both sites are larger and offer greater long-term potential to meet demand for burial plots in the north-east of Melbourne. The owners of both sites are not unwilling to sell their land.

With respect to the matter raised by Mr Wright concerning the site at Dingee known as Tang Tang Swamp, a letter has been written to Mr Grylls assuring him that satisfactory arrangements have been made regarding the proposals for the area.

With regard to the long-term situation, subject to development of a satisfactory land management plan which would involve appropriate local considerations, it would appear from the information provided by Mr Wright in the second-reading debate about Mr Grylls's history of concern and care in land management there should be no difficulty in reaching agreement on that and there should be no difficulty in allowing the ongoing use of the land.

Hon. M. A. BIRRELL (East Yarra) — I note the Minister's comments and I thank the ever-reliable departmental officer, George Wilson, for providing information to the opposition consistent with what the Minister has said. However, I ask the Minister to comment further on two matters he has just raised.

Firstly, he said Community Services Victoria has now proposed that all parts of the Janefield Colony Reserve are no longer required for health purposes. If that is the case, why does not this Bill act on what he has just said and ensure that the reservation is changed from health purposes to some other purpose or purposes?

Secondly, the Minister said there has been a recent discovery on the site of themeda grassland, which will need to be protected. I ask: who has discovered this, and what process led to the conclusion that it needed to be protected?

Hon. B. T. PULLEN (Minister for Education and Training) — I should perhaps clarify the first point raised. I said Community Services Victoria has now proposed that "all" parts of the reserve that are no longer required for health purposes should be revoked. I should have said "any". In relation to the second point raised — —

Hon. M. A. Birrell — Why doesn't this Bill revoke the reservations for health purposes on those areas not needed?

Hon. B. T. PULLEN — The government is still considering the areas that could be needed in the future. Those areas need to be defined after further investigation. I am unable to give a definitive answer in relation to the areas until those investigations are completed. The importance of the themeda grassland would have an impact on decisions relating to those areas that would be preserved and those areas that might be available for housing, and that is another reason for the need for further investigation. I am unable to provide the details requested by the honourable member about

who has done the actual investigation, but I shall seek that information from the department and provide it to him.

Hon. J. G. MILES (Templestowe) — The Minister is obviously not clear about the reason for the elimination of the Janefield site for the proposed Bundoora cemetery, which has been planned for some years and has been well thought out by the government and by successive health Ministers — and this is a health department matter. I ask the Minister to explain why land which is reserved for a cemetery is now to be unreserved for some purpose we are not sure of. Apart from the fact that it is not needed by Janefield, why suddenly is there another area of land which magically is more suitable? I ask: on what evidence, on which committee report and by which Minister was the decision made?

Hon. B. T. PULLEN (Minister for Education and Training) — The presence of the themeda grassland, which is considered to be worthy of preservation and needs to be investigated, and the availability of sites which are regarded as having long-term potential to meet demands for burial plots in the north-east of Melbourne are the reasons why at this stage the government is proceeding in the direction it is.

Amendment agreed to; amended clause agreed to; clauses 2 and 3 agreed to.

Clause 4

Hon. B. T. PULLEN (Minister for Education and Training) — I move:

2. Clause 4, line 15, omit "plans in Schedules 2 and 3" and insert "plan in Schedule 2".

This follows on from the general statement I made in regard to amendments Nos 1 to 13.

Amendment agreed to; amended clause agreed to.

Clause 5

Hon. B. T. PULLEN (Minister for Education and Training) — I move:

3. Clause 5, lines 17 to 19, omit sub-clause (1).

4. Clause 5, line 20, omit "(2)".

5. Clause 5, line 20, omit "3" and insert "2".

These amendments are consequential, as I announced earlier.

Amendments agreed to; amended clause agreed to.

Clause 6

Hon. B. T. PULLEN (Minister for Education and Training) — I move:

6. Clause 6, line 28, omit "4" and insert "3".

7. Clause 6, page 3, line 2, omit "5" and insert "4".

8. Clause 6, page 3, line 5, omit "4 and 5" and insert "3 and 4".

9. Clause 6, page 3, lines 6 and 7, omit "4 and 5" and insert "3 and 4".

Amendments agreed to; amended clause agreed to.

Clause 7

Hon. B. T. PULLEN (Minister for Education and Training) — I move:

10. Clause 7, lines 9 and 10, omit "4 and 5" and insert "3 and 4".

Amendment agreed to; amended clause agreed to.

Clause 8

Hon. B. T. PULLEN (Minister for Education and Training) — I move:

11. Clause 8, line 14, omit "6" and insert "5".

12. Clause 8, line 19, omit "6" and insert "5".

13. Clause 8, line 23, omit "6" and insert "5".

Amendments agreed to; amended clause agreed to; clauses 9 to 11 agreed to.

New clause

Hon. B. T. PULLEN (Minister for Education and Training) — I move:

14. Insert the following new clause to follow clause 10:

Supreme Court — limitation of jurisdiction

"AA. It is the intention of this section to alter or vary section 85 of the **Constitution Act 1975** to the extent necessary to prevent the Supreme Court awarding compensation in respect of anything done under or arising out of this Act.".

This amendment was referred to by me in the statement previously made to the Committee. It is the usual provision necessary to indicate the intention to alter or vary under section 85 of the Constitution Act 1975 due to the "no compensation" provision in the Bill.

New clause agreed to.

Schedule 1

Hon. B. T. PULLEN (Minister for Education and Training) — I move:

15. Schedule 1, item 5, last column, omit "Schedules 2 and 3" and insert "Schedule 2".

16. Schedule 1, item 6, last column, omit "4" and insert "3".

17. Schedule 1, item 7, last column, omit "5" and insert "4".

Amendments agreed to; amended schedule agreed to.

Schedule 2

Hon. B. T. PULLEN (Minister for Education and Training) — I move:

18. Schedule 2, omit this schedule.

Amendment agreed to.

Schedule negatived.

Reported to House with amendments.

Report adopted.

Third reading

The PRESIDENT — Order! So that I may be satisfied that an absolute majority exists I invite honourable members supporting the third reading to rise in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

NATIONAL RAIL CORPORATION (VICTORIA) BILL

Second reading

Debate resumed from 20 November; motion of Hon. D. R. WHITE (Minister for Manufacturing and Industry Development).

Hon. W. R. BAXTER (North Eastern) — The National Rail Corporation (Victoria) Bill introduces one of the most significant changes to transportation in Australian history. Bearing in mind the history of transport in this country, particularly rail transport, I am surprised that it is coming about with remarkably little difficulty.

It has never ceased to amaze me that the various settlements of Australia ended up as they did with three different rail gauges. I appreciate that Australia is a big place. In the middle 1800s perhaps people in Melbourne and Sydney could not have envisaged the two settlements being connected by steel rail and the iron horse.

Considering that the people of that time had the foresight, initiative and confidence to build structures such as the building we are in today, I am somewhat surprised that they were not able to foresee that well within 100 years Melbourne and Sydney would be connected by rail and that New South Wales would operate on the standard gauge of 4 feet eight and a half inches while Victoria went for what is referred to as the "Irish gauge" of 5 feet 3 inches. There are all sorts of stories about how it happened, and I expect most of them are apocryphal.

As a resident of Wodonga I have had more experience than most of the costs and tribulations visited upon the local populace because of the change of rail gauge at Albury, which is reputed to have the longest railway station in the world. I remember as a child that the New South Wales train would draw up on one side, the Victorian train would draw up on the other and the passengers from each train would grab their luggage and troop across the platform to change trains. It is difficult to imagine that now.

We owe thanks to people such as W. C. Wentworth, a former Federal member, who fought long and hard for the construction of the standard gauge from Albury to Melbourne. It would be farcical if that break in the gauge at Albury, which existed until 1963, were still in place.

Freight movement is facilitated because a bogey exchange for freight wagons is still in use in Wodonga. The different gauge wheels are placed on the trucks and they go on their way to Sydney or Melbourne.

It is amazing to me that a container transported from Brisbane to Perth still needs to travel on about four different railway systems — Queensland Railways, the State Rail Authority, Australian National and Westrail. If it comes via Victoria it must travel on the Public Transport Corporation's V/Line. I

understand that over that distance there are five changes in locomotives, various duplicated inspections and many delays because of crew changes for each system, making it a very expensive operation indeed; and yet the nation has laboured under that difficulty for a very long time.

I pay tribute to the people who have put together the innovative proposal for a National Rail Corporation which will bring together, at least in the first instance, the interstate freight operations of the various rail systems and allow the railways to be more user-friendly in that people will need to contact only one office and will be able to have their freight conveyed from one place of business to the next more easily than at present.

It is a tragedy that we have allowed the railways to be such a drain on the State Budget, that work practices are so grossly inefficient that the railways have been losing billions of dollars every year, and that the railways have been starved of fresh capital expenditure while motor transport has been in ascendancy since the second world war.

Because of its wealth of resources Australia should be populated by the most privileged people in the world. However, while Australia might have been prosperous at the time of Federation — and I understand it was — it is no longer so. Living standards are declining because our competitive advantages on world markets have been sabotaged for a number of reasons, not the least being our inefficient transport system. We have allowed the wealth to be sucked out of the economy by parasitic work practices and I find it difficult to understand how people, let alone governments, can allow it to happen. It seems to me that the average Australian is prepared to do a fair day's work for a fair day's pay, and there are not many who want to slack on the job or have their work structured so that it leads to the inefficiencies that are so ingrained.

The establishment of the National Rail Corporation is a bold initiative because it breaks the mould: Australia needs to be competitive with the countries around it.

It is proposed that the interstate freight rail system operate on a commercial basis and be profitable within five years. I wish it well. I hope that ambitious target can be achieved. If it is achieved the chairman of the corporation, Mr Ted Butcher, a gentleman for whom I have a high regard — —

Hon. P. R. Hall — He will be a national hero.

Hon. W. R. BAXTER — Yes, he will. The agreements provide for Victoria to pay a contribution both in cash and in kind. Victoria will underwrite a percentage of the losses of the corporation in the initial years. Victoria has done well out of the agreement bearing in mind that it has the most inefficient railway system in Australia. The productivity of Victoria's rail freight movements is worse than that of other States. However, Victoria has made a fair deal and I give credit to whoever achieved that agreement.

In the future the NRC may take over the intrastate rail freight services. That is a great challenge. The rail system has a comparative advantage on long-distance bulk haulage and there is no reason why it cannot compete with road transport. I will be extremely disappointed if it is not able to compete successfully with other forms of transport. I hope the labour and industrial agreements signed by the Premiers and the Prime Minister are put in place with the goodwill and the scope that the clauses in the agreement envisage. In fact, I am surprised the corporation is having an easy birth because the labour relations and greenfield site agreements elsewhere have been fraught with difficulty.

The Public Transport Corporation will lease some assets to the National Rail Corporation, including infrastructure. It is envisaged that $1.7 billion will be expended over the next few years on capital improvements. This will clearly revitalise the interstate system. However, I have not heard anyone say yet what will happen to that part of the V/Line freight system that is not taken over by the NRC, particularly the country wheat lines. They may not be a profitable part of V/Line, but their losses are not nearly as great as those of other sections of V/Line.

Hon. B. W. Mier — The government should have sold them in 1974.

Hon. W. R. BAXTER — Perhaps the government could have given the railways to the Federal government in 1974, but if that had occurred Victoria would have been in the same situation as South Australia, with virtually no country rail lines.

All forms of transport should be examined to ensure they are viable. It is not necessary to keep open rail lines that make extraordinary losses but one has to look further than the actual profit and loss of rail operations. If the wheat rail lines are closed and wheat is transported by road a significant extra cost will be incurred in road construction.

Victoria will remain a premium wheat growing State, despite the current difficulties in the wheat industry and the corrupted markets overseas. Victoria has the potential to grow more than 4 million tonnes of wheat and other grains a year, and if the wheat rail lines are closed I am concerned about how the road system would stand up to the cartage of that volume of grain. I invite the Minister to indicate the future of Victoria's country freight rail lines that are not taken over by the NRC.

The agreement provides that the NRC can undertake intrastate rail business only with Ministerial approval. Clearly the corporation will not be interested in doing that unless it is on a commercial basis. It could well be that the corporation will operate intrastate rail services if a community service obligation exists, provided that it is given some government assistance.

The most direct rail route from Brisbane to Perth is through Sydney, Parkes, Broken Hill and Port Pirie. That line more or less exists now, but clearly Victoria — being one of the most productive parts of the Commonwealth — ought to be on that standard gauge line, and Melbourne should be an integral part of that connection. I have no doubt that Melbourne is included in the route but I query whether the route from Melbourne to Adelaide is via Ballarat or Geelong; perhaps both cities can be connected. Bearing in mind the total distance from Brisbane to Perth a connection via Geelong is only 59 kilometres further than via Ballarat, which is infinitesimal when one takes into account the thousands of kilometres of the total journey.

The Booz, Allen and Hamilton report has recommended the route through Ballarat because it is cheaper and marginally shorter. A good case can be made for including Geelong in the route. It is the second port of Victoria and has a great future as a commercial port not just for Victoria but for southern New South Wales, especially if the Mangalore-Tocumwal rail line is standardised.

The Narrandera-Geelong rail/road transport committee, which has been in existence for some years, is lobbying for that project most strenuously. Murray Slee from Shepparton and Kevin O'Neill from Jerilderie have long been proponents of that project because it would open up the produce market in southern New South Wales and the Riverina for Victoria and enhance the port of Geelong. The increased throughput would lower the unit cost of goods and add to the economies of scale. Clearly the NRC will operate on a commercial basis so it is up to the Port of Geelong Authority, the Geelong Regional Commission and the people of Geelong to demonstrate whether it is commercially viable to include Geelong in the route. I invite the government to indicate what it can do to assist because all Victorians would benefit, whether the route is via Geelong or Ballarat, or both.

I shall briefly allude to the railway line that runs through Wodonga. Honourable members have heard me speak about this matter on a number of occasions, including earlier this week in debate on the Albury-Wodonga Agreement (Amendment) Bill. One of the drawbacks to Wodonga's ultimately developing into one of the most attractive provincial cities in Victoria is that the Melbourne-to-Sydney railway line dissects its commercial centre. There is a proposal — not a new one, but one that is doing the rounds again and has gained popular support — to run the railway underground through that part of the town, which would enable a large area of railway land to become available for commercial development. That would generate substantial funds.

An alternative proposal has been put forward by a consortium, including retired engineer, Mr Alec Savidge, to take the route of the line away from the City of Wodonga and along the general line of the freeway. Either of these proposals deserves consideration.

Mr Butcher has visited Wodonga and examined the proposal to put the railway underground. The Wodonga consortium that is proposing the tunnel option has expended a lot of its own money in examining the possibilities. It is ready to get on with the job and finance the development that could emerge. I look forward to the National Rail Corporation being actively involved in deciding that issue.

If a new freight centre is to be built at Albury-Wodonga as part of the corporation, clearly decisions must be made as to the long-term and ultimate configuration of the line through Wodonga.

Finally, the agreement is an innovative and bold structure. It will put pressure on the remainder of the State railway system, in terms of freight, because it will have a benchmark to live up to that it has not attained in the past. That will put competitive pressure on V/Line and it will enable at least the interstate routes to regain a comparative advantage over road transport for the long-haul full-container freight. It will return to the railway some of the

freight that has been lost during the past ten years because of its endemic inefficiencies, unreliability and poor public profile.

I applaud the initiative contained in the Bill. I look forward to seeing Mr Butcher achieving the bold ambition of the corporation's becoming profitable within five years. I wish the organisation the best and I trust that the government will give the project its utmost support.

Hon. G. B. ASHMAN (Boronia) — The National Rail Corporation (Victoria) Bill is a significant step forward for the rail freight industry in Australia. It will link Perth through to Brisbane via Victoria. As Mr Baxter has already indicated, it is possible that without Victorian participation the link could have bypassed Victoria.

For well over a century Australia has had a rail network that requires freight to be changed at each State border. New South Wales and South Australia have one gauge and Victoria has another. The Bill creates the National Rail Corporation, which will provide the infrastructure for a standard gauge system throughout the country. The Bill also allows for some savings to be made by the States. Certainly over recent years considerable subsidies have been paid by Victorian taxpayers for the operation of freight services in this State. The Bill limits the State's contribution to 13.1 per cent — which is approximately $34 million — of any losses of the corporation in the first five years. That is the extent of the underwriting by the State.

I understand that the current losses of the Public Transport Corporation's V/Line operations are running at approximately $55 million a year and that this measure will mean a saving of approximately $19 million to the State. Significant benefits will result from the establishment of the National Rail Corporation and if the commercial practices that it introduces into freight transport are repeated across the State, a more efficient and lower cost intrastate freight service will be achieved.

The corporation will determine the route taken by the service during the coming months. At this stage the preferred option is to run the service via Ballarat. I have no difficulty with Ballarat being the priority, or indeed Geelong, so long as that route provides the maximum access of freight to the service. Clearly one of the primary requirements for a national rail line is that it goes through centres with major industrial and commercial activities so that the opportunity of generating clientele for the service is maximised.

If it can be established that significant freight is available from the port of Geelong, I see no reason why the line should not run through Melbourne, Geelong and on to Ballarat, but it should be a commercial decision.

Hon. R. I. Knowles — Which means Ballarat!

Hon. G. B. ASHMAN — It might mean Ballarat, Mr Knowles, or it might mean Geelong, or both. Certainly it must be considered. It is hoped that the government will not impose restrictions on road freight in an attempt to support the National Rail Corporation. If, as already has been indicated, the corporation is to be self-sufficient and stand alone within five years, I would be bitterly disappointed if after an interim period the State or Federal government imposed costs on the road freight industry that were not justified and thereby created a de facto subsidy of the rail system.

A great deal of freight cannot be carried by rail, and must be carried by road. It is not the long haul but the short to medium hauls where road is the most effective means of transport. Certainly some manufacturers prefer that their freight be delivered on the same truck through to its destination, partly because of the reputation gained by rail in the past and partly because of special packaging requirements that cannot be met by rail.

The Bill allows for the transfer of property to the corporation and it is hoped that property is not transferred to the corporation which is required for the efficient operation of the State rail freight network or which could be used to support our passenger services in this State.

My understanding is that at this stage a significant part of the workshops and infrastructure in Dynon Road is used for both interstate and intrastate maintenance on rolling stock and exchange and storage of goods in transit. One hopes those facilities will be shared and will not be duplicated.

Significant tonnages are already available to the rail system. As I understand it, approximately 5 million tonnes of general freight, some 3 million tonnes of grain, some 2.5 million tonnes of minerals, quarry, petroleum and cement and some 1 million tonnes of other freight is carried on the rail system within Victoria. There is an interstate freight business of 5 million tonnes and an intrastate business of

approximately 6.5 million tonnes, which demonstrates that rail is a viable and efficient service.

There will be teething problems with the National Rail Corporation; when something so large is established there are bound to be problems. I only hope honourable members are prepared to support the corporation through any early difficulties and do not seek to undermine its operations. With those comments I wish the corporation well.

Hon. R. A. MACKENZIE (Geelong) — I shall be brief. Mr Ashman has given a good explanation of the purposes of the Bill and has obviously done considerable research on the importance of rail freight. I support the Bill, although I worry when I see the word "corporation" because in many ways that seems to mean privatisation. I would hate to think the National Rail Corporation is the first step towards privatisation of the national rail link because I would be totally opposed to that.

The Bill is essential for the complementary legislation that must be set up between the Federal government and the States to bring about the National Rail Corporation. I understand considerable work has been done and that serious consideration has been given to establishing a national rail link between Sydney, Melbourne and Adelaide. It has been suggested that the rail link should go through Sydney, Melbourne and Adelaide via Ballarat. With all due respect to my good friend Mr Knowles and the people of Ballarat, serious consideration must be given to other alternatives.

One alternative is a link taking in Sydney, Melbourne and Adelaide via Geelong. The link could go up to Ballarat and then on to Adelaide. Another alternative is for the link to go from Melbourne to Cressy and then on to Adelaide. Only this week a constituent suggested to me that the link could be taken through Geelong, down to Warrnambool, up to Hamilton and then on to Mount Gambier and Adelaide. I did not realise there was a rail reserve in that area, but apparently there is and, therefore, that suggestion is feasible.

The National Rail Corporation is an extremely exciting proposal and deserves support from all sides of the House. It is so important that we must ensure that we get it right. One reason the link will not go through Geelong is because it would cost an additional $70 million. That is an economic argument that I cannot do much about at this time. However, I would hate to think that is the only argument for leaving Geelong out of the link. Geelong is the second most important city in the State and has not only a port but also a commercial airport. The city has a bulk fuel port and a number of grain depots, and it really is ridiculous for Geelong to be bypassed by the national rail link. If plenty of money was available I am sure there would be no argument about including Geelong or Cressy in the link. I understand the gradients in the Cressy area are more suitable for a rail line because they are not as steep as those in the area from Geelong to Ballarat.

The argument is one of cost, and that must be considered in this time of constraint. Some people have suggested a spur link with a standardised track running from Geelong to Ballarat linking up with the national line. That is the second-best option. I want to put on record that the sensible option is for the rail link to extend to Geelong and then up to Ballarat. The port and commercial airport at Geelong need assistance if they are to continue to grow at a time when development is desperately needed. I know Mr Knowles will argue the same thing for Ballarat, and I am not saying Ballarat should be bypassed. However, Geelong has certain features Ballarat does not have — a port and commercial airport.

The National Rail Corporation is an exciting proposal and I wish it well. I hope it will provide the means of transporting goods across the nation efficiently and economically.

Hon. ROBERT LAWSON (Higinbotham) — The concept of a standard gauge railway from Brisbane to Perth, a grand design, is needed to lift our spirits and to lead us out of the recession.

The project will bind all the mainland States. The standard gauge link is in place, of course, from Melbourne to Sydney and will need some upgrading in various places and some changes before it reaches the standard desired.

I am not sure whether there is a standard gauge link between Brisbane and Sydney as I have not used the train to Queensland, but I should imagine there is, otherwise there would be the same problems on the border that we used to experience at Albury. The bulk of the work will have to be done between Melbourne and Adelaide, and then from Adelaide to Port Pirie.

There is a standard gauge linking the continent at the moment, the Indian Pacific. At present any traffic coming south from Brisbane, destined for Port Pirie

and onwards to Western Australia, can be diverted across the centre of the continent by way of the Indian Pacific link.

The train itself is not living up to the expectations of its designers or pioneers because it is fairly run down at the moment, I am told, and it is not generating the traffic it should.

However, the new concept would be ideal and would be a boost to all of the States, not only for the amount of traffic it would generate but also because it would take an enormous strain off our overworked roads.

There are no means of transport in the world better than trains for moving heavy freight long distances at high speed. If done properly the project could lead us out of our present recession and be an asset to Australia for many years to come.

How well we older people remember the break at Albury when passengers from Sydney used to alight from the train and walk for miles along the platform. For some reason, the two trains would pull up opposite each other but not level; so if you were at one end of the train from Sydney you had to carry your baggage right down to the other end of the train for Melbourne. They never seemed to grasp the concept of coordinating the carriages opposite one another; they were never lined up. Those days are long gone.

Some of the practices that still exist will have to be renegotiated. When I used to travel on the Southern Aurora from Sydney to Melbourne I always arrived in Junee in the middle of the night. I was quite surprised, on one visit, to see Junee by day and realise that it did experience daytime from time to time! I had been accustomed to travelling in the middle of the night and seeing the Junee station just sliding gradually past the train as we came to a halt.

Hon. D. M. Evans — Did you go back to sleep?

Hon. ROBERT LAWSON — I was quite comfortable with the train rocking around, but once it stopped I woke. But I soon fell asleep again.

I was told that we stopped in Junee not because we needed to but because that was where the steam train used to stop to take on water, so the diesel train has been doing the same ever since. The unions insisted that they stop at Junee to take on water!

Obviously a lot of negotiation will need to be done between the Australian Railways Union and the Federated Engine Drivers and Firemen's Association to work out just what they will do with the new system because if we are to continue with those practices things will not work out too well. What water stops there are on the way to Adelaide I do not know, but presumably the train stops here and there along the way on that trip also.

Recently I travelled from Adelaide by train and it seemed to stop several times during the night for no particular reason. One would look out of the window and see nothing much outside except darkness and trees, but perhaps there were watering points at the various places where we stopped.

As for the break in gauge, honourable members will not be surprised to learn that that was the fault of New South Wales. The Port Melbourne railway line, which recently lost its bridge — it was decided to demolish the bridge over Clarendon Street — was built when both colonies wanted to establish railway lines. Victoria got in first and we had the first railway line in Australia from Flinders Street to Port Melbourne.

The first New South Wales railway engineer favoured standard gauge railways, so the plan was that we would build a standard gauge railway to Port Melbourne. Then he lost his job and the next engineer favoured the Irish gauge, so it was decided that we would build the Irish gauge. That is the gauge we are using now in Victoria.

We started building that gauge line to Port Melbourne. Then New South Wales had another change of engineer and he favoured the original standard gauge, but by this time we had said, "Oh the hell with it", and went on to build the broad gauge line to Port Melbourne.

Meanwhile in New South Wales they had started building the standard gauge. So that was the source of our problem and we can appropriately blame New South Wales.

However, one cannot blame the New South Wales engineers for the problems in Queensland and Western Australia. The reason for the even narrower gauge in those States is economics. They were building very long railway lines between small centres of population over difficult terrain and the engineers decided the best thing was a narrow gauge. Therefore, there are now three different railway gauges causing endless complications.

Whether the consortium proposing to build the Very Fast Train has been finally and utterly knocked on the head by all of this, I do not know; but in our recent history the present Federal government refused to give that consortium certain concessions it desired, so it decided not to go ahead. Whether the idea will be revived under a new regime I do not know but it would be interesting to find out. I consider it to be a doubtful proposition.

If the new National Rail Corporation proceeds — and I presume it will as it will be working in concert with other State governments and the Federal government — I have no idea what that would do to the concept of the Very Fast Train, but I imagine it will be dead and buried by the time this project is complete.

Mr Mackenzie was talking about diverting the railway line to Geelong, which is a good concept, provided Ballarat is included as well. I would not want to leave out our Ballarat members; I have to deal with both of them.

However, if it is to cost $70 million extra the matter will have to be negotiated with the new rail authorities. Whether Victoria has to contribute money to the pot to divert the rail line to Geelong or whether something has been negotiated, I do not know. It will be a matter for negotiation because I should imagine that all up and down the eastern seaboard centres of population will want to have railway lines diverted for their benefit.

I imagine Geelong will not be the only town to put in a request for a diversion so — —

Hon. R. A. Mackenzie — It is not a town, it is a city!

Hon. ROBERT LAWSON — I was hoping not to offend you, Mr Mackenzie, when I made this speech. Before I get into more trouble I will move from the subject of Geelong.

It is proposed that the travelling time between Sydney and Melbourne will be reduced from the present 15 hours to about 9 hours. The corporation will have to realign and improve the track, which anyone who has recently travelled on that rail line will agree is necessary.

During the air pilots strike several years ago, while visiting Sydney I thought it would be a good idea to return to Melbourne by train. I arrived at Sydney's Central Station in plenty of time to avoid any passenger rush. I was the only person in the carriage on the return trip! Everyone else was awake to the horrors of travelling from Sydney to Melbourne by train. I can assure everyone that it was a very long day.

Hon. W. R. Baxter — You townies aren't used to distance.

Hon. ROBERT LAWSON — No, and we don't want to be, either.

Much work must be done not only on upgrading existing sections of track but also on installing new track. Presumably the line beyond Adelaide will go to Port Pirie and join the existing standard gauge track to Perth.

Other speakers have congratulated the government for this concept. It is a grand idea. The various State governments and the Federal government must be congratulated. I hope that the link between all mainland States will be completed soon.

The PRESIDENT — Order! The Minister's second-reading speech drew attention to the fact that this Bill affects the jurisdiction of the Supreme Court, and therefore an absolute majority is required. To enable me to ascertain whether such a majority exists I direct that the bells be rung.

Bells rung.

Members having assembled in Chamber:

The PRESIDENT — Order! To enable me to ascertain whether an absolute majority exists for the carriage of the motion, I invite honourable members supporting the second reading to rise in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read second time.

Third reading

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — By leave, I move:

That this Bill be now read a third time.

In doing so, I thank Mr Baxter, Mr Lawson, Mr Ashman and Mr Mackenzie for their strong support for this initiative.

In response to the two questions asked by Mr Baxter, to which written responses have been supplied: the existing assets will stay with V/Line; no formal decision has yet been made about the Melbourne to Adelaide link. The probability is that it will be Melbourne to Adelaide via Ballarat. The National Rail Corporation, in conjunction with the State government, is responsible for providing a standard link to Geelong.

In addition, other links — probably Portland to the Riverina — will be the subject of negotiations between State governments and the National Rail Corporation, with the probability being that both parties will be expected to make some contribution.

The PRESIDENT — Order! I ask honourable members supporting the motion to rise in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

MELBOURNE LANDS AND MARKET SITES BILL

Second reading

Debate resumed from 20 November; motion of Hon. B. T. PULLEN (Minister for Education and Training).

Hon. M. A. BIRRELL (East Yarra) — The aim of the Bill is to sell three pieces of land: the land known as the Western Market site — which we know better as the National Mutual Life Association headquarters; land known as the Eastern Market site — which we know better as the Southern Cross Hotel; and land known as the Royal Australasian College of Surgeons site. The purpose is to correct what the Melbourne City Council (MCC) in particular believes is an unfair financial arrangement now existing regarding particularly the two market sites.

Without going into the detail already outlined by the Minister in his second-reading speech, under an agreement with the State government which goes back decades, the MCC is leasing those sites for a certain term as a trade-off for providing maintenance to parks and gardens in Melbourne. However, the MCC is now paying substantial land tax on the sites, the combined effect of which means it is actually losing from the deal. Therefore it is argued that everyone has a self-interest in rectifying the arrangement.

The role of the opposition in the Upper House is to protect the public interest.

Negotiations have occurred between the occupier of the Western Market site, National Mutual; the MCC, which is charging for the use of that site; and the State government on behalf of the public, who own the site. An arrangement has been entered into to sell the freehold title to the site to National Mutual.

We make it clear that this certainly appears to be an arm's-length process. There appear to be no losers from the deal and the arrangement appears to be in the public interest; importantly, it has been finalised prior to the Bill being voted on in the House. In other words, no-one is being held hostage to the legislation proposed by the government. It is a deal that was arranged well before the Bill was passed through the Legislative Assembly or came here. We do not seek to oppose that part of the Bill.

The second proposal is to enter into a similar arrangement concerning the Eastern Market site, but no agreement had been entered into prior to this part of the Bill coming to our attention.

Following my representations to him on the Bill, the Minister for Finance replied in a letter dated 14 November. As regards the eastern site, the Minister said:

> Preliminary discussions have taken place in relation to this site, but at present discussions have fallen well short of a meeting of minds on the appropriate basis for a sale.

It would be both unusual and, in this instance, undesirable to pass Part 3 of the Bill in the absence of an agreement similar to that reached between the government and National Mutual Property Services (Aust) Pty Ltd over the sale of the Western Market site.

The coalition does not believe this will create a precedent that requires all of the cards to be held in the hands of the occupier of the site, being the Southern Cross Hotel, or the receivers, whom I believe to be Tricontinental Corporation Ltd. But the coalition is concerned that if Part 3 of the Bill is not opposed we could be selling the site from under the

feet of the occupier of the site and unfairly disadvantaging the occupier in negotiations over the sale price.

In any event the arrangement entered into between National Mutual Property Services and the government on the sale of the Western Market site is far more attractive and consistent with the public interest than the proposal for the sale of the Eastern Market site, where there is no agreement whatsoever.

Unless the Minister can demonstrate that an arrangement has been entered into for the sale of this site equivalent to that entered into under Part 2, the coalition will not agree to the inclusion of Part 3 in the Bill.

Part 4 deals with the proposed sale of the Royal Australasian College of Surgeons site. During discussions about the proposal with the college of surgeons I was disappointed to discover that the college had not seen a final copy of the Bill until I presented one. It is pivotal to Melbourne's future as the health research capital of Australia that bodies such as the Royal Australasian College of Surgeons be encouraged to remain in the city and advance their work.

The Bill threatens the continued existence of the college of surgeons in Melbourne. Because the proposed sale is not predicated on a voluntary agreement between the government and the college of surgeons, if the Bill were passed in its present form it would be possible for the government to remove the college from the site and then sell it for an unacceptable private use.

The coalition is not opposed to the sale of the site on suitable terms to a suitable purchaser, just as we do not oppose the sale of the Eastern Market site under similar conditions, but we are not convinced that suitable arrangements exist.

In his letter the Minister for Finance also states, in respect of the college of surgeons site:

> ... negotiations to date have not advanced to the point where it would be possible to indicate what this basis —

for an agreement —

> might be.

In the absence of an agreement with the college of surgeons there is no way the coalition can agree to Part 4 of the Bill at this stage. The coalition has received representations from the solicitor representing the college of surgeons, Mr Michael Gorton, of Abbott, Tout, Russell and Kennedy. In his letter of 11 November, Mr Gorton states:

> The college would therefore appreciate your assistance in ensuring that the provisions relating to the RACS site are deleted from the Bill or, if not deleted, then the Bill should be opposed.

I invite the Minister to withdraw parts 3 and 4 of the Bill or, alternatively, to provide the coalition with documentation of the same nature and content as that which he willingly gave us with respect to Part 2 of the Bill.

In the absence of the documentation, during the Committee stage we will move to stop the sale of the Eastern Market and Royal Australasian College of Surgeons sites at this time.

Hon. G. P. CONNARD (Higinbotham) — I support the comments made by the Leader of the Opposition. The Bill summons up many nostalgic memories. Honourable members will be aware that I am a pharmaceutical chemist. As an apprentice I received my training at 455 Collins Street in premises on the Western Market site owned by Mr Alan Noye, a pharmacist. From 1944 to 1947 I spent four years working as an apprentice in a beautiful bluestone building, which was built in the early 1860s and which these days would not be destroyed because of the regard we now have for our heritage.

Mr Fletcher Jones, the well-known tailor and clothing manufacturer, set up his first commercial venture outside Warrnambool on the site, and I well remember him working as a salesman in his own store. Mr James Pearson, a well-known liquor merchant, was among the other traders in the building. The beautiful bluestone building, which contained many large rooms and which was similar in architectural style to Parliament House, provided a happy environment for a young man to work in.

Only a few years later, in 1951, I acquired the tenancy of premises at 97 Bourke Street, on the Eastern Market site, which was of an architectural style similar to the building in which I spent my pharmaceutical apprenticeship. The landlord of both premises was the Melbourne City Council. I developed my business on that site until I received a notice to quit shortly before Christmas 1960. I was given only 30 days' notice to quit the building, as

were the other tenants, all of whom were distressed by the decision.

The Eastern Market was a genuine market, occupied by all sorts of traders both in the interior of the market and in permanent shops around its edges. I also believe in the 1990s that building would not be destroyed, because it would be classed as part of our heritage; but so-called progress does ensue.

The other tenants and I were annoyed that the Melbourne City Council had given us 30 days' notice to quit on the eve of Christmas. Some of us formed a tenants committee to fight the decision of the council, and during our research we made an interesting discovery which we kept to ourselves until we went to court to fight the council's decision to throw us out of the building.

We discovered that both of the sites were originally Crown reserves given to the city by the House of Commons and that the city council and the State government had only a limited authority to give tenants notices to quit because the sites were reserved as market sites. That discovery caused a great deal of trouble to the council and, subsequently, to the State government.

I well remember the court case, which was conducted for us by a metropolitan solicitor. When he put that information to the council witness, the council rapidly sought an adjournment of the hearing until it could engage a Queen's Counsel, Dr Coppel, to represent it.

The QC interviewed the tenants outside the court. The Crown land reservation for market purposes had been issued by the House of Commons in London. We virtually got what we wanted, which was to pack up and go about six months later. As I understand it, subsequent legislation passed by this Parliament removed that facet of the law. If my memory is correct, complementary legislation was required. I raise the matter just to give a bit of the history of the markets.

The Western and Eastern Markets were delightful places. Many people of my generation as well as people of my parents' generation could talk at length about the sorts of people who had market holdings, particularly at the Eastern Market. The Melbourne Lands and Market Sites Bill deals with part of an interesting piece of historic Melbourne.

I remind honourable members that subsequent proprietors of the former Eastern Market site have become bankrupt, as seems traditional in developments of places such premises. The current developer is bankrupt and the original developers, associated with Pan-Am, became bankrupt. Given the current economic climate and the events that have resulted from the activities of Tricontinental and other organisations, similar city developers will probably become bankrupt.

The Eastern Market site is now occupied by the Southern Cross Hotel. Currently, some 30 years after its development, no stability exists in the rents paid by the shopholders or those conducting the hotel business so that the development can be viable in modern times. As I said, the economic climate will probably result in more modern developments taking some time to establish sufficient stability among the tenants to lead to a viable investment.

As I said in my opening remarks, in reflecting on the sites of the former Eastern Market and the Western Market I feel sentimental. I agree with Mr Birrell that it is appropriate that National Mutual Corporation Pty Ltd acquire the title to the former Western Market site. It is a fine Victorian corporation and should be supported in its progress.

Some matters concerning the Eastern Market site must be further considered. The Royal Australasian College of Surgeons is special to the people of Victoria, as are other organisations associated with the health industry. I support Mr Birrell's comments that Part 3 and Part 4 of the Bill should be considered again rather than passed today. With those brief comments, I indicate support for Mr Birrell's remarks.

The PRESIDENT — Order! As indicated by the Minister, clauses 17 and 18 of the Bill necessitate an absolute majority. I therefore direct that the bells be rung.

Bells rung.

Members having assembled in Chamber:

The PRESIDENT — Order! The question is:

That this Bill be now read a second time.

I ask honourable members supporting the proposition to rise in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read second time.

Ordered to be committed later this day.

ROYAL BOTANIC GARDENS BILL

Second reading

Debate resumed from 20 November; motion of Hon. B. T. PULLEN (Minister for Education and Training).

Hon. M. A. BIRRELL (East Yarra) — Sometimes we underrate our greatest assets, and it takes visitors to this country to remind us of reality. Any visitor to this country who has visited the Royal Botanic Gardens will remind us that they are among the great gardens of the world. They must be protected and nurtured and it is only proper that Parliament give them statutory recognition and protection, as proposed by the Royal Botanic Gardens Bill.

The area housing the Royal Botanic Gardens is a grand place and an essential element of our capital city. We are fortunate to have the gardens and we are fortunate that they have been well maintained and supported by governments and members of the surrounding community.

The coalition enthusiastically supports the Bill. Indeed, the opposition was the first political party to suggest the need for the initiative reflected in the Bill when we called last year for the establishment of an independent board to manage the Royal Botanic Gardens. It is with no deliberate disrespect to the Department of Conservation and Environment that we say it is better for the Royal Botanic Gardens to be managed by an independent body as is the case with similar gardens in other capital cities in Australia and overseas.

The Royal Botanic Gardens in Melbourne, the annexe at Cranbourne and the National Herbarium of Victoria should be managed by a freestanding board constituted by people who can muster enthusiasm for the gardens. The members of the board can ensure an adequate supply of funds and support for the gardens and can give them the special treatment that a department cannot, as its officers have many other issues to which they must turn their minds.

As I said, the opposition supports the Bill with enthusiasm. We are delighted that the government has taken up our idea. We have consulted with a number of organisations to obtain their views. In particular, I consulted with the Friends of the Royal Botanic Gardens, an organisation of volunteers who support the gardens and seek to enhance their functions. That body made it clear to the opposition that it wanted the Bill passed. I also consulted with the Honourable Peter Howson, an individual of considerable stature, who led the Maud Gibson Trust, which is a major donor to the Cranbourne annexe of the Royal Botanic Gardens. He was enthusiastic about the Bill and was one of the prime motivators in ensuring that legislation was brought forward.

I have consulted with local members, namely, the honourable member for Prahran, Mr Don Hayward, Mr Guest and Mr Macey, particularly the first two, who live close to the gardens and have a keen interest in them.

Hon. R. I. Knowles — It's part of their backyard.

Hon. M. A. BIRRELL — It is untrue to suggest that Mr Guest regards the Royal Botanic Gardens as being similar to the backyard of one of his many homes! We note their support for the proposal.

The opposition consulted with local community bodies whose interests are also important, including the Melbourne-South Yarra Group, which is a local group of residents who have a keen interest in the area and have been enthusiastic in their campaign for the protection of the Royal Botanic Gardens. They also support the passage of the proposed legislation.

A number of people have suggested proposed amendments to the Bill or have asked for undertakings to be given by the government. The opposition has only one amendment. In the Committee stage it will move its normal amendment to allow for the disallowance of regulations made under the Bill. When a new body such as the Royal Botanic Gardens Board is established Parliament should not only receive the annual report but also have the power to oversight the actions of the government. The government may make regulations to allow the board to make certain decisions affecting the operations of the Royal Botanic Gardens, or regulations that influence the board's practices, costs or changes in management. If individuals or community groups such as the Friends of the Royal Botanic Gardens or the

Melbourne-South Yarra Group believe the decisions are wrong, Parliament should be able to overturn them.

By introducing this provision into the Bill Parliament will be able to ensure that the public interest is protected against what is an unlikely but nevertheless potential abuse of power by this new body. The proposed amendment will give Parliament the right to veto decisions made under any regulation.

Other key areas of concern relate to appointments to the board and the powers of the board, particularly with respect to the raising of fees. Clause 1 in Schedule 2, which provides for membership of the board, states:

> (1) The board consists of 7 members appointed by the Governor in Council on the recommendation of the Minister.
>
> (2) Of the members of the board —
>
> (a) 1 must be the Director-General or his or her nominee; and
>
> (b) 6 must be people who, in the Minister's opinion, have knowledge or expertise ...

Clause 6 of Schedule 2 states:

> The Governor in Council may at any time remove from office the Chairperson, the Deputy Chairperson, or a member of the board.

If it were not for that clause the opposition may not have accepted the structure provided by the Bill. There has been some suspicion in some corners that the board may be the repository of a few mates of the Kirner government.

Hon. R. A. Mackenzie — Ones that have gone to seed!

Hon. M. A. BIRRELL — Yes. On behalf of the Liberal and National parties I place on record that, if the members of the board are not of the highest quality and represent the best characteristics one would expect on such a board, soon after the next election we will remove those people from the board. The Bill provides for people with backgrounds in botany or horticulture, business management, financial management or public administration, recreation, education or tourism, or nature conservation, so we hope the best qualified people will be involved, including those with local knowledge and expertise and inevitably those who have been strong supporters of the Royal Botanic Gardens over the years.

I do not place any constraints on the type of person; it is the qualities of the people we are looking for. I do not say a person with a political interest cannot be a member of the board because political interest should not be the key issue in judging the qualities of the individual. I cite as an example the Honourable Peter Howson, who told me recently that he considers himself over the age limit to go on the board. He is an academic example of an individual with a political background who would be an outstanding appointment, given his untiring service in helping to create one of the great botanic features of this country, the Cranbourne annexe of the Royal Botanic Gardens.

If honourable members have not been to the Cranbourne annexe, I commend it to them because it is an extraordinary achievement and is one of the great places to observe Australian gardens that have been tended with enormous care.

I do not mount a case against any individual with a certain background, but I make it clear that only the most highly qualified people should be appointed to the board. The government should consider not only people with administrative abilities but also public figures or people associated with local communities. As there is an opportunity to change the membership of the board the opposition does not seek to amend the structure as set out in the Bill.

Concern has also been expressed that the Director-General of the Department of Conservation and Environment may be appointed as the chairman of the board. The opposition would be disappointed if that were the case. It is highly unlikely that the head of a department would have the time to dedicate himself or herself to the job. The opposition believes the permanent head may be a member of the board but it is undesirable for that person to be the chairman. I ask the Minister to advise the House whether it is the government's intention to appoint the permanent head as the chairman of the board.

A similar concern has been raised about the appointment of the director of the Royal Botanic Gardens who should clearly be a person with a background in botany or horticulture and, it is hoped, will follow in the eminent footsteps of his or her predecessors. I ask the Minister to comment on the government's intentions about the appointment of the director of the Royal Botanic Gardens.

The final point I raise concerns the charging of fees for entry to the Royal Botanic Gardens or to any of the land managed under the Bill. I note that the opposition supports the idea of the new board being able to manage other land in Victoria such as the Cranbourne gardens. However, the opposition is totally opposed to charging a general entry fee or gate charge to the Royal Botanic Gardens. The Leader of the Opposition, Mr Jeff Kennett, made it quite clear that the coalition is opposed to that concept now and will not introduce a general entry fee or gate charge for the Royal Botanic Gardens.

There are some things that must be available to all and the Royal Botanic Gardens is one of them. It is undesirable to impose a gate fee on entry. There is no wish to introduce that. On any occasion when the coalition's shadow Cabinet has reflected on the matter, we have reached the conclusion that it must not occur and I make it clear to the government that it will not occur. An entry fee may, however, be levied for some feature of the managed land under the control of the board, as occurs interstate with discrete features within some gardens and there is a need for a head of power to allow that to occur. The opposition has no ambition in that regard, nor do I believe the government has, but I seek an explanation from the Minister of what entry fees and charges the government intends or seeks to introduce.

Although the opposition believes there is a need for some fee-setting power for discrete features within managed land under the control of the board, it does not regard it as a prelude to the introduction of a general gate charge for entry to the Royal Botanic Gardens.

I conclude by saying, as I did at the beginning of my contribution to the debate, that it often takes overseas visitors to draw to one's attention the magnificence of some of Victoria's assets. With the exception of the Yarra River valley, and the Yarra River as it runs through the central city area, the Royal Botanic Gardens are as much a part of our natural signature tune as is any other feature.

The opposition is delighted to support the botanic gardens. At long last full statutory provisions to protect the gardens will be introduced.

Hon. R. A. MACKENZIE (Geelong) — I enthusiastically support the Bill. It gives me pleasure to speak about the Royal Botanic Gardens which are often referred to as the jewel in Melbourne's crown. I have had some dealings with the gardens although I have resided in Geelong all my life. I have fond memories of visiting the botanic gardens as a child in the early 1940s and 1950s with my family and often having family reunions with Melbourne members of the family.

I had a great deal of pleasure in meeting David Churchill a matter of weeks after I became Minister of Lands. David Churchill was then the director of the gardens and he was a man for whom I subsequently gained an enormous degree of respect. He came to me about a problem with the lake. Over 90 years it had become clogged with silt. A lot of stormwater flows into the lake from the drains surrounding the area. Over 90 years silt had built up in the lake and, instead of it being the required 2 metres deep it was less than 1 metre deep. Because of that it allowed a particular type of lily to grow and spread over the whole of the lake. Not only did it choke the lake, but also the root system became toxic causing a number of swans and other animals that fed from the lake to be poisoned. A number of swans died.

David Churchill explained to me the significance of the lake in the landscape of the area. He said that the reflections of light on the lake were part of the beauty of the botanic gardens as they had been landscaped to take into account the reflections on the lake.

It was estimated that $300 000 would be required to clear the silt from the lake. I went to the Treasurer and twisted his arm for funds. He contributed $100 000 towards the estimated $300 000. I was informed that the City of Northcote was prepared to buy the spoil from the lake for works it wanted to carry out and was prepared to pay $2 a cubic metre, which brought in another $100 000. There was a small press release in the newspaper about the problem in the lake and the next day the Managing Director of the *Herald-Sun* visited my office and said that the *Herald-Sun* was having its 60th birthday and was looking for a project that would involve the people of Melbourne. The *Herald-Sun* started the "Save the Lake" campaign and for almost twelve months every day there were photographs in the newspaper that had something to do with the lake and a painted tram advertised the campaign. Sufficient funds were raised to enable the lake to be cleared.

As soon as it was back to normal I understood what David Churchill had meant about the reflections of the landscape on the water.

One of my achievements as Minister of Lands was to clear the silt from that lake.

Hon. M. A. Birrell — The swans thank you for it, too!

Hon. R. A. MACKENZIE — David Churchill took me to another area that required urgent works. The National Herbarium of Victoria was in a very poor state. I, like many Victorians, was ignorant of the fact that the herbarium was in Melbourne. It contains a collection of irreplaceable botanical items unique to Australia. The roof was leaking and plaster was falling from the walls. Something had to be done immediately. David Churchill showed me the actual piece of banksia that Sir Joseph Banks had picked. I saw his handwritten notes and specimens and how he described and named them. It is a wonderful and irreplaceable document but it was housed in appalling conditions.

We set about renovating the herbarium. Although I cannot say the renovation took place during my term of office, it certainly occurred soon afterwards when Ms Kirner was Minister for Conservation, Forests and Lands. I have a feeling for the botanic gardens and for the people who work there. I had many opportunities of visiting and working with the staff. I was impressed with David Churchill. He was doing a lot for the gardens and also the Cranbourne gardens. The Cranbourne Botanic Gardens are in a marvellous area.

David Churchill was moved sideways for some unexplained reason. I would not like to think that he was moved sideways because he stood up for what he believed. He was not a yes-person; he always spoke his mind and said straight-out what he believed was right and what was wrong. I always appreciated the advice he gave.

Hon. R. I. Knowles — That would be a fatal trait under this government.

Hon. R. A. MACKENZIE — I support the Bill. I listened with interest to what Mr Birrell was saying and I certainly agree with him. It would be a disgrace if anyone from Melbourne or elsewhere were denied access to that magnificent environment. I support him in opposition to a charge being levied on entrance to the Royal Botanic Gardens. However, it is an interesting Bill and the government's intention is to do the right thing. I have some misgivings about the appointments and I hope they are made with thought and foresight.

In the Committee stage I shall move two small amendments. They spell out in clear terms what is needed. I do not think the Bill is drafted to avoid what I want to put in. I shall move an amendment that the director-general be a person qualified in botany. I understand from members of the staff of the Royal Botanic Gardens that every director of every botanic garden in the major cities of Australia is a botanist. I understand the same applies in the major cities in every other country around the world.

I also wish to move an amendment to the schedule to ensure that at least one member of the seven-person board is a botanist so that that person has the necessary expertise to run the herbarium, and that another is a qualified horticulturist who will understand the running of the gardens. Perhaps the government intends that to be the case but my amendment will ensure that it happens.

I hope the board comprises people of standing in the community who have the enthusiasm and drive to ensure that the Royal Botanic Gardens will always be the jewel in Melbourne's crown and a place where we can take our visitors, our families and ourselves to enjoy its beauty.

Hon. J. V. C. GUEST (Monash) — I have good reason for speaking on the Bill. I remember first going to the Royal Botanic Gardens in 1940 and most recently going with my wife who, with her horticultural knowledge, is especially interested in such treasures as Melbourne has, such as the gardens, and who is a particularly interesting person to visit the gardens with.

My electorate includes the gardens and I live near them. Until recently the chairman of my electorate committee was the Honourable Peter Howson who has been one of the prime movers in the establishment of a board to manage the gardens and, as has been noted, is the Chairman of the Maud Gibson Trust, a generous benefactor of the gardens including the Cranbourne gardens.

The Bill will achieve what is hoped for for the gardens. I hope it is not an afterthought by the government late in the day in looking for a way to shed responsibilities but rather a way of harnessing the energies of the many enthusiasts who have much expertise as well as love for the gardens and are prepared to give their time and energy to preserve them as they have been preserved for the past 140 years or more.

Melbourne has many fine institutions that are still flourishing — the Royal Botanic Gardens must be as close to the top as one could imagine — such as the Victoria State Opera and the Australian Ballet; regrettably not the museum or the library, although they are fine institutions.

The government has singularly failed to meet its responsibilities to those institutions that need substantial expenditure. One can see the incipient signs around Melbourne and Victoria of our hovering on the edge of Third World status: the parks where the grass is not cut as often as it used to be; the watering system that is not repaired; and the streets that are not cleaned as regularly as they used to be. We must look to our treasures to ensure that they do not become the real marks of the decline of the economy which has now been evident for some fifteen years. Nothing in the Bill suggests that the government is trying to shift the responsibility in any real sense because the director-general is given appropriate power to discover what is going on in the management of the gardens, and no doubt the principal source of finance will be the Consolidated Fund. The trouble is, of course, that in recent years the Consolidated Fund has been meanly applied to the Royal Botanic Gardens. The allocation is now something more than $3 million a year in contrast to $14 million spent in New South Wales on its Royal Botanic Gardens.

The need for expenditure is certainly not diminishing. The paths in the Melbourne gardens need repair. A proper watering system should be installed. The herbarium would clearly benefit from a great deal of expenditure. I am sure there are many areas of expenditure that those with a more intimate knowledge of the gardens could mention.

The government must recognise, beyond its undertaking — generous in the circumstances of what will happen at the next election — that real expenditure on the gardens will need to be maintained for the next three years. Unfortunately that will not go very far in undoing the neglect that is already threatening the gardens.

The board structure allows for the appointment of a small group of energetic, knowledgeable and enthusiastic people who may achieve a great deal for the gardens. The only problems I have with the Bill, apart from those mentioned by Mr Birrell, are that the categories are not entirely appropriately stated. Of course there must be a person — or preferably people — who are expert in botany or horticulture. Any enterprise would be eviscerated if there were not people with business management, finance management or public management expertise; but there is the risk that, should the government want to treat the gardens as a revenue raiser and make them self-supporting, it might overload the board with people whose backgrounds are in business.

The third category provides that potential members of the board must have knowledge of recreation, education or tourism, which are peripheral to the management of the gardens. Certainly they are not central in the way botanical and horticultural expertise is to the nature of the gardens.

The fourth category is nature conservation, which is not central to the gardens as the term is currently understood; rather, it is central to the tradition of fine botanic gardens that both exhibit indigenous and exotic species of plants and look beautiful.

None of this matters except to the board of seven, one of whom must be the director-general or his or her nominee. I am not sure these categories allow for the proper balance. In particular they do not necessarily allow for the appointment of a representative of the Friends of the Botanic Gardens, a body that has a proven record and deserves its reputation. It may well represent the consumer interest but its members have a great deal of expertise.

The President of the Friends of the Royal Botanic Gardens, Mr David Wilkinson, who is an architect, the author of a book on his distinguished architect grandfather and a man very knowledgable on all aspects of the gardens, would be eminently suitable for appointment, but I am not sure that he would fit into any of the categories. I for one would have no objection if he were appointed to represent such a closely relevant interest group.

The coalition believes the appropriate people or bodies should be represented on the board. Another extremely energetic and knowledgable group in my electorate, the Melbourne-South Yarra Group, has taken a serious look at the gardens and campaigned strongly against entry fees to the gardens. In that, it has the support of the coalition, but there has been a suggestion that it should be represented on the board and that its representation should be written into the Act.

It seems to me that a residents group in South Yarra, by definition, is not necessarily appropriate to be included in the Act when it has to cover the management of the Cranbourne Botanic Gardens as

well as the botanical gardens. Honourable members in the other House have suggested that gardens throughout the State might be included in the management of the Royal Botanic Gardens.

In my view the Melbourne-South Yarra Group is most useful. It has taken a keen and intelligent interest in matters to do with the gardens. Inevitably, it will continue to ensure that the board does not escape criticism and performs properly. That is as it should be. There would never be any doubt about its willingness to ensure the board was doing its job.

I have good reason to speak on the Bill and no reason to repeat other speeches. Mr Birrell has covered the necessary ground, and I commend the speech of the honourable member for Prahran in another place, Mr Don Hayward. He has a deep love of the gardens and has lived close to them for 30 years. He outlined the history of the gardens with an obvious knowledge — more than one would get from reading a brochure.

Hon. M. A. Birrell — He prepared his speech with the support and assistance of his wife!

Hon. J. V. C. GUEST — Indeed. He is another honourable member who would not for a moment miss the opportunity of delivering a speech without the assistance of his wife! Mr Hayward's wife has long been an active voluntary guide and a member of the Friends of the Botanic Gardens.
Mr Hayward's speech is notable for the touch of beauty in the expression of his appreciation of the aesthetic merits of the gardens as a place for calm reflection and recreation.

I am happy to support the Bill.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Hon. B. T. PULLEN (Minister for Education and Training) — At the outset, I thank speakers for their warm support for this measure. In doing so I wish to respond to some of the points raised. Firstly, I make it clear that the government has no intention of introducing entrance fees. The relevant provision in the Bill gives the power to charge fees when special events occurring in the gardens require fees to ensure their success.

Honourable members would be aware that there have been successive presentations of Shakespeare's *A Midsummer Night's Dream* in the Royal Botanic Gardens, which have provided a splendid setting for that play. I believe events like that should be handled with discernment because the gardens should not used in an ad hoc way. Clearly, some events can be enhanced by being held in the gardens.

I place on the record, as did the Minister for Conservation and Environment in February this year, that the government has no intention of introducing gate entrance fees.

Honourable members raised concerns about the role of the Director-General of Conservation and Environment in respect of the position of Director, Royal Botanic Gardens, and Chairperson of the Royal Botanic Gardens Board. It is important that the director-general be associated closely with the director of the gardens so that there is adequate coordination. That is provided for by having the director-general or his or her nominee as a member of the board.

Schedule 2 sets out the membership of the board. Clause 3(1) of the schedule states:

> From among the members of the board appointed under clause 1(2)(b), there must be appointed a chairperson and deputy chairperson.

Clause 1(2)(b) specifies that six other people are to be appointed to the board; it does not include the director-general or his or her nominee. Therefore clause 3(1) of the schedule specifically excludes the possibility of the director-general being the Chairperson of the Royal Botanic Gardens Board. It is not provided for specifically in the clauses of the Bill, but I put on record that it is not the intention of the government for the Director-General of Conservation and Environment to be appointed Chairperson of the Royal Botanic Gardens Board.

I make this general comment in relation to the appointment of the director of the gardens. I noted Mr Guest's comments regarding the suitability of the person appointed. I agree it is important that the person have a background in natural sciences. He may not necessarily be a botanist; he may be a horticulturalist or a person with expertise in that area. The government does not believe the position

of director should be occupied by a person with only management, economic, accounting or business expertise. The position has a link with the natural sciences and it is important that the person appointed has some training or background in that area.

I again thank honourable members for their support.

Clause agreed to; clauses 2 to 26 agreed to.

Clause 27

Hon. B. T. PULLEN (Minister for Education and Training) — I move:

1. Clause 27, after line 27, insert —

"(3) If this section, section 26 or another provision of this Act concerning the State Botanical collection is inconsistent with the **Public Records Act 1973**, the provision of this Act prevails."

The amendment ensures there is no inconsistency between the Royal Botanic Gardens Bill and the Public Records Act.

Amendment agreed to; amended clause agreed to; clauses 28 to 37 agreed to.

Clause 38

Hon. R. A. MACKENZIE (Geelong) — I move:

1. Clause 38, line 4, after "appoint a" insert "person suitably qualified as a botanist to be".

If the amendment is accepted clause 38(1) will read:

> The Governor in Council may appoint a person suitably qualified as a botanist to be Director, Royal Botanic Gardens.

I apologise to the Committee for the lateness of this amendment, but I received a phone call after lunch from some staff members of the Royal Botanic Gardens who were concerned about the appointment of the director. They informed me that throughout Australia every director of botanic gardens similar to the Royal Botanic Gardens is a botanist, and that almost all botanic gardens of significance throughout the world have botanists as directors.

Melbourne would be the laughing-stock of the country if it did not appoint a botanist as the director of its botanic gardens. The previous director, David Churchill, was a qualified botanist. Since the inception of the gardens a qualified botanist has been the director.

National and international meetings of directors of botanic gardens will be held from time to time and it would be ridiculous for the Director of the Royal Botanic Gardens to be the only non-botanist at those gatherings.

Apart from that, the Committee should consider the standing of the National Herbarium of Victoria. It is not a State herbarium, but a national one, and it contains the finest collection of botanical specimens in the country. The director of the herbarium and the gardens should be a botanist.

The government may intend to appoint a botanist, but the Bill does not specifically provide for that. I do not wish to score political points, but I put it forward as a constructive criticism. The Bill would be improved by inserting the amendment.

Hon. B. T. PULLEN (Minister for Education and Training) — I understand the sentiment expressed by Mr Mackenzie but I do not accept the narrow provisions of the amendment. A link with the natural sciences is important, but the director does not necessarily have to be a botanist. According to the information I have previous holders of that office, such as Baron von Mueller and William Guilfoyle, were not botanists. Baron von Mueller was a chemist and William Guilfoyle was a horticulturalist.

Hon. R. A. Mackenzie — You are referring to the 1850s.

Hon. B. T. PULLEN — I thought Mr Mackenzie said that since the inception of the gardens all directors had been botanists. I have been informed that more recent directors were also not botanists.

I believe it is unnecessary to narrow the field to that extent, but I do believe it is important that the qualifications of the person appointed are associated with expertise in the natural sciences and that the person also has an empathy and background in this area. To that extent I am sympathetic to the point made by Mr Mackenzie, but I do not accept his amendment, which I believe would restrict the capacity to appoint the best person to the position.

Hon. R. A. MACKENZIE (Geelong) — I do not accept what the Minister is saying because of the information I have received. However, I will not argue about the correctness of what he has said. I

can only rely on the information given to me. I am still of the opinion that the amendment is the way to go.

I am concerned that the amendment was not accepted because it was proposed by an independent member of Parliament. Perhaps someone is already lined up for the appointment and if the amendment were agreed to that person would be excluded from the appointment. Will the Minister assure the Committee that no-one is lined up for the appointment?

Hon. M. A. BIRRELL (East Yarra) — I have sympathy with what Mr Mackenzie has said but on balance I believe the amendment could be restrictive in requiring that the position be filled only by a botanist. It is correct that both Dr Mueller and William Guilfoyle were not botanists.

An Honourable Member — That was a long time ago.

Hon. M. A. BIRRELL — I recognise that was some time ago. I believe two of the four recent directors of the Royal Botanic Gardens were not botanists.

Hon. R. A. Mackenzie — Name them!

Hon. M. A. BIRRELL — Mr Pescott, who was the director before the last one, was not a botanist. I do not recall the name of the other.

This is an unproductive debate. It may be that a brilliant horticulturist should be appointed to the task. I believe we are coming from the wrong direction by putting a tight prescription on the position; that may be a disadvantage. We do not want an economist appointed to the position.

Hon. G. H. Cox — Or a lawyer!

Hon. M. A. BIRRELL — Or a schoolteacher or a librarian. A lawyer might be an acceptable appointment to the position because lawyers show so much competence in grappling with all issues!

I accept as genuine the argument that the school of natural sciences is the place from which this person should be chosen. We hope, as Mr Mackenzie said, that no-one has been lined up for the job and that there is a genuine search for the most outstanding candidate.

Amendment negatived; clause agreed to.

Clause 39

Hon. B. T. PULLEN (Minister for Education and Training) — I move:

2. Clause 39, line 10, after "specified" insert "in".

Amendments Nos 2 to 6 are required to correct typographical errors and not to alter the material content of the Bill.

Amendment agreed to; amended clause agreed to; clauses 40 to 50 agreed to.

Clause 51

Hon. B. T. PULLEN (Minister for Education and Training) — I move:

3. Clause 51, line 20, after "(ii)" insert "the".
4. Clause 51, line 22, after "(iv)" insert "the".
5. Clause 51, line 24, before "State" insert "the".
6. Clause 51, page 23, line 4, omit "of" and insert "or".

The amendments are typographical corrections.

Amendments agreed to.

Hon. M. A. BIRRELL (East Yarra) — I move:

Clause 51, page 23, after line 25 insert —

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

This is the standard disallowance clause to ensure that we have right of veto over regulations.

Amendment agreed to; amended clause agreed to; clauses 52 to 60 agreed to; Schedule 1 agreed to.

Schedule 2

Hon. R. A. MACKENZIE (Geelong) — I move:

2. Schedule 2 clause 1(2), after paragraph (a) insert —

"(b) 1 must be a person who, in the Minister's opinion, has knowledge or experience in horticulture;

(c) 1 must be a person who, in the Minister's opinion, has knowledge or experience in botany;".

I believe the government's intentions are right in the schedule, but I believe the way the legislation is written does not properly cover the matter. I refer to clause 1(2) of the schedule, which provides for the board to consist of seven members appointed by the Governor in Council on the recommendation of the Minister. The members of the board must include the director-general or his or her nominee, and six people, each of whom must have knowledge or expertise in one or more of the following: botany or horticulture; business management, financial management or public administration; recreation provision, education or tourism; and nature conservation.

The Bill provides that there shall be a person representing each of those skills but given the way the schedule is written there could be six botanists or six natural conservationists. My amendment will ensure that two persons from the two particular areas of expertise are on the board. It is important to have two experts in each field, one to deal with the herbarium and the other the gardens. A botanist would provide the expertise and the ability to administer the herbarium and I have argued the case for someone with horticultural expertise and an understanding of the running of the gardens being on the board.

Requiring that the board must include a botanist and a horticulturalist is sensible and that is why I have worded the amendment in that way. They will provide all the expertise that is most important on the board. Given the board's responsibilities in making decisions about both the National Herbarium and the Royal Botanic Gardens, I do not believe it would be complete unless by legislation we can ensure that at least two of the six members of the board, apart from the director-general, have expertise in horticulture and botany. That is my argument. I believe they would be sensible additions and would ensure that we get the correct input on the board.

Hon. B. T. PULLEN (Minister for Education and Training) — I agree with the position put by Mr Mackenzie and inform him that it is certainly the intention that all the categories be represented on the board. It would be silly and improper to choose members of the board from the same category and it would not satisfy the intention of the legislation. I give an undertaking that the government intends for the expertise listed in the Bill to be represented on the board. There may be some doubling up because of the additional two positions, but expertise in certain areas will not be excluded. There is no disagreement about the intention of the Bill and I give that undertaking to Mr Mackenzie.

Hon. R. A. MACKENZIE (Geelong) — I am happy to take second best. I appreciate what the Minister is saying, although I seek clarification on one point. Subsection (2) uses the words "botany or horticulture". The National Herbarium of Victoria requires a botanist and the Royal Botanic Gardens require a horticulturist. I ask the Minister to clarify that his assurance means one person will have botanical experience and another person will have horticultural experience.

Hon. B. T. PULLEN (Minister for Education and Training) — It is difficult to be so prescriptive in theory. In a sense it is the quality and character of appointments that are important rather than the studies that have been done. In the end we must have people with the quality and character to serve the community well. The Minister of the day should have the freedom to choose people of quality. As Mr Mackenzie knows from experience, it is not always easy to find people of quality to fill every position. The undertaking I have given is that there will be a spread of positions, and that should satisfy Mr Mackenzie that the point he made has been recognised.

Hon. R. A. MACKENZIE (Geelong) — I accept the guarantee given by the Minister and thank him for it. In light of the assurance I shall withdraw the amendment and shall not proceed with amendments Nos 3, 4 and 5 in my name.

Amendment withdrawn by leave.

Schedule agreed to; Schedule 3 agreed to.

Schedule 4.

Hon. B. T. PULLEN (Minister for Education and Training) — I move:

7. Schedule 4, after "MANAGED LAND" insert "Land in the Parish of Cranbourne, County of Mornington, being part of Crown allotment 17A, reserved as a site for a race course by the Governor in Council by Order in Council dated 7 July 1987 (**Government Gazette**) 15 July 1987 page 1894)."

The amendment provides a full description of the managed land referred to in the schedule.

Amendment agreed to; amended schedule agreed to.

Reported to House with amendments.

Passed remaining stages.

LOCAL GOVERNMENT (RATING) BILL

Second reading

Debate resumed from 31 October; motion of Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs).

Hon. R. M. HALLAM (Western) — The introduction of the Bill comes as no surprise to any member of the coalition. The law relating to local government is extensive and extremely complex. At the time the rule book was rewritten in 1989 there was a general view that there would be a need to periodically revisit and review local government law. At that time it was conceded that it was simply impractical to assume we had achieved legislation totally devoid of blemish or problem. At the end of the enormously exhaustive and exhausting consultation process that preceded the 1989 Bill the view was taken that the legislation should be passed warts and all and that something be done about the warts as the need arose. This Bill represents one of the warts.

One problem highlighted during the 1989 debate was the practicality of changing the traditional premise under which local government rates were levied primarily on the basis of occupancy of property, as distinct from ownership. In a shift from the traditional position, the 1989 Act established the principle that rates would be assessed on the basis of ownership, the rationale being that the owner was ultimately responsible for the payment of the rates and the rating authority held as ultimate security a lien against a property on which rates had been charged. The lien was on the property rather than anything that related to tenancy or occupation.

The conventional wisdom underpinning the argument was simply this: why complicate the issue by involving an occupier when the occupier is not the owner? Any arrangement between the owner and the occupier is, for all intents and purposes, private and therefore irrelevant for rating purposes.

That argument was put forward in the 1989 debate. However, as the practicalities of that change became clearer, and particularly as they arose in a subsequent debate, grave disquiet emanated from right across the local government industry, and a number of members of this Chamber — and I was one of them — became concerned about the shift from occupier to owner.

I well remember my colleague, Mr Ken Wright, raising the issue in the first instance. Mr Wright happens to be a qualified valuer and it was because of his experience that he first raised the alarm. The Minister at the time, Mrs Maureen Lyster, thought we were crying wolf. I do not believe she understood the implications of the change in the law.

Many concerns were raised because the law had been amended so that occupiers would no longer be formally recognised. In the first place we were concerned that the occupier may lose all rights of appeal in respect of rates, particularly given the fact that an owner would not be likely to appeal if he or she had the opportunity simply of passing that rate on to the occupier.

I concede that the problem was later clarified but it certainly was a major concern at the time. In fact, the clarification had more to do with chance than good management. In addition, a number of major issues were raised about municipalities that were also providing water and/or waste water functions across the State, and levying charges on the basis of occupancy. In one sense we had inadvertently introduced a massive complication in the coordination of rating administration and systems.

Another major concern was the loss of the pensioner rebate then being enjoyed by at least some occupiers across the State, given the fact that at least in a technical sense those occupiers would no longer be recognised by the rating authorities.

Also of concern was the introduction of the new concept of a municipal charge, which was introduced in 1989 as a replacement for the minimum rate. The municipal charge was applied only on the basis of ownership; therefore, in instances of multiple occupancy the change represented a shift in the entire rate burden across each municipality. There were enormous implications because of that shift.

In addition, I well recall raising one issue that went to the circumstances in which the lack of an official rate estimate on a multiple occupancy situation would become of real concern because it could well be that it was left to the owner to distribute the rate burden among the occupiers. Given that there was no official distribution mode the occupiers could well be at the mercy of the owner.

Apart from all of those problems there was one substantial complication: municipalities would be required to undertake, as a matter of grave urgency, supplementary valuations to effect the transfers from occupancy to owner, and they would be required to do so before 1 October 1990.

It was simply an impossible task and presented problems that were almost mind boggling. This situation came to a head in the debate on the Local Government (Amendment) Bill last year and there were intense negotiations behind the scenes. At the eleventh hour the then Minister, Mrs Lyster, produced an amendment which we were subsequently told was designed to provide that valuations returned to the date upon which that debate had taken place — that is, for the 1990-91 rating year — would continue in force until the next general valuation. In other words, by way of amendment, the Minister was offering some breathing space for councils before the occupier-owner shift would apply.

As it happened the amendment was conveyed to me very late on the day preceding the listing of the debate, and I was unable — and in fact not prepared — to put a recommendation to the party room simply because I had not had a chance to actually follow through the implications of the amendment, or to take advice on its effects. This was before the coalition had been informed.

Therefore, instead I sought the support of the Liberal Party, which was readily given, to say to the Minister, "We cannot support the amendment because of the lack of time, but if you bring back a separate Bill to the House and give us time to consider it, we will give a commitment that the passage of the Bill will not be retarded". In fact I gave that commitment in the House.

Our refusal to support the amendment created havoc in local government because municipalities came to understand what the amendment offered by the government actually represented and because the government's proposal would not have addressed the problems arising from the shift from occupier to owner liability but would have simply deferred them. That was what we were being offered and it was no answer at all.

In retrospect I am really relaxed about the stance I took on that occasion. However, that was on the Local Government (Amendment) Bill and since that debate further negotiations have taken place between the parties. The upshot of the negotiations was that the Minister undertook to do two things as a matter of urgency. Firstly, she undertook to advise municipalities that the implementation of stage 2 of the 1989 Act would be deferred until 1 October 1992; in other words, deferred for two-and-a-half years. I can report that that came as something of a shock. It was certainly a shock to the municipalities and I felt then, and I still believe, it represented a massive overkill.

That deferral of proclamation for two and a half years is still contributing to the confusion that exists in local government, which is still in a state of limbo and few people really understand the current position. That was the first thing the Minister undertook.

The second thing the Minister undertook was extremely important: she gave a commitment to establish a working party to report back within three months on the merits of the shift from occupier to owner. That working party was established subsequently and included representatives from the local government department, the Municipal Association of Victoria, individual councils, and the professional valuers group. In my view it returned a commendable report.

As an aside, that working party included two representatives whom I had the honour of nominating — Rob Marshall, who is the Chief Executive Officer of the City of Horsham — and Ken Burton, who is the rate collector of the City of Hamilton. Both of those appointees did me proud.

After that working party had carefully investigated all aspects of the shift from occupier to owner it came down with one central recommendation: first of all, that the current provisions for owner liability in the Local Government Act 1989 and the Water Act 1989 be retained; but secondly it recommended that appropriate amendments to the Local Government Act, the Valuation of Land Act 1960 and other legislation be made to allow occupier assessments for rates to replace owner assessment which then applied.

That was the linchpin. The working party also recommended that other necessary amendments be made to preserve the interests of certain pensioners regarding rate concessions.

The central recommendation was for the precise reinstatement of the traditional rating position, namely, that of owner liability but occupier assessment. The Bill effects that reinstatement; that is

why it is necessary and that is why the Bill is wholeheartedly supported by the coalition.

In other words, we are returning to the basics, to the three fundamental and traditional principles of local government rating assessment: firstly, that of rating on occupancy; secondly, that of aggregation of assessments where properties are contiguous and held under the same occupancy; and, thirdly, that of providing exemptions where the land is contiguous but where single occupancy is inappropriate.

There have been detailed and extensive negotiations on these issues and I shall discuss them in some detail during the Committee stage.

In one respect the shift back from owner to occupier assessment is not a big deal simply because valuers have traditionally returned valuations to municipalities based on the concept of occupancy. Councils will not have to commission further valuations. They will be required simply to amend the basis on which they employ the data already available to them. To that extent it is true that we are simply reverting to the traditional practice.

However, as honourable members will understand, the amendment in the Bill is absolutely crucial for local government in an administrative sense, particularly for those municipalities carrying out water and waste water management functions. Water assessments continued to be based on occupancy and, significantly, particularly since the changes to the Local Government Act in 1989. That has created enormous anomalies.

The Bill overcomes the confusion caused by the changes introduced in the 1989 Act, which was compounded by the extent to which those changes were deferred until October next year, thus creating the hiatus that I described earlier. The Bill marries the provisions relating to assessments across municipalities on the one hand and water authorities on the other.

That involves some really technical amendments. It is a minefield of technicalities because there is a need to validate a range of complications that have arisen in the hiatus since the changes were made in the Act in 1989. That is the primary effect and fundamental objective of the Bill.

It has other effects including one that has created some heated controversy across local government. I do not suggest for one moment that the other effects of the Bill are unimportant, but it should be noted that the other changes introduced by the Bill are peripheral to the fundamental and central purpose of the Bill: to reinstate the traditional basis of rate assessment, local government rating, and owner liability but occupier assessment. That purpose is supported by the coalition and it is important to place this debate in its proper perspective.

The first of the secondary effects of the Bill relates to interest chargeable on overdue moneys due to municipalities and water authorities in respect of municipal rates and water charges. Under the existing laws — the provisions of the Local Government Act and the Water Act — interest may be applied on any unpaid money at the rate set from time to time by the executive government via the Governor in Council.

That system has simply become too inflexible with the increased degree of volatility in interest rates since the deregulation of our finance market. The new system provided by the Bill will have the central authority — the Governor in Council — simply set a maximum limit and will allow councils and water authorities to apply an interest rate up to that maximum. That is more practical because it overcomes the inertia of the central bureaucracy.

Interest rates inevitably lag behind the market when established by a central authority. When interest rates are falling it is no protection to have a rate imposed by a central authority — in fact, the reverse applies. The new provision gives municipalities and water authorities room to manage.

Several points should be made about the change. The current rate as prescribed by the Governor in Council is 20 per cent. That is what the law says today. If councils or authorities choose to apply interest to unpaid moneys they are required to apply it at the rate of 20 per cent; they have no choice or discretion. It is not only mischievous but also factually wrong to imply that councils are somehow employing a rate of 20 per cent as a penalty in the current circumstances. The new arrangements whereby councils are able to choose to apply a rate within the ceiling but nonetheless above the market rate — in other words, containing some form of penalty — lead one to another debate, which I am happy to have because at least there is room to argue that some penalty is justified.

If a municipality or an authority chooses the market rate, that means a delinquent ratepayer is given accommodation at the ruling rate or at the same rate he could achieve at the nearest bank. I have no

abiding objection to some penalty being involved to remove the incentive for that delinquent ratepayer not to pay rates.

If a penalty is to be involved it should be applied to those who have not met their responsibilities rather than to those who have met them. If the rate applied to delinquent ratepayers on unpaid money is at or below the market rate, ultimately the other ratepayers are penalised; that is unfair given that they have already paid their rates. I support the provisions in the Bill.

The remaining major provision of the Bill concerns what has become known as the poll provision, a controversial measure that has generated a great deal of heat throughout local government.

The Bill will repeal section 157(3) of the Local Government Act 1989, which states:

> A poll of voters in accordance with Part 6 of Schedule 3 may be held in respect of a decision referred to in this section.

The section also refers to the systems of valuing land that councils may use. Section 157 (1) states:

> A council may use the site value, net annual value or capital improved value system of valuation.

Part 6 of Schedule 3 states that if a poll is demanded the council must cause a poll to be conducted if it has received a request for a poll which complies with subsection (2), which states in part:

> (2) A request for a poll must be —
>
> (a) signed by not less than one-tenth of the voters on the voters' roll of the Council ...

More importantly, it states that:

> (f) A poll is carried if —
>
> (i) the number of valid votes recorded is not less than one-third of the number of votes on the voters' roll; and
>
> (ii) A majority of the valid votes recorded are against the decision of the Council.

The bottom line is:

> (g) If a poll is carried a Council must not proceed with its decision.

The section states that a decision of a council can be challenged by a poll of ratepayers. But I make it clear that the proposition I have outlined in the Act is not the same as the proposition contained in clause 1(c) of the Bill, which states:

> The purposes of this Act are ...
>
> (c) To enable councils to choose a system of valuing land for rating purposes without the need to conduct a poll of voters ...

That does not reflect the provisions of the current law, and to that extent it is misleading. I am not suggesting mischievous intent, but I highlight what I believe to be a common misunderstanding about local government law. To that extent I suggest the draftsperson simply got it wrong. Local councils do not need to conduct polls of voters to change the systems of valuation because they can be changed by the passing of a resolution at the council table.

But as section 157(3) of the principal Act makes clear, ratepayers may overturn such a decision if they go through the formal process of requisitioning a poll. In other words, if 10 per cent of ratepayers so choose they may have a poll conducted. If sufficient numbers of ratepayers take part in the poll, and a majority of those who do take part vote against the decision of the council, the decision cannot be proceeded with. That is fundamentally different from the proposition contained in the purposes clause of the Bill.

The Act simply states that if ratepayers go through the formal processes they have the opportunity of overturning council decisions.

The construction of the clause should be challenged. I give notice that during the Committee stage I shall move for its omission on grounds in addition to those I have outlined. Based on the arguments I have put to the House, the Bill is fundamentally flawed.

The insertion of a poll provision in local government law is not a newfangled notion because poll provisions have been a feature of local government for many, many years.

The General Council for Rating Reform, which has taken a central interest in the issue, has supplied me with extensive background information on the conduct of polls on rating changes going back to the 1920s. Such polls are certainly provided for under the 1958 Act.

I repeat: polling provisions are not a new concept; they are a long-established and well-recognised feature of local government law which has been used in many instances to override council

decisions. If for no other reason that accounts for the sensitivity the issue has prompted.

It must be admitted that poll provisions took on a greater significance following the 1989 amendments to the Local Government Act, which introduced, for the first time, unrestricted differential rates.

The government supported the concept of capital improved valuation rating on philosophical grounds, and sought to impose that valuation system on all local councils. When the opposition refused to have a single valuation system imposed, the government used open-ended differentials as a bait to encourage councils to change to the capital improved valuation rating system.

The 1989 Act provides that open-ended differential rating in the State of Victoria is available only to those councils that choose to use the capital improved valuation system. The differential rating system was used as a carrot to entice the councils to change their valuation systems.

At the time the opposition parties made it clear that if the government persisted in offering such an inducement they would insist upon the retention of the poll provision, which is how the final outcome was reached. We ended up with a very complex and poor compromise, and by so doing I believe we successfully captured the worst of both worlds, at least to some degree.

Another feature of the changes contained in the 1989 Act was the deletion of the concept of the minimum rate, which contained no restrictions, and its replacement with the municipal charge, which is restricted to the extent that municipalities can raise only 20 per cent of their revenue from rates and charges from that source.

Although the change from the minimum rate to the municipal charge is to be phased in over four years, it will cause a redistribution of the rate burden, the effects of which municipalities are now facing — and that makes the situation even more complex.

Other ironies are involved, the first of which is that in many cases differential ratings were sought to ease the pain of the redistribution caused by the loss of the minimum rate and its replacement with the municipal charge. In other words, the brand new concept of the differential rating was supposedly attractive as a means of overcoming the pain resulting from the change. It is also ironic that one of the central features of the minimum rate, which we understood so well but which was so discredited by the government, was that it could be levied differentially. A minimum rate on different classes of property can be struck. I have not missed the irony that the minimum rate was actually phased out and sought to be replaced with a differential rate which has exactly the same impact, at least to some extent.

In all of that, what we have is turmoil brought about by the massive changes made in 1989. The change causing immediate pain is the abolition of the minimum rate, which must by its very definition cause a shift in the rate burden and a massive shift in the burden relativities in some municipalities.

On a personal note, I maintain that the decision to discard the minimum rate was wrong. That is not a new stance for me; I took the position at the time of the change. I recall one of the arguments put forward in favour of the abolition of the minimum rate was that it was being abused by some municipalities; they were raising too much of their rate revenue from the threshold charge. I recall saying at the time that if that was a problem and was causing the government a high level of concern, it would be a simple matter to put a cap on the revenue that could be derived from that source; all that had to be done was to put a maximum on the amount that could be derived from that source. My argument was then and remains that that is a simple matter because a good example exists of how it could be done. Precisely the same effect is gained from the municipal charge, the very thing that has been brought in to replace the minimum rate!

With all of that background, the poll provision becomes a hot topic. I assure the House it was carefully considered in the coalition party room. It prompted extensive, even spirited, discussion. In reaching the decision on the relevant provision to include in the Local Government (Rating) Bill much thought was given to the ramifications of the poll provision.

As part of the consultation process I followed in preparing to contribute to the debate on the Bill, I wrote to all councils throughout Victoria. I asked three specific questions: firstly, whether each council supported differential rating; secondly, whether councils were likely to introduce differential rating as soon as it became available; and thirdly, whether councils would move to capital improved valuations in two circumstances — that is, if the poll provision were simply removed, and if differential rating were available under other systems of valuation.

I was trying to establish the true intent of local government. I wrote some months ago, and some of those responses are still coming in, but I got a wide range of responses. Two fundamental conclusions can be drawn from the survey I undertook. The first of those is very clear: the vast majority of councils — I emphasise not all — favoured the availability of differentials, or at least having an option to introduce differentials. Very few municipalities indicated they expected to implement them in the short term.

One of the features that I detected from the survey was a degree of nervousness about the introduction of differential rating. I am not surprised about that nervousness because one of the anomalies in the support for open-ended differentials is that very few municipalities across the State of Victoria use the form of differentials already available. Under the existing law, councils can choose to impose a farm rate, an urban farm rate or a rate for residential use. In relative terms very few municipalities take that opportunity, and of those that do some employ those standard differentials in almost a token way.

The classic example is one very close to my heart and relates to farm rating, which is a hot potato in its own right, particularly since the decline in conditions applying to agriculture generally, but more specifically to wheat and wool production. Municipal rates represent a standing charge against each enterprise in that industry. They are based on the notional value of each property. That causes hackles to rise everywhere, firstly, because the values of land are dropping in general terms and the values ascribed to properties under the rating system may not truly reflect their market values. Just as importantly, the hackles rise because the rating bill takes no account of the farmer's ability to pay, and, worse still, takes no account of the productive capacity of the land, let alone the question of profit. As a consequence this is a most sensitive issue.

Enormous pressure has been applied from many directions by people who seek to have the anomaly addressed. It has come from the Victorian Farmers Federation and the Municipal Association of Victoria. This year the two organisations jointly funded a study into the farm rating. Among other things the study advocated the reduction of implied NAV, which is currently built into the Local Government Act at the rate of 5 per cent, back to 3.5 per cent. A debate could be conducted on how the reduction from 5 per cent back to 3.5 per cent was justified because I think the starting point was 1.5 per cent.

At the end of the day, apart from that complication, the fact remains that when a farmer comes to pay his rate bill the size of the cheque required will depend ultimately on the rate in the dollar struck by the council. Under the differential provisions of the farm rate that is, as I said, already available to councils, an opportunity exists for that rate burden to be eased. It is clear that many councils are not using that opportunity or, as I said also, are applying it in a token fashion.

In a technical sense at least municipalities already have available to them the solution of differential rating. The fact that those differentials are not used extensively across local government — that is, to the extent that that would appear to be arguably justifiable — provides some insight into the extent to which I expect open-ended differentials will be applied if and when they become available. I want to make it clear I have not delivered a criticism of local government because my view is that the decision taken around the council table is by definition the right decision. That is the best forum in which to make such a decision, and I am an avid supporter of local government because of that belief.

The fact that differentials for farm rates have not been widely applied demonstrates the conservatism that exists across the industry. Because of that, I do not believe there will be a dramatic shift in the rate burden as a result of the general introduction of differentials. In fact I suspect that one of the real attractions of differentials is that they allow councils to simply soften the impact resulting from any shift in the valuation base employed, and I am intrigued by that.

The first conclusion I draw from the survey is that many councils have argued that there should be an option in the form of differential rating as distinct from being prepared today to confirm that the differentials would be applied. Secondly, the capital improved valuation is not the outcome sought by the majority of councils. It is the access to differentials that is attractive as an option.

It brings me to the conclusion that there are two options that could be considered in this context. The first is the removal of the poll, which is the solution proposed by the Bill. In my view the second is just as valid: the simple application of differentials to any basis of valuation of land.

Hon. K. I. M. Wright — That seems to be the answer!

Hon. R. M. HALLAM — The question at least is raised, Mr Wright. It seems to me that there is more than one practical alternative. I do not believe the solution proposed by the Bill is a stand-alone issue.

On the question of differentials and the removal of the poll, the view of the industry is very clear and precise: it wants the poll to be removed.

I have received a letter of 25 October 1991 from the Municipal Association of Victoria (MAV), which is very clear in that sense. It refers to the Provincial Cities, Towns and Boroughs Association of Victoria and states:

> The current rating options are inflexible and the association believes that CIV, with the associated ability to strike differential rates, is likely to look attractive to councils.

Councils have advanced the availability of differentials in the same breath as the likelihood of a shift to capital improved valuation. It continues:

> In addition to flexibility, CIV will allow councils to eliminate injustices resulting from the traditional options and will provide a natural growth in the rating base of municipalities.

I am not sure whether the second part of that statement is supportable, but nonetheless the position of the association is very clear. The letter further states:

> The association is firmly of the opinion that councils desiring to make a change to CIV will be confronted with the same negatives that are associated with a referendum and considers that this association should show its support for the thrust as contained in the local government Bill proposed for this session of Parliament.

The association's view is very clear. The letter continues:

> This view was reinforced by a resolution proposed by the City of Stawell at the recent annual session of the association ...
>
> The MAV believes that local government's capacity to use the new rating provisions should not be inhibited by token attempts at ascertaining community views in the form of polls. Section 157 of the Local Government Act 1989 requires councils (in addition to the requirement to conduct a poll if demanded) to give public notice of its intention to change its valuation system.

The MAV argues that public notice and the right for any person to make a submission to a council under the Act provides sufficient safeguards. The letter further states:

> ... the MAV regards the capacity to use differential rating as pivotal to a viable local government system. Obviously not all councils will exercise the choice available to them in the Local Government Act 1989, but those that do will ultimately have no choice, given that polls traditionally retain the status quo and, in this case, will be based on a demonstrated lack of understanding about the valuation and rating system.

That is clear. I acknowledge the stance taken by the MAV and acknowledge that in this case we have the advantage of a single and representative position from the industry. I suggest that is a step in the right direction. Despite that, the coalition has resolved to oppose the abolition of the right to demand a poll and I will list the grounds on which that decision has been taken.

Firstly, we are not persuaded by the claim that the deletion of the poll is somehow a challenge to the democratic right of councils. Although that claim has been made we are not persuaded by the argument. One can hardly say we are turning our backs on democracy when the proponents suggest they are running a campaign to retain the poll for precisely the same reason. They say they are running the campaign to retain the poll to protect the democratic right of electors. So we are apparently weighing up the democratic rights of the councils as opposed to those of the electors.

It seems to me one could toss a coin on the issue. If we are talking about democratic rights, what could be more democratic than to have a poll of voters? It would be difficult to sustain an argument that a poll of voters should be denied on the grounds of democratic rights.

I have some sympathy for councils that say they have been elected to take the tough decisions — that it is not only their right but also their responsibility to take those decisions and they should be allowed to do so without the trammels of at least the threat of a poll. However, I do not understand how councils can run the democratic rights argument to support the deletion of the poll.

In addition the coalition is not persuaded by the view that the poll represents an impossible barrier to change. We have been told consistently by many people in local government that nothing will happen

if the poll is retained; we will simply go on as if the world stood still and the status quo will remain because of the conservative views associated with polls. I am not persuaded by that argument, either.

I have examined the history of polls since 1920 and, more particularly, since 1980. Since 1980 I have been able to locate twelve municipal polls that have sought to shift from one basis of valuation to another. They are the cities of Caulfield, Oakleigh, Brunswick, Mordialloc, Preston, Nunawading, Malvern, South Melbourne, the municipality of Stawell — I am not sure whether it was a city at the time — and the shires of Orbost, Broadford and Seymour. Since 1980 all those municipalities have sought to change from one system to another.

On five occasions no poll was sought. On one occasion on which the poll was sought it was successful. So of twelve municipalities that sought to change the rating system, 50 per cent were able to achieve the intent of the council. In 50 per cent of cases the decision of council was either enforced or not challenged. I understand that, particularly in Australia — I am not sure whether it is unique to Australia — polls are notoriously conservative. But if the polls of the municipalities that I have referred to are a fair test, it is hardly a blanket refusal when 50 per cent of them actually get through unchallenged or are endorsed. I pay tribute to the General Council for Rating Reform, which provided me with the source documents.

The third issue I raise is that a change in the base of the valuation will have a fundamental impact on the rate burden. By definition that must be so. It is argued — and I suggest validly — that that represents a change so fundamental and so basic that it is not unreasonable to give voters a direct say rather than have the decision taken by the elected representatives.

One of the arguments put by colleagues is that this is such a fundamental change being advocated by councils that it is not unreasonable to suggest that the ultimate test should be offered to the voters. I do not believe it is a strong argument but it is commonly advanced. On balance, I consider that the representatives should be elected to get on with the job; however the alternate view was argued strongly in the party room.

The most compelling reason for the coalition not agreeing to the deletion of the poll provisions is timing. The capital improved value will be available only from October next year. Open-ended differential rating only becomes available from next year. It is an entirely new ball game for local government. The system should be allowed to settle down. It should be put in place and tested in the real world before pulling it about. There is enough confusion without anticipating the introduction and changing the law before it actually comes into effect. One should watch the new law as it applies from October next year for the effect of the new opportunities represented by the differentials and the interest expressed by councils in pursuing the new options. On balance it was decided not to support the deletion of the poll.

A number of additional housekeeping amendments will be moved which have been the subject of intense negotiation. I intend to say something on each during the Committee stage of the Bill.

It is appropriate to acknowledge the willingness of the Minister and her staff to negotiate on several areas. I thank the Minister for that cooperation. I acknowledge the competence of her staff and those who have been directly involved, particularly Russell Charles and Jenny Scovell, and the assistance provided by the Municipal Association of Victoria, the Institute of Municipal Management, the Valuer-General, Mr D'Arcy, the chief executive at Warrnambool and Peter Meeking who is the valuer for the City of Berwick. They have all been heavily involved and I am grateful for the support that has been extended to me.

The primary effect of the Bill is a shift in the local government rating system across Victoria back to the traditional concept of ownership liability but with occupancy assessment. That is supported by the coalition. It is fair to say that it was to some degree as a result of the coalition's agitation that the Bill was introduced in the first place.

The Bill amends the basis on which interest is computed on overdue moneys and, I suggest, to one which is much more practicable and flexible; certainly one that is supported by the coalition.

The Bill seeks to remove the right of ratepayers to challenge a decision of a council by demanding a poll. For the reasons I have outlined, that will not be supported. The ratepayers poll has been a part of local government law in Victoria for many years and will remain a feature of that law. With that exception, the coalition supports the Bill.

Hon. K. I. M. WRIGHT (North Western) — I commend Mr Hallam on his contribution to the

debate and for the amount of work he has done, and I also commend the cooperation he has received from the Minister, the government and members of the opposition.

Mr Hallam has dealt with the various clauses of the Bill, and in the main I shall deal with the proposition that rates and charges will continue to be levied on the basis of occupancy rather than ownership. I thank the Minister — who was coincidentally in charge of previous Bills at the time when I was the spokesperson for the National Party in 1988 when similar legislation was introduced, together with the working party — for eventually recognising the strong arguments I presented on behalf of the National Party in 1988.

I should again indicate an interest in that I am a Fellow of the Australian Institute of Valuers and Land Economists, and a registered, although inactive, valuer.

Mainly through Mr Alan Kearns, the current president, the valuers institute expressed a strong view that valuation and rating on the basis of ownership should continue. I commend Mr Kearns for the work he has done in that regard.

As Mr Hallam has so generously conceded, I was involved in the earlier debates and in *Hansard* of 3 May 1988, I am recorded as having said:

> Clause 156 concerns liability for the payment of rates and charges. The clause is of concern to the Australian Institute of Valuers and property owners. It is consistent with clauses 154, 161 and 162 which rely on property use as the basis for rate exemptions and differential rating.
>
> The fact is that at present the rating is struck with respect to the occupier. One can have a complex with 50 different tenants and it is a matter of equity and convenience that they should be rated rather than the owner of the land.
>
> If it is done the other way, and the owner of the land is rated, artificial decisions will be made with respect to how the rates are to be divided. That decision will probably, in the main, be made by the owner of the property. The decisions he may make may not be in keeping with the revenue and profitability of the property.

The Bill was not committed until 2 August 1988, no doubt allowing time for consideration of the various matters that had been raised in the second-reading debate.

Matters discussed in Committee were so complicated that the Minister invited the three spokespersons to join her at the table to facilitate the passage of the Bill. That was one of the rare occasions that has happened.

With respect to the rating and valuation matter, I put it to the Minister again in Committee that the valuing profession and municipal officers would not be ready to implement the proposals, unwise as they were, by the designated date of 1 July 1988.

The Minister responded on behalf of the Minister for Local Government and said:

> I undertake that the provisions concerning the implementation of the rating provisions which entail a shift in responsibility for the payment of rates to the owner will not be operational until all the procedures for its effective operation have been prepared and finalised in consultation with the local government industry.

No finality was reached in 1989, although valuers and council officers and the Municipal Association of Victoria continued to convey their concern.

On 16 May 1990 I wrote to all 27 councils in North Western Province and informed them that the Local Government (Amendment) Bill had passed all stages and I outlined the major features of the debate. With respect to rating procedures I advised them:

> The shift in primary responsibility for payments of rates from occupier to owner under the 1989 Act promises a number of fundamental complications. We had hoped that the Minister would take the opportunity to address the detailed submission prepared by the Municipal Valuers Group and the Victorian Institute of Rate Administrators, but apart from one minor amendment the Bill was silent. We feel sure that the owner versus occupier problems will come back to haunt us.

Page 415 of *Hansard* of 25 September 1990 records a question from the Honourable George Crawford to the then Minister for Local Government, the Honourable Maureen Lyster, and the relevant part of the answer was:

> The working party has endorsed the concept of owner liability for payment of rates as provided by the Local Government Act 1989. The report recommends that the

provisions regarding owner liability in the current Act be retained, that amendments to the Local Government Act 1989 and other legislation should be made to allow occupier assessment for rates to replace current provisions for owner assessment, and that other actions be taken to preserve the entitlement of certain pensioners to rate concessions.

The report has received the endorsement of all sections of the local government industry which have a relevant interest in the matter. It is important that the timing of any legislative amendments be addressed carefully so councils have adequate time to prepare for the implementation of the new rate provisions in October 1992, because much of that preparation will include adjustments to computers and other administrative systems, as all honourable members would be aware. It also gives much needed clarity to valuers in proceeding with their task in respect of a general valuation to be returned in 1992.

This is a most important issue and it is important that what has transpired should be placed on record. The Minister and the government were about to reject strong arguments against the course of action the government was about to embark on, which was to be effective from October 1992. I contest the Minister's statement:

The report has received the endorsement of all sections of the local government industry.

I guess what has transpired confirms that. About this time our continued concerns and those of local government and the valuers institute prompted a further working party chaired by Mr Jim Stevenson, then Director-General of the then Local Government Department, and this working party recommended: firstly, the retention of owner liability; secondly, amendment of the Local Government Act 1989, the Valuation of Land Act 1960 and other relevant Acts to allow occupier assessments for rates to replace current provisions for owner assessment; and, thirdly, preservation of the entitlement of certain pensioners to rate concessions.

I again spoke to Mr Alan Kearns of the valuers institute and he confirmed his continued support for an occupier rating system. He wrote to me and gave me in detail the reasons of the Institute of Municipal Valuers for opposing an owner rating system. These reasons detailed my own general objections to the change originally proposed. As I notice honourable members appear to be anxious to proceed to some other function, I shall not detail those excellent reasons that were outlined by the valuers institute.

Finally, on this issue, I commend the Minister and the valuation profession generally and our shadow Minister, Mr Hallam, for their work in achieving this excellent result.

I shall quickly refer to the rating base of municipalities. I have received many letters on this issue and I am obliged to raise the matter here. Even though my time is constrained, I shall not be deterred from doing so. Some of the councils wish to change from site value to net annual value but would find a poll a difficult proposition. As Mr Hallam has hinted, perhaps the best way out would be to permit differential rating to apply on a site value basis. That could be done simply. This is an issue with which I have been involved over a long period and for the past few weeks I have been waiting for this matter to be raised in debate. I commend all concerned.

Motion agreed to.

Read second time.

Committed.

Sitting suspended 6.36 p.m. until 8.7 p.m.

Committee

Clause 1

Hon. R. M. HALLAM (Western) — I move:

1. Clause 1, lines 9 to 11, omit paragraph (c).

This will have the effect of deleting clause 1(c), which reads:

(c) to enable councils to choose a system of valuing land for rating purposes without the need to conduct a poll of voters; and

During the second-reading debate I explained that this clause was badly phrased in the first instance but it also related to another issue that I challenged. The amendment to clause 1 is really related to the amendment I shall test in clause 5.

I foreshadow that the coalition seeks to defeat clause 5 which relates to the provisions in respect of the poll. During the second-reading debate I outlined the reason for the coalition taking the position it has, namely, to defeat clause 5 which would have the effect of deleting from local government law the provision of a poll for a change relating to the basis of a valuation.

To that extent the amendments we seek in respect of clause 1 are really ancillary to the substantive issue we wish to raise. I have canvassed the issues very carefully and outlined the basis on which we have taken that position, and I assure the Committee that the coalition stance is not taken lightly — far from it. After very careful consideration of the issue of the poll provisions the coalition has decided, on balance, to oppose clause 5 and thus, one hopes, retain the poll provisions in the Local Government Act.

Given that clause 1 also refers to the purpose of that feature of local government it is necessary to outline the arguments and give notice of the substantive amendments. Because of the way the Bill is constructed it is necessary for me to test the Committee on that issue. I do not intend to go through the arguments again because I canvassed them fairly broadly in the second-reading debate. Quite simply, that is why I moved the amendment, which will have the effect of mirroring the amendments we seek in respect of clause 5.

Hon. D. E. HENSHAW (Geelong) — I oppose the proposal to delete clause 1(c), and I am encouraged to do so by a letter I have from the Town Clerk of the City of South Barwon. I propose to quote from the letter but before doing so I indicate that I understand Mr Hallam's concern with the actual wording of clause 1(c). However, I should have thought it would need only a slight change to overcome the problem. The opposition could well have contemplated an amendment to make that slight change rather than the deletion of the clause.

The problem would have been overcome if the clause had read:

> To enable councils to choose a system of valuing land for rating purposes without being subject to a poll of voters.

I turn to the letter, which is dated 7 November. It says in part:

> My council wishes to express its grave concern over the opposition's intended action, as it believes the retention of the poll provision will ensure that valuation method changes and the introduction of differential rating will never occur if the success of such change is reliant on a majority poll result. Justification for such concern has recently been demonstrated through the recent poll experience in the City of Mordialloc, which I am sure you are familiar with.
>
> As the Municipal Association of Victoria has noted, "Councils regard the capacity to move to a capital improved value valuation method and to apply differential rating as an integral part of their powers. It is also obvious that no amount of consultation with the community on complex rating and valuation issues will be sufficient to persuade it to vote "yes" in any proposal to change the council's system of valuation".

I am reasonably familiar with the council's views. I was a member of the council until 1983 and the various advantages and disadvantages of the two available rating systems were always a matter for debate among councillors. The city has had a site valuation system for as long as I can remember and while it is thought to have served the city well decades ago it has become rather limited in recent times.

I acknowledge Mr Hallam's point that differential rating could have been applied to the several systems of rating now available. I suggest to him that the possibility for flexibility is far more limited on a site system than on the capital improved value (CIV) system. If innovatively applied the latter rating encompasses all sorts of possibilities and provides an exciting vista of what councils could do rather than taking advantage of rating values of farms and residences as in the limited proposal to which Mr Hallam referred. It is very limited compared with what is proposed under the differential system.

I appreciate Mr Hallam's point about the democratic process of polls. It is a rather arbitrary system. Only one-sixth plus one of the registered voters and ratepayers can reject a council decision to change the rate system. If that is democracy it is arbitrary.

The opposition might have contemplated an alternative that had other factors in its favour. There are options the opposition could have examined rather than rejecting the clause. It could have considered a provision for a poll to defer change until it was challenged at the ballot-box in a year or so. The opposition could have considered the possibility of having an objective and independent tribunal examine the suggested change and make its views known to the ratepayers before asking for a poll.

I understand the council's problem. It would be disappointing for councillors and officers to get excited about the new rating system only to be required to find the money and the time to try to educate ratepayers and to pay for a poll. The

problem is complex. Ratepayers have difficulty appreciating the nuances, and in a sense that is justified, but such decisions have to be delegated to a management authority such as a council rather than relying on the view of the shareholders or ratepayers.

I believe some sort of attempt to limit the need for a poll is justified and on that basis I oppose the proposed amendment.

Hon. R. A. MACKENZIE (Geelong) — I listened with interest to Mr Hallam's speech on the first amendment about councils and the poll of voters. I was interested to hear Mr Henshaw argue the government's point of view. I see validity in both arguments.

When I contacted the local councils in my electorate I received the same reply from the City of South Barwon that Mr Henshaw received. The councils of Geelong and Corio said much the same. I did not get a response from the other councils.

After speaking independently to some of the officers and councillors I concluded that the councillors do not feel anywhere near as strongly about this as the council officers. I can understand council officers preferring not to have a poll. It makes their lives much simpler and it seems to me that much of the support from councils may be from officers rather than the elected councillors representing the people's views.

I understand, as Mr Hallam pointed out, that it is not compulsory under the existing legislation to have a poll. Of the twelve instances he gave the ratepayers of five councils had no objection to the change and no poll was called.

There is nothing mandatory about a poll, but it provides a safety valve. I understand the difficulty councils have with referendums and polls, which can often be influenced by nonsensical arguments. If a council decides to change its rating system it should be assumed it is doing it for the benefit of ratepayers, and it should mount arguments to support the proposal.

Mr Hallam gave examples of twelve polls, the results of which were: six in favour of a change in the rating system, one with no result, and five against. Polls allow grassroots input. I know of instances where councils have ridden roughshod over the wishes of their ratepayers and often the ratepayers have been unable do anything about it. Ratepayers should have the final say. I know the system can be manipulated, but it is up to councils to ensure that does not happen. I support the opposition's amendment.

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — The results of polls are notoriously negative. I was interested to hear about the examples referred to by Mr Hallam, but it is the case that the no vote to change generally prevails.

Mr Henshaw said he did not know of the City of Mordialloc experience, but in that city a poll to change from site value to net annual value was defeated despite an extensive advertising campaign and the fact that almost 75 per cent of properties would have benefited from reduced rates.

Mr Hallam maintained that accountability of local government, as for any representative government, is achieved through the ballot-box. I received a letter dated 24 October from the Secretary of the Municipal Association of Victoria, Mr Rob Barfus, which addresses the provisions of the Bill. The second paragraph states:

> Given the lack of objection by councils to the association following a detailed circular about its provisions from the MAV, it is fair to say that local government generally supports the proposed legislation. In terms of the proposal to delete the poll provision, local government has demonstrated a far stronger position. In correspondence received from the Provincial Cities, Towns and Boroughs Association of Victoria, the association indicated that:
>
> "The current rating options are inflexible and the association believes that CIV, with the associated ability to strike differential rates, is likely to look attractive to councils. In addition to flexibility, CIV will allow councils to eliminate injustices resulting from the traditional options and will provide a natural growth in the rating base of municipalities.
>
> The association is firmly of the opinion that councils desiring to make a change to CIV will be confronted with the same negatives that are associated with a referendum and considers that this association should show its support for the thrust as contained in the local government Bill proposed for this session of Parliament."
>
> This view was reinforced by a resolution proposed by the City of Stawell at the recent annual session of the association. The resolution provided:

"That the association advise the State government and opposition parties that it favours the deletion from the Local Government Act 1989 of the poll provisions relating to a change of valuation system."

The association has remained consistent in its support of the provisions. It has urged the government not to change its mind and to allow councils the maximum amount of flexibility for the future.

Hon. R. M. HALLAM (Western) — I do not disagree with much of what the Minister for Ethnic, Municipal and Community Affairs, Mr Henshaw and Mr Mackenzie have said. The debate highlights the very thing that happens throughout local government. The issue is not black and white. Ultimately a subjective assessment is made.

Although the opposition may have sought to amend subclause (c) to bring it into line with the opposition's policies, that course of action became pointless when it was decided to delete the whole subclause. There did not seem to be much point in doctoring the subclause when the opposition decided to challenge it.

I have examined the issues raised tonight and have spent some time on them. I am aware that if a change in valuation is as compelling as councils suggest it is not difficult to argue that councils should take the voters with them. I know that is difficult to do when polls are notoriously conservative.

The opposition has considered all those issues but in the end it has decided that the changes in the law already imposed on councils as a result of the implementation of the provisions of the Local Government Act 1989 should be tested first.

No-one has a mortgage on wisdom. It may be that the issue will be revisited and canvassed again. I said earlier today that because local government law is complex extensive amendments to the Acts will be debated in this Chamber at regular intervals. Perhaps after the benefit of experience and after examining the 1989 changes when they are ultimately implemented different action may be taken in respect of the poll provision, but the opposition believes, given the dramatic changes imposed on local government, that it should let the dust settle. It is for that reason that it has decided to omit the provision.

The CHAIRMAN (Hon. K. I. M. Wright) — Order! The question is:

That the paragraph proposed to be omitted stand part of the clause.

Committee divided on omission (Members in favour vote No):

Ayes, 16

Coxsedge, Mrs	Lyster, Mrs
Crawford, Mr	McLean, Mrs (*Teller*)
Davidson, Mr	Mier, Mr (*Teller*)
Henshaw, Mr	Pullen, Mr
Hogg, Mrs	Theophanous, Mr T
Ives, Mr	Van Buren, Mr
Kennedy, Mr	Walker, Mr
Kokocinski, Ms	White, Mr

Noes, 21

Ashman, Mr	Knowles, Mr
Baxter, Mr	Lawson, Mr
Best, Mr	Macey, Mr
Birrell, Mr	Mackenzie, Mr
Chamberlain, Mr	Miles, Mr
Cox, Mr (*Teller*)	Skeggs, Mr
Craige, Mr	Smith, Mr
de Fegely, Mr	Storey, Mr
Evans, Mr (*Teller*)	Tehan, Mrs
Hall, Mr	Varty, Mrs
Hallam, Mr	

Pairs

Landeryou, Mr	Long, Mr
Sgro, Mr	Guest, Mr

Amendment agreed to.

Amended clause agreed to.

Clause 2

Hon. R. M. HALLAM (Western) — I move:

2. Clause 2, line 7, omit "19 and 25" and insert "18 and 24".
3. Clause 2, line 9, omit "24" and insert "23".
4. Clause 2, line 10, omit "27(1)" and insert "26(1)".
5. Clause 2, line 12, omit "27(2)" and insert "26(2)".

The amendments are consequential on the substantive issue put to the Committee a few moments ago. Clause 2 provides for no less than five operational dates for the amendments contained in the Bill, which indicates the complexity of the issue

that the Committee is addressing. In fact, it is not as complex as it was because a number of issues that we raised with the Ministry have been addressed and the Bill was amended in another place.

Clause 20 allows water authorities to impose tariffs on an occupancy basis. The question arose as to how the earlier tariffs, which had not been made on the basis of occupancy, would be protected. The government originally resolved it would be achieved by backdating the provision, but now it has been changed and clause 20 achieves the same effect by the implementation of a validation clause. It is a complex issue and that is highlighted by the fact that we have a multiplicity of operational dates. That aside, the amendments are consequential on the issues just resolved by the Committee.

Amendments agreed to; amended clause agreed to; clauses 3 and 4 agreed to.

Clause 5

Hon. R. M. HALLAM (Western) — I move:

6. Clause 5, omit this clause.

The coalition opposes the clause and thus wishes to retain the whole provision within the Act. I shall not go through the arguments again, but I have a great deal of sympathy for the view that has been expressed that local government be entitled to make the difficult decisions it is elected to make and to some degree Parliament should then allow it to get on with the job.

I have sympathy with the arguments that have been expressed that the poll, and the extent to which it represents a protection mechanism, should be deleted. However, the coalition has considered those issues carefully and, after a great deal of consultation, has come down on the side that, in the circumstances and given that the rule book is being changed at a wholesale level, the poll should be retained for an interim period. It is on that basis that I advise the Committee that the coalition will oppose clause 5.

Amendment agreed to.

Clause negatived.

Clause 6

Hon. R. M. HALLAM (Western) — The clause represents the bones of the matter; it represents the mechanism of the shift in rating from owner back to occupier. However, it is not as simple as it sounds even though it is a mechanical change.

During negotiations several changes have been adopted by the government in an effort to accommodate the concerns the coalition expressed. I acknowledge that the clause is now substantially different to the form in which it was originally introduced in the other place. Several attempts have been made to get the mechanics right. The first attempt was represented by a provision that required each council to, firstly, separately levy each separate occupancy on a particular parcel of land and, secondly, each portion of land that was "obviously adapted to being separately occupied".

That created enormous practical difficulties and the discussions seemed to go around the same mulberry bush several times. The coalition consistently expressed the fundamental concern that the original clause could lead to a multiplicity of rates being applied to a single holding and that the provision did not address the basis of apportionment when the land was held in joint occupancy. There was a fundamental hole in the way the clause had been constructed involving the way "obviously adapted to being separately occupied" would be defined in practical terms.

The coalition believed a specific problem needed to be addressed — a common farm enterprise where there may well be several cottages on the farm but where the farm represents only one enterprise, one property and one occupancy. The coalition was assured by the government that in those circumstances the property would be valued on separate occupancies but there would be only one assessment. However, the coalition was still not satisfied. It is quite often the case that a farmer will let out a cottage to the local schoolteacher, for example. In such a case there could be no argument that at least that part of the property could be defined as "obviously being adapted for separate occupation".

The prospect then arose of a test being applied and resulting in separate minimum rates. Concern was minimised because the Bill phases out minimum rates, but they will be replaced by the municipal charge. If the test for separate occupancy were interpreted in a literal sense, the coalition saw a grave risk of farmers facing a multiplicity of municipal charges.

The coalition was told by staff of the Ministry of Ethnic, Municipal and Community Affairs that it was jumping at shadows because protection would flow from the common usage and that that had not changed in a traditional sense. Valuers would take the real circumstances into account and farmers would not face the test. The coalition decided not to proceed with an amendment until I sent a copy of the revised Bill to the Office of the Valuer-General for comment.

I received a letter above the signature of Mr D'Arcy, and I was pleased to receive it except for one paragraph. Mr D'Arcy states:

> Another change affecting valuations relates to the proposals to require the valuer to prepare a separate valuation (this then becomes a separate assessment) when a property, on which a building is erected, is obviously adapted to being occupied separately from other land in the parcel. This is a reinstatement of a provision from the 1958 Local Government Act which had general acceptance in use.

In other words, the Valuer-General was reassuring the coalition in a vein similar to the Ministry staff. However, Mr D'Arcy's letter continues:

> In the past, it posed problems because second and third houses on farm properties became separately rateable and the application of high minimum rates caused considerable ratepayer concern. The abolition of the minimum rate will largely eliminate this problem and the amendment would appear reasonable and workable.

The coalition could not accept that. Given the fact the Valuer-General conceded the definition of "obviously adapted to being separately occupied" had caused concern in the past, the coalition was not consoled by the fact that the minimum rate was to be phased out because it will be replaced by the municipal charge. If a multiple minimum rate could be applied in the past it was absolutely certain that the municipal charge would be applied similarly in the future. The coalition decided that if those circumstances created problems in the past the matter should be solved in the Bill. The coalition sought a further amendment, and I am absolutely delighted to learn that the Minister intends to propose an amendment to address that precise issue.

The coalition had discussions with the government to outline its concerns. In a note on the discussions a Ministry staff member recorded that:

> The amendments have been discussed at length with the Valuer-General and representatives of municipal valuers and rate administrators. As the attached list of house amendments illustrate a number of changes are being proposed in this area.

However, the briefing note also states:

> In summary, the Valuation of Land (Amendment) Act 1989 is to be amended to retain the existing scheme for valuing land and the changes to the Local Government Act 1989 are to be confined to providing the links into that legislative scheme.
>
> A rate will be levied in respect of that parcel of land which returns a valuation, based on existing principles, and where that parcel is owned separately by more than one owner, a mechanism will be provided to apportion that rate or charge amongst those owners.

That is welcome news but it goes only part of the way. Several practical issues remained unresolved and there was enormous effort and thought put into a practical solution. I was pleased that members of my committee had been involved in a really constructive search for the solution. The amendment that I presume the Minister will be bringing to the Committee represents the Parliament at work. We have actually resolved a really contentious issue to the benefit of all those involved and I am delighted to be a part of the process.

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — At this stage I should like to foreshadow new clause AA, which I shall be moving at the appropriate time. I support everything Mr Hallam said. The opposition sought an amendment and the government was not initially convinced of its need, but it was certainly prepared to see if there were some way of putting into language what he and his colleagues were saying. We also became intrigued, I suppose, with getting the form right, and he is absolutely correct when he says this has been a good use of Parliament.

At this stage I should like to thank Russell Charles and Jenny Scovell for the enormous amount of work that goes into underpinning a clause such as this one.

Clause agreed to; clause 7 agreed to.

Clause 8

Hon. R. M. HALLAM (Western) — I do not want to let this opportunity go by without commenting on clause 8 which is a mechanism which changes the

way interest is levied on overdue rates and the way the interest rate itself shall be fixed.

The coalition has absolutely no problem with the general effect of the amendment, which will now require that the Governor in Council imposes a maximum rather than the rate to be applied.

However there was also considerable discussion on clause 8 in the negotiation process and a great deal of discussion on how interest should be imposed: whether it should be imposed on the total owed by any particular ratepayer or water user and whether it could be levied on the interest incurred to the end of the previous period.

There was also grave concern whether changes in the interest rate could be implemented retrospectively because there was genuine concern that authorities could change the interest rate and go backwards in so doing. We were assured that the general tenet of law under our system would preclude any retrospectivity of that nature.

We were assured that the legal presumption against retrospectivity would provide the protection we were looking for and on the basis of those extensive discussions it was then , and only then, resolved that we would not proceed with an amendment to clause 8.

Clause agreed to; clause 9 agreed to.

Clause 10

Hon. R. M. HALLAM (Western) — Clause 10 has a really important effect. It restricts the right of appeal in respect of differential rates and makes clear that the differential rate itself cannot be challenged and that any appeal can only be centred on whether a parcel of land has been correctly or appropriately classified.

It provides that any dispute is directed to the Land Valuation Board. Under the original provision it was at least arguable that the differential itself and the values ascribed to that differential could be challenged.

That was never envisaged in any of the discussions leading up to the 1989 Act and in my view it would be a veritable Pandora's box if we allowed a ratepayer to challenge the differential itself. At no time did we consider that such a challenge could be legitimately mounted because it would send local government into a spin.

It is now clarified under the Bill that the basis on which a challenge can be mounted is restricted specifically to the classification under which a differential is levied and it is on the basis of its practicality that it is supported.

Clause agreed to; clauses 11 to 19 agreed to.

Clause 20

Hon. R. M. HALLAM (Western) — I move:

7. Clause 20, page 12, line 8, omit "20" and insert "19".

It is purely a consequential amendment to the substantial amendment I moved to clause 5 and I ask that the Committee support it.

Amendment agreed to; amended clause agreed to; clauses 21 to 28 agreed to.

Clause 29

Hon. R. M. HALLAM (Western) — I move:

8. Clause 29, line 17, omit "8" and insert "7".

9. Clause 29, line 18, omit "8" and insert "7".

10. Clause 29, line 22, omit "21" and insert "20".

11. Clause 29, line 23, omit "21" and insert "20".

Again I assure the Committee that the amendments are consequential on the substantive amendments moved earlier.

Amendments agreed to; amended clause agreed to.

New clause AA

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — I foreshadowed the new clause in the discussion on clause 6. I now formally move:

1. Insert the following new clause to follow clause 6:

'Restriction on levying of municipal charges

AA. After section 159(2) of the **Local Government Act 1989** insert —

"(3) A municipal charge must not be levied on any property that forms a portion of a parcel of land on which a building is erected and that has been separately valued from the other land in the parcel on the basis that it is obviously adapted to being occupied separately from that other land."'.

I believe it satisfies exactly what Mr Hallam was saying and aiming for. I do not propose to say any more about it.

Hon. R. M. HALLAM (Western) — I again signify the opposition's support for the amendment now put forward by the Minister. It quite simply puts beyond doubt that the farming properties I described earlier could be caught up in there being more than one municipal charge levied on the same enterprise.

It is a logical way to get around the problem that concerned us in the first instance and I genuinely thank the Minister for the initiative taken by the government in this context.

New clause agreed to.

New clause BB

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — I move:

2. Insert the following New Clause to follow Clause 20:

'Authority may send payment notice to third party

BB. After section 274(5) of the **Water Act 1989** insert —

"(6) At the written request of the person liable to make a payment to an Authority, the Authority may send the notice requiring the payment to a person specified in the request.".'.

The amendment was suggested by the opposition and the government is happy to introduce and support it.

The amendment inserts a new provision into the Water Act so that the notice for payment is sent to a person other than the person liable to pay it where the person who is not able to pay so requests.

Hon. R. M. HALLAM (Western) — The amendment represents the accommodation of a request put by the coalition. It emanated from a letter received from Greg Trevaskis, Chief Executive of the Portland City Council. He suggested that the amendment was required. He pointed out that the Local Government Act provides for an owner of a property to direct in writing that a notice should be directed to another person, presumably the occupier.

The Water Act 1989 does not have that provision and therefore water authorities must literally send notices to the property owner. He suggested there was a need for an amendment in the Water Act to mirror the amendment already brought forward and adopted in the Local Government Act.

I am delighted that the government has been prepared to take up the request of the coalition.

New clause agreed to.

Reported to House with amendments.

Report adopted.

Third reading

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — I move:

That this Bill be now read a third time.

In so doing, I thank Mr Hallam for his suggestions and his creative approach to the way we have handled the Bill, and for his cooperation.

Hon. M. A. Birrell — An all-round, nice guy.

Motion agreed to.

Read third time.

MELBOURNE LANDS AND MARKET SITES BILL

Committed.

Committee

Clause 1

Hon. M. A. BIRRELL (East Yarra) — I move:

1. Clause 1, lines 5 to 8, omit paragraphs (a) and (b) and insert —

"(a) to revoke the reservation and Crown grant of the Western Market site at Melbourne;".

The purpose of the amendment is to restrict the Bill to selling the Western Market site currently occupied by National Mutual Life Insurance to the National Mutual company, as agreed, and to delete reference to the sale of the Eastern Market site and the Royal Australasian College of Surgeons site.

If the government wishes to bring back a Bill in the next session it will be considered on its merits, but it should not be ruled out on the basis of it being

similar to the one now before us. The opposition is against the idea of the sale on these terms.

Amendment agreed to; amended clause agreed to.

Clause 2

Hon. M. A. BIRRELL (East Yarra) — I move:

2. Clause 2, line 6, omit "5 and 7" and insert "3 and 5".
3. Clause 2, lines 13 to 22, omit sub-clauses (3) and (4).
4. Clause 2, line 23, omit "6" and insert "4".
5. Clause 2, line 24, omit "Parts 2 and 3 are" and insert "Part 2 is".

Amendments agreed to; amended clause agreed to; clause 3 agreed to.

Clause 4

Hon. M. A. BIRRELL (East Yarra) — I move:

6. Clause 4, page 3, after line 8 insert —

"(4) The net proceeds of a sale of land under this section (after deducting the costs and expenses of the sale and any amounts payable under any agreement made under this Act in respect of the land sold) must be paid into the Victorian Debt Retirement Fund established under the **Victorian Debt Retirement Fund Act 1990.**".

The aim of the amendment is to ensure that the proceeds of the sale of the Western Market site are used to reduce debt. The amendment is consistent with the policy of the government and the opposition, and ensures that the proceeds are paid into the Victorian Debt Retirement Fund.

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

Heading to Part 3 and clauses 6 to 8

Hon. M. A. BIRRELL (East Yarra) — I move:

7. Part 3, (heading and clauses 6 to 8) omit this Part.

The amendment removes reference to the Eastern Market site from the Bill.

Hon. B. T. PULLEN (Minister for Education and Training) — To clarify the position put by Mr Birrell, is he saying with respect to the Eastern Market site and the Royal Australasian College of Surgeons site that the opposition would not have an objection to that being brought back in the autumn sessional period if different circumstances apply in relation to those sites?

Hon. M. A. Birrell — Yes.

Amendment agreed to.

Heading and clauses negatived.

Heading to Part 4 and clauses 9 to 11

Hon. M. A. BIRRELL (East Yarra) — I move:

8. Part 4, (heading and clauses 9 to 11) omit this Part.

The aim of the amendment is to remove the College of Surgeons site from the coverage of the Bill.

Amendment agreed to.

Heading and clauses negatived.

Heading to Part 5

Hon. M. A. BIRRELL (East Yarra) — I move:

9. Heading to Part 5, page 5, line 13, omit "5" and insert "3".

Amendment agreed to; amended heading agreed to; clauses 12 to 19 agreed to.

Heading to Part 6

Hon. M. A. BIRRELL (East Yarra) — I move:

10. Heading to Part 6, page 8, line 1, omit this heading and insert

"PART 4 — CONSEQUENTIAL AMENDMENTS".

Amendment agreed to; amended heading agreed to.

Clause 20

Hon. M. A. BIRRELL (East Yarra) — I move:

11. Clause 20, omit this clause.

Amendment agreed to.

Clause negatived.

Clause 21

Hon. M. A. BIRRELL (East Yarra) — I move:

12. Clause 21, line 9, omit all words and expressions on this line and insert —

"(a) in section 3(1) —

(i) omit "and Western Market site;

(ii) for "Crown grants of the said sites are" substitute "Crown grant of the Eastern Market site is";

(b) in section 3(2) omit "and Western Market site";

(c) sections 4, 5 and 6 are repealed."

Amendment agreed to; amended clause agreed to.

Heading to Part 7

Hon. M. A. BIRRELL (East Yarra) — I move:

13. Heading to Part 7, page 8, line 10, omit this heading and insert —

"PART 5 — REPEAL OF PART 2"

Amendment agreed to; amended heading agreed to.

Clause 22

Hon. M. A. BIRRELL (East Yarra) — I move:

14. Clause 22, lines 18 to 25, omit sub-clauses (3) and (4).

Amendment agreed to; amended clause agreed to.

Schedule

Hon. M. A. BIRRELL (East Yarra) — I move:

15. Schedule, omit items 2 to 4.

Amendment agreed to; amended schedule agreed to.

Long title

Hon. M. A. BIRRELL (East Yarra) — I move:

16. In the Long Title omit "reservations of Crown grants" and insert "reservation and Crown grant".

17. In the Long Title omit "to revoke the reservations of certain Crown lands,".

I am pleased the Clerks have accepted the amendments!

Amendments agreed to; amended long title agreed to.

Reported to House with amendments, including amended long title.

Report adopted.

Third reading

Hon. B. T. PULLEN (Minister for Education and Training) — I move:

That this Bill be now read a third time.

The PRESIDENT — Order! Honourable members will recall that the third reading of this Bill is required to be passed by an absolute majority. I ask the Clerk to ring the bells to enable me to ascertain whether such a majority exists.

Bells rung.

Members having assembled in Chamber:

The PRESIDENT — Order! To enable me to ascertain that an absolute majority exists, I invite all honourable members supporting the third reading of the Bill to rise in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

ABATTOIR AND MEAT INSPECTION (AMENDMENT) BILL

Second reading

Debate resumed from 14 November; motion of Hon. B. T. PULLEN (Minister for Education and Training).

Honourable members interjecting.

Hon. K. M. SMITH (South Eastern) — I shall speak on the Abattoir and Meat Inspection (Amendment) Bill, in a way that will probably interest honourable members, if they will just be quiet for a moment!

I had the pleasure of serving on the Public Bodies Review Committee when it inquired into the operations of the Victorian Abattoir and Meat Inspection Authority (VAMIA). After the inquiry, the report we came up with recommended that the authority should be wound up and a new body established to take on the licensing of meat premises, as well as a number of other functions that are referred to in our report.

I am deeply concerned about the actions of the Minister for Agriculture, Mr Baker, who has completely ignored the reason why Parliamentary committees such as the Public Bodies Review Committee have been set up, which is to examine the operations of government bodies and to judge whether they should remain as entities in their own right, whether they are working efficiently, and so on.

The committee's inquiry took a long time. We spoke to many people about the issue; we visited abattoirs and spoke to abattoir owners. We visited knackeries — —

Hon. C. F. Van Buren — Did you really?

Hon. K. M. SMITH — It was just as well you weren't there, Freddie. Mr President, I have to say I haven't been the same since!

What we were told there and what we were told by people in other areas of the industry made me gravely concerned about the activities of Victorian meat inspectors, not only those employed by VAMIA but also those employed by the Department of Agriculture. I was the odd one out, if I can put it that way — —

Honourable members interjecting.

Hon. K. M. SMITH — That was before I visited the knackery. When we returned to Melbourne, we discussed all the things we had seen. I saw a need for a minority report to be prepared on the findings of the committee. I did not agree with what had been resolved by the other members. I was a little disappointed with some of my colleagues but obviously they have a right, as members of an all-party committee, to make their own decisions.

I said much the same as they had said originally: that the authority should be wound up. I went a little further and made some remarks about the problems I could see with VAMIA. I made some comments also on the Federal Department of Primary Industries and Energy and its inspectors. I was appalled at some of the things we were told about the actions of meat inspectors. I was appalled at the time that could be wasted and the evidence that existed so far as I was concerned that the inspectors were working hand in hand with Wally Curran's meatworkers union. I make that observation on the basis that it seemed to me that even though Wally Curran might not have been on strike — that is, the members of his union might not have been on strike — at a particular meatworks, the meat inspectors could create a considerable calamity. If five or six meat inspectors were needed to do a particular job, one might arrive late. Alternatively, one might go to the toilet or have a break in the lunch room, or indicate he was a bit sick or had had a big night, and as a result the chain would have to be either closed down or slowed down with the result that the productivity of the meatworks was affected.

The committee found that the meat inspectors were undertaking occupational health and safety inspections, which were not part of their duties. They were there to inspect meat and it seemed they were taking the job a little too far.

When the meat inspectors went from coverage under the Victorian jurisdiction, under which they were actually undertaking inspections of the meat, to the Federal department, promises about the costs of maintaining the services of the meat inspectors were made. The system has completely broken down since the inspectors have gone to the Department of Primary Industries and Energy. Instead of costing $28 000 for each inspector, as it did when they left the reasonably efficient unit operating under Victorian legislation, the cost for each inspector to do exactly the same job went to between $70 000 and $72 000! The abattoir owners are in the position where they are not only being restrained by the actions of Wally Curran's meatworkers union but also are having additional costs imposed on them by the Australian Quarantine and Inspection Service (AQIS). I am concerned that people will continue to get away with this sort of activity while this government is in power.

Remarks were made in the other House by the Minister for Agriculture, Mr Baker. He reflected on a number of the abattoirs and a number of abattoir owners. His remarks were made in an uneducated manner; they had no real substance to them and were made without Mr Baker undertaking an inspection of the premises. He was prepared to stand up and damn them in Parliament in a cowardly way under Parliamentary privilege.

He followed in the steps of other members of the Labor Party, including Mr Demetri Dollis, the honourable member for Richmond, who is a member of the Public Bodies Review Committee and was and still is a member of the meatworkers union. That was the sponsoring body that got him into Parliament!

Honourable members interjecting.

Hon. K. M. SMITH — Although Mr Dollis declared his pecuniary interest, I consider he also influenced the committee in some of the decisions it made. I believe he was acting under orders from Wally Curran and other people in the meatworkers union on the basis of the result that Wally Curran wanted to come out of the inquiry. It is a pretty poor reflection on Demetri Dollis that he did not declare himself unavailable for that inquiry; it would have been better if he had.

In recent times Mr Dollis has continued his attack on workers in abattoirs, particularly at Camperdown. He has reflected on Mr Fami, who is running the abattoir at Camperdown, and said that Mr Fami does not know what he is doing. The truth is that Mr Fami has other abattoirs in New South Wales; he runs a successful business in the Deniliquin area. Mr Fami is not a fly-by-nighter, but Mr Dollis saw fit to reflect on the $2 shelf company set up to conduct the business at Camperdown. Mr Dollis made unnecessary reflections on somebody who was not what he was claiming him to be.

It is unfortunate also that Mr Dollis reflected on Troubleshooters Available, an organisation set up as a labour hire agency that has been able to find and subcontract people to work in abattoirs. The organisation also provided labour in the building industry until some of the mongrel unions in that industry, ran the organisation out of business with the support of the Labor government.

Some of the rot Mr Dollis has spoken in the other House included a reflection on the rates of pay for people at the Camperdown meatworks. His comments were incorrect. He said only 15 per cent tax was being paid. The people were employed as contractors on the site and had responsibility for their own superannuation, as well as having to be paid enough to cover holiday pay and for similar considerations. The people who went to work there knew that at the time. Many of the people who got jobs at Camperdown had not been employed. Some 68 people were fully employed when Camperdown started up. When the union pressure on the boning works stopped the carcasses being taken to the boning works, the result was that 68 people lost their jobs. That is the sort of result that actions of people like Wally Curran and the meat inspectors can have on people!

I have here the transcript of an interview conducted with the manager of the meatworks. It reflects on the type of people that the meat inspectors at Camperdown were. It goes also to the reflections by Mr Baker on the owner and the manager of the abattoir. I quote a couple of the points made in the interview:

> For a start, our hours have been determined by the police — —

The reference is to the hours that people can work at the abattoirs. The transcript of the interview continues:

> ... the only time they could give us protection — —

It is pretty terrible that police officers have to provide protection for people who genuinely want to work. The interview continues:

> ... was from 7 a.m. in the morning until 4 p.m., that is when we had to be out.
>
> Also, the DPI (Department of Primary Industries) inspectors would only work until 4 p.m.

So the inspectors were not prepared to make any effort to keep the people in work. The interview continues:

> They would cease work at 3.45 p.m. They would not work any longer.
>
> Anyway, the times we went in would have been documented by the police at Camperdown. Regarding the time of entry, there was an agreement by all parties that company staff would be in first. When we were in I would call the (meat) inspectors by phone.
>
> The inspectors would then come, do their hygiene inspection each morning and other tests.

All the staff would be standing around, being paid, but waiting to start work and unable to do so until the inspections were carried out. The interview continues:

> Only then would a start be made on bringing the contract workers in and the time they got started depended on the picket line, sabotage to the trucks, etc. —

Which would also tend to hold up the inspectors getting in.

I express concern about the inspectors and the actions they are prepared to take in Victorian

abattoirs. In Camperdown they were not prepared to cross the picket line on the first day. When they finally crossed the line the 68 workers had been standing around all day waiting for the inspectors to arrive. Although the inspectors entered the meatworks at 2.45 p.m. the chain took some time to get under way and the kill lasted only 10 minutes because the inspectors had to be out by 4 p.m.

The meat inspection service costs abattoir owners about $70 000 a year for each inspector to be on site. At Camperdown the inspectors were paid while attempting to stop the abattoir employees from working. It is appalling.

Another aspect of the dispute at Camperdown that appals me involves a Mr Schenk, who appears to be in charge of the meat inspectors employed by AQIS. An article in the *Sunday Herald-Sun* of 17 November refers to Mr Schenk, who is employed to inspect the meat of export meatworks, and states:

> Mr Fami's running of the abattoir has also been criticised by the director of the Australian Quarantine and Inspection Service, Maurie Schenk. Mr Schenk, who is in charge of meat inspectors ... said Mr Fami did not appear to be properly financed to run an abattoir.
>
> "Even starting a wheelbarrow company you know some wheels will fall off at first," he said. "You don't start if you haven't funds to outlast start-up troubles."

That is not a very smart thing for a meat inspector to say, particularly an inspector who withdrew his services and the services of other meat inspectors on the job. The financial position of Mr Fami has nothing to do with meat inspection. Mr Schenk should get his nose out of Mr Fami's financial position and put it back into the proper examination of meat.

This type of meat inspection has been going on for some time. These people have been rorting the system, as members of the Public Bodies Review Committee learnt when they inspected some abattoirs. We learnt of problems with some of the inspectors on the offal line. The inspectors as part of their job had to cut the offal for testing. In some cases they took out the kidney stones, which are used as aphrodisiacs, particularly in Asian countries. I am advised that these are extremely expensive if you want to buy them. The meat inspectors were in a position to steal those kidney stones, put them in their pockets and take them out of the abattoirs for later sale.

Hon. R. I. Knowles interjected.

Hon. K. M. SMITH — No, it does not work from their pockets; they have to be ground up and used in another way. The committee heard that inspectors have been questioned by abattoir owners about carcases that have been badly damaged as inspections have taken place. Those inspectors stood by and allowed the offal to go past on a conveyer until it reached a point on the line where it was ground up and boiled down and was almost valueless. When offal is sold it is worth a significant amount of money. Members of the committee were told that some inspectors found these activities to be a good way of keeping abattoir owners in line.

Another matter I raise concerns the annual report of VAMIA. Earlier today I was perturbed to learn that although some 140 annual reports from authorities around Victoria were tabled in the House, again there was no report for VAMIA. Today is the last sitting day this year that the authority could have been held accountable for its actions for the year ended 30 September 1991. The last report tabled by VAMIA was for the year ended 30 September 1988. It has been three years since VAMIA has been prepared to table a report of its actions.

An aspect of VAMIA discussed by the Public Bodies Review Committee concerned the members appointed to the board. Currently there are ten representatives comprised of a range of people. The composition of the board does not lead one to believe that there is an appropriate range of people with business sense to allow them to do the job properly. Page 4 of the VAMIA report for 1988 states:

> Ten members appointed by the Governor in Council of whom —
>
> 5.1 Two who shall be Chairperson and Deputy Chairperson shall be officers or employees in the Department of Agriculture and Rural Affairs nominated by the Chief General Manager.

So we have two bureaucrats:

> 5.2 One shall be a medical practitioner employed in the Department of Health ...

Another bureaucrat:

> 5.3 One nominated by the Minister administering the Local Government Act ...

The opposition has recommended that that person should be dropped:

> 5.4 Two shall represent livestock producers; and

5.5 Two shall represent meat processors engaged in the domestic meat trade; and

5.6 One shall represent meat processors engaged in the export meat trade; and

5.7 One shall represent meatworkers.

I remind the House of the decision of the VAMIA board to keep the Seymour abattoir closed; the decision was on a consensus basis where everybody on the board had to agree for the abattoir to be licensed. Despite the chairman, Mr Truscott, using his discretionary powers to get the abattoir open, his pleas fell on deaf ears, which is not surprising when one recognises that Wally Curran is the representative of the meatworkers on the board. It is an incestuous relationship between the meatworkers and the inspectors from AQIS.

The Public Bodies Review Committee recommended that the inspections carried out by VAMIA should be extended. In my minority report I recommended that the meat inspectors working in the domestic and export abattoirs should be employed directly by the abattoirs. I also recommended that they be licensed as are many tradesmen who are employed directly by abattoirs. If meat inspectors were working on the floor of abattoirs with meatworkers they would have a better understanding of the way the meatworkers operated and it would not cost the abattoir workers and owners so much money if the chain was slowed down by the inspectors. No meat of poor quality would be passed by inspectors because doing so would not be worth their jobs as meat has to be stamped. I also recommended that legislation be introduced to ensure that abattoir owners are put in a position where they are responsible for their meat inspectors. There were a number of cases where something could be done in a positive way to ensure that the meat inspection was carried out properly.

The main concern I have is that the Minister for Agriculture, Mr Baker, will use this legislation in an attempt to overturn a decision made by the Public Bodies Review Committee. That committee is the most powerful of all-party committees in the Parliament. If it recommends that an organisation must close down or that another one should commence, action has to be taken by the Minister within twelve months. It was in November last year that the committee's report was tabled in Parliament and the current Minister has not taken action within the ensuing twelve months. He has not been prepared to take any action in that time.

It is my belief that the Minister for Agriculture will use the Legislative Council to allow him a number of months and will will take that opportunity of getting the abattoir inspection service moved to the Australian Quarantine and Inspection Service. That would be the worst thing that could happen to meat producers in Victoria. At present the Victorian Abattoir and Meat Inspection Authority can inspect premises and issue licences. The system has been abused on a number of occasions, one case being the McGillivrays abattoir in Gunbower. That particular abattoir has been operating for many years. It is a family-owned abattoir and has killed up to 1000 units a week. The inspectors have said that it is not up to abattoir standard and called it a slaughterhouse. Because of that, McGillivrays is restricted to 300 units. It is not a viable proposition. A 300-unit kill is less than a day's operation.

If the inspectors believe the abattoir is up to standard to be licensed as a slaughterhouse to allow meat to be slaughtered for domestic consumption, I cannot understand how the meatworks can be licensed under one name and not under another.

VAMIA has the power to close a meatworks. It has taken that action across the State. I am sure Mr Craige could name a number of abattoirs VAMIA has closed down because the owners cannot afford to upgrade them to the standard the inspectors require. The meat inspectors are responsible for their actions.

The Minister for Agriculture does not understand the importance of the meat industry to Victoria. He does not understand that the more meatworks that are closed down the fewer people there are employed and the less meat there is for export interstate and overseas. Victoria badly needs exports.

The VAMIA group of inspectors is working hand in hand with the Australasian Meat Industry Employees Union. The Minister is trying to give the union more control by taking the inspectors out of VAMIA and putting them under the control of AQIS. The opposition, although it does not support the Bill, will not oppose it. I do not like the Minister for Agriculture using his position to override a Parliamentary committee to try to gain a few months to hand over the Victorian meat inspection service to AQIS. I do not like the way Mr Curran and some his mates are using the government's ideological views to try to downgrade Victoria. In so doing he is downgrading Australia.

Hon. C. F. VAN BUREN (Eumemmerring) — I support the Bill. It has caused a sensation. I have listened to Mr Smith's diatribe and must respond.

I point out, Mr President, that Mr Smith has breached Standing Order No. 132 by reflecting on an honourable member in another place, Mr Dollis. Mr Smith has implied that Mr Dollis is controlled by a certain union. I take that as an insult. Mr Smith is union-bashing. The Liberal Party and those in VAMIA have caused a lot of trouble. The Liberals keep mentioning people like Laurie Carmichael, Norm Gallagher and Wally Curran, but Wally can look after himself.

I take strong objection to people reflecting on other honourable members. Mr Smith mentioned inspectors who were trying to do a job. He wants the inspectors to be controlled by the abattoirs so that they can export bodgie meat and ruin the market. The inspectors do their job and if the abattoirs do not like the way the inspectors do their job, that is their problem. Mr Smith should not support picket lines and scabs.

Hon. R. I. Knowles — Who is reflecting on people now?

Hon. C. F. VAN BUREN — They are scabs. The fact of the matter is, the Bill is being debated in this House. Troubleshooters Available and scabs are being used to break picket lines. I am totally opposed to scabs. I support the right of workers to protect their jobs.

Hon. K. M. Smith interjected.

Hon. C. F. VAN BUREN — If Mr Smith wants to support bodgie meat places he should go to Camperdown. That abattoir has had eight owners in the past ten years.

Hon. R. M. Hallam — What a lot of rubbish!

Hon. C. F. VAN BUREN — It might be a lot of rubbish to you. Mr Smith is like a little boy with a toy; he should visit a few abattoirs, as have government members, to find out what the real problems are all about. Mr Smith thinks he is an expert but disagrees with his colleagues.

I disregard the statements made by Mr Smith. Will he withdraw his remarks about a member in the other place? He is saying that the member is controlled by other people. That is completely wrong.

I support the Bill.

The PRESIDENT — Order! The matter was really referred to me. Reflections on members of this House are disorderly and this is one of the few occasions when the President will intervene of his own motion rather than on a point of order requiring a withdrawal.

Reflections on a member of another place are also disorderly but the objection must be taken at the time. Mr Van Buren did not take objection at the time and there were no doubt very good reasons for that. What he has done is adopt the alternative form, which is always available, of responding on another member's behalf.

He has done that, but if he misses the opportunity of seeking a withdrawal that cannot be revived by a subsequent speech. He has provided an answer from his perspective which may or may not be accepted by the opposition, but he has at least stood up for the honour of the honourable member he felt was impugned. That was a proper thing to do but that was the end of it; it was not a point of order.

Hon. R. A. BEST (North Western) — I endorse many of the comments made by my colleague Mr Smith. The Bill is to allow the Victorian Abattoir and Meat Inspection Authority to continue until it is restructured and renamed, that is, until the Minister introduces new legislation for the meat industry.

Honourable members recognise the urgent need for a review of the meat industry, especially a review of the way in which it operates. Many aspects of the industry have caused job losses, and work practices leave a lot to be desired. I hope Mr Baker, the Minister for Agriculture, is up to the task and is prepared to undertake a stringent review of work practices and conditions that apply in abattoirs.

I am concerned at the unhealthy relationship between Mr Wally Curran, the Australasian Meat Industry Employees Union and the Premier. I am concerned at the way in which the government's submission to the Harrison inquiry was tampered with; I do not think there is any question that it was doctored. For Victoria's sake I hope the Minister can overcome his union affiliations, appreciate the task that is before him and undertake an urgent and stringent review of the meat industry.

Although we have severe reservations about the meat industry and about the Bill, we will not oppose it. The Victorian meat industry is in an appalling

condition and is costing Victorian industry an enormous amount of money. It was responsible for 20 per cent of all strike days lost in Australia last year. That is an astounding figure. The industry's contribution to Victoria's export income is important and it is appalling that it is so disruptive, so riddled with strike action and so unproductive that 20 per cent of all strike days lost in Australia can be attributed to that one industry.

In Victoria it costs $33 a head more to kill and bone cattle than it does in New South Wales. That can be attributed only to the work practices. To highlight the problems we face in Victoria and the decline in the kill in Victoria I shall quote statistics from the Australian Meat and Livestock Industry report. In 1970, Victoria contributed 27 per cent of the total adult cattle killed in Australia; the figure had dropped to 24.3 per cent in 1982 and to 19.9 per cent in 1990.

The decrease in the number of cattle being killed in Victoria can only be attributed to the industrial disputes and the militant action of the AMIEU. I wish to quote from the *Australian Meat and Livestock Corporation Statistical Review*. In 1970 Victoria accounted for 36.5 per cent of the total sheep and lambs killed in Australia. By 1982 the figure had dropped to 35.9 per cent and by 1990 it had fallen to 29.4 per cent. During that time the work force in Victorian abattoirs decreased from approximately 7000 workers to around 2000.

No other industry in Victoria has been decimated to the same extent as the meat industry. The *Australian Meat and Livestock Corporation Statistical Review* for 1989 to June 1990 showed that Victorian exports had decreased considerably compared with other States. In 1989 New South Wales accounted for 163 500 tonnes; Queensland accounted for 300 900 tonnes; and Victoria accounted for 119 800 tonnes. When you compare the 1990 figures you see that there has been a dramatic decrease in Victoria's contribution to the total export of Australian meats. In 1990 New South Wales exports increased to 220 300 tonnes; Queensland exports increased to 366 000 tonnes; and Victoria's exports increased to 124 100 tonnes. The figures show that the increase in Victoria was minimal compared with that of other States.

Why is that so? There is only one answer: the militant action taken by the AMIEU. This was brought home to me recently when I visited a friend of mine who has a property at Patchewollock. The farmer had arranged for a buyer for his old ewes. We mustered a mob of 2300 old ewes and drafted those of about 20 kilograms or more in weight. They were ewes the buyer identified as those he wanted to export.

The buyer was not satisfied that the ewes weighed more than 20 kilograms. Of the 2300 ewes only 523 were accepted. The buyer and the owner of the property, Mr Brian O'Sullivan, went to the side railing of the stockyard, sat down and negotiated a price. The buyer offered $1.50 per head for the ewes. The bartering continued and eventually the price was settled at $1.80. I went over and asked the buyer why the price was so low. He said, "The overseas price we receive for the ewes is fairly marginal and we will probably get only $15 or $16". I asked, "Where does the rest of the money go?" He said, "It costs in excess of $11 to kill each ewe".

It is astonishing that what amounts to 20 kilograms of meat is being sold for $1.80, yet it is costing the company purchasing that meat more than $11 to kill the animal.

When he was the Minister for Agriculture and Rural Affairs, Mr Walker convinced the Victorian Farmers Federation (VFF) to accept an abrogation of the powers of meat inspectors to the Commonwealth. It was agreed that inspection charges would be funded on a 50-50 basis. The VFF supported that proposal, but over a period inspection charges have increased to the point where the buyer must pay 100 per cent of the charges.

During those negotiations between Mr Walker and the VFF the National Party stood alone, but it was convinced by the VFF that it should support the government's proposal. We now know the VFF erred in its judgment. It must accept the responsibility for the effect this has had on its members. Farmers need every cent they can generate at present and these additional charges are a further impost on the cost of production, just like fuel costs.

It is now acknowledged that there should be a review of the meat industry. The Bill will buy time for the Minister for Agriculture. I hope the Minister will have the initiative to restore the meat export industry because Victoria is on its knees. The industry can be revitalised to its former prominence in the Victorian economy. I hope the Minister is up to the task. Unfortunately his affiliation with the Transport Workers Union, with which he did a deal to secure his preselection, puts a question mark over his ability to be objective in implementing change.

I do not oppose the Bill, but I hope the Minister is prepared to implement the reforms needed to ensure that the meat industry gets on its feet and provides the much needed export dollars for the Victorian economy.

Hon. M. T. TEHAN (Central Highlands) — All opposition speakers have indicated the dire circumstances in which the Victorian meat industry finds itself at present. One of the first success stories of a revitalised meat industry is the Seymour abattoir operated by the Seymour Meat Processors Cooperative Ltd.

It is an initiative that will continue to expand, which will indicate how viable the meat industry in this State can be. It is of vital importance to the farmers.

Currently farmers are in a situation that is as difficult as any that has been experienced this century. Farmers are getting poor prices for their products. They are suffering from the general effects of the recession, as we all are. They are experiencing one of the worst droughts, certainly in the northern part of the State, that has ever been seen. Any assistance to ensure that farmers' products, be they lamb or beef, can be marketed to produce income must be supported. Certainly the Seymour abattoir is doing that.

Even though it has been operating for only the last four weeks, it is now purchasing sheep for $2 to $4. The abattoir can afford to buy the sheep because it is operating efficiently and effectively. If the abattoir was not there the sheep would be shot, as thousands of others have been shot. Other abattoirs cannot afford to pay for them. This is a terrible time for farmers, so this enterprise is most important to the farming community.

Of recent years a solicitor and farmer, Mr John Dawson, became involved with the Victorian Farmers Federation Industrial Association. He saw the difficulties that abattoirs experienced in their endeavours to work effectively to process meat in Victoria. He saw the situation at Seymour abattoir and realised its potential for assisting people throughout Victoria, especially the farming community. He invested his money, effort and time in re-establishing the abattoir. The farming community owe him a great debt. He showed what can be done when people are committed to a project, despite the litany of difficulties that were outlined by Mr Craige last Thursday when he spoke about the problems that were experienced before the Seymour abattoir was able to open again on 18 October, the date on which the first licence was granted.

The strength of the Seymour abattoir is its use of contract labour. It can adjust its need for labour to meet the demands of processing. Because of that flexibility it is able to employ staff as required, which keeps its costs down and therefore funds are available — that would not be available under any other circumstances — to purchase stock.

It is an interesting exercise. The project has expanded and I hope it will expand further without industrial interference or problems. It currently employs 30 people who slaughter 600 sheep a day. They hope to double that output to 1200 sheep and thereby increase the number of people employed.

Recently the abattoir was granted a beef licence. It is of vital importance to the people of Seymour because 30 families now have an assured income and it is hoped that it will be able to employ up to 80 people when it is in full production. It will then be in a position to upgrade the works to a standard where it can obtain an export licence to re-establish the export meat industry that Victoria enjoyed in times gone by.

It is a positive initiative and has depended on a number of people coming together in a cooperative way. Despite the difficult times farmers have contributed money to the cooperative and are continuing to do so. The cooperative should be commended by the House and the government should support and endorse it. The local members of Parliament in the area are certainly proud of it and have given it total support.

The new industry is vitally important for the people of the district and the entire Victorian farming community because of the principles upon which it is established. I commend the Seymour Meat Processors Cooperative Ltd for the work it has done, and I hope the Bill will support its endeavours and add strength to the initiatives it has started.

Hon. B. A. CHAMBERLAIN (Western) — I commend my colleague Mr Smith for his contribution to the debate. There is no doubt that working on Parliamentary committees, particularly the Public Bodies Review Committee, gives members of Parliament a clear insight into the particular bodies being examined. When Mr Walker was the Minister for Agriculture and Rural Affairs he referred sixteen agricultural agencies to the Public Bodies Review Committee, hoping it would

be tied up for seven years. The Abattoir and Meat Inspection Authority was one of those agencies.

I shall deal with one aspect of the Bill that concerns me — the influence that certain people and organisations, particularly the Australasian Meat Industry Employees Union, have on the fortunes of the industry. I have met Wally Curran a few times over the years, and his name is often mentioned because of his demonstrated disastrous influence on the industry. There is no doubt Wally Curran is individually responsible for the destruction of jobs in the meat industry in this State.

Mr Curran occupies a privileged position within the government; he was instrumental in the Premier gaining preselection for the Lower House seat of Williamstown. Honourable members will recall the fierce battle for preselection which took place between Mr Baker, now the Minister for Agriculture, and Ms Kirner, now the Premier.

I shall quote an article from the *Age* of 24 March headed "The real people behind Mrs Kirner", which states that Wally Curran is a:

> ... powerful member of the mainstream left. With Kim Carr, Mr Curran was instrumental in moving Mrs Kirner to a Lower House seat to enable her to aim for the leadership. He is relied upon by the Premier for political advice and as a litmus of left feeling.

Mr Curran's colleague Mr Bird is in the same position. The same article states:

> He helped negotiate the preselections to move Mrs Kirner into a Lower House seat which later allowed her to move into a leadership role.

Mr Bird has enormous influence and it is clear he has the ear of the Premier.

Earlier this year excitement was caused in the Town of Camperdown through the opening of an abattoir. Camperdown is in my province and the town saw the possibility of 200 jobs being created. Unemployment is extremely high in the community — more than 20 per cent — and the prospect of a workplace with a large payroll being established in the middle of a recession was exciting.

The Town of Camperdown was aware of the disputation at the site and wrote to the Premier asking her to intervene. Having heard that, I contacted the Premier's office and spoke to one of her aides. I then wrote to the Premier on 8 August this year and pointed out that:

> Up to 200 jobs would be created when the abattoir reopens but currently there is an impasse between Mr Farouk Fami and Mr Wally Curran.
>
> The council has requested that you intervene in this matter to help resolve the dispute. Every action should be taken so that these 200 jobs can be made available in the Western District where unemployment is very high.

I had to chase a response to the letter, which I received on 20 August. The Premier thanked me for my letter and said:

> I understand that government officers have contacted the solicitors for Famicorp Pty Ltd and officers of the Australasian Meat Industry Employees Union and both parties have indicated that they are willing to enter into further negotiations.
>
> I am hopeful that these negotiations will lead to a mutually satisfactory arrangement for the re-opening of the abattoir.

It led to nothing. Here we had 200 jobs available for the taking yet absolute inaction by the government and the Premier even though there was a direct request from the Town of Camperdown and from me that the government intervene to make sure the jobs remained available.

Nothing happened because of the Svengali-like influence that Mr Curran has over the Premier. George Du Maurier's character operated a controlling or mesmeric influence over others, and that is almost the influence that Mr Curran has over the Premier. She is unable to act in the face of his intransigence.

I raised this matter with the Minister for Manufacturing and Industry Development on 2 October. He is supposedly responsible for industry development in this State and I sought his intervention in the matter. But he soon made it clear that he would not get involved and on 2 October stated that issues relating to the meat industry were more appropriately matters for the Minister for Agriculture. That was the end of it so far as Mr White was concerned.

He did not care about 200 jobs in Camperdown because he knew the influence that Wally Curran has over the Premier.

Let us examine some other views on the role of Mr Curran. A book published earlier this year by Bob Bottom called *Inside Victoria. A chronicle of scandal* states at page 207:

> Joan Kirner also suffered politically by being linked with Wally Curran, secretary of the Meat Industry Employees Union, and a leader of the socialist left, who had been her political mentor.

It is not just me saying it; an investigative reporter is saying it:

> For more than a year Victoria's meat export trade had been disrupted by Curran-led union disruption, costing more than $100 million in meat exports. In less than 10 years the number of Victorian export abattoirs fell by half. At the same time other States increased their meat exports. Victoria previously had been Australia's leading beef exporter, but by 1991 was exporting less than $300 million out of a national total of well over 2 billion.

> Ian Mackay wrote in the *Herald-Sun* that farmers believed Premier Kirner and agriculture Minister Barry Rowe were "unable or unwilling to take on Mr Curran because of his powerful position with the ALP Socialist Left, and that this is an abrogation of their responsibilities towards the State".

It is clear that Ian Mackay was dead right in that assertion. The relationship between Mr Curran and the Premier is unhealthy. It works against the interests of the Victorian meat industry and the thousands of people who would be working in it but for Mr Curran's actions, and the economy of this State has suffered accordingly.

I request the Minister for Manufacturing and Industry Development to urge the Premier to sever her relationship with Mr Curran in the interests of the well-being of Victoria and this potentially important industry.

Motion agreed to.

Read second time.

Passed remaining stages.

CRIMES (CONFISCATION OF PROFITS) (AMENDMENT) BILL

Second reading

Debate resumed from 19 November; motion of Hon. M. A. LYSTER (Minister for Health).

Hon. J. V. C. GUEST (Monash) — It has taken a long time for the criminal law to benefit from rational thinking about incentives and sanctions, and supply and demand, in that in large areas of modern crime where money is a principal factor and where violence plays no part it should be fairly obvious to modern economic man that financial sanctions — that is, sanctions affecting money or property of any kind — would be about as effective and cost-effective to the community as any one could find. Putting people in prison is very expensive and it is not productive because many non-violent criminals could be productive in the community and in the economy.

During the past few years at last we have started to legislate to ensure that we deal rationally with crimes like money laundering, drug dealing, and so on, because they are concerned with making large amounts of money available to people who are nonetheless rarely directly associated with violence.

The genesis of the legislation was in New South Wales in about 1985 and in Victoria in 1986; it was part of a movement to deal with the ill-gotten gains of drug dealing. There has been an accumulating experience over the years and now, very properly, the government is seeking to improve the effectiveness of this legislation which is directed , in its own terms according to the explanatory memorandum:

> to provide for the effective tracing of property used in or derived from serious crime, to make money laundering an offence, to establish a fund for crime prevention purposes and the assistance of victims of crime — —

and to require cash dealers to be encompassed by the Commonwealth Cash Transaction Reports Act.

It is a pity that the government has not included or does not propose to include deterrents as the major purpose — despite suggestions to that effect in the other place — because, as I have said, the legislation is part of a rational attack on people who make large amounts of money from crime. If the proceeds are

confiscated, the incentive to commit crimes is considerably diminished.

The coalition has given a great deal of thought to the legislation, despite the usual constraints on the time available to it because of the Attorney-General's rush to legislate without adequate notice; and the usual amendments, when compared with the Bill, are not as lengthy a set as we have become accustomed to. And considering the suggestions that have been made, as a result of the careful consideration of the Bill by the honourable members for Kew and Balwyn in the other place, there are fewer amendments to be proposed than we had hoped.

Having regard to the length of the debate in the other place and the negotiations between the government and the coalition it is not appropriate at this hour to refer to everything that can be said about the legislation, if for no other reason than that enough will be said in passing about its provisions during the Committee stage to indicate the consensus that has been reached and the reasons therefor.

Nevertheless there are difficulties that need to be addressed. The Bill expands the categories of property that can be confiscated in order to effectually deprive those who commit serious crimes of the proceeds of the crime, which is a worthwhile move to make the legislation more effective.

It will now be possible for restraining orders to be obtained ex parte, which, in the view of the coalition and of the people it consulted, including members of the criminal bar, could cause a possible injustice. There is the probability that the Director of Public Prosecutions could cause an application to be made up to two days before a charge is laid, to restrain the use by the defendant of what hitherto had been his or her property to dispose of, and to effectively deprive him or her of the use of it. That could be done so effectively that the defendant would not have been able to use the property even for legal costs in his or her own defence.

The government's solution to the obvious question of justice that arose was to provide for legal aid to be sought and for the property the subject of the restraining order to be charged with the costs of the prosecution in the case of a conviction.

The current legal aid system is simply not working in a way that could justify such draconian measures. As I understand it there is a rule that legal aid will be denied altogether if the total costs for all defendants in a criminal trial are likely to exceed $200 000.

If legal aid is applied for, problems arise about the choice of solicitor and counsel. Until a person who is still, after all, presumed to be innocent until found guilty has been convicted or acquitted, it would be quite wrong to deprive that person of the opportunity of engaging appropriate legal counsel — that is, an appropriate solicitor or barrister — and paying them out of the moneys that are still prima facie the property of the defendant.

The opposition has discussed with the government and now proposes and will insist on amendments that will make it possible to use the defendant's funds, even if a case has been made that they have been derived from serious crime, to pay for legal representation, subject to an order of the court. This is the obvious compromise form of control over what would otherwise be a ridiculous situation. A defendant, with nothing to lose, might choose to spend all of the proceeds of crime — possibly quite obviously the proceeds of crime — on employing the most opportunistic and ingenious lawyers to find every conceivable way of preventing or delaying conviction and also obviously to the detriment of the future beneficiaries under the proposed legislation of funds that might subsequently be confiscated.

I shall skip some of the numerous matters raised in the other place, despite the fact that they have not been addressed by the government, as the Attorney-General indicated he would. I suggest that honourable members look at the careful speech of the shadow Attorney-General in the other place and note the number of matters of concern. I refer for example to matters that must be put before a court by, typically, a police officer in his affidavit in order to get his restraining order ex parte; that issue has simply not been addressed.

In the opposition's view, it is not its task to remedy every defect in proposed legislation of this kind; we simply do not have the necessary resources. We have attempted to address some of the main defects where we have not persuaded the government to act and I shall mention those.

One of the matters relates to the possibility of a law enforcement agency — to use the generic term — entering, as the former National Companies and Securities Commission used to boast of doing with the support of the Attorney-General, into agreements that would effectively abort the process

of the criminal law and take a money sum from the presumed offender. That was bad enough in the case of corporate swindlers and crooks and was criticised by the now retiring Commonwealth Director of Public Prosecutions, Mr Mark Weinberg, QC.

It is particularly inappropriate for offences that, as in the case of this legislation, are centred on drug dealing, which is the area that gave rise to the need for the principal Act. After the opposition expressed its initial concern it obtained the government's agreement to its amendments on the use of the State Trust only for controlling property that is subject to a restraining order. That obviously presents problems.

The extent of the property, which is almost unlimited, may include property derived from the crime in a remote way and may include a substantial business enterprise. The State Trust was apparently preferred by the government because it would not charge fees, but it is appropriate that fees should be charged. It is appropriate that worthwhile work be paid for — a principle normally espoused by members of the government.

Where serious decisions about providing or selling important assets, conducting business dealings and selling or trading stock and so on have to be made, apart from the question of paying for the difficult job that might have to be done, it is important that a person or persons with appropriate skills be employed. It may well be that one of the private trust companies would be more appropriate, or possibly someone who has the standing of an official liquidator and, therefore, would be capable of carrying on the business before giving it back to the defendant. There is no reason why the defendant should not have some say and be able to give some preference to the body that takes control of what is after all the defendant's property.

The offence of money laundering is constituted by proposed section 41Q which is to be inserted in the principal Act. The provision relates primarily to persons engaged in transactions involving money derived or realised in the commission of an offence, or when the person concerned knows or believes the money or property has been derived in that manner.

The opposition has received a number of submissions from the Victoria Police on this and other provisions in the Bill. The suggestion was made that the test that the person knew or believed the money or property concerned was derived or realised from a serious crime is a bit too stringent. It would make the offence too hard to prove and it would be better to make the offence that of the person having a reasonable belief: if the person reasonably ought to know that the property had been derived from a serious crime or suspected that an offence had been committed.

As one of my colleagues has said, criminality should arise only when one knows or believes what one is doing is in breach of the law. That does not cover the case of recklessly ignoring the fact that property may have been derived from a serious crime. If we are to consider making it a crime to deal with property that may have derived from serious crime, there is a problem and different considerations arise.

How far should a person be made to inquire merely because he or she has a suspicion? We would not want to adopt lightly a rule that one should not do a favour or deal with money for another person if one has a suspicion that, because of that person's bad record or the company he keeps, there is something suspect about the circumstances.

The provision in the Bill is probably adequate. If a person makes no inquiry about the circumstances under which money has been obtained when all the circumstances point to the need for an inquiry, a jury might infer that the inquiry was not made because there was a belief that the money was derived from a serious crime. That is probably the main reason the provision is adequate. I hope it is worth making that point because what is said in this place may have an influence and be of some help to the courts in interpreting the legislation.

A number of provisions in the Bill are instrumental in making it work better, but the principal purpose of the Bill is to provide for the effective tracing of property used in or derived from serious crime. The provisions that will improve the effectiveness of the legislation are reasonable, and the Bill should be passed in this sessional period.

The Police Force has the moral view that property which can be traced, as equity courts might trace property from the receipts from a serious crime through legitimate business to a great fortune invested in casinos, brothels or any other business, might still be regarded as the proceeds of crime. The idea has the merit that is found in hundreds of years of English equity law. In trust law the duties are not confined to duties imposed on people who expressly take on confidential duties under which they have to look after somebody else's property.

The courts will infer or, if necessary, impute a duty of good conscience to people who have property in their hands which is in some way affected by other people's rights or a duty to other people. Also where property which undoubtedly belongs to a party who has been deprived of it can be traced unambiguously through bank accounts, purchases and sales of property, and reinvestment, it can be justly used to recompense the original property owner. The courts of equity have never had any trouble about the morality of that. Therefore I say that the Victoria Police's notion that a tracing process should be used to get at the ultimate fruits of crime — the kind that are often used in descriptions of Mafia life in the second or third generation in the United States of America — has considerable merit, but the opposition is not in a position to work through all the implications of proposing such an amendment and is not prepared to criticise the government at this point for not taking that extra step although its justice seems to be fully arguable.

Nonetheless the extensions contained in this Bill are considerable, including the introduction of the notion of tainted property. That is defined in the Bill as:

> "Tainted property", in relation to an offence, means property that —
>
> (a) was used, or was intended by the defendant (that is the person convicted of, charged with or about to be charged with the offence) to be used in, or in connection with, the commission of the offence; or
>
> (b) was derived or realised, directly or indirectly, from property referred to in paragraph (a); or
>
> (c) was derived or realised, directly or indirectly, by any person as a result of the commission of the offence.

To use a simple illustration, the spouse's Mercedes or perhaps the uncle's Mercedes that was intended by the defendant to be used in the course of a robbery becomes something like the deodand of medieval law which was or might be the bull that had gored someone to death and was treated as a guilty party or somehow tainted and condemned and put to death.

The analogy suggests, perhaps on different ground, that there could be injustices. Indeed, it is fairly clear that an injustice could easily be done if an innocent third party's property were so affected or if the defendant to what is nominally a serious crime — although perhaps not one that we would regard as one of the most serious, such as importing heroin on a large scale — should lose his property, including all the property he had legitimately acquired during a hitherto blameless life, as would appear to have been the result of the original drafting of this Bill; if he were sentenced without regard to the forfeiture of such property or to the possibility that it might be forfeited later.

Another matter drawn to the attention of the opposition is that a defendant may be sentenced and may subsequently lose property that was not acquired from the proceeds of crime. That forfeited property, undoubtedly forfeited by way of a kind of penalty, will not have been taken into account in the fixing of the sentence.

I suggest that we still have some way to go with this kind of legislation to make sure it is as effective as possible. Inevitably it will come back before us. I have some amendments to move in the Committee stage. The opposition welcomes the fact that, as well as preparing some amendments that remedy oversights, the government has responded to the concerns expressed by the opposition. The opposition regrets that the government has not responded to all of them — —

Hon. M. A. Lyster — Nearly all of them!

Hon. J. V. C. GUEST — I shall not go through them but they will appear on the record. I conclude by saying that the opposition supports the legislation.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 agreed to.

Clause 2

Hon. J. V. C. GUEST (Monash) — I move:

1. Clause 2, line 5, omit "This" and insert "(1) Subject to sub-section (2), this".
2. Clause 2, after line 6 insert —

   "(2) A proclamation must not be made under this Act fixing different provisions of a section to come into operation.".

I believe the Minister has a statement to make which will obviate the need to move the amendments to

clause 2. The point of the first amendment is to ensure the opposition amendments are not left unproclaimed.

Because of the government's past record the opposition is concerned that the provision may not be proclaimed. The government says there may be unforeseen consequences which may mean it cannot proclaim some sections. I hope the government can give the undertaking requested by the opposition.

Hon. M. A. LYSTER (Minister for Health) — The government has considered the concerns of the opposition and accordingly I give the following undertaking on behalf of the Attorney-General: where it is proposed to proclaim the commencement of only a part of a section of the Crimes (Confiscation of Profits) (Amendment) Act, where the provision concerned was amended on the motion of the opposition, the Attorney-General will not proceed with the proclamation without prior agreement in writing from the shadow Attorney-General. I believe those words will satisfy the concerns raised by Mr Guest.

I further advise the Committee that a letter has been despatched to the shadow Attorney-General expressing those same words.

The CHAIRMAN — Order! I understand that in those circumstances, Mr Guest will not proceed with his amendments Nos 1 and 2.

Amendments withdrawn by leave.

Clause agreed to; clause 3 agreed to.

Clause 4

Hon. J. V. C. GUEST (Monash) — I move:

3. Clause 4, page 5, after line 37 insert —

"**Trustee**" means —

(a) the State Trust;

(b) a trustee company within the meaning of the **Trustee Companies Act 1984**;

(c) an official liquidator within the meaning of the Corporations Law of Victoria.'.

Mr Chairman, I wish to speak on the amendment and on clause 4.

The CHAIRMAN — Order! It will be appropriate for Mr Guest to speak generally on clause 4 after the Committee deals with the amendment.

Hon. J. V. C. GUEST — The amendment deals with the matter I referred to during the second-reading debate, that is, the desirability of ensuring that trustee companies other than the State Trust or the official liquidator can be appointed as trustees to maintain tainted properties subject to a court order.

Amendment agreed to.

Hon. J. V. C. GUEST (Monash) — The Attorney-General undertook to review this matter while the Bill was between here and another place. Paragraphs (b) and (c) of proposed section 3(1)(n) state that "tainted property" in relation to an offence means property that:

> was derived or realised, directly or indirectly, from property referred to in paragraph (a); or
>
> was derived or realised, directly or indirectly, by any person as a result of the commission of the offence.".

For example, a taxi may be used as a getaway vehicle or a computer may be used in the commission of a fraud. Although they have a legitimate use, the taxi and the computer could be regarded as tainted property.

The government says the Committee should apply commonsense when examining legislation, and perhaps that is what it is relying on in this instance, but it would be helpful for the government to think through the implications of the definitions and to draft them as precisely as possible so that they achieve the result that is intended.

It would be helpful to know whether any consideration was given to this definition and its implications. The government's intent, at the very least, may be of some assistance to the courts.

Amended clause agreed to; clauses 5 and 6 agreed to.

Clause 7

Hon. J. V. C. GUEST (Monash) — I move:

4. Clause 7, line 25, before "A" insert "(1)".

5. Clause 7, after line 29 insert —

"(2) A law enforcement agency must not enter into an agreement to settle any matter in respect of which a confiscation order could be made under this Act and which involves the payment of money or the transfer of property

to the Crown, a State authority or the law enforcement agency other than —

(a) by way of a consent order under sub-section (1); or

(b) as restitution of stolen property; or

(c) as compensation for loss or destruction of, or damage to, property; or

(d) with the approval of the Supreme Court or the court before which the person was convicted of the offence in reliance on which an application for a confiscation order could be made.".

The amendments deal with the problems I have mentioned of commercial settlements made with an individual or a company that may have committed offences of the type promoted by the Attorney-General, but objected to by Mr Weinberg, when the National Companies and Securities Commission (NCSC) did so and monetary payments were made. Investigations were closed and no proceedings were instituted. The NCSC was quite proud of it, but it was not a suitable way of dealing with the serious crimes the legislation is particularly aimed at. The provisions speak for themselves.

Hon. M. A. LYSTER (Minister for Health) — The government does not oppose the amendments as it concedes that it would be undesirable if any practice were to arise which involved secret payments of money, or transfer of property in return for some benefit in the criminal process. However, the government does not believe that the Crimes (Confiscation of Profits) (Amendment) Bill amounts in any way to an invitation to such practices.

Amendments agreed to; amended clause agreed to.

Clause 8

Hon. M. A. LYSTER (Minister for Health) — I move:

1. Clause 8, line 7, after "(a)" insert "in sub-section (1)".

The amendment recognises a drafting ambiguity in clause 8, which refers to paragraph (a) and (b) in section 7 without specifying any subsection. The amendment makes it clear that the provision amends proposed section 7(1).

Amendment agreed to; amended clause agreed to.

Clause 9

Hon. J. V. C. GUEST (Monash) — I move:

6. Clause 9, lines 27, omit "Property" and insert "Subject to sub-section (2B), property".

7. Clause 9, page 11, after line 3 insert —

"(2B) If the court which makes a forfeiture order is satisfied that a mortgage or charge to which the property is subject was created to limit the effect of a forfeiture order, it may discharge that mortgage or charge.

(2C) The Registrar-General must make all entires on the records of enrolment of any Crown Grant and on any memorial relating to land that are necessary because of the operation of any order under sub-section (2B).

(2D) The Registrar of Titles must make any amendments to the Register under the **Transfer of Land Act 1958** that are necessary because of any order under sub-section (2B)."

These amendments seek to address mortgages or charges created on property that is otherwise the subject of orders under the legislation, depriving the defendant of it, which is specifically created in order to protect the property to the extent of the mortgage or charge from the effect of the order.

In order to avoid that, the opposition has moved the amendment, which I believe the government is happy with in the material part, the rest being consequential, so the court which makes the order is satisfied the mortgage or charge on the property has a limited effect in discharging that mortgage or charge.

The coalition toyed with the idea of using the words "was only created to limit the effect of a forfeiture order", but that may have left the Crown in the position of seeing the court decide that it was created to provide security and created not only to limit the effect of a forfeiture order. The coalition believes the form of words in the amendment means that, provided it falls as a matter of substance within the description of a mortgage or a charge created to limit the effect of a forfeiture order, the court has an adequate discretion to discharge the mortgage or charge and avoid the trumped-up protection of property which should properly be forfeited.

There are many consequential provisions in these and subsequent amendments, but they do not need to be spelt out.

Hon. M. A. LYSTER (Minister for Health) — The government does not accept the necessity for the amendments; it believes the Bill already addresses sham transactions by allowing the courts to trace

and seize tainted property. However, it will not oppose the amendments.

Amendments agreed to; amended clause agreed to; clauses 10 to 16 agreed to.

Clause 17

Hon. J. V. C. GUEST (Monash) — I move:

8. Clause 17, page 19, line 3, after "force" insert "setting out any relevant matters and".

9. Clause 17, page 20, lines 5 and 6, omit "the State Trust" and insert "a trustee specified in the order".

Amendment No. 8 remedies the problem the shadow Attorney-General noted, that an application for a restraining order must be supported by an affidavit from a member of the Police Force. Without some instruction, in that circumstance a restraining order may lack conscientious attention to exposure of all relevant details both for and against the making of the order sought. Amendment No. 8 requires the affidavit to set out any relevant matters as well as those already listed in subsection (2).

Hon. M. A. Lyster — You said you weren't pursuing this.

Hon. J. V. C. GUEST — The Minister must have misunderstood my remarks. The coalition thought the government was going to do it, but because it has not the coalition is pursuing it.

Amendments agreed to.

Hon. J. V. C. GUEST (Monash) — I move:

10. Clause 17, page 20, lines 23 and 24, omit ", other than" and insert "and for the payment of a reasonable amount (not exceeding that specified in the order) in respect of".

Amendments Nos 10 and 11 deal with the need for a defendant to have access to a property which may have been taken out of his hands by an order up to two days before he is charged and while he is still presumed to be innocent so he can obtain legal representation of his choice subject to considerable limitation.

Therefore amendment No. 10 is intended to ensure that one of the purposes for which the money can be used is for the payment of a reasonable amount for legal expenses not exceeding that specified in the order of the court.

Hon. M. A. LYSTER (Minister for Health) — The government opposes the amendment, and I shall state the reasons. Firstly, the Director of Public Prosecutions working party and other law enforcement agencies say there is a need to curtail exorbitant expenditure on lengthy committal proceedings that not only effectively exhaust the assets that may be available for confiscation but often mean the defendant has to rely on legal aid for the trial.

The problem has arisen under similar provisions in the Commonwealth proceeds of crime Act 1987 where large amounts of assets have been used to fund expensive and long-running committal proceedings.

In a New South Wales Supreme Court case $5.3 million in cash had been seized and other property restrained. In July 1990 the court granted an application for release of property to pay costs of committal proceedings. In the application for the release of funds defence counsel gave an estimate of eight weeks and costs of $164 000 for the committal proceedings. The reality was that more than ten weeks and $700 000 was then spent in cross-examination of the first prosecution witness.

Secondly, the government believes having a court determine the amount one party should spend on its case puts the court in an invidious position. It could also involve a premature inquiry into the substance of the case. The Legal Aid Commission is independent of government and has the expertise to determine appropriate expenditure.

The third reason for which the government will oppose the amendment is that the Legal Aid Commission applies strict guidelines to the provision of legal assistance, which include a consideration of the merits of a particular case. These guidelines effectively control the level of spending on court proceedings.

Fourthly, it is implicit in the opposition's position that a person who is wealthy would be able to prolong or delay a prosecution even though a court may have accepted that the assets that enable the person to do so may be tainted. A person who qualifies for legal aid from the outset has no such capacity.

Finally, the Legal Aid Commission's long trial guideline is of no relevance. The Director of the Legal Aid Commission has indicated that the guideline would not be applied where the

commission was able to obtain a timely reimbursement of costs, which a charge would enable it to do, because ultimately there would be no cost to the commission.

The government believes these are five substantial reasons why the Committee should negative the amendment.

Hon. J. V. C. GUEST (Monash) — If the government had uniformly accepted the recommendations of the Faris report, it would be more impressive to cite that as a reason for going down the government's preferred road.

The government has been in office too long — we know that for other reasons — but the idea that people can have their property taken away from them before they are charged on an ex parte application and then be told that bureaucrats will decide whether they will obtain proper legal defence is really something that I would not have thought would have appealed much to the libertarian left or any members of the government with feelings for the underdog.

One can find underdogs in the most unlikely circumstances. To make unjust accusations against somebody, either by mistake or malice, is an absolutely first-class way of putting somebody in the category of an underdog.

The opposition is not particularly concerned that particular instances of error or likelihood of error can be cited. The New South Wales case, I think, which was said to have been estimated to have taken eight weeks and cost $164 000, but which took ten weeks and — —

Hon. M. A. Lyster — Ten weeks and $100 000 just for the first prosecution witness.

Hon. J. V. C. GUEST — I dare say that a court here would, in the usual way, allow for the optimism of counsel about the duration of the hearing, which would probably multiply two or three times, and inquire whether perhaps senior counsel would be employed; it seems hardly possible that it was only through a short extension of time that the costs could have escalated so much without the employment of senior prosecuting counsel.

The amendments proposed by the opposition provide for a limit and for variations. There is nothing so difficult, unwieldy or improper about the court making the order. The court will probably have a much better idea than the Legal Aid Commission of the needs for justice in the case. After all, in the past it was the practice of the courts to appoint counsel to represent impecunious people. It is well within the tradition of our system of law, and the opposition recognises that someone with a proper lawyer's facility for putting up an argument has provided something for the Minister to say about the principal proposals.

We do not accept the proposals. As we have the numbers in this Chamber to do what we think is right, we propose to continue with this and the consequential amendment.

Committee divided on omission (Members in favour note No):

Ayes, 17

Coxsedge, Mrs *(Teller)*	McLean, Mrs *(Teller)*
Crawford, Mr	Mier, Mr
Davidson, Mr	Pullen, Mr
Henshaw, Mr	Sgro, Mr
Hogg, Mrs	Theophanous, Mr
Ives, Mr	Van Buren, Mr
Kennedy, Mr	Walker, Mr
Kokocinski, Ms	White, Mr
Lyster, Mrs	

Noes, 22

Ashman, Mr	Hall, Mr
Baxter, Mr	Hallam, Mr
Best, Mr	Knowles, Mr
Birrell, Mr	Lawson, Mr
Chamberlain, Mr	Macey, Mr
Connard, Mr	Miles, Mr
Cox, Mr	Skeggs, Mr
Craige, Mr	Smith, Mr
de Fegely, Mr	Storey, Mr
Evans, Mr	Tehan, Mrs *(Teller)*
Guest, Mr	Varty, Mrs *(Teller)*

Pair

Landeryou, Mr	Long, Mr

Omission agreed to; insertion agreed to.

Hon. J. V. C. GUEST (Monash) — I move:

11. Clause 17, page 20, after line 25 insert —

"( ) In determining a maximum amount to be specified in a restraining order under sub-section (6) in respect of legal expenses, the

Supreme Court must have regard to all relevant matters including —

(a) the assets and financial circumstances of the person whose property the order applies to; and

(b) the likely nature and extent of the prosecution's legal representation; and

(c) the complexity and estimated length of the proceedings.".

The amendment is consequential on the adoption of the principle in amendment No. 10, that the defendant's funds should be available for legal costs, and it sets out the proper mechanism for ensuring it is done subject to the order of the court.

Hon. M. A. BIRRELL (East Yarra) — Mr Chairman, on a point of order, in the last division 21 members of the coalition were shown as having voted. In fact, 22 members of the coalition were present; Mr Miles was present but was not recorded. It was just an oversight by the tellers.

The CHAIRMAN — Order! Was Mr Miles visible? Was he lying down?

Hon. M. A. BIRRELL — No, he was not; he was in a similar position to that which he is in currently; he was in clear line of sight.

Hon. K. M. Smith — That's the last time we're going to let women do it!

The CHAIRMAN — Order! Perhaps Mr Miles could indicate if he was present and in an upright position?

Hon. J. G. MILES (Templestowe) — Mr Chairman, I am always in a most upright position! I was sitting in my seat in a proper and orthodox position during the counting for that particular division.

Hon. R. S. de FEGELY (Ballarat) — Mr Chairman, if I may, when they were standing on this side I queried with the two tellers counting that they had noted 22 members were here; they did not take it on board.

The CHAIRMAN — Order! Standing Order No. 153 provides:

If the numbers have been inaccurately reported to the Council, the Council on being afterwards informed thereof shall order the Minutes of the Proceedings to be corrected.

I therefore direct accordingly.

Honourable Members — Hear, hear!

Hon. K. M. Smith — That's the last time, I can tell you, girls — never again!

Amendment agreed to; amended clause agreed to.

Clause 18

Hon. M. A. LYSTER (Minister for Health) — I move:

2. Clause 18, omit this clause.

Amendment No. 3 is consequential on the omission of this clause. The provisions are redundant in light of the opposition's amendments which purport to make provision for legal costs out of court assets. Therefore, I invite the Committee to vote against the clause.

Amendment agreed to.

Clause negatived.

Clause 19

Hon. J. V. C. GUEST (Monash) — I move:

12. Clause 19, after line 28 insert —

'( ) In section 18(1)(b)(i) of the Principal Act after "order" (where first occurring) insert "varying or".'.

13. Clause 19, after line 31 insert —

'( ) In section 18(2)(d) of the Principal Act —

(a) for "the State Trust" (where first occurring) substitute "a trustee";

(b) for "State Trust" (where secondly occurring) substitute "trustee".'.

The amendments are consequential on matters dealt with earlier by the Committee.

Amendments agreed to.

Hon. J. V. C. GUEST (Monash) — I move:

14. Clause 19, after line 32 insert —

'( ) after paragraph (b) insert —

"(ba) An order varying the maximum amount specified under section 16(6) in respect of legal expenses;".".

Hon. M. A. LYSTER (Minister for Health) — The government opposes the amendment for reasons I outlined to the Committee when dealing with amendment No. 10.

Amendment agreed to.

Hon. J. V. C. GUEST (Monash) — I move:

15. Clause 19, page 24, after line 15 insert —

'(d) in paragraph (e) —

(i) for "the State Trust" (where first occurring) substitute "a trustee";

(ii) for "State Trust" (wherever else occurring) substitute "trustee".'.

Amendment agreed to; amended clause agreed to.

Clause 20

Hon. J. V. C. GUEST (Monash) — I move:

16. Clause 20, page 26, line 24, after "order" insert "varying or".

This is another consequential amendment.

Amendment agreed to; amended clause agreed to; clause 21 agreed to.

Clause 22 and heading to Part 4

Hon. J. V. C. GUEST (Monash) — I move:

17. Clause 22, after line 31 insert —

'(1) In section 21(2)(d) of the Principal Act —

(a) for "the State Trust" (where first occurring) substitute "a trustee";

(b) for "State Trust" (where secondly occurring) substitute "trustee".

(2) In the heading to Part 4 of the Principal Act for "STATE TRUST" substitute "TRUSTEE".'.

18. Clause 22, after line 33 insert —

'(i) in paragraph (a) for "the State Trust" substitute "a trustee";'.

19. Clause 22, page 28, line 8, omit "State Trust" and insert "trustee".

20. Clause 22, page 28, after line 12 insert —

'(ii) for "State Trust" (wherever occurring) substitute "trustee";'.

21. Clause 22, page 28, after line 14 insert —

'( ) in sub-sections (5), (6) and (7) for "State Trust" (wherever occurring) substitute "trustee";'.

22. Clause 22, page 28, lines 17 to 19, omit sub-clause (2) and insert —

'( ) In section 24(1) of the Principal Act —

(a) for "The State Trust is entitled to receive such fees as may be prescribed by or under the *State Trust Corporation of Victoria Act* 1987" substitute "A trustee is entitled to receive such fees, commissions and disbursements as may be approved by the Supreme Court on an application under this sub-section";

(b) for "State Trust" (where secondly occurring) substitute "trustee".'.

23. Clause 22, page 28, line 22, omit "the State Trust" and insert "a trustee".

24. Clause 22, page 28, line 23, omit "State Trust" and insert "trustee".

25. Clause 22, page 29, after line 8 insert —

'( ) In section 24(2) of the Principal Act —

(a) for "the State Trust" (where first occurring) substitute "a trustee";

(b) for "State Trust" (wherever else occurring) substitute "trustee".

( ) In section 24(4) of the Principal Act —

(a) for "common seal of the State Trust" substitute "hand or seal of a trustee";

(b) in paragraph (a) for "State Trust" substitute "trustee".

( ) In section 24(5) of the Principal Act —

(a) for "The State Trust" substitute "A trustee";

(b) for "the State Trust" (wherever occurring) substitute "the trustee".

( ) In section 24(6) of the Principal Act —

(a) for "the State Trust" (where first occurring) substitute "a trustee";

(b) for "State Trust" (wherever else occurring) substitute "trustee".'.

26. Clause 22, page 29, after line 16 insert —

'( ) In section 24(7) of the Principal Act —

(a) for "the State Trust" (where first occurring) substitute "a trustee";

(b) for "State Trust" (wherever else occurring) substitute "trustee".'.

The amendments are consequential on the extension of the powers relating to the possible appointment of the State Trust and the appointment of other bodies.

Amendments agreed to; amended clause agreed to; clauses 23 to 27 agreed to.

Clause 28

Hon. M. A. LYSTER (Minister for Health) — I move:

3. Clause 28, omit this clause.

The reasons for moving amendment No. 3 are the same as the reasons I gave for moving amendment No. 2. The provision is now redundant. I invite the Committee to vote against the clause.

Amendment agreed to.

Clause negatived.

Clause 29 agreed to.

Clause 30

Hon. M. A. LYSTER (Minister for Health) — I move:

4. Clause 30, after line 23 insert —

"**49B. Secrecy**

(1) Except as provided by this section, a person who obtains information, or to whom information is communicated or given, under Part 6A must not make a record of it or directly or indirectly divulge or communicate it otherwise than —

(a) with the consent of the person or body to whom the information relates; or

(b) in the course of performing a duty under or in connection with this Act; or

(c) in connection with the enforcement of the laws of the State.

Penalty: 240 penalty units or imprisonment for 2 years, or both.

(2) A person who obtains information, or to whom information is communicated or given, under Part 6A may, or may be compelled to, divulge or communicate the information to a court if it is necessary to do so for the purpose of any legal proceedings arising out of this Act or any proceedings for the enforcement of the laws of the State but is otherwise not competent or compellable to give evidence in relation to that information.

(3) Nothing in this section prevents a law enforcement agency which obtains information, or to which information is communicated or given, under Part 6A from communicating or giving the information to another law enforcement agency for the purpose of any legal proceedings arising out of this Act or a corresponding law or in connection with the enforcement of the laws of a State, a Territory or the Commonwealth.

(4) The provisions of this section are additional to, and do not take away from, any other provision of this Act prohibiting or limiting the disclosure of information.".

The amendment inserts a general secrecy provision into the Act. Subsection (1) of proposed section 49A prohibits a person who obtains information under the new information-gathering powers conferred by proposed Part 6A from making a record of the information or divulging that information otherwise than with the consent of the person to whom the information relates or in the course of performing a duty under the Act or relating to the enforcement of the law generally. This prohibition is subject to two qualifications set out in subsections (2) and (3).

Subsection (2) provides that a person can be required to disclose to a court information communicated or given under Part 6A where it is necessary to do so for the purpose of any legal proceedings arising out of the Act or the enforcement of the laws of the State.

Subsection (3) provides the second exception to the general principle which allows law enforcement agencies to share information where it is necessary for the purposes of confiscation legislation or law enforcement in Victoria or in another State or the Commonwealth.

Subsection (4) provides that the provisions of this section are additional to and do not take away from any other provisions of the Act prohibiting or limiting the disclosure of information.

Hon. J. V. C. GUEST (Monash) — The opposition welcomes the response to problems it saw with the original draft. A number of questions remain which

the Minister may be able to answer. How long is it proposed that information might be kept which is obtained under this Act? It is clear there is no legislative answer. Why should there not be such an answer provided as to what is contemplated?

Is the opposition's view correct that there is no circumstance under which information could be properly disclosed to newspapers or credit reporting agencies, or might disclosure to them be encompassed in some circumstances under the secrecy provision?

Hon. M. A. Lyster — Are you asking whether that information would be retained indefinitely?

Hon. J. V. C. GUEST — Is there any time limit on the retention of the information?

Hon. M. A. LYSTER (Minister for Health) — No, the government has not considered the need to place a time limit on the retention of that information. With regard to the other concern expressed by Mr Guest about access to information by journalists or credit reporting agencies, the government believes the amendment would prevent the disclosure to such people or agencies.

Amendment agreed to; amended clause agreed to; clauses 31 to 33 agreed to.

Clause 34

Hon. J. V. C. GUEST (Monash) — I move:

27. Clause 34, after line 33 insert —

'(3) If at the date of commencement of section 9(2), section 7 of the **Transfer of Land (Computer Register) Act 1989** is not in operation, then until that section comes into operation, section 8(2D) of the Principal Act has effect as if it read as follows —

"(2D) The Registrar of Titles must make any amendments to the Register Book and to any Crown Grant, duplicate Crown Grant, certificate of title, duplicate certificate of title, or other instrument or duplicate instrument that are necessary because of any order under sub-section (2B).'

This amendment is simply consequential on the passing of amendment No. 7 in relation to clause 9 and it was inserted at the request of the Registrar of Titles.

Amendment agreed to.

Hon. M. A. LYSTER (Minister for Health) — I move:

5. Clause 34, page 49, line 5, omit "27" and insert "26".

6. Clause 34, page 49, line 8, omit "27" and insert "26".

These amendments are consequential on the deletion of clause 18.

Amendments agreed to; amended clause agreed to.

Clause 35

Hon. M. A. LYSTER (Minister for Health) — I move:

7. Clause 35, omit this clause.

It is consequential on the deletion of clause 18.

Amendment agreed to.

Clause negatived.

Clause 36

Hon. M. A. LYSTER (Minister for Health) — I move:

8. Clause 36, line 34, omit "any other property" and insert "property that was derived or realised, directly or indirectly, by any person as a result of the commission of the offence".

This amendment has been inserted after discussion with the opposition. It clarifies the drafting of clause 36, which amends the Sentencing Act 1991 to make clear the extent to which a sentencing court may have regard to an order for forfeiting tainted property in relation to the offence.

Proposed subsection (2A) provides that the sentencing court may have regard to a forfeiture order in respect of property used or intended to be used in connection with the commission of the offence or property derived from such offence, and must not have regard to an order in respect of any other property.

Paragraph (a) of the subsection refers to paragraphs (a) and (b) in the definition of "tainted property" in clause 4 of the Bill. Paragraph (b) impliedly refers to paragraph (c) of that definition, that is, to property which was derived or realised, directly or indirectly, as a result of the commission of the offence.

Amendment agreed to; amended clause agreed to; clauses 37 and 38 agreed to.

New clause A

Hon. J. V. C. GUEST (Monash) — I move:

28. Insert the following new clause to follow clause 28:

'A. Trustee

In section 47 of the Principal Act, for "The State Trust" substitute "A trustee".'.

It is simply another consequential amendment.

New clause agreed to.

New clause AA

Hon. M. A. LYSTER (Minister for Health) — I move:

9. Insert the following new clause to follow clause 38:

'AA. Amendments consequential on Commonwealth Legislation

The Principal Act is amended as follows:

(a) in section 3(1) —

(i) in the definition of **"cash dealer"** for "Cash Transaction" substitute "Financial Transaction";

(ii) in the definition of **"Director"** for "Cash Transaction Reports Agency established by the Cash" substitute "Australian Transaction Reports and Analysis Centre established by the Financial";

(iii) in the definition of **"reportable details"** for "Cash" substitute "Financial";

(b) in section 41P(2) for "Cash" substitute "Financial";

(c) in section 41P(3)(a) for "Cash" substitute "Financial";

(d) in section 41P(6) for "Cash Transaction" substitute "Financial Transaction".'.

This amendment is consequential on pending Commonwealth legislation which, inter alia, will change the name of the Cash Transaction Reports Act to the Financial Transaction Reports Act and change the name of the Cash Transaction Reports Agency to the Australian Transaction Reports and Analysis Centre.

New clause agreed to.

Reported to House with amendments.

Report adopted.

Read third time.

Resubmission of questions

The PRESIDENT — Order! I am advised that the Bill requires an absolute majority. By leave of the Council I invite resubmission of the second-reading motion. Is leave granted?

The first question is:

That this Bill be again read a second time.

I ask honourable members in favour of the motion to rise in their places.

Required number of members having risen:

Resubmitted motion agreed to by absolute majority.

Read second time.

The PRESIDENT — Order! The second question is:

That this Bill be again read a third time.

I invite honourable members supporting the motion to rise in their places.

Required number of members having risen:

Resubmitted motion agreed to by absolute majority.

Read third time.

BUSINESS OF THE HOUSE

The PRESIDENT — Order! I desire to make an announcement. Most honourable members will have heard that it is the intention to proceed without a suspension of the sitting at midnight. However, the Leader of the House has been good enough to arrange for supper to be available between 11.45 p.m. and 12.30 a.m. and to suggest that, while the business of the House proceeds, honourable members should take their places in orderly relays to partake of supper.

CRIMES (RAPE) BILL

Second reading

Debate resumed from 30 October; motion of Hon. M. A. LYSTER (Minister for Health).

Hon. J. V. C. GUEST (Monash) — The community believes it is time that serious sexual offences — I add that most sexual offences are serious — were dealt with effectively. This change has not been entirely as a result of a perceived increase in sexual offences; rather, it is a change partly produced by the beneficial and welcome increase in the confidence and assertiveness of women and the support that people, particularly women, are giving to victims of rape.

Although rape is an offence by definition in statute which applies equally to men and women, it is fundamentally a problem that women have with men.

For a range of good reasons there is a concern and understanding in the community that something effective should be done to prevent rape by all means possible.

After everything that can be done has been done — educating people to change their attitudes, ensuring that men who apparently hate women — —

Hon. D. R. White — Men who hate women!

Hon. J. V. C. GUEST — The Minister for Manufacturing and Industry Development seems to indicate by his interjection that there is a problem with the idea that some men hate women. Some extremists put the view that almost all men hate women and wish to commit violence against them or do them harm, just as there are some women who have difficulty with men generally. Clearly some men have difficulties, possibly amounting to hate, with women. Whatever can be done should be done to improve attitudes in the community so that these personality defects do not prevail.

When the rape offender has been caught and convicted, women, and particularly women victims, want the person punished severely as a deterrent to others; as a vindication for the person who has been offended against, and sometimes even for revenge — because there is no doubt that that remains a motive that is at work in perfectly good citizens; and as a mark of society's strong disapproval of this appalling crime.

However, we have found up to this point in the development of the legislation that the Premier has engaged in a disgusting, cynical display of politics. Indeed, having trumpeted the virtue of the processes, the government committed itself to introducing effective laws relating to rape and other sexual offences.

On 9 October the Premier was given a sensible report from the Law Reform Commission of Victoria which did not measure up to what she had promised to concerned interest groups. So the Premier told lies. She told the world that the commission's report would provide the basis of the legislation and that the sentence for rape would be increased. She said that the legislation would be as tough as it could be. She claimed that the draft Bill provided tougher sentences, but that is not so.

Page 20 of the report of the Law Reform Commission for September says that there would be no changes in sentence practices so far as it could see as a result of the recommendations it made, including the abolition of the offence of aggravated rape. All rape is rape! The length of sentence under the Bill is the same for all forms of rape as it was for aggravated rape. The court has the discretion to impose sentences according to the nature of the case and the guidelines set out in the Sentencing Act.

The opposition takes the legislation seriously. It is aware that the community is concerned that rape should be severely punished. We propose to give the Premier what she promised. We will amend the legislation to ensure that there are tougher penalties for rape. The maximum sentence will not be 20 years but 25 years. We know this is only part of the total remedy for rape.

The courts will take directions from Parliament if — and only if — they are given in the clearest and most unambiguous terms. But we do not want to foster the move which is resurrected from time to impose a mandatory minimum sentence provided under the legislation. We can and should signal the perceived inadequacy of sentences. We want to send a signal to the judges, to those who might offend, and to those who are concerned about the way the law deals with rape.

This is not the first time that Parliament has acted in this way. Because of changed circumstances it sometimes changes its mind. In the late 1970s the maximum sentence for armed robbery was increased to 25 years; it has now been reduced to 20 years.

Hon. Jean McLean — Twenty-five years is ridiculous for armed robbery!

Hon. J. V. C. GUEST — At the time it was a signal that the courts were not seen by the community and those who represent the community as taking a sufficiently severe attitude to that offence. A bad rape is much worse than a bad armed robbery. An armed robbery that results in a murder is a different offence.

The maximum penalty for armed robbery is twenty years imprisonment. The coalition believes the signal to send to the judiciary is that the sentences imposed in recent years for rape have been inadequate. The judiciary has itself been sending out the wrong signals to the community and to potential offenders.

I have some statistics from various organisations involved in the area. From 1981 to 1987 the highest penalty imposed for aggravated rape was thirteen years, with the average penalty being 7.6 years. Honourable members should bear in mind that the maximum sentence for aggravated rape is twenty years. The highest penalty imposed for rape was ten years, with the average penalty being 4.5 years. My information is that in recent years the tendency has been for sentences to be lower than those cited. That is simply not acceptable to the community, even allowing for the fact that the community understands that length of sentence is only part of the process of preventing rape.

The opposition noted with interest what the Premier rightfully thought the community wanted and, therefore, what she promised. The opposition informed the government that it would favourably consider any amendments the government wished to make to give effect to the Premier's promise to toughen sentences. In the end the opposition produced an amendment the effect of which was to change the presumption in the Sentencing Act. Section 16(1) of that Act states:

> Every term of imprisonment imposed on a person by a court ... must, unless otherwise directed by the court, be served concurrently with any uncompleted sentence or sentences of imprisonment ... whether before or at the same time as that term.

Honourable members will understand that, for all the care that went into the drafting and amending of the sentencing legislation earlier this year, there is no perfect theory of sentencing embodied in it. Section 16(2) states:

> Every term of imprisonment imposed on a person by a court in default of payment of a fine or sum of money must, unless otherwise directed by the court, be served —
>
> (a) cumulatively on any uncompleted sentence or sentences of imprisonment ...

That is an odd exception. The sentences are served concurrently even if the offences involved are extremely serious, but sentences are not served concurrently if a person is in default of payment of a fine. Subsection (3) states:

> Every term of imprisonment imposed on a prisoner by a court in respect of a prison offence must, unless otherwise directed by the court because of the existence of exceptional circumstances, be served cumulatively on any uncompleted sentence or sentences of imprisonment ...

That means that if a burglar finds himself in prison and rapes a usually uncomplaining male prostitute, unless exceptional circumstances are demonstrated, that offence will be punished by a cumulative sentence.

However that does not seem to be an acceptable model for the government in dealing with the problem of how one fulfils the Premier's promise, because when the opposition first attempted to help her keep her promise it provided the government with an amendment that would have required sentences for rape be served cumulatively with other sentences of imprisonment unless the court ordered otherwise in the particular case used.

Hon. D. R. White — Are you speaking to the amendment?

Hon. J. V. C. GUEST — I am explaining the difference between the genuine attitude of the opposition and the extraordinary attitude that has to be inferred from the behaviour of the Premier and the response of the government to the proposal that we put. That is not going to be the amendment I put, but it was a move in the direction of cumulative sentences.

It was to provide a change in emphasis away from the rule in the sentencing Act that sentences be served concurrently: the judge considers each case as he would anyway; then, prima facie, treats an offence of rape, which is too often committed opportunistically during a burglary, as something that can be dealt with separately, resulting in a cumulative sentence.

The record of sentencing by the courts shows there is very little extra punishment to be suffered by the offender if he rapes again. So, we were attempting to provide the additional element of deterrence that can be obtained from tougher sentencing. This will give some additional security to the female population, which is rightly afraid of the danger from sexual offenders in this State.

However, the measure was not acceptable to the government. It produced a hurriedly prepared letter signed by the Director of Public Prosecutions — if not totally composed by him, certainly having his imprimatur. He said the amendment had been written in haste. It suggested there would be problems of reconciling or construing the terms and objects of the amendment in light of the recently legislated principles and guidelines in the Sentencing Act and in light of the considerable discussions and reporting underlying that legislation.

Of course it is a nonsense to suppose that there is some seamless, perfect garment; some perfect structure which is the sentencing theory used by the judges of this State. We have always relied on the commonsense of the common law — a system based on experience and developed bit by bit without the presumption underlying almost every effort at statutory law reform — that words can be spun out of the head to provide complete answers.

However, the common-law method is the work of experience and is the best method of improvement in law — by incremental steps — based on what is clearly known. We have always relied on that; we will have to rely on that under this legislation. We would have been able to rely on it if the measure included the amendment put to the government by the opposition.

Why should the government have such difficulty with it? The government saw it as an opportunity of beating up confusion in the ranks of those people who were very properly concerned that the proposed legislation pass.

Hon. Licia Kokocinski interjected.

Hon. J. V. C. GUEST — It is true that now we have a better amendment than the one we originally proposed. The point of my argument is that the government threatened to hold up the Bill; it threatened not to let it pass in this sessional period if our amendment — our second-best amendment it is true, but a perfectly acceptable one — was pushed through.

Not only did the government threaten to beat it up by saying it would not pass the Bill but also it misinformed a whole lot of people about the amendment, so that facsimile messages have been coming in to members of the opposition by the dozens.

Hon. Licia Kokocinski — You put your position to those groups — they didn't dream it up.

Hon. J. V. C. GUEST — When I telephoned to find out about the arguments in detail I was told, "Yes, we saw the piece in the *Age*", but of course that was a beat-up generated by the Premier, who had a guilty conscience about her own cynical performance in this episode — "I received a telephone call". There was a beat-up with a cynical political purpose so that the government could get credit from the proposed legislation although it does not deserve any. Although it is a useful and acceptable measure — and we support it — it is not what the Premier and the government led people whom they regard as their supporters to expect.

I turn now to other aspects of the Bill. It is based on the reports of the Law Reform Commission after a number of false starts by the government during the past year. The Law Reform Commission handed down its report No. 42 in July 1991; the final report No. 43 and the draft Bill were both published in September.

I have noted all the differences between the Law Reform Commission's reports and the government's draft Bills; there are very few. Most are professional differences between draftsmen, but there is one that I hope we have finally resolved through discussion because it was an unsatisfactory change made in the Bill now before the House compared with the Law Reform Commission's report.

"Sexual penetration" is defined in paragraph (b) of proposed new section 35 as:

> the introduction (to any extent) by a person of an object or a part of his or her body (other than the penis) into the vagina or anus of another person, other than in the course of an appropriate medical or hygienic procedure carried out in good faith.

The problem created by changing the words that the Law Reform Commission had recommended, which referred to a medical or hygienic procedure carried out in good faith, without the words "an appropriate", was that it invited a charge against a defendant for his incompetence as a doctor or a

paramedical person, because he or she had engaged in a medical or hygienic procedure which, according to the expert evidence of a specialist, was not an appropriate medical or hygienic procedure.

The result of that, at least as a matter of strict logic, would be clearer and more definite than the result which was actually sought by the inclusion of the words "an appropriate".

As I understand it, the reason for the change was to deal with the case of some remaining medical lecturers who take their students around hospital wards where there are unconscious forms on which the insertion of diagnostic hands into vagina or anus can be practised by students as part of their education — and I should have thought that in 1991 that practice would be regarded as universally unacceptable.

But it is not even clear that the words "an appropriate" would deal with the situation, because it might be that a jury would find that it was the traditional practice of the hospital, if not of members of the medical profession or hospitals generally, and that it was not inappropriate because it had been done for decades as part of a student's medical education and that, at least in a criminal case, one could not find such a defendant guilty.

I want to make a few remarks, which are not necessarily those of the coalition and include some of a fairly technical nature, about the general approach taken in the Bill.

My first point goes beyond the technical, Mr Deputy President, to the fundamental purpose of the legislation. We are taking so much trouble to ensure that this area of the law is properly dealt with by careful, clear definitions. Is it then in the interests of those who regard rape as an appalling crime, as a degradation to those who suffer it and as a shame on our community, that the offence should be trivialised by definition?

All the offences that could have traditionally been called rape are dreadful offences. Yet it would hardly be the same for a male patient who wakes up to find that some students had engaged in a rectal examination as part of their education as it would be for a female patient who wakes up to discover that she has assisted students of gynaecology.

Hon. Licia Kokocinski — Just think about the Nobilio case.

Hon. J. V. C. GUEST — I am talking about someone who wakes up and finds that that has happened.

Hon. Licia Kokocinski — You don't know what it is. Think of the Nobilio case. That was a medical procedure, supposedly.

Hon. J. V. C. GUEST — But the person was conscious. Of course, if somebody is subjected to something when he or she is unconscious and is uncomfortable about it, that is a very serious offence. But I wonder if it should be the same offence.

To discover that something has happened when one is unconscious is not necessarily in the same league as the rape offences that normally find their way into court. I question whether it should not be a separate and serious — I emphasise "serious" — offence. But it really is not helpful for counsel to be able to say to a jury — to mention another consequence of the definition — "Members of the jury, you know what this can mean; it can mean the petting activity that many a sixteen-year-old gets up to with a girlfriend in a car".

The offence has now been defined, and this took place earlier this year, so that the 95 per cent of the area it covers — which anybody would regard as extremely serious — has been extended to cases that nobody would have contemplated as rape. Because of the in fact sound definitions of consent contained in the Bill the possibility of unintended consequences becomes quite substantial; the definition includes the consciousness that somebody might not be consenting, and that is perfectly correct.

However I invite attention to the fact that the Law Reform Commission has developed over recent years a distinction between penetrative and non-penetrative offences, which has a certain neatness about it but which is not necessarily in the interests of promoting consciousness of the graveness of the offence of rape as it actually is when prosecuted in the courts.

We have consulted widely and the balance of opinion has certainly been that it is advantageous to have a definition, as the Law Reform Commission recommended, of the meaning of "consent" set out clearly in the legislation. A typical response to our request for submissions on the Bill is that of one of the professors of law at Monash University, who suggests that the definition in proposed new section 36 does not substantially change the law but gives effect to the better views expressed in the cases, but

is not a view that could be unambiguously derived by any law student looking up the cases or by anybody who tried to make sense of a reactional view of the meaning of "consent" to be derived from reading numerous recent cases on the law of rape and the meaning of consent.

One of the suggestions made by the groups who have recognised the necessity for legislation of this kind and pushed for it is that "free agreement" should be used throughout the legislation instead of the word "consent". As I understand it, the attitude of the Attorney-General's Department is that consent is a well-established notion in the law; that free agreement should be stated but that consent is established and that it runs the risk of changing the law in an unintended way only when this word is departed from.

The opposition supports the view that it has been advised is the view of the Attorney-General's Department.

A number of issues have been raised by the criminal law section of the Law Institute of Victoria, but the opposition has not seen fit to take any of them to the amendment stage. The submission of the Law Institute states:

> The proposed definition of de facto spouse contained in clause 3 of the Bill adds yet a further definition of this phrase to Victorian, indeed Australian, legislation. While the definition proposed in the Bill is simple and perhaps the best yet offered, it is unfortunate that a consistent use of the same definition is not promoted at least throughout Victorian statutes.

That point ought to be followed up by the government. The next issue involves the meaning of consent, which is one of two absolutely fundamental points in the Bill. The second is the question of whether the mental element of the person involved in the crime should be subjectively or objectively assessed; that is, whether the belief in the consent of the complainant has to be a reasonable belief or whether it has to be an actual belief. On the meaning of consent the Law Institute states:

> (c) the person submits because she or he is unlawfully detained;
>
> It is not precisely clear how submission and unlawful detention are actually interrelated in this subclause. Does it simply mean that a submission which occurs during an unlawful detention can be attributed to the fact of unlawful detention? Perhaps the intention of this clause could be more clearly expressed.

I hope the Minister will provide some clarity on the matter. The submission further states:

> (f) the person is mistaken about the sexual nature of the act or the identity of the person;

There is a suggestion that it should read "other person". The Law Institute is certainly providing more assistance on the substance of the detail.

Other matters raised by the Law Institute include its objection to what it sees as the reverse onus in relation to directions to the jury on consent and the rules of evidence. The opposition does not see these as matters that substantially change the law. In the end the notion of justice administered by the courts will prevail and the judge, in every case, administering the law of evidence and giving directions to the jury will do his or her best to ensure that the jury decides the actual issue according to the evidence and that whatever presumptions mentioned are not made to carry more weight than they should in all the circumstances.

An important question is the difficulty witnesses have in court when they see the offenders who have violently assaulted them. As a result, there is provision in the Bill to allow the court to make alternative arrangements to take evidence as there is for children and people with disabilities. The opposition supports that provision and it is in line with the Law Reform Commission's recommendations.

A material matter has been mentioned by the Law Institute of Victoria, which points out that some discussion will have to take place with the Attorney-General's Department to ensure that alternative arrangements may be made for a witness to be seen on a video screen so as not to have to confront the defendant, or for the witness to be behind a screen protecting her or him from having to look directly at the defendant. Equally, the institute wants to ensure that the way in which the witness is protected does not make possible the prompting of a witness or other forms of unacceptable assistance.

If there is one thing almost as appalling as a case of rape, it is the accusation, the charging and the conviction of an innocent person with an appalling offence. It is vital that the scales remain balanced. A provision designed to protect a witness should not be open to abuse.

The opposition concurs with the view incorporated in the Bill and supported by the Law Reform Commission that the traditional rule — that the mental element in the crime must be subjective — should be maintained. That is to say, the halfwit or the idiot should not be charged with the dreadful crime of rape if his belief that consent was given was reasonable. No doubt there would be other offences of assault. There could, of course, be alternative ways of formulating the crime of rape, as considered by the commission. All of those were found to be unsatisfactory and in the end the serious offences which we find in the Bill are the crimes where somebody disregards a woman's, or in certain circumstances a man's, right not to be sexually assaulted or not to have sexual relations without consent. The opposition supports that view.

Hon. JOAN COXSEDGE (Melbourne West) — I strongly support the Bill. In doing so I wish to say a few words about the subject of rape in general. I shall respond briefly to some of the outrageous and absurd comments made by Mr Guest, which, frankly, I found very disappointing.

In the past Mr Guest has contributed constructively to debate we have had in other sessions of Parliament and it seemed, listening to him, that he was going crook about an amendment that was not put and doing some grandstanding in the process.

The reality is, Mr Guest, that two days ago at 5 p.m. the Attorney-General's Department was given a copy of the amendment for sequential sentencing with no consultation whatsoever, and I understand that a press release was sent out by the shadow Attorney-General at the same time. One must ask why these concerns did not surface during the extensive consultation on the Bill.

Naturally, as a consequence of that, the government distributed the amendment for comment, and to suggest that the resulting outrage was engineered by the government is arrant nonsense because it was absolutely spontaneous.

When thinking about what I would say I remembered that my first major speech in this House, apart from my maiden speech — do we still call it a maiden speech?

Hon. M. A. Lyster — No, inaugural speech.

Hon. JOAN COXSEDGE — Thank heavens for that! That took place in 1979 when I was a newly elected member of Parliament and I moved for a Select Committee of eight members to be appointed to inquire into all aspects of rape in this State. I was very keen to see some legislative action because I had been actively involved for many years in the ALP's Status of Women Policy Committee in writing position papers and bringing down recommendations on rape for the Victorian Branch, which then became official party policy.

A year later in 1980 I gave a paper at a conference on rape which took place at the University of Tasmania in Hobart. It was sponsored by three major bodies: the Tasmanian Law Reform Commission, the Australian Institute of Criminology and the University Law School. In many ways it was historic because it brought together for the first time a wide range of people from all around Australia who were involved in the issue in some way or other and we were able to share our experiences and concerns. There were police, lawyers, women who had been raped, women who worked in sexual assault centres, doctors, social workers, a judge or two and the then Attorney-General, the Honourable Haddon Storey.

I believe this all helped stimulate interest because at the end of 1980 we had a major debate in this House on sexual offences which many of us in this Chamber took part in when some positive changes were made to the Crimes (Sexual Offences) Act to, among other things, extend the definition of rape, recognising that males as well as females should be protected against rape. I think there was still concern in many quarters that the changes did not go far enough. Of course, I am talking about events that took place more than ten years ago and it is fair to ask what positive changes have taken place since then. I suppose the answer is that, although we have undoubtedly made advances in some areas, we still have a long way to go in a community sense. But at least we can say that it is now much more widely recognised that rape is a social problem and symptomatic of a deeper malaise in our society and cannot be abolished by simply increasing police forces and by imposing higher penalties on a few rapists who are brought to book.

Nevertheless it is clear that the government can take a whole range of measures to improve the situation and some of these have already been enacted and are about to be enacted here tonight.

I raise these past debates with a certain sense of nostalgia because this will probably be the last time I will speak on this issue in this House and I suppose I felt like putting a few things on the record.

The Bill is an additional package of reforms to the major piece of legislation, the Crimes (Sexual Offences) Act before us tonight proclaimed earlier this year, which made changes both to the substantive law relating to sexual offences and to procedural and evidential rules, especially as they relate to children and to people with mental impairment.

Last year the government asked the Law Reform Commission to report on two main issues — the definition of rape and indecent assault, particularly the issue of consent in these offences — and ways to reduce the trauma involved in the investigation and prosecution of sexual assault cases.

As a result of this thorough research, which included a detailed study of all cases of rape and attempted rape referred to the Director of Public Prosecutions over a twelve-month period, plus consultation with legal and women's groups as well as 380 people and organisations, we now have legislation that establishes for the first time a clear and concise definition of rape and indecent assault to help make the law more accessible to the community than the current common law definitions.

Probably the most important and controversial feature of the Bill is the question of consent — clarifying and defining it — which law reform agencies have been ducking for years. No longer will it be necessary to show that physical violence was used or threatened or that the victim resisted in any way to prove rape or indecent assault took place.

The Bill states that people are not regarded as "freely agreeing" to sexual intercourse if, among other provisos, they submit because of force or the fear of force; are asleep, unconscious or affected by alcohol or some other drug; are mistaken about the sexual nature of the act or the identity of the person; or if they mistakenly believe the act is for medical or hygienic purposes.

The question of consent is often the most crucial issue in a rape trial, with the accused claiming consensual intercourse took place or saying he believed there was consent and the victim saying the opposite. The prosecution had to establish reasonable doubt by concentrating on the demeanour and actions of the victim. Did she invite the assault by the clothes she was wearing and where she happened to be? This resulted in dreadful invasions of privacy for the victim, so clarification of consent is most welcome.

The other welcome reform is the prohibition of the admission into evidence of the victim's prior sexual relationships, including one between the defendant and the victim, unless the court is satisfied of its relevance. Again, I believe this should significantly ease the victim's stress in having to appear in court.

There is still a discretion in the hands of judges — some would say too much — to determine when it is relevant to direct a jury. The criticism from many women in particular is not surprising when one considers recent examples of how out of touch many of our middle-aged, middle-class judges are.

Hon. M. T. Tehan — And others!

Hon. JOAN COXSEDGE — That is right. They appear to be ignorant not only of the impact a sexual assault has on a victim but of the actual nature of the offence itself. They continue to equate rape with sex rather than with the violent crime and gross abuse of power that it really is. I think it would be a damn good thing if our judges, many of whom have limited legal backgrounds, took special courses on sexual assault.

Only a few months ago some women demonstrated outside the County Court to express their anger at a decision by a judge that rape was likely to cause prostitutes less psychological harm than it would other women. In other words, the judge in question was grading women victims according to their sexual experience. The way in which these sorts of attitudes determine how sexual assault cases are dealt with by the legal system starts long before that. Most victims hold the view that reporting an offence will do little good and that police are unlikely to believe them.

This was borne out by the results of the Real Rape Law Coalition's sexual assault phone-in held at the end of last April, as well as research by the Victorian Community Council Against Violence. We can learn a great deal from their findings. According to the phone-in, in 60 per cent of sexual assault cases reported to the police no legal action was taken against the assailant.

Police discretion relating to decisions to charge is exercised by subjective assumptions about the vindictiveness or complicity of female victims. During the phone-in, lines were jammed by 369 people who rang over the two-day period, with 255 completing the lengthy interview part of the study. It is a difficult figure to grasp, but we are told that generally only one in ten victims or 10 per cent

report these crimes — although there is now more frankness and openness about sexual assaults and it is hoped this percentage will increase.

Most of the women who rang said they had no faith in the legal process because the courts prefer to uphold sexist stereotypes which blame the victim rather than the actions of the attacker. Approximately 98 per cent of the callers spoke of long-term emotional problems as a result of sexual attacks and, importantly, many said that the media reports of sexual assaults had much to answer for by reinforcing stereotype images of "real" and "deserving" rape victims such as those on whom rape is perpetrated by strangers on dark streets, when the truth is that more than half the reported rape victims — about 57 per cent — are known by their assailant. Approximately 53 per cent of rapes occur in the home and the majority take place without weapons being used, so the "violence" of sexual violation may not necessarily be observable in the method of attack.

Other information from the phone-in indicated that vicious physical force such as hitting, holding down the victim and making violent threats were frequently used. The most common response was that the victims felt an overwhelming sense of powerlessness, that there was nothing they could do.

Cross-examination of victims was commonly described as horrific and humiliating and many complained that the legal system failed to recognise the traumatic nature of their experience. One woman said, "It took me longer to get over my court experience than the actual rape. I was treated as the criminal".

Other information from the phone-in highlights the need for legislative changes.

As the first port of call for victims is usually the police, their attitudes are of crucial importance. The attitudes of police have improved over the past few years, especially with the formation of the Community Policing Squad, but there is still a great deal of room for improvement.

Police have been criticised for showing a lack of consistency in their charging practices in sexual assault cases. Although the Community Policing Squad dealt sensitively with victims, other officers, particularly detectives from the Criminal Investigation Bureau, frequently failed to maintain proper guidelines in the care of the victims and the investigation of the offences.

The interim report released some months ago by the Law Reform Commission of Victoria was also critical of police shortcomings in the investigation of sexual assaults and called for the establishment of a police code of practice to deal with such cases. It is pleasing to note, after extensive consultation with the Police Force and relevant services, that this has been agreed to by the Minister for Police and Emergency Services, who has requested that the code of practice be part of standing orders. This means any breach of standing orders will be a disciplinary matter.

I want to say a few words about another significant procedural change dealing with permission for alternative arrangements in court to enable certain vulnerable witnesses to testify. This can involve the use of closed-circuit television or the placement of screens so that evidence can be given by witnesses without directly confronting the accused, and is an extension of legislation passed earlier this year dealing with children and people with intellectual disabilities. Honourable members appreciate why these arrangements should be made, but I have heard some concerns expressed about the videotaping of evidence of children. To get answers from a child, questions have to be asked by a person the child trusts. That makes sense. But someone else is actually framing the questions.

The other worry is: what happens to the tape after the trial is over? I was told in one case the tape had actually been used as part of a training exercise. In any case, a judge can rule such evidence to be inadmissible. We must be very careful to see that a child taking part in such an exercise does not feel even more betrayed than she or he has already been by the experience.

The reality is that the atmosphere in a court is very intimidating for everyone, not just for children. We should look at changing courtrooms so that they are more user-friendly, and change a few other time-honoured customs such as dress and language.

Thanks to the style of media reporting, there is certainly a perception amongst women that there has been a massive increase in rapes, which has been matched with an increase in violence. In some newspapers it actually has been described as "a war against women" but this is not borne out by the women who work in the area that I have spoken to. Their perception is that rape has been a problem since the days of Captain Cook and that nowadays more is coming out into the open. Although Australia is less violent than the United States of

America our rates of sexual and serious assaults are higher than most comparable Western democracies, a situation probably fuelled by a number of factors such as our society's romanticisation of war, its well-documented misogyny, and the almost pathological love of violent warrior-like masculinity. Things are slowly changing but not quickly enough. I am heartened to see that men have taken a much more active role by marching publicly. Men must break the cycle of violence. Boys have to be taught from the time they are babies that male aggression is not acceptable and be shown a more communicative and sharing style of maleness but in the current circumstances it is hardly surprising that many women have put themselves in virtual self-imposed curfew, which is an appalling curtailment on our right to freedom of movement.

I believe we should take a leaf out of Toronto's book in the way it is dealing with this problem. About a decade ago assaults against women in public places were a major concern, but now Toronto has the lowest rate of violent crime of any city in North America. This was detailed in the *Age* of 10 September about a report by Toronto's Safe City Committee released a few years ago. It stated that keeping women off the street for their own protection was most definitely not the answer to the problem of violence, apart from the fact that most violence is committed in a woman's own home. Home is not quite the safe haven we like to think it is, and domestic violence may be the biggest hidden crime in the country. The report from the Victorian Community Council Against Violence provided some statistics that back this up. As I stated, 57 per cent of rapes reported to police involved people known to each other, 53 per cent took place in the home and a small proportion — 2 per cent — took place on or near public transport, while another 29 per cent happened in public places such as shopping centres, car parks and so forth.

The two main factors used by the Toronto authorities were to fill the city with people and activities, augmented by community involvement. Some of the measures included greatly improved lighting in all public places such as railway stations, car parks and areas of domestic traffic; sensible landscaping for security in school and university grounds; more police on foot patrols in suburban streets; and more transit police on late-night trains and stops on demand on public transport buses — and trams — so that women would not have to walk long distances from their normal stops.

Local community groups such as shop owners, residents, councils, schools, senior citizens and public transport groups have all been involved. Toronto is a place where people both work and live, which I reckon are the best cities of all to live in, and I look forward to the day when Melbourne follows suit.

As the Toronto report says, a participating city is a safe city. I know the women of Melbourne would thoroughly agree with that. If Melbourne followed those principles we would not need the "Reclaim the Night" marches like the one held not long ago through the streets of Melbourne. Interestingly, this year's march attracted a huge response but barely rated a mention in the media.

Given the social climate it is hardly surprising that women turn to other women and not to public authorities to unburden themselves about their personal sexual and social conflicts arising out of rape. That is why sexual assault clinics are so important. Five are currently operating in Melbourne, including the excellent West Region Centre Against Sexual Assault (CASA). The women at West CASA have worked long and hard to establish a crisis care unit at the Western General Hospital. Although it looks after all of the western suburbs, the unit still cannot operate because of a lack of funding from the Ministry of Police and Emergency Services for the employment of forensic physicians to service the unit, and because the Police Surgeon cannot guarantee attendance the unit cannot function. That is a great pity because they are the ones who provide the essential expertise in sexual assault cases both in the care of the woman and the presentation of evidence in court.

Fortunately, West CASA continues to be supported and to receive funding from Health Department Victoria, for which we are all pleased, but West CASA definitely needs the additional money from the Ministry for Police and Emergency Services. So much time, energy and money has already gone into the project that we do not want to see it founder.

I was talking to Ronnie Egan, coordinator of West CASA, about the incidence of sexual assault in the western suburbs, and she said there was a lower incidence of reporting than in the eastern suburbs. However, there has been an incredible increase of 293 per cent in reported sexual assaults in the past eighteen months. Those reports mainly related to children rather than adults. She put that down to a number of factors, including a targeting of primary schools in the region, more publicity given to the

existence of West CASA, and more willingness to discuss openly intrafamily assaults on children.

I know the hour is late and everyone is nearly asleep. Nevertheless honourable members have had to listen to a lot of people today speaking about a lot of subjects and this is one of the most important.

The Women's Circus at the Footscray Community Arts Centre is an extremely unusual and creative response from the west to help women who have been sexually assaulted come to terms with what has happened to them. The circus has received some marvellous publicity over the past few weeks. The idea was largely the brainchild of Donna Jackson, theatre director at the centre, and it has been expanded to include women from all age groups and backgrounds — now numbering 57 — to give them a range of skills and make them feel good about themselves and their bodies while having fun at the same time. The youngest is an eleven-year-old acrobat and stilt walker and the oldest is a 53-year-old drum player.

The circus includes a music workshop, a mural project, a support group, a newsletter group, and a labour exchange where people who cannot afford to pay for the courses trade their skills. That is a tremendous idea. The circus also has workshops on lighting and, of course, training sessions in circus skills such as trapeze, juggling, somersaulting, human pyramids, clowning, trampolining, and gymnastics, as well as music and self-defence. Alongside classic circus techniques the group also studies anatomy, corrective exercises, yoga, massage, diet and preventive medicine. All this has come together for fabulous performances which still have a few nights to run.

A few weeks ago we had the official launch of the brilliant mural called "Circus of Women's Journey", which was painted by ten women in a walkway off the Footscray Mall. I raise these things because they are examples of a positive community response from women to deal with the destructive consequences of rape.

One may or may not agree with Dr Paul Wilson in his book *The Other Side of Rape* when he states:

> Rape may not be either a conscious act of male oppression or a chauvinist plot to colonise women. It is though a damning indictment of the values that white males have permeated throughout our culture since Cook landed in Botany Bay.

Let's face it; in a society like ours where both men and women have been conditioned to accept the macho male as an ideal, attempts at legal remedies for rape, in isolation, can only be a bandaid solution.

As things get worse economically, with high levels of unemployment and feelings of political helplessness and powerlessness, all the fears and uncertainties and pressures to conform are intensified. The increasingly conservative climate includes attempts to coerce women back into more passive roles. Males are then in a position to violently take out their frustrations on women and children.

But Bills such as this and public awareness campaigns are helping to improve our understanding and make us conscious of how our personal relationships are affected by prevailing attitudes and by the way the system manipulates these attitudes, especially if there is a profit to be made.

No simple reforms can eliminate rape because rape is not an isolated act that can be eradicated from a patriarchal society without eliminating patriarchy itself.

When I spoke on this issue back in 1979 I also made the point that rape is not a party political problem. It is not something that just affects the Labor Party, the Liberal Party or the National Party. It affects the whole of our society and is basically a male problem.

In this spirit I commend the Bill not only for offering practical improvements, but as a means of examining attitudes to rape, in particular, and in the process improving the lot of women in general, which will benefit everyone.

Hon. M. T. TEHAN (Central Highlands) — The opposition also supports the Bill and recognises the fact that society has moved forward so that now in Victoria we are seeing for the first time a statutory offence of rape; and while it is easy to look back and say that perhaps the common law did not cover all the areas that we are now able to incorporate into legislation, it is also important that the substance of the statutory offence is basically that of the common law offence.

As Mrs Coxsedge said, although the Bill clarifies for the purpose of proper understanding the offences of rape and indecent assault it will not, of itself, resolve the problem. There will still be an offence of rape,

which I consider to be probably one of the most abhorrent of all crimes.

It is abhorrent for a number of reasons. As well as being physically abhorrent it is a violation of a sense of the spirit of a person; it is depowering in that usually it is associated with physical force, and it treats women as objects, so it devalues the whole sense of womanhood.

In addition it demeans the sexual act itself, which should be based on a sense of freedom, giving, respect and intimacy; so it is not only abhorrent in itself but it has the other effect of demeaning something that, of itself, is good and worth while, and something in which we should rejoice.

It is the perception that there is a greater incidence of rape and sexual assault in our society at this time, and we can debate whether that is statistically correct or whether it is just a perception, but whether there are more incidences of rape or whether it is just that more are reported or that more people come forward to speak of it or to seek prosecution for it, is not important. The point is that there is too much rape and sexual abuse in our society and even if there were only a few cases we would want to do everything we could to try to stop them.

It is interesting to see on what attitudes rape is based. I see two lines that must be examined: firstly, a sense of lack of respect for women — I am looking at rape in terms of a lack of understanding of what women are; and, secondly, a sense of violence that still permeates society.

In the first instance, the lack of understanding of what women are or the lack of respect for women as persons is particularly disappointing at this time because we have now had almost twenty years of the women's movement. The whole essence of that movement was to increase understanding, enhance the status of women and recognise their equality within society. Even leaving aside the crime of rape for a moment, in a general sense it is disappointing to anyone who has lived through that women's movement and anticipated it would bring about an improvement in values. The younger generation now does not recognise what gains have been made, and should have been made, and is not prepared to continue to seek to ensure that the status of women as persons is maintained and carried forward.

Certainly that attitude has something to do with the crime of rape, in that we have not yet permeated the understanding of society about women as equal persons, and certainly in these offences women are regarded as sex objects, and as being there to ensure that male domination and power can continue.

We could consider a whole series of reasons why this lack of proper understanding of the position of women has not captured the whole of society to the extent that it should have. I must say that the sexual suggestions in advertisements and the presentation of sex as separate from commitment are all part of the lack of proper understanding of women in society.

Also, rape is based on a sense of physical violence in society. While we have continuing violence it will manifest itself in the abuse of women and, to some degree, men — and unfortunately, according to the statistics quoted by Mrs Coxsedge, also the abuse of children. That, more than anything else, is abhorrent.

We must do everything to ensure that the causes for that sense of violence — that necessity for violence that is obviously manifested in so many acts of assault and sexual assault — are sought and found and changes in attitudes are brought about as quickly as possible.

I have spoken in this place before about the use of the word "gentle". We really must try to get into people's consciousness that gentleness is not weakness, that gentleness is based on respect, and that gentleness values are real values. You can be gentle without being weak, you can be gentle and powerful, and you can be gentle but effective.

If we could regard that sense of gentleness and respect as being empowering and teach that to young people in some way — and it requires a security in people and a sense of acceptance of self — perhaps we would not be dealing with the problems we now face.

In two instances the Bill assists quite dramatically in addressing that sense of status of women versus men because historically, as we have heard tonight, the process of prosecuting or obtaining a conviction for rape was certainly based on the understanding or the belief that women had to prove they had been raped and that they were somehow compliant or complicit in the offence.

Proposed new section 36 contains a definition of "consent" that turns around the onus of proof. For that reason it is worth reading into the record. The proposed new section states:

For the purposes of Subdivisions (8A) to (8D) "consent" means free agreement. Circumstances in which a person does not freely agree to an act include the following:

(a) the person submits because of force or the fear of force to that person or someone else;

(b) the person submits because of the fear of harm of any type to that person or someone else;

(c) the person submits because she or he is unlawfully detained;

(d) the person is asleep, unconscious, or so affected by alcohol or another drug as to be incapable of freely agreeing;

(e) the person is incapable of understanding the sexual nature of the act;

(f) the person is mistaken about the sexual nature of the act or the identity of the person;

(g) the person mistakenly believes that the act is for medical or hygienic purposes.

All of those criteria define what is not meant by "freely agreed". The proposed new section attempts to define and broaden the meaning of consent to clearly show under what circumstances a person does not freely agree to an act.

Proposed new section 37 deals with jury directions on consent. It provides that in the prosecution of a case the judge must direct the jury that:

(a) the fact that a person did not say or do anything to indicate free agreement to a sexual act is normally enough to show that the act took place without that person's free agreement.

The onus of proof is shifted so that a person cannot be said to be agreeing if she or he did not say or do anything to indicate free agreement. That provision of itself will increase the opportunities for convictions for rape.

Paragraph (b) of the proposed new section states:

A person is not to be regarded as having freely agreed to a sexual act just because —

(i) she or he did not protest or physically resist; or

(ii) she or he did not sustain physical injury; or

(iii) on that or an earlier occasion, she or he freely agreed to engage in another sexual act (whether or not of the same type) with that person, or a sexual act with another person.

Again, a judge must direct a jury that a person has not given consent even though she or he did not suffer physical abuse or protest or physically resist. That is consistent with the provisions of proposed new section 36, where "consent" is defined to make it clear that a person who submits because of force or fear of harm has not given consent.

Those two sections will make a considerable difference to the ease with which evidence will be able to be given and will establish a more substantial basis on which convictions can be sought and gained in appropriate circumstances.

During the Committee stage of the Bill the coalition will move an amendment to ensure that the offence of rape is treated as seriously as we believe it should. The Bill provides that a person convicted of rape is to be imprisoned for twenty years. The coalition will propose that the term of imprisonment be 25 years, which should be seen by society as an effective deterrent.

One of the purposes of the Bill must be to express in clear and simple terms that people can understand what statutory rape is and that it incurs a very strong penalty.

We could get into an interesting debate, if it were not so late, about whether these deterrents will have an impact on the number of domestic rapes and assaults, which the House has heard represent the majority of sexual offences. We must presume that imprisonment and other penalties are deterrents, otherwise we are probably wasting much of our time. In this instance, rape must be regarded as not acceptable in any circumstance and it must be known that it attracts a heavy penalty.

I have indicated already that the legislation will not of itself change attitudes; that is a much more difficult requirement. Despite its difficulty, it is something each and every one of us must address. If we could resolve the question of violence — sexual or in any other form — we would have resolved an enormous problem in today's society. Nonetheless, the Bill will assist in clarifying the concept of rape; it will assist in court proceedings; it will assist in helping those women who have the strength and fortitude to attend at court in very difficult circumstances; and it will assist in ensuring that the perpetrators of such abhorrent crimes are brought to trial, convicted and submitted to the appropriate penalty.

We support the passage of the Bill.

Hon. LICIA KOKOCINSKI (Melbourne West) — I begin my contribution to the debate by quoting two lines from a play called *Masterpieces* that will be seen in Melbourne soon:

> Men, it's all to do with the way men
>
> are taught to view women ...

So it is.

This is a civilised debate by and large. I warmly congratulate two honourable members on their contributions, particularly my colleague Joan Coxsedge, who made what I consider to be a wonderful speech.

The Crimes (Rape) Bill emanates from the report of the Victorian Law Reform Commission entitled *Rape: Reform of Law and Procedures*, tabled in October. As honourable members are aware, the government promised to act quickly on the recommendations in the report and the Bill represents the government's response. Although the report was tabled not so long ago, the discussions that led to the creation of the Bill have been going on for quite a few months. It is not a Bill that has been prepared in a rush; every aspect of it has been considered very carefully. Those who took part in the considerations included feminist lawyers groups, people who work in the sexual assault centres and others who work diligently in what is a most difficult area. I dare say the Bill has the broad support of the legal profession.

The main focus of the Bill is the removal of the uncertainties in the common law that has by and large controlled the existing legislation on rape. The Bill makes it clear — and this has been discussed a little tonight — that consent to sexual relations must be by free agreement, not by submission induced by fear or by force or by the intent to inflict harm.

In the other place the Attorney-General, Mr Kennan, explained that consent must be real and it must be informed, not exploitative of people, including children and other young people who do not understand the sexual nature of an act, and those who may be incapacitated by a drug.

The Bill also abolishes the separate "aggravating circumstances" offences for rape and indecent assault. As a consequence of abolishing the offences the maximum penalties for rape and indecent assault have been increased in the Bill to twenty and ten years respectively, although I understand the opposition will move an amendment.

The Attorney-General also said the Bill extends the option of allowing the use of closed-circuit television for adult complainants in sexual assault cases where they may suffer special trauma.

To prevent unwarranted attacks on the reputation of complainants, the Bill also provides that approval of the judge will be required before evidence is led about the complainant's sexual relations with the accused. Approval from the judge is already required before a complainant can be cross-examined or other evidence led about the complainant's sexual relations with people other than the accused.

Rape is still an offence that is difficult to prove because in the end it is one person's word against the other. As reported on page 38 of its report, the Victorian Law Reform Commission found that of 323 accusations of rape in 1988-89, some 42 per cent were convicted of at least one rape offence; so less than half were convicted. Unfortunately in that year 24 per cent of the accused initially charged with rape were not convicted of any offence and a further 24 per cent were convicted of non-rape offences only.

In its report *Rape: Reform of Law and Procedures* the commission said that the absence of consent was the only circumstance that made the physical act concerned unlawful. That is why the reforms being proposed by the government are so important to women. A concentration on consent, or the lack of consent, should serve to empower women and educate men. As my colleague Mrs Coxsedge said, in the end that is the only way to prevent rape.

The Bill provides that consent is deemed to be given only where the person involved "freely agrees". The community must learn — and it must learn quickly — that where mutual agreement is present sexual relations can take place. So the onus ought to be on the people involved to ensure that agreement has been reached and that consent has been given.

The Women's Electoral Lobby formulated a draft Bill on sexual offences which led to reforms in New South Wales, Western Australian and the Australian Capital Territory. The lobby's work has been taken up by other women's groups, including the Real Rape Law Coalition and the Feminist Lawyers Group.

As I said, rape is an offence that is notoriously difficult to prove. In the absence of physical injuries or a confession to the police, the jury is left to choose between the accounts of the complainant and the

defendant. We must also recognise that many offences never come to the notice of the police. My colleague pointed out that the Real Rape Law Coalition has come up with the finding that the majority of offences are not reported and that women, by and large, suffer in desperate silence. There are inherent dangers involved in thinking that the legal system can deal with the problem adequately. The problem must be dealt with by the entire community. People must realise the simple fact that yes means yes and no means no. Unfortunately when rape is being argued in a court of law the issue is not as simple as that.

People must realise that in many situations consent cannot be assumed; it must be actively sought; it must be given freely, not under duress, force or threat. As the amendments to the Evidence Act suggest, this must also occur even where there is a pre-existing sexual relationship. The government has introduced changes so that if a woman wishes she may press charges of rape within marriage. That, for a lot of people, was unheard of. For those who deal in the sexual assault area, rape in marriage is all too frequent.

There are changes in the Bill that refer to the way in which a judge directs a jury. The victim does not necessarily have to be beaten black and blue or be bruised. The Bill recognises that physical power is not the only way to achieve control. The threat to children is just as effective. The result is the same: consent is not freely given and therefore an act of rape has been committed.

I am pleased that Mrs Tehan raised the social issue. I say exactly the same. Many women would be in agreement. Many women older than I who spent their young adult years in the permissive 1960s and 1970s remember that era well. There was a loosening of the laws of censorship and "doing your own thing". During that period the women's movements were developing. We believed then that in some way a number of reforms would reduce the abuse of women. I can still hear the arguments: that everybody should be able to read certain material provided it did not hurt anybody else, and that it would be an outlet for deviant behaviour; that people would indulge in antisocial fantasies through pornography, which was the buzz word of the 1960s and 1970s. We were told that women would be liberated. Today there is an open market for a lot of that material. It is acceptable. I know some of my colleagues disagree, but I believe we got it wrong. What has happened? One of the dilemmas is that we have given our daughters double messages. On the one hand, we are saying to our daughters — and I have a daughter who will be 21 years old tomorrow — that "You can be free, you can be independent, you can form your own relationships without the binds of many generations", yet, on the other hand, we are giving men the message that it is acceptable not only to dominate women but also to indulge among women in the kind of behaviour that is unacceptable amongst male colleagues. Cruelty and abuse are not acceptable among themselves, but are acceptable to women, and abuse is openly debated. I stand to be challenged but I believe we have got it wrong and that the messages being sent must be corrected.

The play *Masterpieces* is timely:

> *Masterpieces* deals with the issue of pornography and its relationship to violence against women. It looks at attitudes towards women as objects of desire or violence without being anti-male. The play reveals that if we continue to be complacent, we indirectly condone violence against women.

I am sure the issues brought up in that quote will be debated in the next generation and I welcome that debate because we must look at the role of pornography as well as the way we bring up our sons.

I shall conclude my contribution because I know other people wish to speak. In the next few years, we will look back with sorrow because we have not liked having to bring this kind of measure before the House to be debated. On the one hand, it shows a side of human behaviour which in the past we were not prepared to admit existed. On the other hand, we must punish and re-educate wherever possible so that these deeds are not replicated in future generations. I wish the Bill a speedy passage.

Hon. ROSEMARY VARTY (Nunawading) — I congratulate Mrs Coxsedge on her speech and her long commitment to this issue. We hope in some ways it will not be her last speech on this issue in the House, but by the same token I am sure we would certainly like to think that this might be the last session of this Parliament.

The Bill is about attempting to address the issues of rape and sexual offences. Over time we have seen a change in attitude to addressing those issues in public. One of the sad things is that the occurrence has not changed all that much but certainly the

reporting has. We should be grateful that we now have the ability to talk about the issues and to get to the stage of having legislation in Parliament to go some way towards addressing the issues of rape and sexual offences.

To do that adequately means that there needs to be change at all levels, at Parliamentary level, at the adjudicatory level, at the prosecutorial level and at the community level. In an ideal society we would not need this type of legislation. Unfortunately this is not an ideal society in which we live so we must address the issue with legislation.

My colleague Mr Guest dealt with the sentencing issues and I should like to consider issues raised at the prosecutorial level. In the appendices of its interim report the Law Reform Commission states at page 41:

> Police crime statistics indicate that only a minority of complaints of rape result in charges of rape being laid. In the financial year 1989-90, 553 people complained of rape to the Victoria Police, but only 169 people were charged with rape offences in that year. It has not been possible to determine accurately the proportion of cases in which the police did not charge because: no suspect was located; the complaint was withdrawn; or the police concluded that there was insufficient evidence or the complaint was false.

Ms Kokocinski alluded to some of the statistics on the percentage of convictions. I should like to chart the events that take place from the time of a police report and go through the elements that lead to offenders who are charged ending up where they do. The chart on page 39 of the report reveals 311 police charges. By the time the cases are passed to the DPP, 23 have gone to the Children's Court and, of those cases 5 result in convictions for rape, 9 result in pleas of guilty, 6 result in guilty pleas to non-rape offences and 3 result in acquittals.

At the DPP level in 20 cases all charges are withdrawn; and in another 18 cases summary pleas of non-rape are entered, which leaves 232 charges to go to committal hearing. At that level a further 10 are discharged and 13 are committed on non-rape charges so 209 cases went to the County Court.

This is where we see the rate of acquittal that Mrs Kokocinski mentioned. There are 38 acquittals, 20 convictions of non-rape charges, 53 convictions of rape and 19 pleas of guilty to non-rape offences, while 70 were guilty pleas to rape offences. When you relate the figure of 311 charges of rape to the figure of 53 actual convictions you see that the conviction rate is very low.

With respect to the differences in the cross-examination in rape and assault trials, page 109 of the *Appendixes to Interim Report No. 42* states:

> The most striking difference in the way in which rape and assault trials were conducted was in the amount of time that the victim spent in the witness box. As noted above, the average time taken for a victim in a rape trial to give her evidence-in-chief was one-and-a-quarter hours and, for cross-examination, three hours. The equivalent figures in the assault trials were half an hour and one hour respectively. The longest cross-examination in any of the rape trials ran for over seven hours, compared to around three hours in the case of assault trials.

We have all heard of victims being subjected to the most horrific cross-examinations, lengthy questioning and attempts to show that victims are not reliable witnesses. For a long time female members of Parliament have been concerned about the way cases are handled, not only at the police level but at the court level.

As Mrs Coxsedge said, community policing squads have helped but there is still a long way to go in improving people's attitudes. If we improve their attitudes, sexual assault cases will be dealt with in a manner that provides justice not only for the victims but for the people charged. We need to be sure we get that balance. It is not balanced at present. The issue should be non-political, but unfortunately it has tended to become political. That is a shame.

Severe sanctions against the crimes of rape and sexual assault are not the complete answer. There must be a change of attitude, a genuine concern and caring for our fellow human beings, because rape and sexual offences are physically demeaning and denigrating to women. They are psychologically abhorrent and emotionally destructive.

The proposed legislation attempts to address some of these issues, and the opposition supports it.

Hon. JEAN McLEAN (Boronia) — I am happy to speak in support of the Bill. Honourable members should be reminded of the non-legislative part of the package, which includes the implementation of measures to combat sexual assaults and violence against women and children: support centres against sexual assault, security on public transport facilities and remedial programs for offenders.

As my colleagues have said, legislation on its own will not remedy this problem. Unfortunately, a large part of male-female relationships has suffered because of the long history of male domination. In dealing with rape and violence against women we do well to remember our own history.

I refer honourable members to the book *Damned Whores and God's Police* written by Anne Summers. It is an important book because it examines the attitude of society towards women and attempts to relate that attitude to our history. Anne Summers says:

> Governor Phillip hoped he would be the first superintendent of a new outpost of British civilisation — he wanted free settlers to migrate. The British Home Office had other ideas and intended New South Wales to be little more than a dumping ground for the excess of convicts from British gaols.
>
> Within the penal colony women were assigned only one main function — as objects of sexual gratification. Because there were more male hardened criminals than female —women under the age of 45 and healthy were transported for minor misdemeanours.
>
> The women's punishment comprised transportation plus enforced whoredom. The sexual abuse of female convicts began on the ships — although after 1811 the women travelled on separate ships they still had the crews to contend with.
>
> In a report to the Select Committee on the State of Gaols in 1819, a Mr W. H. B. Brown told the committee, "These women informed me, as well as others of their shipmates, that they were subjected to every insult from the master of the ship — and the sailors".

They were stripped and publicly whipped — amongst other indignities and violence. He also reported that the "youngest and handsomest of the women were selected from other convicts and sent on board by order of the master for the vilest purposes".

The 1812 Select Committee on transportation reported:

> that female convicts were indiscriminately given to such of the inhabitants as demanded them — and were in general received rather as prostitutes and servants.

None of these men tempered their vilification with any recognition of the lack of choice open to the women. The women were transported to serve the sexual needs of the males of the colony and were then condemned for their behaviour. This has always been the case in a patriarchal and sexist society. The women are chastised while their patrons, without whom prostitution would not exist, escape criticism or punishment.

When looking at this history of our colonial beginnings it is important to note that like the contemporary observers, historians of the convict period have also condemned those transported female convicts. A. G. L. Shaw in his book *Convicts and the Colonies*, printed in 1966, said, "Though — how many of the female convicts were prostitutes will never be known — almost all contemporaries regarded them as particularly abandoned — and even if these contemporaries exaggerated — the picture they presented is a singularly unattractive one".

If historians writing about those days continue to look at the women of that time as though they were degraded and whores by nature, rather than realising that they were forced into that situation, it is clear to me that there is a need for both legislative changes and social education. It must be continued if we are going to move along the path to genuine social equality.

Rape is only considered a crime — I believe it is still the case — in the eyes of most men when it was perpetrated by a stranger in a situation of great violence and even this circumstance usually finds the woman the person who ends up carrying the stigma. In many societies, including our own, the fact that a women has lost her virginity — even in the case of rape — can make her unacceptable as a wife. This is still part of the culture at this time. If a married women is the victim of rape she can find herself rejected by her husband who sees the rape as a violation of his property rather than a violation of his wife.

The treatment of a rape victim is a striking example of how a woman's reputation can be sullied and her status altered by an action that she had nothing to do with herself.

When I started work in an office at the age of fourteen years, I was constantly the victim of sexual harassment by senior male members of staff. From what I hear from young girls in offices, this is still very much the case. When we talk about the need for education I believe we must recognise that a lot of these sorts of violations are going on at this minute. There is also the problem of advertising

which is getting much worse because it is becoming more sophisticated. Women are still being told that they should not dress provocatively and that they should not walk down the street on their own at night because "they are asking for it!"

It is a sad reflection on society that that should still be considered true. When I worked at a women's advisory service in Prahran I spent many years counselling rape victims. It is for that reason that I particularly welcome the provisions in the Bill to improve the sensitivity of the criminal justice system.

In the years since 1980 attitudes have changed significantly, and I applaud the work of the Community Policing Squad. There was certainly nothing like that in the days when I was assisting in this area. I remember sitting in a court with a young woman who was a victim of rape. She was subjected to the most humiliating and brutal cross-examination. She was required to retell every single detail of her ordeal, including her reasons for accepting a lift from the accused — he was a friend of her brother and often visited the house — why she had not more effectively fought him off when he stopped the car in a dark lane and dragged her out of it and why she got back into the car after the alleged offence. The obvious inference was that she had been a consenting party to a sexual act and not the victim of rape. She was asked why she allowed him to drive her home and why she had a shower before she reported the rape to her mother.

Rape is the only crime in which the victim has always had to prove her innocence. If one sits through a courtroom experience one realises how harrowing it is. While the young woman was being cross-examined and having her integrity doubted the accused sat silently in the room directly facing her with a nasty grin on his face. He was not subject to any cross-examination.

Kate Gilmour gave evidence to the Law Reform Commission and made this important point:

> There is no difference between being raped and giving evidence as a key witness at the trial of your alleged rapist, except that this time it happens in front of a crowd ...
>
> The crowd will mostly be men. While there are now women in the judiciary they are in the minority and if your luck runs true to form your presiding judge will be male.

I also became involved in a case of three girls who accepted a lift from two males and were then driven off into parkland. It was suggested that there was no reason why the girls were raped because they outnumbered the boys. It was suggested that while the two boys were attacking one of the girls the other two girls should have run away and left their friend. Because they had not done so, it was suggested that they were enjoying the experience.

That case attracted a lot of publicity in the press. The girls were students at an exclusive private school in Melbourne and their parents were asked if they thought it would be best for the children to leave the school because of the notoriety the case engendered.

The parents told me afterwards that if they had had any idea of the amount of misery and horror they would have been subjected to by dragging the girls through the courts, especially with the time it took to get the cases to court, they would never have reported them.

The public vilification of victims of rape and the feelings of guilt and shame visited on the victims rather than the perpetrators are part of the reason why so many rapes go unreported.

It seems people continue to believe that, unless rape is accompanied by violence and bashings, the victim asked for it or it was not really rape. In those days I counselled quite a few women not to report their cases to the police because I believed the court cases would only add to the ordeal.

According to the rape reform book, in a six-month period in 1986, 1097 sexual assaults were reported to the Victorian police. Given non-reporting rates, it is estimated that the actual incidence was nearer to 11 000 — 93 per cent of the adult sexual assault cases were women and 80 per cent of the adult victims knew their offender.

As other speakers have pointed out, while warnings to young women and children have always been that they should be wary of strangers, most rapes are carried out by men known to the victims, and the obvious inference is that in too many cases the social conditioning of men in our society has fallen far short of acceptable moral behaviour.

Massive anecdotal evidence reveals that rape is considered the right of soldiers who are victorious in war. Usually law-abiding citizens in their own society, they lose all vestige of civilised behaviour when at war. The fact that the knowledge of these

acts is widespread and that in very few cases, if any, punishment has ever been meted out strengthens the macho image and the right of men to forcibly obtain sex.

In peaceful, orderly societies like ours a large section of the community still believes in this insane morality, and that explains the extent of rape by men known to the victims.

Sexual crime can be effectively combated only by seeing it in its proper context, as part of a pervasive social pattern. We have to find measures to tackle this discrimination and the attitudes that underlie the inner qualities of women, including their economic inequality, and ensure that women no longer see inequality and violence as their lot.

It is good that rape law is keeping up with the recommendations of the Law Reform Commission and will, I believe, make prosecuting rape much less of an ordeal than it was in the 1970s.

I welcome the reforms that prohibit the admission of evidence about prior sexual relationships between defendants and complainants unless the court is satisfied that the evidence is relevant.

This extends the prohibition of evidence about the complainant's sexual relationships with people other than the accused, and it will also permit highly vulnerable witnesses to testify under alternative arrangements such as closed circuit television, or using screens so that the complainant can give her evidence without directly confronting the accused, which would have made a major difference for the women in the cases I mentioned earlier.

I also welcome two other measures associated with this Bill, namely, the funding of a person to monitor the legislation and other aspects of the criminal justice process as they affect sexual assault cases, and also the training of staff dealing with sexual offence victims. These reforms highlight the ongoing commitment of the government to ensuring our laws reflect the fairest possible treatment of victims.

Many thousands of years ago Egyptian women demanded the right to be safe from attack by men when walking alone in the streets. I hope society can find a way to achieve what those Egyptian women failed to achieve many years ago.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 agreed to.

Clause 2

Hon. M. A. LYSTER (Minister for Health) — Although the hour is late, I should like to pause in this debate to congratulate — on behalf of all those who will read the contributions in the second-reading debate — the honourable members who have spoken. Each contribution was different, yet each was underpinned by the same strengths, compassion and genuine commitment to the support of this very important proposed legislation. I know that when each speaker referred to "her colleague" she was not speaking in party terms.

I regret that I have to exempt Mr Guest's contribution from that description. I invite him to read the record of and reflect on his comments and compare them with the other contributions. I shall say no more.

Hon. Licia Kokocinski — Hear, hear!

Clause agreed to.

Clause 3

Hon. M. A. LYSTER (Minister for Health) — I move:

1. Clause 3, lines 22 and 23, omit "an appropriate medical or hygienic" and insert "a".
2. Clause 3, line 24, after "faith" insert "for medical or hygienic purposes".

The aim of the amendments is to distinguish between procedures which are appropriate and acceptable and those which are not. For example, there have been recurring complaints from women that they were subjected to unnecessary vaginal examinations in hospital while they were unconscious under an anaesthetic.

The opposition has said it supports the thinking behind the principle outlined in these provisions but believes it could have been better expressed — but it has agreed to the amendments. I thank the opposition for its constructive comments on the Bill; I believe the final product is a better one.

To ensure the import of these provisions is brought home to doctors — and I now assume my other

identity of Minister for Health — I will be asking the Medical Board of Victoria to consider the promulgation of guidelines for doctors about the conduct of internal examinations, and to say that inappropriate procedures conducted without consent may be the subject of serious criminal charges.

Amendments agreed to.

Hon. J. V. C. GUEST (Monash) — I move:

1. Clause 3, page 4, line 16, omit "20" and insert "25".

The reasons for the amendment have been fully explored during the second-reading debate, so I need add no more.

Hon. M. A. LYSTER (Minister for Health) — The amendment is not acceptable to the government. Six months ago the Parliament passed the Sentencing Act, which was a major legislative reform based on the recommendations contained in the report of the Starke committee after three years of deliberation. As agreed to by Parliament, the Act established a rational and consistent structure of maximum sentences, and no penalties for serious offences were lowered. The penalty for rape in aggravated circumstances was maintained at 20 years imprisonment, and the penalty for rape was increased to 12.5 years.

That move was supported by the opposition, which also supported the overall structure of which those penalties are an integral part. At no stage did the opposition put to the government that those sentences were inadequate.

The government has some difficulty with a proposal that the very fabric or logic of the Sentencing Act should be overturned before the Act has been proclaimed. The government strongly believes that the amendment would create a glaring anomaly. We believe it would destroy the consistency of the Sentencing Act; and we regret that the amendment has been moved at very short notice and without any reason that we believe is so sufficiently compelling as to convince Parliament to change its mind about the structure of the Sentencing Act.

Because it believes the amendment is flawed the government cannot accept it.

Hon. J. V. C. GUEST (Monash) — I can believe only that the Minister has read from notes that were prepared in response to an earlier amendment. What the coalition proposes has nothing to do with the structure or logic of the Sentencing Act. We are simply saying that rape ought to carry a substantially greater penalty — as penalties have been increased for a number of other offences.

The penalties for other offences have been changed, and the opposition and many other people contributed to that process during debate and discussion on the sentencing legislation.

As for the fact that we did not make a similar suggestion during debate on the Sentencing Bill, I remind the government that there have been a considerable number of changes in the law relating to sexual offences over the past year, starting with legislation introduced by the government.

The coalition believes, as we thought the Premier believed, that it is essential to send the right signals to the community about the seriousness of rape and the right signals to the courts that the community is not satisfied with the levels of sentences imposed.

Hon. LICIA KOKOCINSKI (Melbourne West) — I oppose the amendment on simple grounds. The Bill has been drafted after lengthy consultation with people who are intimately involved in the prosecution and conviction of rapists and the care of rape victims, as well as people who have been accused of rape, all of whom have approved of its formulae and design.

The heavy lobbying the Liberal Party has been subjected to ought to have convinced it of the fact that the community does not approve of its moving this amendment.

I shall give the Committee some good reasons why the amendment is unacceptable to feminist lawyers and people who deal with the victims of sexual assault. If the amendment were agreed to, rape would incur a heavier penalty than murder. If the penalty were increased barristers and solicitors would be given carte blanche to come down even more heavily than they do now on the victims of rape because a person accused of rape would face a sentence of 25 years imprisonment.

Another issue is involved. Put very simply, it is that a jury — and Mr Guest ought to know this better than I, because I have been involved only on the periphery of the legal system — is less likely to convict if the sentence is so long. It may not be something one could read in a textbook but it happens to be one of the facts of life.

I plead with the Liberal Party not to go ahead with the amendment. It is unacceptable to all those who have worked on the development of the Bill.

Hon. JOAN COXSEDGE (Melbourne West) — I also oppose the amendment. It is very disappointing that so late in the piece the opposition should move an amendment increasing the maximum penalty for rape by five years, so bringing it to a maximum penalty of 25 years. The result is that the maximum penalty will be ten years more than the fifteen years recommended by the task force examining maximum sentences for rape and other serious offences. As I said during the main debate, it is a pity that this view was not expressed during the consultative process that preceded the introduction of the Bill.

In the debate on the Sentencing Bill, the Attorney-General said that no maximum penalty for a sexual offence would decrease, and therefore the maximum penalty for aggravated rape was maintained at twenty years. The entire purpose of having the maximum sentence was to rationalise the sentences among comparable offences and to prevent the sort of opportunistic politicking that honourable members have heard tonight from Mr Guest. Unfortunately, within six months of the opposition's having praised the report of the task force on maximum sentences in the debate on the Sentencing Bill apparently they cannot resist the urge to indulge in political point scoring tonight.

That is at the expense of establishing rational sentencing principles. It is both most disappointing and quite irresponsible. The intent of the proposed change is to deter rapists. Like my colleague Ms Kokocinski, I believe it could be counterproductive in that juries might be more reluctant to convict if such a severe penalty could be imposed.

I know the aim of all the women, including the legal people who have been working to reform the law, has always been to achieve the maximum number of convictions, which is considered to be the greatest deterrent of all, rather than long sentences for a handful.

Hon. M. A. LYSTER (Minister for Health) — Even at this late stage I ask that Mr Guest reconsider the amendment. I offer him two alternatives. I suggest firstly that in lieu of moving the amendment now he might make a request that the matter be considered by the Judicial Studies Board as its first reference.

If that is not acceptable to him, I suggest secondly that he follow the course that has been followed on a number of occasions in this place by his colleague Mr Chamberlain and consider introducing the matter by way of a separate private member's Bill that would certainly be examined as a separate issue by the government.

Hon. J. V. C. GUEST (Monash) — I am unable to do other than resist the invitation of the Minister for Health at this time. I gave every chance to the Minister for Health and the Attorney-General's Department to come up with any such suggestion and they seemed quite paralysed in their inability to do so. What was flushed out in Mrs Coxsedge's contribution was the inveterate reluctance of the left to increase sentences. It is at odds with the serious purpose of the proposed legislation which seeks to do something about sexual crime.

It is helpful to actually get one's facts right. Ms Kokocinski is quite wrong in suggesting that an offence with a 25-year maximum sentence would attract punishment longer than the maximum sentence for murder.

Hon. R. A. Mackenzie — She was quoting experts!

Hon. J. V. C. GUEST — A sentence for someone found guilty of murder could be for the term of his or her natural life. Ms Kokocinski is incorrect in suggesting that the rush of communications to the opposition was to ask it not to make any amendments. It was not that at all. It was in relation to some perception of the previous version of our amendment.

Hon. Licia Kokocinski — It's still not acceptable!

Hon. J. V. C. GUEST — It was not that it was not acceptable but that the government might play the ultimate politics by not proceeding with the Bill. That is what the opposition was warned might happen.

Hon. B. A. CHAMBERLAIN (Western) — The House is quite capable of sending a clear signal to the judiciary and to the people of this State of its absolute contempt and abhorrence of the crime of rape. The way it can send that signal is by the setting of appropriate penalties.

Statistics over the past fifteen years indicate that, despite the actions taken by this Parliament, there

has been a steady reduction in the sentences being handed out for rape.

I recall debating the Crimes (Sexual Offences) Bill in 1990. As a result of the recommendations made to the opposition at that stage we made provision for a step-up scale to rape with aggravating circumstances, with a maximum penalty of twenty years. At that time I said it was meant to be a clear signal to the courts to react accordingly. I am disappointed to record that that has not been the case.

I refer the House to statistics mainly taken from the review of statutory maximum penalties provided by the task force on sentencing — and I know that using averages in statistics has flaws but it shows a tendency. In 1975 the average term handed out for rape was eight years; in 1976, 6.3 years; in 1978, 6.2 years; in 1979, 6.2 years; and in 1980, 6.6 years. The average sentence the courts were handing out in 1985-1987 for aggravated rape, for which the maximum penalty was 20 years, was 7.6 years and for other rape offences, 4.5 years.

It is clear from those statistics that the courts have ignored the signals Parliament has given. The courts are treating the offence of rape as being equivalent to stealing a couple of motor cars or a series of assaults or street offences. Rape is not a street offence. It is perhaps one of the most serious offences that can be committed. I am surprised that a person such as Mrs Coxsedge, who has been involved in reforms in this area for a number of years as a member of the opposition and now as a member of the government, is now advising the House that Parliament should not send that signal.

Hon. Licia Kokocinski — That's a cheap shot!

Hon. B. A. CHAMBERLAIN — It is not.

Hon. Licia Kokocinski — It's absolutely the worst shot of all!

Hon. B. A. CHAMBERLAIN — You should go back to sleep. I am saying that the courts have ignored the signals being given from Parliament. The amendment does not mean that people will serve 25 years for rape. Honourable members know that the maximum for aggravated rape is 20 years, but the average sentence handed out by the courts is 7.4 years. The amendment will simply add a potential couple of years to the sentences handed out so the average might be dragged up from 4.5 years for non-aggravated rape to 6 or 7 years. In my view that is still inadequate.

I refer the House to a case reported in the *Herald-Sun* of 16 November 1991 of a former rapist who, while on parole, attacked an elderly woman in her home. He pleaded guilty to aggravated rape, aggravated indecent assault, assault, causing injury, and unlawful imprisonment. He bound and bashed a woman 23 years his senior, punched her in the face, abused her and forced her into his bedroom where he tore off her clothes, bound her and raped her. He also threatened her with a knife. All he got was ten years gaol with a minimum term set of seven years, so, with remissions, he is likely to be out in less than two-thirds of that time.

I know it is difficult working from newspaper reports, but is that an adequate response to such degradation of that woman?

Hon. T. C. Theophanous — Would twenty years have been enough?

Hon. B. A. CHAMBERLAIN — What I am saying is that in this sort of case a sentence for twice that period is what the community is looking for. Women are being attacked every day of the week not only on the streets but also in their homes. Parliament is entitled to say that enough is enough. The opposition wants the courts to crack down. The amendment by Mr Guest provides that signal. There may be a blip in the new order of sentencing, but it might provide a system, which the Premier said she wanted, of more severe sentences for rape. The Bill does not provide for that. The opposition is helping the Premier to honour her promise.

I have no qualms about recommending the amendment. That does not mean to say that with an ongoing review of sentencing one cannot look at the issue in concert with a number of other sexual offences.

There is no reason why we should drop the ball at this stage and not provide the protection the community clearly wants.

Hon. R. A. MACKENZIE (Geelong) — I have not been involved, nor have I studied the Bill, but I have listened to the entire debate. It is the last sitting day of the sessional period in this place. I am worried that if the opposition persists with the amendment it will pass in this place but will not be accepted by the government in another place. There will be a delay if that occurs. I believe the Bill is urgent. A delay of six

months is another six months of more victimisation. The opposition has made its point and the government can consider the matter. It is not worth the risk of holding up the legislation. The opposition has made its point and should back off and let it go.

Committee divided on omission (Members in favour vote No):

Ayes, 17

Coxsedge, Mrs	McLean, Mrs
Crawford, Mr	MacKenzie, Mr
Davidson, Mr	Mier, Mr (*Teller*)
Henshaw, Mr	Pullen, Mr
Hogg, Mrs	Sgro, Mr (*Teller*)
Ives, Mr	Theophanous, Mr T
Kennedy, Mr	Van Buren, Mr
Kokocinski, Ms	White, Mr
Lyster, Mrs	

Noes, 21

Ashman, Mr	Hallam, Mr
Best, Mr	Knowles, Mr
Birrell, Mr	Lawson, Mr
Chamberlain, Mr	Macey, Mr
Connard, Mr	Miles, Mr
Cox, Mr	Skeggs, Mr
Craige, Mr (*Teller*)	Smith, Mr
de Fegely, Mr	Storey, Mr
Evans, Mr	Tehan, Mrs
Guest, Mr	Varty, Mrs
Hall, Mr (*Teller*)	

Pairs

Landeryou, Mr	Baxter, Mr
Walker, Mr	Long, Mr

Omission agreed to; insertion agreed to.

Hon. J. V. C. GUEST (Monash) — The really comprehensive provisions are clearly set out in clause 3. Firstly, I congratulate the other speakers on their second-reading contributions. I appreciated hearing them speak with sincerity, knowledge and feeling for the subject. I should have liked to have been able to have made such a contribution.

One thing which was apparent beforehand and which became increasingly apparent as I listened to speakers on both sides is that it is extremely difficult where legislation is applied to men and women, but is nonetheless a concern about women's problems with men, for a man — particularly a large man — to understand the depth of the problem as seen by women. It is a good thing that this debate has been held late at night when many honourable members have had a chance to listen to other speakers.

There is a happy consensus among the female members of the Chamber who have studied the issues and know what they are while the rest of us do not. This means there is a different approach that is worth noting as a way of understanding as much as possible this very important issue.

I approach it with a legal background and pay close attention to the words used. I notice that the result of paying close — if somewhat pedantic — attention to the words is not appreciated by those who see the real issue as it is understood by women who have suffered from the inadequacies of the enforcement of the law in Victoria.

Before I turn to the definition of rape, I suggest that perhaps it would help if women, who do understand men better than men understand women, were to use their imaginations to understand why some men have the attitudes that have been described. I suppose if one combines greater physical strength — —

The CHAIRMAN — Order! The honourable member is moving toward a second-reading speech.

Hon. J. V. C. GUEST — The definition of rape in accordance with the principles reached by the Law Reform Commission after much consultation makes the distinction between offences involving penetration and those not involving penetration, which means the range of offences classified as rape in 1991 is large and creates some sentencing difficulties for courts.

During the second-reading debate I suggested turning the offence which was formerly known as indecent assault, as committed by a teenager in the back of a car, into rape — resulting from the definition of "vagina" as including "external genitalia" in the Act, which does not appear in the Law Reform Commission's draft Bill — is a way of trivialising the offence of rape. I also suggested that to make the law treat the insertion of a finger by a spouse into the anus of the other spouse as the offence of rape is really trivialising it. This is open to dispute.

There is a practical difficulty. If there is a serious dispute over the facts of the case what is the judge to conclude if a jury has found that rape can include everything from a grope in the back of the car at a drive-in involving a sixteen-year-old to the most

heinous of offences? These problems need the application of a person who has not got the instinctive understanding of rape that has dominated the debate, but the detached view of the legal mind.

I direct those matters to the attention of the Committee.

Amended clause agreed to; clauses 4 to 10 agreed to.

Schedule

Hon. J. V. C. GUEST (Monash) — I move:

2. Schedule, clause 3.1, omit

'In section 38(1), for the penalty set out at the foot of the sub-section **substitute** "Penalty: Level 2 imprisonment.".

2.'

Amendment agreed to; amended schedule agreed to.

Reported to House with amendments.

Passed remaining stages.

PORTLAND SMELTER AND ALUMINIUM SMELTERS OF VICTORIA

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) presented Portland Smelter Unit Trust financial statements for 1990-91 and Aluminium Smelters of Australia Pty Ltd report for 1990-91.

Laid on table.

Ordered to be considered next day on motion of Hon. HADDON STOREY (East Yarra).

PAPERS

Laid on table by Clerk:

Corrections Office — Report and financial statements for the year 1990-91.

Educational Administration Institute — Report and financial statements for the year 1990-91.

State Training Board — Report and financial statements for the year 1990-91.

State Trust Corporation — Report and financial statements for the year 1990-91.

Ordered that reports tabled by Clerk be considered next day on motion of Hon. HADDON STOREY (East Yarra).

ADJOURNMENT

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — I move:

That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each honourable member.

Christmas felicitations

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — I take this opportunity to wish all honourable members a merry Christmas and a happy New Year. I note that this session has ended on a high quality in terms of the recent debate, particularly the contributions of the women members.

I also point out that today is now 22 November, but most of the day's sitting was conducted on 21 November, which is the anniversary of the first day of the sitting of the Victorian Parliament in 1856, so we are now at the end of the 135th year that we have been sitting as a Parliament.

I take this opportunity to reiterate the fact that the practice for the sitting hours of the House through the spring sessional period and throughout 1991 have reinforced the practice laid down by my predecessor, the Honourable Evan Walker, of a very orderly and civilised manner for the conduct of the House.

Hon. W. R. Baxter — At 2.40 a.m!

Hon. D. R. WHITE — It is an exception. We usually have at least one late evening a session and that is not unreasonable.

I take this opportunity to thank Caroline Hogg, the Deputy Leader, for her great assistance in the conduct of the House. I thank Barry Pullen and Maureen Lyster for being so readily available to handle the innumerable pieces of legislation, particularly when they carry such heavy portfolios as education and health. I thank Theo Theophanous, as a new member of the Ministry, who has done

outstanding work on a range of policy issues as well as the policy position on Loy Yang and other organisations. I thank Brian Mier for his contribution as Minister.

I take the opportunity to thank the Leader of the Opposition for his cooperation, notwithstanding the comments I made earlier in the day — —

Hon. C. J. Hogg — Yesterday!

Hon. D. R. WHITE — Yesterday — that he does have a great deal of charm. Each morning when I say, "Good morning", he says, "Leave refused".

I pay tribute to the President for his outstanding work in the chair and in the conduct of business and the high quality of his rulings. The standard that he has set is equal to any standard set by any President of the Legislative Council since 1856. We have not had any President who has set a higher standard of performance in this Chamber.

I also thank the Leader of the National Party, whom we do not officially recognise. It is difficult for him being part of the coalition and having to restrain himself with respect to the conduct of the Liberal Party but not in respect of the conduct of the government. I thank the Honourable Bill Baxter for his contribution.

I thank government backbenchers who have to show great restraint during the conduct of business to ensure that legislation is passed. I particularly thank Bob Ives and Burwyn Davidson, who have agreed to become members of the recently appointed committee — which is a non-paying committee. I thank Ms Kokocinski in regard to questions and other matters.

I thank the government Whip, Cyril Kennedy, who ensures that Bills and second-reading notes are available on time. He is always on time and at call and has made a significant contribution to improving the health of this place by giving up smoking. I shall leave it to him to explain his motive.

Hon. C. J. Kennedy interjected.

Hon. D. R. WHITE — I didn't say anything! The opposition Whip, Dick de Fegely, had an outstanding predecessor. He had huge shoes to fill, but nevertheless he established a world record. During the debate on the Native Vegetation Protection Bill (No. 2) he not only set time limits for all speakers, which were kept to, but he specifically set a 10-minute limit for Mr Evans. Mr Evans spoke for 30 seconds less than his allotted 10 minutes, and no-one has succeeded in achieving that since 1976! I hope that is a sign of what can be expected from Mr Evans next year.

I also thank the officers at the table, Alan Bray, Wayne Tunnecliffe and Matthew Tricarico for their professional conduct of the House, the *Hansard* reporters, the dining room staff and the Library staff.

I also thank George Oliver who last year succeeded in being resurrected and is now here long beyond his retirement date. I am not sure what means you, Mr President, may use this year, but the House will certainly benefit from George's presence. I thank Clarrie Quinn for his excellent contribution in terms of the humour he provides for all members of the House. I also thank Wayne McKenzie, Russel Bowman, Spiro Pastras, Greg Mills, Alan Ryan and Michael Stubbings for their contributions.

Finally I wish all members of the House a merry Christmas, a happy New Year and a well-earned break. I look forward to seeing all honourable members in the New Year.

Hon. M. A. BIRRELL (East Yarra) — I join with the Leader of the Government in wishing everyone Christmas greetings. It is always hard in November to think of it being close to Christmas. In my early years in this place I recall that the sessions would finish when Christmas was looming. I had plans to make a long speech tonight, but the bottom line is that we are all tired — I certainly am — so my contribution will be relatively brief.

It should be recorded in *Hansard* for the benefit of all that we are debating this important matter at 2.45 a.m. No-one else will know or care and the newspapers are already out. No-one knows we are here!

It has been an important year with a large number of changes. We have had the recession "we had to have" and we are still living through its impact. There have been major legislative changes, the most significant being in the context of some of the economic debates that have taken place. The tone of the year has perhaps been a bit subdued, but that may be because of the economic overtones of almost everything we have done. At the end of a session it is important to reflect on that work but also to look forward to a break.

Inevitably next year will be an election year. That can be said with certainty. We said it this time last year, but next year has to be an election year so we are right this time. It is time to again farewell the people, something we did at almost this time last year. We have farewelled the Governor and he has not gone. I cannot say goodbye to you any more, Mr President, but we certainly thank you for your efforts in this place.

Some honourable members will not be here this time next year. There is a chance that this will be the day when Mr Wright asked his last question and when others made their last speeches. Two people who deliver poems in this House may be missing — Mrs Coxsedge and Mr Lawson. They will certainly be missed not only for their contributions to felicitations but also because they add to the character of this place and the fact that it is a welcoming place in which to work.

Given my feelings towards it, it is hard to send Christmas felicitations to the House Committee but, in the spirit of Christmas, I send warm regards to both Mr Landeryou and Mr Weideman, who are responsible for the disaster that is called the dining room.

We look forward to next year's instalments. Sincere thanks go to the people who help us in our work during every sitting day, and who are unfailingly courteous. The table officers do not seem to show the stress and strain that appears on the faces of the rest of us, and I pass on my thanks to them.

I also pass on the thanks of the opposition to the staff of the Parliamentary Library, who do an outstanding job for us, usually retrieving information for us at very short notice, often with incomplete data to act on. The Library staff are very reliable, trustworthy and efficient.

Also in that context I thank the Papers Office. In a bizarre way it is a sort of recycler's dream, given the stuff it churns out, but it is central to our work, and once again, despite the demands placed on those staff our Papers Office is an example of efficiency and courtesy.

To George and Clarrie, I join with the Leader of the Government in thanking them for the standard they keep in this House and also for the sense of atmosphere they provide. I also put on the record my thanks to the Leaders of the other parties — to the Honourable David White for ensuring that this place runs in a civilised fashion, which it has done, as it did under the Minister's predecessor.

It is uncommon for us to be sitting ungodly hours, although the only time when we get to actually thank Mr White for our not sitting ungodly hours is on the one night that we do! The opportunity he has held out to run this place more efficiently is one that we respect.

To Bill Baxter, my thanks, and my thanks also to the National Party. We have actually enjoyed the marriage. I know it might come as a surprise or a sense of disappointment to the Labor Party, but it is no more of a surprise to them than it is to us. It is actually working quite well and the Honourable Baxter has been integral to that harmony, as has Mr Hallam.

I particularly thank the opposition Whip, the Honourable Dick de Fegely, for the work he does on behalf of all of us. I think it has been a rude introduction to the down side of life — becoming a Whip — but Dick has done a very good job.

The most important achievement this year was the arrival of Molly Elizabeth Birrell, of course, and for those of you who congratulated my wife — and myself for my small role in it — I thank you very much.

I look forward to actually introducing myself to my three-week old daughter, but that, obviously, will not occur tonight — I hope!

Hon. W. R. BAXTER (North Eastern) — Like Mr Birrell, I am having some difficulty getting into the yuletide spirit at 2.53 a.m., with still a month to go before Christmas. Nevertheless I am pleased to join in these traditional felicitations at the end of the session, and I join in the thanks that have been extended to others and on behalf of the National Party I thank the Leader of the House and his Ministerial colleagues and all members of the government for their friendship during the year. Similarly to members of the opposition — the Leader of the Liberal Party and its members.

I also thank, in particular, Dick de Fegely as the opposition Whip and the de facto Whip of this House. He is the most overworked and underpaid person in this Chamber.

Hon. R. S. de Fegely — Hear, hear!

Hon. W. R. BAXTER — I am glad to know that he agrees with me. The same went for his predecessor, Mr Knowles. They are absolutely essential to the smooth running of the Chamber and the reason we do manage to get through business, even if we have slight hiccups over the order in which business will be done according to what is listed on the Notice Paper, clearly it is due to the opposition Whip's operations that we have achieved a relatively smooth running of the House.

I thank particularly my deputy, Roger Hallam, and my four colleagues. We are a small group here but we get on extremely well. That makes my job as Leader simpler.

I agree with the remarks made by Mr Birrell about the coalition. It has worked extremely well and we have many things in common that we had not realised or appreciated previously.

I join with the other two Leaders in thanking the Parliamentary officers, particularly the table officers who work in this Chamber. I thank George Oliver and his offsiders who are unfailingly courteous. I thank the staff in the Papers Room; they perform one of the most important functions of Parliament. We make demands on the Papers Room staff, as we do on the staff of the Parliamentary Library, and the requests are usually met most expeditiously.

I particularly extend best wishes and thanks to the staff of the Refreshment Rooms — they have had a rather torrid year. They have put up with a large number of whinges and although those whinges may have been justified perhaps they should not have been directed to the staff. They should have been more properly directed to the persons named earlier by Mr Birrell. I particularly mention Shirley Haynes and her colleagues. I wish all honourable members a restful break.

There will be an election next year, as has already been noted. That brings with it a deal more stress for everyone. That is inevitable but it will be worked through.

It is probably also worth noting that this Christmas will be less joyous for many in the community, particularly those who have lost their jobs during the year and the young people leaving school who are facing bleak employment prospects in the New Year. It will be a particularly dismal Christmas for many farming families who are existing under difficult economic pressure at the moment and who are suffering negative incomes.

It will also be a bleak Christmas for the many people involved in small businesses who have struggled during the year, and those who — as we have learned from the announcements from banks in the past couple of days through their annual reports — are among the number of small businesses that have gone under this year. Christmas will be tough for many people. We should think of them and trust that 1992 will bring better times for everyone.

Honourable Members — Hear, hear!

Hon. JOAN COXSEDGE (Melbourne West) — It is desperation time — it is the end of the Parliamentary session for the Legislative Council! Christmas is coming and I have tried hard to dream up a poem that is not too corny, scans nicely, and has a certain rhythm, as well as being reasonably topical. If you want to try that for laughs — all you potential critics — see how you cope at 3 a.m!

The verses are not written in chronological order or in order of importance — but as they spring to mind.

The title of the poem this year is *A potpourri of 1991*:

A Potpourri of 1991

"George Bush", said the angel recorder

"In restoring Kuwait's phoney border

You caused chaos and strife

And huge loss of life"

"That's not chaos," said George "but New Order".

"I'm broke", said Christopher Skase

"And you'll never succeed with your case.

I pay my QCs

And fly where I please

With cash that's moved all round the place".

In a limerick on Packer I'd hint

How we'd all like the big bugger skint;

Third line ends on "black"

The fourth one on "hack"

And the last one is unfit to print.

A body was found in the sea;

I wonder whose corpse it could be.

It's Maxwell, they say

But was it foul play

Or a hoax to the umpteenth degree?

East Timor is still on the boil

With crimes from which we recoil.

The Timorese fault

In each new assault

Comes down to their closeness to oil.

Four terms Hawke insists on completing

Despite promises made at THAT meeting.

But Keating says no,

You'll just have to go

While the CIA mutters "Stop cheating"!

Cartoonists who draw Joanie Kirner

Were met with expressions much sterner.

"I don't have the hots

For dresses with dots

Though I'm hardly a painting by Turner".

A chemical island named Coode

Went up as some said it would.

But the next toxic fire

Might burn even higher

Relocating the nightmare for good.

"I know" said Steve Crabb "what I'll do

I'll head off for green pastures anew

And as for my staff",

He said with a laugh,

"I'll post them to Woolloomooloo".

We've just had one hell of a year;

There hasn't been very much cheer.

I look with elation

To your next celebration

Because by then I'll no longer be here.

I wish everyone involved in Parliament, from the top to the bottom — and I shall not name them all because there are just so many — a very pleasant Christmas and a peaceful New Year — even though an election is looming. And please take care on the roads.

Honourable Members — Hear, hear!

Hon. ROSEMARY VARTY (Nunawading) — Mr President, because our resident poet has seen fit to retire at the next election, I thought we needed to train a rookie. I do not profess to have mastered the art of doggerel as Joan has; nor do I profess to have latched on to the idiosyncrasies of the personalities in this place. But I shall try to paint a wider picture, as Joan does with her brushes, by linking some of the things we do both in this House and outside.

The first matter I shall draw attention to is marvellous Melbourne, which we have heard so much about in recent years; and I shall concentrate

on the cranes on the city skyline that everyone talks about.

Cranes

The arching cranes as necks of birds

Dip down to city lake to feed

On writhing buildings.

Not for them the joy of flight

Or rapture of setting sun upon their wings,

No answering joyous calls across the lake

But rigid response

To dogman's call of whistle shrill

To dip and lift

A load that feeds the ever-growing nest

Upon which they rest.

Then there are the inner suburbs, through which most of us drive each day, no matter from which direction we come. It is interesting to drive through suburbs such as Collingwood, which still has a number of very small houses with very small front gardens.

Magnolia Flame

The mauve magnolias kindled flame

Lights the dreary greyness of grimy garden

Exhausted by fetid fumes

Of internal combustion craft

That daily ply their trade

Of commuter cargo to daily tasks.

That light of spring soon will pass

As pass the years of hope

And expectation of life

Of commuters carried past.

Yet still each year that flame will light

To rekindle dreams and draw us all

Like moths to continue ever hopeful

That our lives will find some eternal

Flame of truth.

Then there are the suburbs further out where the light changes from the greyness of the inner suburbs. This poem hints at some of the quality of life issues that we all talk about.

Dapple

Dragon flies dip down to drink

In dappled light as water plays

To ripple mirrored mask

Above the darting gold of fish

Watched o'er by thieving cat

Whose quivering haunch

And unsheathed claw waits

To claim his prize.

Then I think of our environment, and those people who want to destroy it; and I think of the wider environment which stretches even further out from Melbourne and which we have an even greater need to protect. I also think of the valleys, whether to the south-east, the east or the west.

The Valley

I close my eyes and see

The sun upon the valley

Lying somnolent

Beneath a swathing cloak

Of morning mist.

With each new day

There brings

A rebirth of life

A tribute to God's handiwork

And eternity

The veils of rain of passing storm

The purple dusk of winter even

The searing orange of midsummer sun

Are all reminders that we who live

In this special place

Are here on sacred trust

Are given special insight into God's ways

And are custodians of the beauty

For eternity.

Honourable Members — Hear, hear!

Hon. ROBERT LAWSON (Higinbotham) — Who could say that culture is dead in the Legislative Council after we have heard our two resident poets? We shall probably hear a contribution from Mr Smith next!

I noticed that earlier Mr White said this was an historic day. It was the anniversary of the first sitting of the Legislative Council that took place in the St Patrick's Hall that was in Bourke Street. St Patrick's Hall no longer exists, but honourable members can see pictures of the occasion in Strutt's book in the Parliamentary Library.

I mention also that another important event took place: for the first time ever we had four women tellers counting the votes during a division, and for the first time ever we managed to lose one of the members!

Hon. M. T. Tehan — Not the right one, though!

Hon. Joan Coxsedge — We could have another go and with a bit of luck we could lose the right one! Tell us which one you would like us to lose; I will lose him for you!

Hon. ROBERT LAWSON — I was reminded of the story about the founder of the British College of Surgeons who was, of course, a distinguished surgeon in his day. When he died, he left directions in his will that his body was to be embalmed and to be present at all meetings of the college council. So he sat in his glass case for 100 years. At all those meetings of the Council of the College of Surgeons he was marked as "present, but not voting". It seemed to me that what happened to John Miles had an extraordinary link with that story!

I do not want to go through the list of all the people who help to make this place work. I heartily concur with what our Leaders had to say about the contributions made by the people who help us so well here.

I am pleased to be a member of a Chamber that has a pleasant ambience from time to time. Of course the spirit in here now is quite different from the spirit this morning when we were discussing whether questions were being answered in time!

Hon. R. M. Hallam — That was yesterday morning!

Hon. ROBERT LAWSON — I hope this will not be the last occasion on which I speak in this Chamber. There is a good deal of difference of opinion about whether this is to be the last session before we have an election. I can only hope we have an autumn session and that I will be part of it.

Before I go, I would like to give you one word to go on with. It is "elenchus". Maggie Sutherland in Hansard and I have a thing going between us. This is her code word; she particularly wanted to have it included in *Hansard* regularly. Elenchus is a most appropriate word for us, as the *Oxford English Dictionary* defines it as meaning:

> Admitting the apparent correctness of the opposing argument, we may prove the contradictory of its conclusion by an unassailable argument of our own...

So, James, make good use of the word "elenchus". While referring to James, I was a bit worried about James and Jean McLean and Joan Coxsedge. I thought there was something going on between them because they kept coming over here and gazing into each other's eyes. I was wondering what was going on and I then realised that they were talking about rape and discussing the Bill!

Another thing that strikes me about the composition of this Chamber is that it used to be a haunt for lawyers; then it became the bastion of the socialist left; it is now dominated by plumbers.

Hon. B. W. Mier — What's wrong with that?

Hon. ROBERT LAWSON — I hope to be around for the autumn session. In the meantime I should like to wish everyone a merry Christmas and a happy New Year. I hope we will all meet together in the autumn session.

Hon. G. A. SGRO (Melbourne North) — Mr President, I do not believe this will be my last time here. I think I will be back again next year. I should like to take this opportunity — I have not done it before — to thank my party for giving me the opportunity of coming to this House. I have been here for twelve or thirteen years and have made a tremendous number of friends.

Twelve or thirteen years ago I did not think that, with my mentality, I would make a lot of friends on the other side of the House — when I came here the people on that side of the House were on this side and we were on that side — because I thought all those on the other side were my enemy forever.

Hon. Robert Lawson — Now you know where your friends are!

Hon. G. A. SGRO — Not quite, Mr Lawson, although I must admit that if everyone in the world was like you I would not have an enemy anywhere. You have been a good friend to me. I have made a lot of good friends on that side, which is something I did not think I would do when I first came here.

I thank my party for giving me the opportunity of coming here and speaking on behalf of thousands of people who otherwise would not have a voice in this place. Many times as politicians we argue with each other here, but it seems to me we often forget the people who vote for us and whom we represent here. There are many decent people on both sides, and I think we must reflect and make sure that the people who elect us and the people in need are looked after.

Mrs Coxsedge and other honourable members in their contributions mentioned the unemployed. This morning, in response to the invitation we all received to the Christmas dinner on Wednesday 4 December, I wrote a letter to the Premier asking that she cancel the dinner and give the money to the people who are unemployed this year. Unfortunately there are many of them. I do not know what will happen but that is my feeling.

I thank George and all the staff for helping me. I thank the *Hansard* staff because I know the way I speak is sometimes difficult to understand. When I read my speeches in *Hansard* I say, "Gee, how can they make sense of it?". When I speak I mix things up a bit, back to front and the other way round, but nevertheless somehow the *Hansard* people manage to put things together nicely. I thank them very much for what they have done for me and for my speeches.

I believe strongly my being here for the past twelve or thirteen years has made a tremendous difference to people who come from other parts of the world, with very little English and very little understanding of the way things are run in this country. I think I have given them a little bit of hope in this world. I thank my party and everybody here. I am certain that I will be here next year.

I want to thank you, Mr President, because when I first came here thirteen years ago you were the first one to give me a drink. I appreciated that and I will never forget it.

Honourable Members — Hear, hear!

The PRESIDENT — Order! Without in any way repeating what the three Leaders have said, I wish to concur with them in the recognition and thanks that they have given to all of those who serve us in this House, with one reservation.

I believe in giving credit where credit is due and not giving credit where credit is not due. I do not believe for one moment that Mr Landeryou and Mr Weideman are entitled to the entire credit for the changes in the dining room arrangements; that should go to those who have so changed the funding arrangements over the past three years in a way which begs comparison with what occurs in every other State Parliament and, indeed, in other Parliaments throughout the world.

I pay special tribute to those who will be leaving us before the next Christmas felicitations; those who know they are going and those who do not. Each of them has contributed to this Parliament in his or her own individual way.

Most of all I desire to pay a tribute to the one person who has been here the longest, George Oliver — Mr Parliament. He will never officially have the title of the Honourable George Oliver, but to us that is what he is. He embodies the spirit and the traditions of this Parliament in a way that nobody else does

and nobody else has done in the whole of my period here.

George, I want to say that every member of this House appreciates the enormous contribution you have made to the life of the Parliament and to the maintenance of its traditions. You will be sorely missed to a much greater extent than the individual members, the temporary members of this place. You have been the embodiment of what we believe the Parliament to be. You have been the permanent staff while others have come and gone. Thank you for everything you have done, and our good wishes go also to your wife who has stood behind you throughout your time here.

The story Mr Lawson told reminds me that I have also been in the same position. I came in just as the 3-minute bells were concluding at one stage and the doors were slammed behind me. The Whip said, "What the hell are you doing here? You're paired". I said, "I would have appreciated it if I had been paired before I came into the Chamber". I had to lie down on the floor where Mr Connard is now sitting. On that occasion the tellers lost a member. I was also present but did not vote.

I turn to what Mr Sgro said. Along with him and with all members who are leaving, I want to say that it has been a privilege to serve. I believe if people come into this place motivated only by personal ambition they will fail; they will not achieve what they should. But those who come here prepared to serve will get out of their service even more than they put in.

I have found this a magnificent opportunity to serve, as has everyone in this Chamber. I have great pleasure in wishing members and staff throughout the Parliament a very happy Christmas and all the best for 1992.

Motion agreed to.

House adjourned 3.20 a.m. (Friday).

Tuesday, 12 November 1991

QUESTIONS ON NOTICE

LAND — ATTORNEY-GENERAL

(Question No. 609)

Hon. G. P. CONNARD (Higinbotham) asked the Minister for Manufacturing and Industry Development, for the Minister for Finance:

Further to the answer to question No. 457 given in this House on 29 August 1990:

(a) Has a review taken place to determine which excess land or property is proposed to be sold or disposed of and, if so —(i) who were the departmental officers associated with the review; (ii) what recommendations have been made and, if they have not been made, when will they be made; and (iii) what was the review process?

(b) When will the Minister be able to advise what is considered to be excess land or properties?

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — The answer supplied by the Minister for Finance is:

(a) (i) The management of land and property assets by agencies in my portfolio is an ongoing function. This process of assets management includes the identification of land or property no longer required for the delivery of an agency's services or programs.

In May 1991 the government revised procedures for asset sales. Any assets no longer required by an inner sector agency are released to my Ministry of Finance (MOF). Officers in these departments, whose normal tasks include this function, participate in the process.

(ii) Properties approved for sale as at 22 August 1991 under the revised procedures are shown in Attachment 1.

(iii) The revised procedure is detailed as follows:

a) Identification process — identification is now performed by a unit within my Ministry, although other inner sector agencies continue to have primary responsibility for identifying surplus property;

b) Consultation process — this includes referral to DEC, DPH, the local municipality as well as advertisements in newspapers and the *Government Gazette*;

c) Assessment process — I am responsible for the final decision based on the recommendations of the Asset Management Committee (AMC) who oversee the process. The committee is made up of officers from DEC, DPH and MOF.

(b) I refer the honourable member to the properties contained in Attachment 1.

RECORD #	REF NO	SUFFIX	STNO	STREET	LOCALITY	LCRC DEC	DEC DATE	FINAL CLASS	AMRC -APP
511	10082			STREZLESKI ST & STH GIPPSLAND HWY	ALBERTON	GL	18.11.87	GL	17.10.90
2411	13269		LOT 1	HOPETOUN ST	ALLANSFORD	GL	08.02.91	GL	14.05.91
2613	13613		20	ZIEGLER PDE	ALLANSFORD	GL	08.02.91	GL	14.05.91
495	10070			ELIZABETH ST	ANGLESEA	GL	16.12.87	GL	13.02.91
3803	13673	A		CARTWRIGHT ST	APOLLO BAY	GL	20.12.89	GL	13.02.91
325	10775		33	NELSON ST	APOLLO BAY	GL	17.04.91	GL	28.05.91
695	10718			HORSHAM RD	ARAPILES	GL	16.06.88	GL	17.10.90
3467	14740				ARARAT	GL	20.09.90	GL	18.12.90
3471	14744			BAIRD & WILSON STS (CNR)	ARARAT	GL	20.09.90	GL	18.12.90

3432	14620			BARKLY ST	ARARAT	GL	20.09.90	GL	18.12.90
3492	14765			BARKLY ST	ARARAT	GL	20.09.90	GL	18.12.90
3493	14766			BARKLY ST	ARARAT	GL	20.09.90	GL	18.12.90
391	11025			BASHAM & NOTT STS	ARARAT	GL	26.04.89	GL	17.10.90
3475	14748			BURN ST (OFP)	ARARAT	GL	20.09.90	GL	18.12.90
3499	14772			CAMPBELL ST	ARARAT	GL	20.09.90	GL	18.12.90
4261	12753	A		ELIZABETH ST	ARARAT	GL	20.12.89	GL	17.10.90
4262	12753	B		ELIZABETH ST	ARARAT	GL	20.12.89	GL	17.10.90
3336	9193	A		GEORGE & HEWITT STS (CNR)	ARARAT	GL	18.02.88	GL	17.10.90
3455	14643			GEORGE RD & HEWITT ST (CNR)	ARARAT	GL	20.09.90	GL	18.12.90
772	10953			GORDON & HIGH (CNR)	ARARAT	GL	18.08.88	GL	18.12.90
3488	14761			GORDON ST	ARARAT	GL	20.09.90	GL	18.12.90
3476	14749			HARGREAVES ST	ARARAT	GL	20.09.90	GL	18.12.90
3433	14621			HIGH & VANSTAND STS (CNR)	ARARAT	GL	20.09.90	GL	18.12.90
3483	14756			KING ST	ARARAT	GL	20.09.90	GL	18.12.90
3484	14757			KING ST	ARARAT	GL	20.09.90	GL	18.12.90
3176	12752	C		MAUDE & FLATTELY STS	ARARAT	GL	28.02.90	GL	18.12.90
2778	12760	A		MAUDE ST	ARARAT	GL	28.02.90	GL	25.03.91
4143	15137			MCDONALD ST	ARARAT	GL	08.02.91	GL	14.05.91
3468	14741			NOTT RD	ARARAT	GL	20.09.90	GL	18.12.90
3482	14755			PRINCESS ST	ARARAT	GL	20.09.90	GL	18.12.90
2792	12976	A		QUEEN ST	ARARAT	GL	23.05.90	GL	17.10.90
3480	14753			TRUSCOTT & QUEEN STS (N/E CNR)	ARARAT	GL	20.09.90	GL	18.12.90
3406	14547			STRICKLAND ST	ASCOT	GL	29.08.90	GL	18.12.90
3529	14807		42	BOYCE STREET	AVOCA	GL	20.09.90	GL	18.12.90
4027	10023	B		HIGH ST	AVOCA	GL	16.12.87	GL	01.08.88
2661	13672			PASCOE ST	AVOCA	GL	20.12.89	GL	13.02.91
3656	14917			SWAN RD	BACCHUS MARSH	GL	21.11.90	GL	13.02.91
492	10140			DAVIES RD	BALLARAT	GL	16.12.87	GL	17.10.90
3543	10232	H		ELIZABETH ST	BALLARAT	GL	18.02.88	GL	22.03.90
3965	15212			HUMFFRAY ST NORTH	bALLARAT	GL	20.02.91	GL	14.05.91
3541	10232	J		LATROBE ST WEST	BALLARAT	GL	18.02.88	GL	22.03.90
2433	10180	B		RING RD	BALLARAT	GL	18.11.87	GL	17.10.90
3542	10232	K		WALLIS ST	BALLARAT	GL	20.03.91	GL	12.06.91
899	11250			BELLS LNE	BALLARAT EAST	GL	16.11.88	GL	17.10.90
3335	9043	D		DODDS LNE	BALLARAT EAST	GL	16.11.88	GL	13.02.91
1203	9043	B		DODDS LNE	BALLARAT EAST	GL	16.11.88	GL	17.10.90
1139	12733		359A	HUMFFRAY & THOMPSON STS	BALLARAT EAST	GL	21.03.89	GL	09.08.89
2761	13772			JOSEPH&SPENCER (FRONTAGE)	BALLARAT EAST	GL	28.02.90	GL	23.04.90
339	9128			MADDERN/HOWARD	BALLARAT NORTH	GL	18.02.88	GL	17.10.90
2976	10837	C		NORMAN & HAVELOCK ST	BALLARAT NORTH	GL	20.07.88	GL	17.10.90
118	9110			SIMPSON & HOWITT	BALLARAT NORTH	GL	18.02.88	GL	17.10.90
2513	13440			RIVEREND & MCMAHENS RD (CNR)	BANGHOLME	GL	22.11.89	GL	25.03.91
4126	15442			RAILWAY TERRACE	BANNOCKBURN	GL	17.04.91	GL	28.06.91
396	11034			HAPPY VALLEY RD	BARWIDGEE	GL	14.09.88	GL	17.10.90
2545	13502			BUCKLAND ROAD	BEECHWORTH	GL	20.12.89	GL	25.03.91
3863	10817	A		FERGUSON ST	BEECHWORTH	GL	28.07.88	GL	25.03.91
3864	10817	B		FERGUSON ST	BEECHWORT	GL	20.07.88	GL	25.03.91
3330	429	A		PT MAYDAY HILLS SITE	BEECHWORTH	GL	16.11.86	GL	17.10.90
3331	429	B		PT MAYDAY HILLS SITE	BEECHWORTH	GL	16.11.88	GL	17.10.90
3332	429	C		PT MAYDAY HILLS SITE	BEECHWORTH	GL	16.11.88	GL	17.10.90
3333	429	D		PT MAYDAY HILLS SITE	BEECHWORTH	GL	16.11.88	GL	17.10.90
3334	429	E		PT MAYDAY HILLS SITE	BEECHWORTH	GL	16.11.88	GL	17.10.90
2767	13810				BELOKA	GL	28.02.90	GL	14.05.91
497	10072			GOOMALIBEE & KENT STS	BENALLA	GL	16.12.87	GL	17.10.90
939	12388		8	MUNRO AVE	BENALLA	GL	29.08.90	GL	18.12.90
2805	13845			ROE ST	BENALLA	GL	28.02.90	GL	25.03.91
1128	12713			EVE ST	BENDIGO	GL	24.05.89	GL	13.02.91
2947	13984			BRAZIER ST & WATSON AVE (CAL GULLY)	BENDIGO	GL	23.05.90	GL	17.10.90
2943	13982			CHURCH & BRAZIER STS	BENDIGO (CAL GULLY)	GL	23.05.90	GL	17.10.90

2942	13981			LOUDEN, PEARCE, GREEN STS (ABUT)	BENDIGO (CAL GULLY)	GL	23.05.90	GL	17.10.90
936	12345			BURNSIDE, ORLANDO, KIRKWOOD STS	BENDIGO (EAGLEHAWK)	GL	21.12.88	GL	21.06.89
3794	13507	A		RUTH ST	BENDIGO (GOLDEN SQ)	GL	20.12.89	GL	25.03.91
290	10634			KINROSS ST	BENDIGO (LONG GULLY)	GL	16.11.88	GL	18.12.90
4179	10284	A			BENNISON	GL	16.03.88	GL	14.05.91
4180	10284	B			BENNISON	GL	16.03.88	GL	14.05.91
3553	10141	A		BETLEY RD	BET BET	GL	16.12.87	GL	13.02.91
337	10843			HIGH ST	BET BET	GL	21.12.88	GL	17.10.90
1251	12913			ELGIN ST	BLACKWOOD	GL	01.08.89	GL	17.10.90
2785	10035	A			BRIGHT	GL	16.12.87	GL	18.12.90
3351	10783	B		CAMP ST	BRIGHT	GL	19.10.88	GL	17.10.90
370	11007		5	CORONATION AVE	BRIGHT	GL	16.11.88	GL	17.10.90
2465	278	B		HARRIETVILLE RD	BRIGHT	GL	28.02.90	GL	14.05.91
2408	13315			HOWITT ST	BRIGHT	GL	09.10.89	GL	14.05.91
178	9371		35	MURCHISON ST	BROADFORD	GL	18.08.88	GL	17.10.90
3817	15318	A		MARKET ST	BROOKLYN	GL	20.03.91	GL	12.06.91
871	11264				BROOMFIELD	GL	16.11.88	GL	17.10.90
2736	13829			BULLA RD	BULLA	GL	20.09.90	GL	18.12.90
2501	13425			BARKLY ST	BUNINYONG	GL	20.03.91	GL	12.06.91
116	9118			CORNISH & BARKLY	BUNINYONG	GL	18.02.88	GL	17.10.90
3215	14300			CORNISH ST	BINNIN YANG	GL	01.08.90	GL	17.10.90
2478	13395				BYADUK	GL	20.09.90	GL	18.12.90
2535	13471			BONEO RD	CAPE SCHANCK	GL	22.11.89	GL	17.10.90
3796	13882			BROWNPORT RD	CARWARP	GL	28.03.90	GL	25.03.91
3720	15035			DUKE/MURPHY STS (CNR)	CASTLEMAINE	GL	19.12.90	GL	13.02.91
3719	15034		CNR	DUKE/MURPHY STS (CNR)	CASTLEMAINE	GL	19.12.90	GL	13.02.91
276	1171		7	THE STRAND	CHELSEA	GL	22.11.89	GL	17.10.90
3919	15238			ALBERT & BROWN STREETS (CNR)	CHILTERN	GL	20.02.91	GL	14.05.91
909	12326		9	CRAWFORD ST	CHILTERN	GL	16.11.88	GL	17.10.90
3183	14263			BECKWITH ST	CLUNES	GL	01.08.90	GL	17.10.90
1129	12716			CAMERON & CANTERBURY STS (CNR)	CLUNES	GL	21.03.89	GL	17.10.90
1083	12634			KIMBERLEY/HOSPITAL/ HOTHAM STS	CLUNES	GL	01.08.89	GL	17.10.90
3673	14936			MT CAMERON RD	CLUNES	GL	21.11.90	GL	13.02.91
3674	14937			MT CAMERON RD	CLUNES	GL	21.11.90	GL	13.02.91
535	10115		10	CHANNEL ST	COHUNA	GL	16.12.87	GL	17.10.90
3179	14259			HENTY ST	COLERAINE	GL	01.08.90	GL	17.10.90
3180	14260			HENTY ST	COLERAINE	GL	01.08.90	GL	17.10.90
2936	13975				CORA LYNN	GL	23.05.90	GL	17.10.90
2400	13306			MYOLA RD	CORNELLA (EAST)	GL	09.10.89	GL	14.05.91
3741	10893			MIDLAND HIGHWAY	COROP	GL	01.08.89	GL	25.03.91
3420	14562			DONALDSON ST	CORRYONG	GL	12.12.90	GL	13.02.91
3513	14789			HARRIS ST	CORRYONG	GL	20.09.90	GL	18.12.90
3067	14113				CRESWICK	GL	20.06.90	GL	17.10.90
3085	14130				CRESWICK	GL	20.06.90	GL	17.10.90
3086	14132				CRESWICK	GL	20.06.90	GL	17.10.90
3116	14161				CRESWICK	GL	20.06.90	GL	17.10.90
3134	14179			ANNE ST	CRESWICK	GL	20.06.90	GL	17.10.90
3070	14116			ARMSTRONG ST (OFF)	CRESWICK	GL	20.06.90	GL	17.10.90
3062	14108			BELL ST	CRESWICK	GL	20.06.90	GL	17.10.90
852	11223			BRIDGE & FITZGERALD STS CNR	CRESWICK	GL	20.06.90	GL	17.10.90
3104	14149			BRIDGE ST	CRESWICK	GL	20.06.90	GL	17.10.90
3076	14121			BROOMFIELD RD	CRESWICK	GL	20.06.90	GL	17.10.90
3056	14101			CHURCH ST	CRESWICK	GL	20.06.90	GL	17.10.90
3127	14172			COOPER ST	CRESWICK	GL	20.06.90	GL	17.10.90
3128	14173			COOPER ST	CRESWICK	GL	20.06.90	GL	17.10.90
3129	14174			COOPER ST	CRESWICK	GL	20.06.90	GL	17.10.90
3126	14171			DAVIES ST NORTH	CRESWICK	GL	20.06.90	GL	17.10.90

3100	14147		FITZGERALD/BRIDGE & BURKE STS	CRESWICK	GL	20.06.90	GL	17.10.90
3121	14168		HARVEY ST	CRESWICK	GL	20.06.90	GL	17.10.90
3122	14167		HARVEY ST	CRESWICK	GL	20.06.90	GL	17.10.90
3123	14168		HARVEY ST	CRESWICK	GL	20.06.90	GL	17.10.90
3124	14169		HARVEY ST	CRESWICK	GL	20.06.90	GL	17.10.90
3125	14170		HARVEY ST	CRESWICK	GL	20.06.90	GL	17.10.90
3101	14148		HARVEY/CARPENTER STS/ POUND LANE	CRESWICK	GL	20.06.90	GL	17.10.90
3106	14151		HYDE PARK RD	CRESWICK	GL	20.06.90	GL	17.10.90
3055	14100		HYDE PARK ROAD	CRESWICK	GL	20.06.90	GL	17.10.90
3066	14112		HYDE PARK ROAD (OFF)	CRESWICK	GL	20.06.90	GL	17.10.90
3091	14137		KING ST	CRESWICK	GL	20.06.90	GL	17.10.90
3096	14143		KING ST	CRESWICK	GL	20.06.90	GL	17.10.90
3084	14129		LEWERS ST	CRESWICK	GL	20.06.90	GL	17.10.90
3071	14117		LUTTET STREET	CRESWICK	GL	20.06.90	GL	17.10.90
3087	14133		LUTTET STREET	CRESWICK	GL	20.06.90	GL	17.10.90
3083	14128		MACS ST	CRESWICK	GL	20.06.90	GL	17.10.90
3057	14102		NUGGET GULLY (KNOWN AS)	CRESWICK	GL	20.06.90	GL	17.10.90
2499	13421		8 MILNE ST	CRIB POINT	GL	18.04.91	GL	28.06.91
2522	13453		12 RAILWAY ST	CULGOA	GL	22.11.89	GL	14.05.91
1009	12526		EAST ST	DAYLESFORD	GL	24.01.89	GL	25.03.91
138	9186		STANHOPE ST	DAYLESFORD	GL	18.02.88	GL	17.10.90
1145	12747		TARGET RD	DONCASTER EAST	GL	28.03.90	GL	25.03.91
4103	10940	A		DRUMMOND	GL	18.08.88	GL	17.10.90
4104	10940	B		DRUMMOND	GL	18.08.88	GL	17.10.90
3917	15186		SLAUGHTERHOUSE ROAD	DURHAM LEAD	GL	20.02.91	GL	14.05.91
3392	14533		BOWEN STAWELL & SERVICE STS	ECHUCA	GL	29.08.90	GL	18.12.90
1205	12797		EGERTON-BALLAN RD	EGERTON	GL	26.04.89	GL	18.12.90
3668	14930		MCKAY ST (OFF)	ELMHURST	GL	21.11.90	GL	13.02.91
3665	14927		MCMILLAN ST (PART)	ELSTERNWICK	GL	21.11.90	GL	13.02.91
576	10318		MAIN ROAD	ENSAY NORTH	GL	20.04.88	GL	14.05.91
4246	15172		MOORE STREET	ERICA	GL	20.04.88	GL	06.06.88
2913	13840		76 LINCOLN RD	ESSENDON	GL	08.02.91	GL	14.05.91
4197	13046	B	17 BELL ST	FITZROY	GL	18.04.91	GL	28.06.91
845	11208		WHITEHALL/YOUELL STS (CNR)	FOOTSCRAY	GL	22.11.89	GL	18.12.90
3609	14865		FLEET STREET	FOSTER	GL	24.10.90	GL	13.02.91
3610	14866		FLEET STREET	FOSTER	GL	24.10.90	GL	13.02.91
3611	14867		FLEET STREET	FOSTER	GL	24.10.90	GL	13.02.91
3613	14869		FLEET STREET	FOSTER	GL	24.10.90	G	13.02.91
3614	14870		FLEET STREET	FOSTER	GL	24.10.90	GL	13.02.91
3615	14871		FLEET STREET	FOSTER	GL	24.10.90	GL	13.02.91
3616	14872		FLEET STREET	FOSTER	GL	24.10.90	GL	13.02.91
3612	14868		FLEET STREET	FOSTER	GL	24.10.90	GL	13.02.91
3780	12971		31 LANGWARRY-NAR NAR GOON RD	GARFIELD	GL	01.08.90	GL	17.10.90
1069	10350			GEELONG	GL	28.07.88	GL	13.02.91
1175	12785		853 PASCOE VALE RD	GLENROY	GL	22.11.89	GL	12.06.91
1194	12819			GRETA	GL	26.04.89	GL	25.03.91
1198	12804			HADDON	GL	26.04.89	GL	13.02.91
3909	15232		GREENBANKS ROAD	HADDON	GL	20.02.91	GL	14.05.91
3993	15207		RACECOURSE ROAD	HADDON	GL	20.02.91	GL	14.05.91
3192	14273		TRUNK LEAD RD	HADDON	GL	01.08.90	GL	17.10.90
4102	15396		GRAY STREET	HAMILTON	GL	20.03.91	GL	12.06.91
214	9497		45 PARK ST	HAMILTON	GL	18.08.88	GL	17.10.90
4144	15372		ROBERTS STREET	HAMILTON	GL	20.03.91	GL	12.06.91
807	11132		COOLSTORE RD	HARCOURT	GL	19.10.88	GL	17.10.90
2547	13504		ALPINE ROAD (EAST OF)	HARRIETVILLE	GL	20.12.89	GL	13.02.91
3594	14849		MORRISON ST (PART)	HAWTHORN	GL	24.10.90	GL	13.02.91
2264	13141		LAKESIDE DVE	HEPBURN	GL	01.08.89	GL	17.10.90
134	9224		PARK AVE	HEYFIELD	GL	18.02.88	GL	17.10.90
3662	14923		ASHES BRIDGE RD	HILLDENE	GL	21.11.90	GL	13.02.91
3520	14797		TARNEIT ROAD	HOPPERS CROSSING	GL	20.09.90	GL	18.12.90
4290	11313	A	CLARK 7 HAMILTON STS (CNR)	HORSHAM	GL	21.03.91	GL	13.02.91

402	11044			MCCALLUM RD	INVERLEIGH	GL	14.09.88	GL	17.10.90
347	10901				KALADBRO	GL	16.11.88	GL	18.12.90
3861	12613	A		ELTHAM-YARRA GLEN ROAD	KANGAROO GROUND	GL	28.06.89	GL	25.03.91
3845	12802	A		BUDJIK ST	KANIVA	GL	26.04.89	GL	17.10.90
2862	9182	A		MADDEN ST NORTH	KANIVA	GL	18.02.88	GL	17.10.90
2863	9182	B		MADDEN ST NORTH	KANIVA	GL	18.02.88	GL	17.10.90
2864	9182	C		MADDEN ST NORTH	KANIVA	GL	18.02.88	GL	17.10.90
2865	9182	D		MADDEN ST NORTH	KANIVA	GL	18.02.88	GL	17.10.90
2866	9182	E		MADDEN ST NORTH	KANIVA	GL	18.02.88	GL	17.10.90
2867	9182	F		MADDEN ST NORTH	KANIVA	GL	18.02.88	GL	17.10.90
2282	13168			NINTH ST & WESTBLADE AVE (CNR)	KERANG	GL	23.05.90	GL	17.10.90
747	10904			3 NUGGETT ST	KERANG	GL	18.08.88	GL	17.10.90
189	9468			MAIN ST	KINGSTON	GL	22.02.89	GL	17.10.90
2883	13938				KONGWAK	GL	24.04.90	GL	17.10.90
2660	13667			LONGWARRY RD	KOO WEE RUP	GL	20.12.89	GL	13.02.91
519	10182			LAKE BAKER DRIVE	LAKE BOGA	GL	18.11.87	GL	18.12.90
517	10181			LAKE BAKER ROAD	LAKE BOGA	GL	18.11.87	GL	18.12.90
3907	15236				LANDSBOROUGH	GL	20.02.91	GL	14.05.91
381	11008		CNR	MAROONDAH/VICTORIA RD	LILYDALE	GL	14.09.88	GL	25.03.91
4250	13357	A		JOHN STREET	LILYDALE	GL	09.10.89	GL	20.03.91
4063	15357			GREY STREET	LINTON	GL	20.03.91	GL	12.06.91
3644	14905			KINROSS STREET	LONG GULLY	GL	28.11.90	GL	13.02.91
348	10903			CORRELL/HILL STREETS (CORN)	LONGWOOD	GL	19.10.88	GL	12.06.91
2225	13096			DEAN MARSH RD	LORNE	GL	20.12.89	GL	13.02.91
4264	14287			RASMUS AVENUE	MALLACOOTA	GL	01.08.90	GL	17.10.90
3178	14258			BROWN ST	MARYBOROUGH	GL	01.08.90	GL	17.10.90
3210	14295			BROWN ST	MARYBOROUGH	GL	01.08.90	GL	17.10.90
3211	14296			BROWN ST	MARYBOROUGH	GL	01.08.90	GL	17.10.90
3212	14297			BROWN ST	MARYBOROUGH	GL	01.08.90	GL	17.10.90
3213	14298			BROWN ST	MARYBOROUGH	GL	01.08.90	GL	17.10.90
4042	15362			CHRISTIAN & TUAGGRA STS (BET)	MARYBOROUGH	GL	20.03.91	GL	12.06.91
2571	13535			GLADSTONE ST	MARYBOROUGH	GL	20.12.89	GL	18.12.90
794	11104			HARKNESS &DARLING STS (CNR)	MARYBOROUGH	GL	19.10.88	GL	17.10.90
637	10552			JEFFS STREET	MARYBOROUGH	GL	22.02.89	GL	17.10.90
3405	14546			MCCLURE ST	MARYBOROUGH	GL	29.08.90	GL	17.10.90
491	10024			VIC. PDE, HOLYROOD ST & PARK R.	MARYBOROUGH	GL	16.12.87	GL	13.02.91
3893	15113			THIRD STREET	MERBEIN	GL	30.03.91	GL	25.03.91
3020	14050		LOT 812	CENTENARY DRIVE	MILL PARK	GL	01.08.90	GL	17.10.90
3676	14939			ALBERT STREET	MINERS REST	GL	21.11.90	GL	13.02.91
3677	14940			ALBERT STREET	MINERS REST	GL	21.11.90	GL	13.02.91
3659	14920			PETERING STREET	MINYIP	GL	21.11.90	GL	13.02.91
3660	14921			PETERING STREET	MINYIP	GL	21.11.90	GL	13.02.91
561	10250				MIRBOO	GL	16.03.88	GL	17.10.90
2831	13865				MORTCHUP	GL	28.03.90	GL	14.05.91
1307	12997			MANSFIELD AVE	MOUNT CLEAR	GL	28.06.89	GL	13.02.91
2328	13230			9 POOLE ST	MURRAYVILLE	GL	21.11.90	GL	28.05.91
3409	14550			HOGANS LANE	MUSK VALE	GL	29.08.90	GL	13.02.91
2975	14019			18 GEOFFREY ST	MYRTLEFORD	GL	08.02.91	GL	25.03.91
922	12359			MYRTLEFORD-YACKAND-ANDAH RD	MYRTLEFORD	GL	21.12.88	GL	17.10.90
3858	10995	A		2 O'DONNELL AVENUE	MYRTLEFORD	GL	24.01.89	GL	17.10.90
3044	14079			OVENS HWY	MYRTLEFORD	GL	20.06.90	GL	13.02.91
3860	10995	C		9 QUEEN STREET	MYRTLEFORD	GL	24.01.89	GL	17.10.90
3859	10995	B		2 ROBERTSON STREET	MYRTLEFORD	GL	24.01.89	Gl	17.10.90
2543	13500			DRIFFIELD	NARRACAN	GL	12.12.90	GL	13.02.91
4147	15381			FOX & NARRE WARREN NTH RD (CNR)	NARRE WARREN NORTH	GL	20.03.91	GL	12.06.91
3200	14284			LE PAGES RD	NEERIM SOUTH	GL	01.08.90	GL	17.10.90
3025	14085			ARAPILES & WARANGA STS	NERRINA	GL	20.08.90	GL	17.10.90

3184	14264			NERRINA RD & GUINEVERE ST (CNR)	NERRINA	GL	01.08.90	GL	17.10.90
2884	13937			MCLAUGHLINS RD	NEWMERELLA	GL	24.04.90	GL	17.10.90
477	9566			45 AUSTIN ST	NEWTOWN	GL	28.07.88	GL	17.10.90
2910	13955			304 PAKINGTON ST	NEWTOWN	GL	20.03.91	GL	12.06.91
2287	13172				NORONG	GL	30.08.89	GL	25.03.91
1123	12707			CHURCH STREET	NULLAWIL	GL	12.12.90	GL	13.02.91
3561	13134	B		MT DANDENONG TOURIST ROAD	OLINDA	GL	01.08.89	GL	25.03.91
3562	13134	A		MT DANDENONG TOURIST ROAD	OLINDA	GL	01.08.89	GI	25.03.91
181	9330			77 BOUNDARY RD	ORBOST	GL	18.08.88	GL	17.10.90
3882	13671	E		FOREST ROAD	ORBOST	GL	20.12.89	GL	20.03.90
227	9483			55 SCOTT ST	ORBOST	GL	18.08.88	GL	17.10.90
3592	14847			SMITH STREET	OXLEY	GL	24.10.90	GL	13.02.91
877	11273				PARWAN	GL	16.11.88	GL	18.12.90
878	11274			GRIFFITH ST	PARWAN	GL	16.11.88	GL	25.03.91
2207	13067			PITCHER ST	PORT CAMPBELL	GL	20.06.90	GL	13.02.91
444	179			351 INGLES STREET	PORT MELBOURNE	GL	16.12.87	GL	17.10.90
2281	9070			LORIMER ST & TODD RD (CNR)	PORT MELBOURNE	GL	18.08.88	GL	17.10.90
963	12412		190	TURNER ST	PORT MELBOURNE	GL	09.10.89	GL	18.12.90
166	9231			HURD/PALMER/ HEDDITCH STS	PORTLAND	GL	18.02.88	GL	17.10.90
2889	13927		4	BLAKE ST	POWELLTOWN	GL	24.04.90	GL	17.10.90
3518	14795			BLAKE STREET	POWELLTOWN	GL	15.10.90	GL	18.12.90
2890	13926			YARRA ST	POWELLTOWN	GL	24.04.90	GL	17.10.90
2891	13925			YARRA ST	POWELLTOWN	GL	24.04.90	GL	17.10.90
962	12411			PLENTY RD	PRESTON	GL	20.06.90	GL	18.12.90
2788	10746	A		MALDON ROAD	RAVENSWOOD WESTGL		20.04.88	GL	17.10.90
2406	13312		22	WOOMERA AVE	RED CLIFFS	GL	09.10.89	GL	14.05.91
2674	13697				REDBANK	GL	07.02.90	GL	13.02.91
2803	13847			BAYNES MCGREGOR & FRANCIS STS	ROCHESTER	GL	28.02.90	GL	25.03.91
694	10717				RUFFY	GL	16.06.88	GL	18.12.90
289	10458			REDGATE LANE	RUFFY	GL	18.02.88	GL	14.05.91
315	10330		202	CUNNINGHAM ST	SALE	GL	18.08.88	GL	13.02.91
2944	13985			DESALLY ST (OFF)	SALE	GL	23.05.90	GL	17.10.90
3598	14853			PRINCESS HIGHWAY (OFF)	SALE	GL	24.10.90	GL	13.02.91
873	11268				SEA LAKE	GL	09.10.89	GL	25.03.91
3716	15030			CENTRE ROAD	SEASPRAY	GL	21.11.90	GL	13.02.91
3717	15031			CENTRE ROAD	SEASPRAY	GL	21.11.90	GL	13.02.91
3718	15032		•	CENTRE ROAD	SEASPRAY	GL	21.11.90	GL	13.02.91
2909	13952			GRANT ST	SEBASTOPOL	GL	12.12.90	GL	13.02.91
3721	15036		4	GRANT ST	SEBASTOPOL	GL	12.12.90	GL	13.02.91
250	9674		132	ARCHER ST	SHEPPARTON	GL	18.08.88	GL	25.03.91
2806	13844		13A	CALLISTER ST	SHEPPARTON	GL	228.02.90	GL	25.03.91
3556	10611	B		GILCHRIST ST	SHEPPARTON	GL	18.02.88	GL	13.02.91
3557	10611	A		GILCHRIST ST	SHEPPARTON	GL	18.02.88	GL	13.02.91
462	9461		1	NORRIS CRT	SHEPPARTON	GL	16.12.87	GL	17.10.90
2686	13710			BROOKE ST	SMYTHESDALE	GL	07.02.90	GL	13.02.91
4125	15397			BURKE ST	SMYTHESDALE	GL	20.03.91	GL	12.06.91
4156	15374			BURKE ST	SMYTHESDALE	GL	20.03.91	GL	12.06.91
4163	15360			GLENELG HIGHWAY	SMYTHESDALE	GL	20.03.91	GL	12.06.91
687	9688			BRADY & MUNRO STS (CNR)	STH MELBOURNE	GL	31.05.88	GL	17.10.90
461	9238		1	CITY RD	STH MELBOURNE	GL	18.08.88	GL	17.10.90
829	11181			CITY RD, IRELAND & FAWKNER STS	STH MELBOURNE	GL	20.12.89	GL	18.12.90
556	10227			KINGSWAY & COBDEN (CNR)	STH MELBOURNE	GL	18.02.88	GL	18.12.90
457	1187		81-83	LORIMER ST	STH MELBOURNE	GL	21.01.88	GL	17.10.90
236	9642		433	WILLIAMSTOWN RD	STH MELBOURNE	GL	18.02.88	GL	17.10.90
1268	12937				STANLEY	GL	24.05.89	GL	13.02.91
478	10010			GERTRUDE/MARGARET ST	STAWELL	GL	12.12.90	GL	13.02.91
2256	13130			LONGFIELD ST	STAWELL	GL	01.08.89	GL	18.12.90
3742	10352			O'REGAN/PATRICK STS	STAWELL	GL	20.04.88	GL	14.05.91
4034	10674			SMITH ST	STAWELL	GL	31.05.88	GL	17.10.90

702	10732			WALKER ST	STAWELL	GL	16.06.88	GL	17.10.90
3397	14538			PRINCES HWY	STRATFORD	GL	29.08.90	GL	13.02.91
472	311			WATSONS RD (BALANCE OF)	SUNBURY	GL	24.05.89	GL	17.10.90
2810	9380	B			TAGGERTY	GL	16.11.88	GL	17.10.90
2809	9380	A	1	WYLIE ST	TAGGERTY	GL	16.11.88	GL	17.10.90
2388	13290			TARCOMBE RD	TARCOMBE	GL	09.10.89	GL	14.05.91
683	10662				TARNEIT	GL	31.05.88	GL	14.05.91
387	11018				TARRAWINGEE	GL	14.09.88	GL	18.12.90
855	11230			NORMANBY AV	THORNBURY	GL	21.03.89	GL	17.10.90
3391	14532			HEADWORKS RD	TORRUMBARRY	GL	29.08.90	GL	18.12.90
3522	14799		62	SCHOOL HOUSE RD	TRAFALGAR	GL	20.09.90	GL	18.12.90
3850	284			ARGYLE ST	TRARALGON	GL	16.03.88	GL	17.10.90
3690	14986			SCHOOL RD	WANDILLIGONG	GL	21.11.90	GL	13.02.91
3689	14985			WANDILLIGONG RD	WANDILLIGONG	GL	21.11.90	GL	13.02.91
3013	12382	A		MORGAN RD	WANGARATTA	GL	21.12.88	GL	17.10.90
3161	12382	C		MORGAN RD	WANGARATTA	GL	21.12.88	GL	17.10.90
401	11043			LYLE ST	WARRACKNABEAL	GL	14.09.88	GL	17.10.90
2367	13255		22	MOLYNEAUX ST	WARRACKNABEAL	GL	07.02.90	GL	14.05.91
3685	14958			BRACKENBURY ST/MULLENS RD (CNR)	WARRANDYTE	GL	29.08.90	GL	13.02.91
403	11050			COOK RD	WARRENBAYNE	GL	14.09.88	GL	25.03.91
4162	14410			BEAVER ST	WARRNAMBOOL	GL	17.04.91	GL	28.06.91
445	233			MERRIVALE DVE	WARRNAMBOOL	GL	16.12.87	GL	17.10.90
2556	13517				WATCHEM	GL	10.12.89	GL	17.10.90
2730	12364	C		HOPPERS LANE	WERRIBEE	GL			17.10.90
2262	13138			MURRAY VALLEY HWY	WHARPARILLA	GL	01.08.89	GL	18.12.90
4208	14411				WINSLOW	GL	17.04.91	GL	28.06.91
3728	15062			MURRAY ST	WONTHAGGI	GL	03.01.91	GL	20.03.91
528	10029			REED CRES	WONTHAGGI	GL	16.12.87	GL	17.10.90
2514	13441				WOOMELANG	GL	22.11.89	GL	25.03.91
1199	12803			BACK CREEK RD	YACKANDANDAH	GL	26.04.89	GL	18.12.90
3198	14282			O'BRIENS RD & HALL RD	YALLOCK	GL	01.08.90	GL	17.10.90
612	10475			UNUSED RD	YOU YANGS	GL	18.02.88	GL	12.06.91

PROPERTIES — HEALTH

(Question No. 959)

Hon. G. P. CONNARD (Higinbotham) asked the Minister for Manufacturing and Industry Development, for the Minister for Finance:

What properties considered to be surplus to current and future health needs have been released by Health Department Victoria to be classified by the Land Classification Review Committee and what are the committee's recommendations with regard to each of the properties?

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — The answer supplied by the Minister for Finance is:

Properties declared surplus by Health Department Victoria with their current status in the asset sales program are listed below.

Location		Current Status in Asset Management Division	Ref. No
Cheltenham)	Part of Heatherton Hospital	No decision on sale	423A
Cheltenham)		No decision on sale	423B
Warrnambool	Part of Brierly Hospital	Public use, not for sale	425
Ballarat	Adjoining Lakeside Hospital	No decision on sale	426
Beechworth)		Approved for sale	429A
Beechworth)		Approved for sale	429B
Beechworth)	Adjoining Mayday Hills Hospital	Approved for sale	429C
Beechworth)		Approved for sale	429D
Beechworth)		Approved for sale	429E

Bundoora	Area west of Plenty Road	No decision on sale	13424B
Lower Templestowe	Lot 1 Manningham Road	Awaiting Minister's Approval	14056
Ararat	Girdlestone Street	No decision on sale	14736
St Albans	Laurel Street	Proposed sale to ULA	15146
Portsea	Marlborough House	Awaiting Minister's Approval	15554

SURPLUS PROPERTIES FOR CLASSIFICATION

(Question No. 963)

Hon. G. P. CONNARD (Higinbotham) asked the Minister for Manufacturing and Industry Development, for the Minister for Finance:

(a) What properties considered to be surplus to current and future departmental or Ministerial needs have been released by each of the Ministries, except Health Department Victoria, to be classified by the Land Classification Review Committee?

(b) What are the committee's recommendations with each of the properties?

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — The answer supplied by the Minister for Finance is:

I refer the honourable member to my answer to question on notice No. 609.

MOTOR VEHICLES — FINANCE

(Question No. 1097)

Hon. G. P. CONNARD (Higinbotham) asked the Minister for Manufacturing and Industry Development, for the Minister for Finance:

(a) How many motor cars are owned or leased, respectively, by each of the Minister's Ministry, department and its agencies?

(b) What is the replacement policy?

(c) What is the budget and actual amount in 1990 and in 1991 to date in each of the above categories?

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — The answer supplied by the Minister for Finance is:

Electoral Commissioner

(a) Owned — 2.

(b) The two–year/56 000 kilometre replacement policy suggested in the guidelines issued by the Victorian Government Motor Vehicle Fleet Directorate.

(c)	1989-90	Budget Expenditure	Not available
		Actual Expenditure	$17 108.16
	1990-91	Budget Expenditure	$20 700.00
		Actual Expenditure	$21 439.20

Government Employee Housing Authority

(a) Owned — 8.

(b) The two–year/56 000 kilometre replacement policy suggested in the guidelines issued by the Victorian Government Motor Vehicle Fleet Directorate.

(c)	1990	Budget Expenditure	$8000
		Actual Expenditure	$7771
	1991	Budget Expenditure	$16 000
		Actual Expenditure	$15 678

Property and Assets

(a) Owned — 5.

(b) The two–year/56 000 kilometre replacement policy suggested in the guidelines issued by the Victorian Government Motor Vehicle Fleet Directorate.

(c)	1989-90	Budget Expenditure	$71 000
		Actual Expenditure	$68 667
	1990-91	Budget Expenditure	$41 000
		Actual Expenditure	$38 160

(Includes vehicle expenditure on one removalist van).

State Tender Board

(a) Owned: as at July 1990 — 1.
currently — Nil.

(b) The two–year/56 000 kilometre replacement policy suggested in the guidelines issued by the Victorian Government Motor Vehicle Fleet Directorate.

(c)	1989-90	Budget Expenditure	$4000
		Actual Expenditure	$2557
	1990-91	Budget Expenditure	Nil
		Actual Expenditure	$492

Survey and Mapping Victoria

(a) Owned — 43.

(b) The two–year/56 000 kilometre replacement policy suggested in the guidelines issued by the Victorian Government Motor Vehicle Fleet Directorate.

(c)	1989-90	Budget Expenditure	$288 900
		Actual Expenditure	$292 367.90
	1990-91	Budget Expenditure	$234 755
		Actual Expenditure	$234 754

Valuer-General's Office

(a) Owned — 34.
Cars leased — 2.

(b) The two–year/56 000 kilometre replacement policy suggested in the guidelines issued by the Victorian Government Motor Vehicle Fleet Directorate.

(c)	1989-90	Budget Expenditure	$218 100
		Actual Expenditure	$216 277
	1990-91	Budget Expenditure	$112 800
		Actual Expenditure	$109 625.

State Supply

(a) Owned — 5.

(b) The two–year/56 000 kilometre replacement policy suggested in the guidelines issued by the Victorian Government Motor Vehicle Fleet Directorate.

(c)	1989-90	Budget Expenditure	$55 000
		Actual Expenditure	$30 019
	1990-91	Budget Expenditure	$25 500
		Actual Expenditure	$17 634

Printing and Publishing Services

(a) Owned — 5.

(b) The two–year/56 000 kilometre replacement policy suggested in the guidelines issued by the Victorian Government Motor Vehicle Fleet Directorate.

(c)	1989-90	Budget Expenditure	Not available
		Actual Expenditure	$21 464.29
	1990-91	Budget Expenditure	Not available
		Actual Expenditure	$26 084.31

Vic Courier

(a) Owned — 11.

(b) The two –ear/56 000 kilometre replacement policy suggested in the guidelines issued by the Victorian Government Motor Vehicle Fleet Directorate.

(c)	1989-90	Budget Expenditure	$48 300
		Actual Expenditure	$42 420
	1990-91	Budget Expenditure	$51 000
		Actual Expenditure	$50 970

Vehicle Pool

(a) Owned — 214.

(b) The two -ear/56 000 kilometre replacement policy suggested in the guidelines issued by the Victorian Government Motor Vehicle Fleet Directorate.

(c)	1989-90	Budget Expenditure	Nil
		Actual Expenditure	Nil
	1990-91	Budget Expenditure	Nil
		Actual Expenditure	$345 853*

* The Vehicle Pool became an operational unit of the Ministry of Finance on 1 February 1991.

Corporate Resources, Comptroller-General, Budget Operations, Strategic Analysis and Effectiveness Review

(a) Owned — 24.

(b) On a trial basis, the head office section of the Ministry of Finance is following a policy of replacing motor vehicles after 40 000 kilometres or two years, whichever occurs first.

(c)	1989-90	Budget Expenditure	$14 600) ex. Department of Property and Services
		Actual Expenditure	$25 614) - 3 vehicles
	1990-91	Budget Expenditure	$21 300)
		Actual Expenditure	$104 573* (see explanation)

* The reasons for the increase in expenditure during 1990-91 were the added responsibility for 17 vehicles resulting from the machinery of government changes, the establishment of new units within the Ministry, and the provision of new vehicles for two senior management positions.

The above expenditure information relating to the various agencies is based on a financial year basis with the exception of figures for the Government Employee Housing Authority which are based on a calendar year.

ELECTRICITY SUPPLY — EILDON PONDAGE

(Question No. 1138)

Hon. G. R. CRAIGE (Central Highlands) asked the Minister for Manufacturing and Industry Development:

What arrangements have been made between the State Electricity Commission of Victoria and water power consultants for the supply of power by a 3.2Mw hydro station at the Eildon pondage north of the spillway gates?

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — The answer is:

Discussions and negotiations between the State Electricity Commission and water power consultants have taken place regarding the technical requirements for connection with the SEC's system. Preliminary price estimates have been given for interconnection with the SEC's system.

Heads of agreement have been signed for power to be supplied to the SEC.

No contract has been entered into between the SEC and water power consultants.

CONSULTANT — PREMIER

(Question No. 1145)

Hon. M. A. BIRRELL (East Yarra) asked the Minister for Manufacturing and Industry Development, for the Premier:

Since 1 January 1988 has any department, statutory authority or agency, for which the Premier is responsible, engaged Mr David Withington as an employee or consultant; if so, when, why and upon what terms and conditions?

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — The answer supplied by the Premier is:

I am informed that:

Mr David Withington has been engaged by the Department of the Premier and Cabinet as a consultant for a 48-week period which began on 18 March 1991.

The general purpose of the consultancy is to develop strategies which will effectively articulate government policies and initiatives to community sector organisations and the public.

Since the consultancy began Mr Withington's activities have included the development and implementation of a marketing and public relations program for the publication *Victoria First* and for the June economic statement. Mr Withington has been involved in regular meetings with the Premier's staff and liaised with various departments and agencies.

The total amount approved for the consultancy is $34 560 which includes the consultant's fee and an amount for personal and operating expenses.

CONSULTANT — TOURISM

(Question No. 1147)

Hon. M. A. BIRRELL (East Yarra) asked the Minister for Manufacturing and Industry Development, for the Minister for Tourism:

Since 1 January 1988 has any department, statutory authority or agency, for which the Minister is responsible, engaged Mr David Withington as an employee or consultant; if so, when, why and upon what terms and conditions?

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — The answer supplied by the Minister for Tourism is:

Mr David Withington has never been employed by the Victorian Tourism Commission or the Alpine Resorts Commission.

CONSULTANT — POLICE AND EMERGENCY SERVICES

(Question No. 1160)

Hon. M. A. BIRRELL (East Yarra) asked the Minister for Health, for the Minister for Police and Emergency Services:

Since 1 January 1988 has any department, statutory authority or agency, for which the Minister is responsible, engaged Mr David Withington as an employee or consultant; if so, when, why and upon what terms and conditions?

Hon. M. A. LYSTER (Minister for Health) — The answer supplied by the Minister for Police and Emergency Services is:

1. MINISTRY FOR POLICE AND EMERGENCY SERVICES
   Mr David Withington or David Withington Media and Public Relations has not been engaged as an employee or consultant since 1 January 1988.
2. VICTORIA STATE EMERGENCY SERVICE
   Mr David Withington or David Withington Media and Public Relations has not been engaged as an employee or consultant since 1 January 1988.
3. COUNTRY FIRE AUTHORITY
   Mr David Withington or David Withington Media and Public Relations has not been engaged as an employee or consultant since 1 January 1988.
4. METROPOLITAN FIRE BRIGADES BOARD
   Mr David Withington or David Withington Media and Public Relations has not been engaged as an employee or consultant since 1 January 1988.
5. VICTORIA POLICE
   Mr David Withington or David Withington Media and Public Relations has not been engaged as an employee or consultant since 1 January 1988.

SUNDAY TRADING — DAIMARU

(Question No. 1171)

Hon. B. A. E. SKEGGS (Templestowe) asked the Minister for Consumer Affairs:

Did the Melbourne City Council make a commitment to the Japanese emporium Daimaru that Sunday trading would be introduced to the Melbourne Central Business District if it based its operations in Melbourne?

Hon. T. C. THEOPHANOUS (Minister for Consumer Affairs) — The answer is:

I am not aware of any such commitment.

OPINION POLLS — AGRICULTURE

(Question No. 1198)

Hon. M. A. BIRRELL (East Yarra) asked the Minister for Education and Training, for the Minister for Agriculture:

Since 1 May 1991 has any department, Ministry or agency that reports to the Minister commissioned an opinion poll or public attitude survey; if so — (i) when; (ii) at what cost; (iii) who was the consultant; (iv) what were the topics concerned; and (v) when will the relevant reports be made public?

Hon. B. T. PULLEN (Minister for Education and Training) — The answer supplied by the Minister for Agriculture is:

As at 23 October 1991, no opinion polls or public attitude surveys have been commissioned since 1 May 1991 by any department, Ministry or agency that reports to me.

GRANTS — COMMUNITY AFFAIRS

(Question No. 1199)

Hon. K. M. SMITH (South Eastern) asked the Minister for Ethnic, Municipal and Community Affairs:

In relation to each department and agency responsible to the Minister, what grants were made to organisations during 1989-90 and 1990-91, respectively, indicating the name of each organisation, the name of its principal, the amount of each grant, the reason for the grant and the date on which payment was made?

Hon. C.J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — The answer is:

Details of grants made to organisations during 1989-90 and 1990-91 have been extracted from Ministry records and forwarded direct to the honourable member. To record the information in *Hansard* would have required many pages.

The information provided includes the name of each organisation, the amount of each grant, the year of grant, and the reason for the grant. The Office of Local Government and the Older Persons Planning Office have also indicated the name of the principal of the organisation.

The provision of other information requested, such as the actual date of grant, would need to be specially compiled requiring excessive time and resources and cannot be justified.

GRANTS — SPORT AND RECREATION

(Question No. 1200)

Hon. K. M. SMITH (South Eastern) asked the Minister for Consumer Affairs (for the Minister for Sport and Recreation):

In relation to each department and agency responsible to the Minister, what grants were made to organisations during 1989-90 and 1990-91 respectively, indicating the name of each organisation, the name of its principal, the amount of each grant, the reason for the grant and the date on which payment was made?

Hon. T. C. THEOPHANOUS (Minister for Consumer Affairs) — The answer supplied by the Minister for Sport and Recreation is:

Due to the extensive nature of the question and the number of grants provided by the Department and its agencies, the information requested is unable to be provided in a suitable format for inclusion in *Hansard*. In addition, details of the types of grants and the number of agencies receiving the various grants are included in the annual reports of the department and its agencies.

GRANTS — AGRICULTURE

(Question No.1207)

Hon. K. M. SMITH (South Eastern) asked the Minister for Education and Training, for the Minister for Agriculture:

In relation to each department and agency responsible to the Minister, what grants were made to organisations during 1989-90 and 1990-91, respectively, indicating the name of each organisation, the name of its principal, the amount of the grant, the reason for the grant and the date on which payment was made?

Hon. B. T. PULLEN (Minister for Education and Training) — The answer supplied by the Minister for Agriculture is:

The following table sets out the information sought by the honourable member:

NOTE 1. Details for fencing subsidies provided by the Natural Disaster Trust Fund have not been included in this response.

NOTE 2. Details of grants made under the coordinated salinity works budget line have not been included in this response as the resources necessary for the preparation of that information cannot be justified.

GRANTS TO ORGANISATIONS

1989-90

Organisations	Principal	Amount $	Reason for grant	Date paid
Community grants				
Lost Dogs Home	G Smith	22 000	General services support	6.2.91
RSPCA	P Barber	210 000	Assistance to inspectorate rescue service and education	16.8.89
Kerang Agricultural Research Farm	P Harrison	3 000	Administration costs	8.3.90
Victorian Young Farmers Inc.	D Wells	40 000	Administration and equipment costs	23.3.90
Companion Animals Education Program		25 000	Program identified as a priority by the Social Development Committee's report on companion animals	17.5.90
Agricultural and Pastoral Society Grants				
Beaufort AS	H Roxburgh	600	Construction of sheep and goat pens	21.11.89
Donald and District APS	T Campbell	5 000	Construction of display yards	21.11.89
Edenhope APS	M Burrell	800	Construction of display stands	21.11.89
Foster and District AS	J Groten	6 000	Construction of timber rotunda	21.11.89
Geelong APS	M Heads	6 000	Construction of a hall of agriculture	21.11.89
Hopetoun APS	M Astbury	6 000	Extensions to existing pavilion	21.11.89
Lang Lang PA&H Assocn	N Sampson	2 000	Construction of cattle tie-up rails	21.11.89
Mildura Dist and Returned Servicemen's AHS	B Bawden	4 000	Construction of exhibition and judging facilities	21.11.89
Nhill APS	J Smith	6 000	Upgrade of pavilions	21.11.89

Numurkah APS	S Beer	4000	Construction of pavilion	21.11.89
Pakenham and District AHS	D Bourke	6000	Construction of cattle ramps	21.11.89
Penshurst APS	F McKenzie	6000	Construction of cattle ramps	21.11.89
Port Fairy APS	L Burchell	3500	Upgrading of craft pavilion	21.11.89
Rutherglen AS	A Henderson	6000	Construction of sheep pens	21.11.89
Warragul AS	G Astfalck	4000	Extension to poultry pavilion	21.11.89
Warrnambool AS	N Kenna	6000	Construction of cattle stalls	21.11.89
Berwick and Dist A&H Soc	Mr Lewis	6000	Construction of floor of goat/sheep pavilion	21.11.89
Shepparton AS	H Morgan	6000	Erection of office storeroom	21.11.89
Tyrendarra P&A	M Larmour	6000	Construction of pavilion	21.11.89
Mallee Machinery Field Days Inc	K Emonson	6000	Installation of facilities for electrical supply	21.11.89
Yarra Glen A&H	A Veerman	6000	Construction of poultry exhibition cages	21.11.89
Yea AP&H Assoc	N White	5000	Construction of a wool pavilion	21.11.89
Ballarat APS	B Halsall	6000	Construction of toilet facilities	21.11.89
Elmore & Dist Machinery Field Days	M Mann	7100	Construction of art/craft pavilion	20.6.90
Wodonga Show Society	L McRae	7000	Construction of shower facilities	11.7.90
Ministerial grants				
Kerang Agricultural Research Farm	D Wells	5800	Managerial costs (from salinity budget)	8.3.90
Western Victorian Dairy Demonstration Farm	A Adams	5000	Development of professional business plan	21.1.90
Other - Department of Agriculture				
Victorian Fishing Industry Council	Now Defunct	10 000	Operation costs	11.9.89
	Statutory	10 000		4.10.89
	Body	10 000		24.10.89
		10 000		20.11.89
Herd Industry Organisation of Victoria	A K Stubbs	100 000	Dairy Herd Improvement Projects	29.11.89
		100 000		4.10.89
		200 000		3.4.90
Melbourne Wholesale Fruit & Vegetable Market				
Australian United Fresh		25 692	Administration costs and support	$4,282 p/m July '89 to Dec '89
Australian United Fresh		15 000	Chemical Residue Project	June '90
Victorian Dairy Industry Authority				
Jack Green Churchill Fellowship Fund Churchill Fellowship		5000	Contribution towards an annual award to a person engaged in the dairy industry for overseas study	10.8.89
Dairy Industry Association of Australia		10 000	Contribution towards publication *100 Years of Dairy Product Manufacture in Victoria*	8.9.90
Western Victoria Dairy Industry Committee		1500	Funding for conference	20.2.90
United Dairyfarmers of Victoria		14 014	Funding for annual conference	24.4.90
Various Agricultural Shows Shows		400	Donations for trophies	24.4.90
Melbourne University		37 763	Research funding for anti-caries project	24.4.90

1990-91

Organisation	Principal	Amount $	Reason for grant	Date paid
Community Grants				
Lost Dogs Home		23 000	General services support	12.2.91
RSPCA	P Barber	210 000	Assistance to inspectorate rescue service and education	12.2.91
Victorian Young Farmers Inc.	K McIntyre	30 000	Administration and equipment costs	12.2.91
Mallee Family Care, Swan Hill	L Stark	4640	Finance management seminars for horticulturalists	12.2.91
South Gippsland Farmers' Support Group	G Savage	7000	Rural counselling services to farmers	9.2.92
Dryland Mallee REV		800	Conduct of seminars to assist rural traders	12.2.91
Food & Beverage Fair Ltd		30 000	Support for Victorian Produce Promotion—Harvest Picnic	17.10.90
Agricultural and Pastoral Society Grants				
Murtoa APS	D Elley	6000	Construction of pavilion	5.7.91
Shepparton AS	H Morgan	4000	Upgrading of sheep pavilion	5.7.91
Wycheproof APS	J McQuinn	1000	Installation of power outlets and for display materials	5.7.91
Echuca & District APS	C Kitchell	6000	Construction of cattle pavilion at Echuca showgrounds	5.7.91
Kaniva APS	W Meyer	2000	Construction of goat shelter	5.7.91
Bunyip and District AS	K Halvy	6000	Construction of cattle pavilion	5.7.91

Kilmore APS	R Pearson	3000	Improvements to sheep pavilion	5.7.91
Mildura Dist. & Returned Servicemen's AHS	B Bawden	4000	Construction of exhibiting and judging facilities	5.7.91
Korumburra APS	G Fox	8000	Construction of general purpose building	8.2.91
Koroit AS	B Morris	4000	Replacement of cattle sheds	8.2.91
Dandenong APS	G Astfalck	4000	Extensions to exhibition pavilion	8.2.91
Geelong APS	M Heads	2000	Construction of sheep pens	24.4.91
Maldon and Baringhup AS	McKnight	6000	Construction of art/craft pavilion	8.2.91
Casterton APS	J Parr	1000	Upgrade of electrical work	8.2.91
Sea Lake APS	K Branch	6000	Construction of shower facilities	8.2.91
Hamilton APS	B Burgin	6000	Construction of pavilions	8.2.91
Gippsland Field Days	G Nicholson	4000	Construction of cattle yards	8.2.91
Colac and District APS	C McCann	7000	Construction of toilet block	8.2.91
Ministerial Grant				
Kerang Agricultural Research Farm	B Anderson	3000	Administration costs	21.5.91
Other - Department of Agriculture				
Herd Industry Organisation Victoria	A K Stubbs	200 000	Dairy herd improvement projects	11.12.90
		231 000		5.6.91
Melbourne Wholesale Fruit & Vegetable Market				
Australian United Fresh		6823	Aust.Market Managers Conference	Nov.'90
Melbourne University		10 000	Research Grant (Dietary)	Dec '90
Victorian Dairy Industry Authority				
Western Victoria Dairy Industry Committee		2000	Funding for seminar on "Surviving the Downturn in the Dairy Industry"	29.1.91
Rural Training Council of Victoria		7000	Funding for training programs	21.3.91
United Dairyfarmers of Victoria		12 883	Funding for Annual Conference	5.4.91
Dairy Industry Association of Australia		500	Contribution towards 1991 travel scholarship	24.5.91
Various Agricultural Shows		150	Donations for trophies	24..5.91
Melbourne University		159 018	Research funding for anti-caries projects	24.5.91

GRANTS — TRANSPORT

(Question No. 1208)

Hon. K. M. SMITH (South Eastern) asked the Minister for Ethnic, Municipal and Community Affairs, for the Minister for Transport:

In relation to each department and agency responsible to the Minister, what grants were made to organisations during 1989-90 and 1990-91 respectively, indicating the name of each organisation, the name of its principal, the amount of each grant, the reason for the grant, and the date on which payment was made?

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — The answer supplied by the Minister for Transport is:

The question submitted by the honourable member on 1 October 1991 sought detailed information relating to grants to organisations by all agencies within the transport portfolio during 1989-90 and 1990-91.

The information required to provide a comprehensive reply to the honourable member is currently being obtained and the answer will be expedited.

The delay is regretted. It has not been possible to provide an answer within the time required due to search and identify the specific information sought in the honourable member's comprehensive question.

GRANTS — COMMUNITY SERVICES

(Question No. 1209)

Hon. K. M. SMITH (South Eastern) asked the Minister for Ethnic, Municipal and Community Affairs, for the Minister for Community Services:

In relation to each department and agency responsible to the Minister, what grants were made to organisations during 1989-90 and 1990-91 respectively, indicating the name of each organisation, the name of its principal, the amount of each grant, the reason for the grant, and the date on which payment was made?

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs: The answer supplied by the Minister for Community Services is:

The time and resources required to respond to each part of the question cannot be justified. The honourable member has been forwarded a sample of the type of information which can be provided in response to this question. The honourable member has also been informed that he is welcome to inspect the total report, which details grants by Community Services Victoria and the Office of Pre-School and Child Care, is approximately 750 pages per year for 1989-90 and 1990-91.

GRANTS — SMALL BUSINESS

(Question No. 1213)

Hon. K. M. SMITH (South Eastern) asked the Minister for Manufacturing Industry Development, for the Minister for Small Business:

In relation to each department and agency responsible to the Minister, what grants were made to organisations in 1989-90 and 1990-91, respectively, indicating the name of each organisation, the name of its principal, the amount of each grant, the reason for the grant, and the date on which the payment was made?

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — The answer supplied by the Minister for Small Business is:

However, the Small Business Development Corporation has made the following grants:

(i) A grant of $7400 was made to the Victorian Women's Trust during 1989-90 for the purposes of administrative assistance for the trust's business assistance services.

(ii) A grant of $15 000 was made to the City of Melbourne during 1989-90 for the purposes of conducting the HUB Women in Business enterprise development project in two regions of Victoria.

(iii) A grant of $400 was made to the firm SHABUMI during 1989-90. The grant was made under the subsidised Business Advice Program to partly offset the cost of consultancy services used by the firm. The payment was made on 15 September, 1989. The principal officer of the firm was Ms J.M.Perry.

No other grants were made by the Small Business Development Corporation during the periods 1989-90 and 1990-91.

MANUFACTURING AND INDUSTRY DEVELOPMENT

(Question No. 1217)

Hon. K. M. SMITH (South Eastern) asked the Minister for Manufacturing and Industry Development:

In relation to each department and agency responsible to the Minister, what grants were made to organisations during 1989-90 and 1990-91 respectively, indicating the name of each organisation, the name of its principal, the amount of each grant, the reason for the grants and the date on which payment was made?

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — The answer is:

Overseas Projects Corporation of Victoria

No grants were made to organisations by the corporation.

Albury-Wodonga Development Corporation

No grants were made to organisations by the corporation.

State Electricity Commission

The information required is not readily available and the time and resources required to provide the information cannot be justified.

Exhibition Trustees

No grants were made to organisations by the trust.

Renewable Energy Authority Victoria

I refer the honourable member to the authority's annual reports for 1989-90 and 1990-91.

Latrobe Regional Commission

I refer the honourable member to the commission's annual reports for 1989-90 and 1990-91.

Department of Manufacturing and Industry Development

1989-90 — I refer the honourable member to the department's 1989-90 annual report.

1990-91 — See attachment A

Coal Corporation of Victoria

See attachment B

Gas and Fuel Corporation of Victoria

See attachment C

Geelong Regional Commission

Geelong RSL $225 000 relocation project in connection with the assembly of foreshore properties for the Bay Link Development Project.

ATTACHMENT A

COMMUNITY GRANTS

COAL CORPORATION OF VICTORIA

ORGANISATION	$	DATE PAID	PURPOSE
1989-90			
Latrobe Valley Eisteddfod	500	12.9.1989	Arts and culture for youth
Apex Club	200	13.11.1989	Youth leadership project
Gippsland Institute of Advanced Education	200	4.12.1989	Youth academic development
Gippsland Cricket League	1000	4.12.1989	Youth cricket
Latrobe Valley Intertown Basketball League	2000	30.1.1990	Youth basketball
Central Gippsland Hospital	300	9.3.1990	Arts and crafts fair
Australian Institute of Energy 1990 Conference in Latrobe Valley	500	15.3.1990	Energy Conference
Gippsland Science Talent Search	250	5.6.1990	Youth achievement in science
Monash University College Gippsland	3000	29.6.1990	Youth scholarships
Commercial Road Primary School	400	26.6.1990	Cultural exchange with Japan tour group
1990-91			
Sixers Basketball Club	150	24.7.1990	Youth basketball
Latrobe Valley Eisteddfod	500	5.9.1990	Arts and culture for youth
Gippsland Cricket League	500	12.12.1990	Youth cricket
Latrobe Valley Intertown Basketball League	1000	12.12.1991	Youth basketball
Traralgon Swimming Club	20	18.2.1991	Youth swimming
Latrobe Valley Junior Football League	1000	21.2.1991	Youth football
Latrobe Valley School Boys Football	50	26.3.1991	Youth football
Central Gippsland Hospital	300	6.5.1991	Arts and crafts fair
Monash University College Gippsland	3000	10.5.1991	Youthscholarships
Jenembla Charity Organisation	25	10.5.1991	Charity ball contribution
Gippsland Science Talent Search	250	20.5.1991	Youth achievement in science

SPONSORED RESEARCH PROGRAM

AREA	INSTITUTION	RESEARCH TITLE	AIM	$
1989-90				
Synfuels	Monash University (Department of Chemistry)	The Structure and Reactivity of Victorian Brown Coal	To improve prospects for conversion of brown coal to oil and gas	44 714
	Monash University College Gippsland (School of Applied Science)	Effects of a Coal Liquefaction Plant on the Atmospheric Enironment	To monitor emissions of compounds of possible environmental concern from the brown coal liquefaction pilot plant at Morwell	69 438
Upgraded Brown	University of Tasmania (Centre	Performance Assessment of	To study the factors affecting briquette use in	39 634

Coal Fuels	for Environmental Sci ence)	Briquette Burning Residential Appliances	solid fuel burning appliances (heaters and stoves)	
	Swinburne Institute of Technology (Faculty of Applied Science)	Spherical Pelletisation of Fine Brown Coal	To establish the best production conditions for coherent, low cost, high strength brown coal pellets	40 400
	Deakin University (Centre for Research into Intelligent Systems)	Microwave Drying of Victorian Brown Coal	To establish the rnicrowave drying properties of Victorian brown coal, and to assess the potential of this technique for the drying of brown coal	51 102
Carbon Absorbent Products	University of New Sauth Wales (School of Chemical Engineering and Industrial Chemistry)	Brown Coal Based Composite Carbon Molecular Sieves for Gas Separation	To prepare improved composite rnolecular sieves from brown coal based material for specific gas separations.	45 000
Agricultural Products	Monash University College Gippsland (School of Applied Science)	Characterisation and Biological Activity of Humic Preparations from Victorian Brown Coal	To prepare nitrohumic acids from brown coal, to characterise the physical chemical properties of humic acids, and to test the biological activity of humic acid formulations	40 111
	University of Melbourne (Department of Agriculture and Forestry)	Alleviation of High Dieldrin Concentration in Mice	To evaluate brown coal as a means of reducing dieldrin accumulation in animals	10 901
Metallurgical Applications	University of Melbourne (Department of Chemical Engineering)	Use of Brown Coal for Recovery of Nickel from Flash Smelting Slags	To evaluate the use of brown coal for recovery of nickel from flash smelting slags	59 819
	University of Wollongong (Microwave Applications Research Centre)	Pyrometallurgical Uses of Brown Coal Involving Microwave Power	To evaluate the effectiveness of brown coal derivatives when used in blends or composites and heat/reduced/melted using microwave energy	50 000
	CSIRO (Division of Materials Science and Technology)	Beta Sialons Produced by Carbothermal Reduction using Brown Coal	To investigate the possible production of sialons (useful in refractory ceramic applications) using brown coal and clay as starting materials.	37 114
	Flinders University (School of Biological Sciences)	Conversion of Brown Coal by Micro-organisms	To evaluate the potential of brown coal for conversion to soluble products by micro-organisms	8 000
1990-91				
Synfuels	Monash University (Department of Chemistry)	Reactions of Brown Coal with Carbon Monoxide and Water in Basic Media	To improve prospects for conversion of brown coal to oil and gas	12 500
	Monash University College Gippsland (School of Applied Science)	Effects of a Coal liquefaction Plant on the Atmospheric Environment	To monitor emissions of compounds of possible environmental concern from the brown coal liquefaction pilot plant at Morwell	70 293
Upgraded Brown Coal Fuels	Monash University (Department of Chemistry)	The Production of Fine Chemicals from Coal	To develop inexpensive methods to prepare fine chemicals from brown coal	12 500
Carbon Absorbent Products	University of New South Wales (School of Chemical Engineering and Industrial Chemistry)	Brown Coal Based Composite Carbon Molecular Sieves for Gas SeparaUon	To prepare improved composite molecular sieves from brown coal based material for specific gas separations	20 000
	University of Melboume (Department of Agricuiture and Forestry)	Alleviation of High Dieidrin Concentration In Mice	To evaluate brown coal as a means of reducing dieldrin accumulation in animals	10 687
Metallurgical Applications	CSIRO (Division of Materials Science and Technology)	Beta Sialons Produced by Carbothermal Reduction using Brown Coal	To invesbgate the possible production of sialons (useful in refractory ceramic applications) using brown coal and clay as starting materials	30 000

ATTACHMENT B

DEPARTMENT OF MANUFACTURING AND INDUSTRY DEVELOPMENT

VENDOR NAME	AMOUNT PAID	DATE PAID
Smith Bros Timber P/L	2 500.00	26.9.90
Castle Bacon Pty Ltd	2 500.00	11.10.90
Deck Guardrail Systems	2 400.00	6.9.90
Steele & Lincoln Foundry (Vic) P/L	2 268.00	9.5.91
Guthrie Manufacturing (Aust) P/L	4 373.69	20.12.90
Greenglass C.M. (Aust) P/L	2 500.00	6.9.90
ATCO Controls Pty Ltd	2 400.00	16.8.90
Champion Compressors Ltd	2 500.00	28.8.90
Harman Bros Sales P/L	5 100.00	11.4.91
Harman Bros Sales P/L	7 056.00	11.4.91
Sleepmaster P/L	7 800.00	4.10.90
Valicote P/L	6 862.50	6.9.90
Cenicourt Pty Ltd	7 500.00	28.8.90
Cyco Systems Pty Ltd	8 064.00	14.2.91
Ultra Scales Pty Ltd	20 812.50	2.5.91
Mark Sensing (Aust) P/L	4 500.00	31.10.90
Macklin C & R Pfieffer	7 672.00	26.9.90
RMIT-National Polymer Centre	10 500.00	18.10.90
Consolidated Tool & Die Ltd	9 187.50	31.10.90
United Computer Group Ltd	4 500.00	16.8.90
TGS Electronics Pty Ltd	7 500.00	25.10.90
City of Echuca	9 000.00	31.10.90
Crib Point Engineering Pty Ltd	15 000.00	20.12.90
IEI (Aust) Pty Ltd	10 000.00	24.4.91
Tibaldi Smallgoods (Australasia) P/L	9 300.00	25.10.90
ATCO Controls Pty Ltd	10 000.00	16.8.90
Hanging Rock Winery Ltd	10 000.00	4.10.90
Rockwell International ABS	9480.00	24.1.91
Aust P/L (Wilmot Breedon P/L)		
Nonferral Pty Ltd	10 000.00	29.11.90
Image Scan Pty Ltd	9 900.00	26.9.90
Andale Repetition Engineering P/L	7 488.00	2.5.91
Welding Technology Institute of Aust.	10 560.00	6.6.91
Columbia Die Sinking Co P/L	2 804.70	11.4.91
Pipeline Protection Services Pty Ltd	13 219.93	27.3.91
Boral Johns Perry Industries Pty Ltd	10 000.00	21.3.91
Molectron Pty Ltd	7 425.00	29.11.90
Miracle Australia Pty Ltd	7 500.00	28.8.90
John Welsh Pty Ltd	5 625.00	31.10.90
John Welsh Pty Ltd	5 625.00	6.6.91
John Welsh Pty Ltd	1 875.00	6.6.91
Sleepmaster Pty Ltd	7 080.00	4.10.90
Diamond Valley Vineyards	4 200.00	20.9.90
CSIRO Institute of Industrial Technology	3 585.00	23.5.91
CSIRO Institute of Industrial Technology	6 255.00	19.6.91
Australian NC Automation P/L	10 000.00	11.10.90
Govan Drewburn Pty Ltd	2 106.00	9.5.91
Graham Campbell Ferrum Co. P/L	3 960.00	20.12.90
Perry Exhausts P/L	7 965.00	18.4.91
Andrew Engineering (Aust) P/L	2 925.00	9.5.91
Boustead Engineering P/L	12 225.00	20.12.90
Nippondenso Australia P/L	16 320.00	30.5.91
Dewar Electronics P/L	6 750.00	23.5.91
Stuart R.J. & B.H. Pty Ltd	7 237.50	22.11.90
T.A. Freelane Rubber Latex (Aust) P/L	7 500.00	6.6.91
Denso Australia Pty Ltd	4 440.00	9.5.91
Goldward Pty Ltd	2 100.00	13.9.90
Howe & Co Pty Ltd	20 000.00	6.6.91
Paratus Industries Pty Ltd	6 420.00	28.8.90

CEM International Pty Ltd	14 597.06	6.6.91
Fibernet Pty Ltd	6 600.00	26.9.90
Lad Engineering Pty Ltd	7 920.00	14.3.91
Inductoheat (Aust) Pty Ltd	6 000.00	18.10.90
Inductoheat (Aust) Pty Ltd	6 240.00	6.12.90
Cant F.C. Welding Engineers Pty Ltd	2 407.50	6.6.91
Cant F.C. Welding Engineers Pty Ltd	7 830.00	20.12.90
Cant F.C. Welding Engineers Pty Ltd	9 405.00	28.8.90
Trustweld Engineering Pty Ltd	6 750.00	29.11.90
Trustweld Engineering Pty Ltd	10 125.00	6.6.91
Australian Micro Analytical Labs P/L	9 600.00	6.9.90
Flowline Industries Pty Ltd 9	450.00	9.5.91
Vulcan Foundry	862.50	6.6.91
Vulcan Foundry	4 523.55	6.6.91
Vulcan Foundry	2 500.00	6.6.91
Vulcan Foundry	6 095.43	11.4.91
Vulcan Foundry	8 622.91	11.4.91
IEI (Aust) Pty Ltd	10 000.00	30.5.91
Tibaldi Smallgoods Australasia P/L	7 680.00	20.9.90
Misal Pty Ltd	8 520.00	24.4.91
Beecham (Australia) Pty Ltd	2 100.00	18.4.91
Plastic for Building Pty Ltd 2	100.00	28.8.90
Connect Electronics (Vic) Pty Ltd	5 142.00	13.6.91
Goetz Manufacturing P/L	1 036.80	2.5.91
Scorpio Meats	8 940.00	28.2.91
Pegler Hattersley Australia P/L	3 240.00	16.5.91
P & S Australia Pty Ltd	4 224.00	30.5.91
Rockwell International ABS	8 345.00	9.5.91
Aust. P/L (Wilmot Breedon P/L)		
Tomlin Industries Pty Ltd	2 500.00	28.8.90
Gason A.F. Pty Ltd	7 050.00	11.4.91
Radio Frequency Systems Pty Limited	5 700.00	11.4.91
Precision Measures Ltd	3 179.43	28.8.90
Steel Castings Pty Ltd	1 912.50	13.6.91
CSIRO Institute of Industrial Technology	4 500.00	19.6.91
Australian Productivity Council Vic.	150 000.00	2.8.90
Graham Campbell Ferrum Co. Pty Ltd	5 692.50	13.6.91
Australian Chamber of Manufacturers	13 200.00	15.11.90
Australian Chamber of Manufacturers	13 200.00	16.5.91
Southern Dental Industries Ltd	7 290.00	28.8.90
Hugh Lyon Knitwear Pty Ltd	5 398.50	8.11.90
Andrew Engineering (Aust) Pty Ltd	3 660.00	13.12.90
Boustead Engineering Pty Ltd	5 403.75	13.6.91
Compair (Australasia) Ltd	7 200.00	23.5.91
King P.J. Pty Ltd	8 000.00	27.3.91
Camatic Pty Ltd	6 000.00	26.9.90
Fibernet Pty Ltd	7 170.00	24.1.91
Inductoheat (Aust) Pty Ltd	8 137.50	6.6.91
Inductoheat (Aust) Pty Ltd	9 750.00	6.12.90
SGE International Pty Ltd	5 100.00	11.4.91
PME Pty Ltd	8 000.00	8.11.90
IEI (Aust) Pty Ltd	8 000.00	30.5.91
Greenglass C.M. (Aust) Pty Ltd	8 000.00	27.3.91
Beecham (Australia) Pty Ltd	8 000.00	18.4.91
Elite Built Storage Systems Pty Ltd	11 250.00	23.5.91
Marand Precision Engineeering Pty Ltd	6 375.00	13.6.91
Marand Precision Engineering Pty Ltd	4 500.00	6.6.91
Marand Precision Engineering Pty Ltd	6 000.00	9.5.91
RB & VE McNamara Pty Ltd T/A G.V.	2 250.00	28.8.90
Fibreglass and Marine Action Controls P/L	4 500.00	14.3.91
Hugh Lyon Knitwear P/L	4 433.22	24.1.91
Treverton Industries Pty Ltd	2 250.00	30.5.91
Smith Bros. Timber Pty Ltd	8 000.00	26.9.90
Castle Bacon Pty Ltd	8 000.00	11.10.90
Macdonald Johnston Engineering Co. P/L	8 000.00	11.10.90
Atco Controls Pty Ltd	7 800.00	16.8.90

Geo Salter & Co (A'asia) P/L	18 000.00	20.9.90
Graham Campbell Ferrum Co. P/L	5 781.25	7.3.91
BECFAB Equipment Pty Ltd	5 156.25	18.10.90
Major Furnace & Engineering Pty Ltd	6 000.00	14.3.91
Major Furnace & Engineering Pty Ltd	6 000.00	14.3.91
Major Furnace & Engineering Pty Ltd	7 500.00	14.3.91
Major Furnace & Engineering Pty Ltd	15 000.00	14.3.91
Major Furnace & Engineering Pty Ltd	15 000.00	14.3.91
Major Furnace & Engineering Pty Ltd	15 000.00	24.4.91
Major Furnace & Engineering Pty Ltd	7 500.00	13.6..91
Major Furnace & Engineering Pty Ltd	3 750.00	6.6.91
Process Group International P/L	10 028.85	31.10.90
Process Group International P/L	10 028.85	21.3.91
Steel Castings Pty Ltd	4 068.75	20.12.90
Steel Castings Pty Ltd	2 715.00	28.8.90
Steel Castings Pty Ltd	15 625.00	20.12.90
Farley Manufacturing Pty Ltd	10 000.00	6.12.90
John Welsh Pty Ltd	7 500.00	31.10.90
Norwellan Textiles Pty Ltd	3 914.40	24.4.91
Graham Campbell Ferrum Co. Pty Ltd	5 781.25	26.9.90
Allen W.L. Foundry Co. P/L	12 168.00	28.2.91
Allen W.L. Foundry Co. P/L	12 168.00	28.8.90
Mono Pumps (Aust) Pty Ltd	2 918.00	10.1.91
Mono Pumps (Aust) Pty Ltd	5 469.50	10.1.91
Mono Pumps (Aust) Pty Ltd	5 468.50	10.1.91
Small & Shattell (Sales) Pty Ltd	6 250.00	28.8.90
Small & Shattell (Sales) Pty Ltd	3 750.00	6.9.90
Enaco (Aust) Pty Ltd	13 562.50	21.3.91
Footwear Skills Centre Ltd	15 000.00	11.10.90
Footwear Skills Centre Ltd	15 000.00	11.10.90
Maclagan Wright & Associates	18 000.00	7.3.91
Elite Built Storage Systems P/L	6 250.00	2.5.91
Elite Built Storage Systems P/L	6 250.00	23.5.91
Javac Pty Ltd	2 400.00	18.10.90
Maclagan Wright and Associates	18 000.00	20.9.90
Bendix Mintex Pty Ltd	22 816.19	31.1.91
Arlec Pty Ltd 6	120.00	30.5.91
Montech Pty Ltd	50 000.00	2.8.90
Montech Pty Ltd	50 000.00	14.2.91
Lyco Industries Pty Ltd	6 670.62	26.9.90
West Footscray Engineering Works P/L	13 401.60	16.5.91
Ballarat Regional Board for Planning and Development	5 670.00	21.2.91
Bendigo Regional Development Board Inc.	4 045.67	2.5.91
Shire of Lowan	1 976.80	27.3.91
Shire of Bacchus Marsh	3 950.60	27.3.91
	1 472 282.05	
Colac Economic Development Committee Inc.	6 000.00	6.6.91
Glaxo Australia Pty Ltd	1 166 401.00	13.6.91
Wilson Electric Transformer Co. P/L	59 552.00	28.8.90
Wilson Electric Transformer Co. P/L	416 000.00	28.8.90
ICI Australia Operations P/L	200 000.00	20.12.90
Kodak (Australia) Pty Ltd	700 000.00	13.6.91
P.M.K. (Australia) Pty Ltd	214 000.00	30.5.91
Fabric Innovations Pty Ltd	11 800.00	23.5.91
Undare (Aust.) Pty Ltd	49 500.00	10.1.91
Nu-Metal Engineeering Pty Ltd	65 010.00	23.8.90
Kodak (Australia) P/L	1 000 000.00	13.6.91
Filigree Textiles P/L	31 500.00	24.1.91
Victorian Education Foundation	2 014.51	27.3.91
Victorian Education Foundation	67 250.00	29.11.90
Victorian Education Foundation	17 240.00	16.5.91
Victorian Education Foundation	67 250.00	16.5.91
Victorian Education Foundation	17 000.00	27.3.91
Victorian Education Foundation	67 250.00	13.9.90

Rockwell Interntional ABS Aust P/L		
(Wilmot Breedon P/L)	250 000.00	18.4.91
P.M.K. (Australia) P/L	12 000.00	6.6.91
Norwellan Textiles Pty Ltd	16 500.00	6.9.90
City of Melbourne	7 800.00	6.6.91
Australian Chamber of Manufactures	26 400.00	4.10.90
Kodak (Australia) Pty Ltd	450 000.00	19.6.91
Kodak (Australia) Pty Ltd	300 000.00	13.6.91
Textile, Clothing & Footwear Council of Australia Ltd	15 321.00	28.8.90
Textile, Clothing & Footwear Council of Australia Ltd	25 000.00	6.9.90
Textile, Clothing & Footwear Council of Australia Ltd	30 000.00	11.4.91
Macdonald Johnston Engineering Co. P/L	50 000.00	26.9.90
Cheesecake Factory Pty Ltd	52 025.00	3.1.91
The Cheesecake Factory Pty Ltd	39 270.00	16.8.90
Rankine and Hill Pty Ltd	5 000.00	31.10.90
CEM International Pty Ltd	9 168.00	28.8.90
Filigree Textiles Pty Ltd	43.750.00	24.1.91
Atco Controls Pty Ltd	150 000.00	8.11.90
Ragtraders Menswear	500.00	30.8.90
Thomson Properties Pty Ltd	650.00	20.9.90
Australian Computing and Communications Inst. Ltd	1 800 000.00	30.5.91
	7 441 151.51	
RMIT Centre for Technology Policy and Management	30 000.00	16.5.91
Steel Castings Pty Ltd	1 080.00	20.12.90
Steel Castings Pty Ltd	1 775.25	13.6.91
Australian Biotechnology Association Ltd	500.00	28.8.90
Namac	55 000.00	9.5.91
University of Melbourne Centre for Manuf. Management	6 500.00	17.1.91
University of Melbourne Centre for Manuf. Management	2 000.00	23.5.91
Gibson Chemicals Ltd	20 000.00	21.3.91
Gibson Chemicals Ltd	15 000.00	27.3.91
Australian Productivity Council	9 600.00	18.4.91
Federation of Vehicle Industry Unions	9 600.00	21.3.91
Dataplex Pty Ltd	16 500.00	28.8.90
Victorian Trades Hall Council	9 146.00	6.6.91
United Computer Group Ltd	40 000.00	13.12.90
United Computer Group Ltd	20 000.00	16.8.90
Email Limited (Email York Div.)	9 180.00	28.8.90
CITRI c/- Melb. University & RMIT	1 250 000.00	18.4.91
National Information Tech. Council	12 500.00	9.5.91
Rural Finance Corporation	226.28	15.11.90
Cima Electronics P/L	150 000.00	2.8.90
Australasian Corrosion Centre Inc.	82 000.00	28.2.91
Monash University	1 500.00	23.8.90
Metal Trades Industry Association	34 338.50	18.4.91
Metal Trades Industry Association	51 425.00	21.3.91
CSIRO Division of Manufacturing Technology	79 832.25	23.5.91
CSIRO Division of Manufacturing Technology	133 151.00	19.6.91
Corporate Enterprise Development (Victoria) Pty Ltd	50 000.00	23.8.90
Howard Florey Institute	2 000.00	2.5.91
Software & Services Industries Federation of Australia Ltd	12 500.00	28.8.90
Software & Services Industries Federation of Australia Ltd	12 500.00	6.12.90
Committee for Melbourne Inc.	5 500.00	23.5.91
Committee for Melbourne Inc.	25 000.00	29.11.90
Committee for Melbourne Inc.	21 500.00	9.5.91
Committee for Melbourne Inc.	9 500.00	30.5.91
Committee for Melbourne Inc.	25 000.00	9.5.91
Committee for Melbourne Inc.	9 000.00	30.5.91
Committee for Melbourne Inc.	9 000.00	6.6.91
Committee for Melbourne Inc.	1 000.00	6.6.91
Committee for Melbourne Inc.	5 000.00	16.5.91
Committee for Melbourne Inc.	5 000.00	16.5.91
Committee for Melbourne Inc.	1 000.00	9.5.91

Knowledge Precinct Advisory Committee	750.00	16.8.90
State Chamber of Commerce & Industry	10 000.00	11.4.91
Australian Association of Clinical Bio.	10 969.10	6.9.90
Australian Organisation for Quality Control	19 757.60	28.8.90
Small Business Development Corporation	20 000.00	7.3.91
Australian Marine Engineering Corporation Pty Ltd	29 290.10	20.9.90
Australian Marine Engineering Corporation Pty Ltd	5 463.09	31.10.90
Australian Marine Engineering Corporation Pty Ltd	11 959.03	29.11.90
Australian Marine Engineering Corporation Pty Ltd	56 397.61	14.2.91
Australian Marine Engineering Corporation Pty Ltd	14 449.50	11.4.91
Swinburne Ltd	6 244.68	14.3.91
Industrial Supplies Office (Victoria) Ltd	221 250.00	6.6.91
Industrial Supplies Office (Victoria) Ltd	213 750.00	20.9.90
Industrial Supplies Office (Victoria) Ltd	213 750.00	29.11.90
Industrial Supplies Office (Victoria) Ltd	213 750.00	21.3.91
Attorney General's Department	110 000.00	15.11.90
Collector of Public Monies, Dept of Industry, Technology and Commerce	100 000.00	23.5.91
	3 512 134.99	
Victorian Tourism Commission	38 500.00	30.8.90
Microelectric & Materials Technology Centre	10 200.00	19.6.91
Chemplex Australia Ltd	100 000.00	2.5.91
Technological Resources Pty Ltd	150 000.00	30.5.91
Technological Resources Pty Ltd	50 000.00	6.6.91
Federal Airports Corporation	37 594.00	6.9.90
Federal Airports Corporation	38 500.00	7.3.91
Aerospace Technologies of Australia P/L	39 903.00	19.6.91
	464 697.00	
Monash University	9 736.44	20.12.90
University of Melbourne	750.00	14.3.91
University of Melbourne	750.00	26.9.90
CSIRO–Building Construction & Engineering	15 000.00	9.5.91
CSIRO–Building Construction & Engineering	10 000.00	21.3.91
Connell Barrow McCready P/L	8 250.00	14.3.91
Connell Barrow McCready P/L	8 250.00	26.9.90
Corporate Enterprise Development (Vic) P/L	50 000.00	25.10.90
Corporate Enterprise Development (Vic) P/L	50 000.00	20.12.90
Safetech Pty Ltd	13 000.00	20.9.90
Werribee City Council	1 400.00	6.12.90
Werribee City Council	14 000.00	6.12.90
Werribee City Council	14 000.00	28.8.90
Werribee City Council	8 334.00	4.10.90
Latrobe University	150.00	30.5.91
Latrobe University	8 085.00	30.5.91
Latrobe University	1 184.00	30.5.91
Latrobe University	16 169.00	24.1.91
Latrobe University	6 000.00	24.1.91
Latrobe University	10 000.00	24.1.91
Latrobe University	13 333.20	24.1.91
Latrobe University	1 650.00	24.1.91
Latrobe University	1 948.00	24.1.91
Latrobe University	11 861.00	24.1.91
Latrobe University	11 602.00	30.5.91
Latrobe University	3 000.00	30.5.91
Latrobe University	6 666.80	30.5.91
Monash Technology Precinct	7 000.00	23.5.91
Monash Technology Precinct	14 000.00	13.12.90
Knowledge Precinct Advisory Committee	14 000.00	6.12.90
Knowledge Precinct Advisory Committee	12 000.00	20.12.90
Knowledge Precinct Advisory Committee	28 000.00	4.10.90
Knowledge Precinct Advisory Committee	53 000.00	6.6.91

Knowledge Precinct Advisory Committee	8 000.00	20.12.90
Knowledge Precinct Advisory Committee	9 000.00	20.12.90
Latrobe Technology Precinct Centre	21 000.00	7.3.91
	461 119.44	
Ballarat Regional Board for Planning and Development	70 000.00	6.9.90
Ballarat Regional Board for Planning and Development	50 000.00	11.10.90
Ballarat Regional Board for Planning and Development	50 000.00	24.1.91
Ballarat Regional Board for Planning and Development	21 751.00	11.4.91
Ballarat Regional Board for Planning and Development	19 500.00	16.5.91
Ballarat Regional Board for Planning and Development	19 049.00	2.5.91
Ballarat Regional Board for Planning and Development	79 250.00	9.8.91
Ballarat Regional Board for Planning and Development	50 000.00	11.4.91
Ballarat Regional Board for Planning and Development	27 900.00	13.6.91
Ballarat Regional Board for Planning and Development	21 000.00	21.2.91
Ballarat Regional Board for Planning and Development	66 500.00	20.1.91
Shepparton Kyabram Rodney Development Corporation	100 000.00	14.3.91
Shepparton Kyabram Rodney Development Corporation	100 000.00	7.3.91
Bendigo Regional Development Board Inc.	100 000.00	13.12.90
Bendigo Regional Development Board Inc.	100 000.00	2.5.91
Ballarat Regional Board	36 540.00	5.4.91
City of Portland	30 000.00	26.9.90
City of Portland	30 000.00	24.1.91
City of Maryborough	30 000.00	7.3.91
City of Maryborough	30 000.00	7.3.91
City of Wangaratta	30 000.00	28.2.91
City of Wangaratta	15 000.00	3.1.91
City of Ararat	30 000.00	8.11.90
City of Ararat	30 000.00	28.2.91
City of Castlemaine	30 000.00	30.5.91
City of Castlemaine	30 000.00	6.12.90
City of Benalla	30 000.00	27.3.91
City of Benalla	15 000.00	27.3.91
Victorian Eastern Development Assocn	30 000.00	31.1.91
Victorian Eastern Development Assocn	30 000.00	7.3.91
City of Echuca	30 000.00	2.5.91
City of Echuca	30 000.00	2.5.91
City of Hamilton	30 000.00	7.3.91
City of Hamilton	30 000.00	7.3.91
City of Swan Hill	30 000.00	7.3.91
City of Swan Hill	30 000.00	7.3.91
City of Horsham	30 000.00	11.4.91
City of Horsham	30 000.00	6.12.90
City of Mildura	30 000.00	30.5.91
City of Colac	30 000.00	31.1.91
City of Colac	30 000.00	3.1.91
City of Stawell	30 000.00	21.2.91
City of Stawell	30 000.00	6.12.90
City of Warrnambool	30.000.00	31.1.91
City of Warrnambool	30 000.00	10.1.91
Inner Metropolitan Regional Assocn	60 000.00	7.3.91
Melbourne Western Region Commission Inc.	30 000.00	11.4.91
Melbourne Western Region Commission Inc.	30 000.00	24.4.91
Northern Region Commission Inc.	30 000.00	21.3.91
Northern Region Commission Inc.	30.000.00	2.5.91
Western Port Development Council Inc.	60 000.00	7.3.91
Balanced Development Assocn of Victoria	3 000.00	13.6.91
Western Port Development Council Inc.	25 000.00	14.3.91
Western Port Development Council Inc.	25 000.00	6.6.91
City of Maryborough	40 260.00	8.11.90
City of Maryborough	40 260.00	6.6.91
City of Wangaratta	25 000.00	4.10.90
City of Benalla	48 500.00	27.3.91
City of Traralgon	20 500.00	20.9.90
Shire of Ballarat	45 192.00	23.8.90

City of Hamilton	51 187.23	30.5.91
City of Bendigo	142 777.34	20.6.91
City of Horsham	15 582.00	20.6.91
City of Warrnambool	59 938.49	20.6.91
Pacific Dunlop Limited	250 000.00	30.5.91
Melbourne Aircraft Corp. P/L	10 000.00	4.10.90
Melbourne Aircraft Corp. P/L	10 000.00	18.4.91
Ansett Knitting Mills P/L	8 000.00	6.9.90
Bartlett C.E. Pty Ltd	4 328.00	7.2.91
Bartlett C.E. Pty Ltd	670.00	7.2.91
Pyramid Hill Preserving & Packing Co. P/L	70 000.00	19.6.91
Aurora Tools Div. Boral Cyclone	7 600.00	11.4.91
Aerospace Technologies of Australia P/L	840 000.00	25.6.91
Aerospace Technologies of Australia P/L	3 915.59	24.1.91
Aerospace Technologies of Australia P/L	640 000.00	2.5.91
Aerospace Technologies of Australia P/L	360 000.00	2.5.91
ACI Operations Pty Ltd	75 000.00	30.5.91
Air Radiators P/L	50 000.00	18.4.91
Aerospace Foundation of Australia Ltd	100 000.00	30.5.91
Aerospace Foundation of Australia Ltd	100 000.00	6.6.91
Aerospace Foundation of Australia Ltd	300 000.00	2.5.91
Gonvick Holdings Pty Ltd	9 440.00	6.6.91
Australian Tartaric Products	100 000.00	19.6.91
City of Maryborough	10 000.00	9.5.91
Wangaratta Regional Development Corporation	4 734.00	9.5.91
City of Bendigo	4 632.00	30.5.91
Shire of Marong	9.600.00	23.5.91
Hendersons Industries Pty Ltd	100 000.00	6.6.91
ACI Australia Ltd - Eureka Tile	60 000.00	23.5.91
Empire Rubber (Aust) P/L	30 000.00	23.8.90
Empire Rubber (Aust) P/L	250 000.00	10.1.91
Graphic Data Pty Ltd	20 000.00	7.3.91
	5 755 526.65	
Sentosa Deer Farm Pty Ltd	6 000.00	2.8.90
United Computer Group Ltd	20 000.00	9.5.91
	26 000.00	
Information Victoria	20 000.00	6.6.91
Arens International Pty Ltd	1 700.00	13.9.90
Monash University	1 700.00	23.8.90
Murray-Goulburn Co-op Co. Ltd	5 000.00	9.8.90
Australian Chamber of Manufactures	11 527.00	16.5.91
Australian Chamber of Manufactures	7 000.00	23.5.91
Arnos Australia Pty Ltd	1 786.53	28.8.90
Absel Pty Ltd	1 644.98	7.2.91
ASB-Tech Services Pty Ltd	2 000.00	15.11.90
Unidrive Pty Ltd	2 223.00	15.11.90
Royena Nurseries (Aust) Pty Ltd	1 240.00	28.8.90
International Food Processing	5 000.00	6.12.90
Riddell Exhibition Promotions P/L	7 650.00	6.6.91
Redflex Pty Ltd	2 000.00	11.4.91
Toorangora Pty Ltd	1 000.00	24.4.91
Magnetic Actuators & Security Systems	1 850.62	9.5.91
Nagorcka & Yuill Pty Ltd	2 128.50	29.11.90
Steel Castings Pty Ltd	6 000.00	13.6.91
John Welsh Pty Ltd	5 000.00	28.8.90
Sleepmaster Pty Ltd	573.14	28.8.90
Futuretech Pty Ltd	2 500.00	9.8.90
Robotron Pty Ltd	5 000.00	29.11.90
Myttons Ltd	5 000.00	30.5.91
Arnos Australia Pty Ltd	43.50	28.8.90
Teletech Pty Ltd	5 000.00	31.10.90

Insparation Concepts Pty Ltd	2 375.00	24.4.91
Pryda (Aust) Pty Ltd	2 000.00	3.1.91
Siemens Ltd	2 571.50	4.10.90
ASB-Tech Services Pty Ltd	4 409.00	15.11.90
Unidrive Pty Ltd	5 000.00	15.11.90
Alfatron Pty Ltd	5 000.00	28.8.90
Survey Computing Consultants (Dev's) P/L	5 000.00	6.9.90
Magnetic Actuators & Security Systems	128.50	9.5.91
Norwellan Textiles Pty Ltd	4 000.00	13.9.90
Redbank Valley Vineyards	8 000.00	28.8.90
Murray Goulburn Co-op Co. Ltd	3 553.17	24.1.91
Brown Bros. Milawa Vineyard P/L	2 524.31	7.2.91
John Welsh Pty Ltd	5 800.00	6.9.90
John Welsh Pty Ltd	6 085.43	13.9.90
Bonlac Foods Ltd	4 000.00	6.9.90
Soltec Research Pty Ltd	6 161.00	7.2.91
Australian Chamber of Manufactures	7 500.00	24.1.91
Data Electronics (Aust) P/L	4000.00	6.9.90
Huon Pty Ltd	15 000.00	25.10.90
Futuretech Pty Ltd	6 471.00	9.8.90
D.A. Christie Pty Ltd	3 285.00	24.1.91
Ibis Target Products Pty Ltd	9 329.00	21.2.91
Brooklyn Skin & Hides Pty Ltd	4 000.00	26.9.90
Amtron Valve Monitoring Device P/L	7 695.00	18.10.90
Austcrown (International) Pty Ltd	5 000.00	28.8.90
VR Building Company Pty Ltd	12 348.00	25.10.90
VR Building Company Pty Ltd	1 680.50	25.10.90
VR Building Company Pty Ltd	795.30	7.3.91
Atco Controls Pty Ltd	4 000.00	22.11.90
Myttons Ltd	15 000.00	30.5.91
Arnos Australia Pty Ltd	10 058.60	18.10.90
State Chamber of Commerce & Industry	15 000.00	4.10.90
State Chamber of Commerce & Industry	6 626.00	13.9.90
MPA Communications	3 315.00	28.2.91
MPA Communications	3 551.82	2.5.91
Teletech Pty Ltd	5 000.00	6.6.91
Insparation Concepts Pty Ltd	4 000.00	24.4.91
Fulop Australia Pty Ltd	4 000.00	4.10.90
Redflex Pty ltd	15 000.00	22.11.90
Redflex Pty Ltd	1 973.88	11.4.91
Grain Exporters (Australia) P/L	10 000.00	21.2.91
Absel Pty Ltd	3 216.07	7.2.91
Siemens Ltd	2 752.27	4.10.90
Ward Laboratories	5 005.00	28.8.90
Unidrive Pty Ltd	11 000.00	15.11.90
Wavelength Wetsuits Australia	4 000.00	11.10.90
Van Wyk and Son Flower Supply	4 000.00	6.9.90
Paul Cave & Sons Pty Ltd	4 000.00	6.9.90
Norman and Heath Pty Ltd	4 000.00	11.10.90
Spangaro Pty Ltd	4 000.00	6.9.90
Australian Bottling Co. Pty Ltd	4 000.00	6.9.90
Jannanie Pty Ltd	4 000.00	6.9.90
Royena Nurseries (Aust) Pty Ltd	929.45	28.8.90
Bass Strait International Pty Ltd	4 000.00	28.8.90
Australia India Chamber of Commerce	2 500.00	28.8.90
Miers David John	2 000.00	4.10.90
Survey Computing Consultants (Dev's) P/L	4 000.00	6.9.90
Hickory Bond Pty Ltd	3 368.00	20.9.90
Italian Chamber of Commerce and Industry in Victoria Inc.	4 000.00	28.2.91
Thornday Pty Ltd	6 265.00	29.11.90
Trackerjack Pty Ltd	4 000.00	22.11.90
Magnetic Actuators & Security Systems	9 323.11	9.5.91
Luigi & Athalie Catherine Bazzani	9 536.00	31.1.91
TCF Council of Australia Ltd	4 000.00	21.3.91
Melbourne University Centre for Soviet	2 000.00	6.6.91
Teletech P/L	796.00	31.10.90

Insparation Concepts Pty Ltd	1 000.00	24.4.91
ASB-Tech Services Pty Ltd	1 000.00	15.11.90
Magnetic Actuators & Security Systems	1 000.00	9.5.91
General Furnace Construction P/L	2 580.75	24.4.91
	458 076.93	
Victorian Tourism Commission	50 000.00	17.1.91
Dept of Labour	70 000.00	23.8.90
Film Victoria	20 000.00	21.3.91
Calgene Pacific Pty Ltd	10 000.00	30.8.90
Silicon Technologies Australia P/L	5 000.00	3.1.91
	155 000.00	
Grand Total	19 745 988.57	

ATTACHMENT C

Gas and Fuel Corporation of Victoria

Organisation	Principal	Amount($)	Reason	Date Approved
1989-90				
Victorian Overseas Foundation	Mr E.A. Lewis Executive Director	750	Traditional donation	14.07.89
Victoria State Opera	Mr Ken Mackenzie-Forbes General Manager	10 000	Corporate sponsorship	14.07.89
Melbourne Spoleto Festival	Mr John Harrison President	350 000	Promotional sponsorship	25.08.89
Lord Mayor's Fund	Mr F.W. Paine Executive Director	12 000	Traditional donation	13.10.89
Energy Action Group	Dept. Manufacturing & Industry Development	45 000	Community service obligation	08.12.89
1990-91				
Melbourne International Festival	Mr John Harrison President	350 000	Promotional sponsorship	10.08.90
Victoria State Opera	Mr Ken Mackenzie-Forbes General Manager	5 000	Building appeal	31.08.90
Lord Mayor's Fund	Mr F.W. Paine Executive Director	13 000	Traditional donation	26.10.90
Energy Action Group	Dept. Manufacturing & Industry Development	45 000	Community service obligation	07.12.90
Victoria State Opera	Mr Ken. Mackenzie-Forbes General Manager	12 000	Corporate sponsorship	08.02.91

GRANTS — PORTS

(Question No. 1218)

Hon. K. M. SMITH (South Eastern) asked the Minister responsible for Ports:

In relation to each department and agency responsible to the Minister, what grants were made to organisations during 1989-90 and 1990-91 respectively, indicating the name of each organisation, the name of its principal, the amount of each grant, the reason for the grants and the date on which payment was made?

Hon D. R. WHITE (Minister for Ports)— The answer is:

Port of Geelong Authority

No grants were made by the authority.

Port of Portland Authority

1. Paid to the Port of Melbourne Authority for the Ocean Racing Club of Victoria Inc.
   Sponsorship payment of $1500
   Queenscliff-Portland "Premier's Cup" Yacht Race, November 1989
   Paid March 1990
2. Maritime History Advisory Committee (Portland)
   Sponsorship payment of $2000
   For school visits to sailing vessel "One & All" visit to Portland
   Paid August 1990

Port of Melbourne Authority

See attachment A

Port of Melbourne Authority — Attachment A

ORGANISATION	AMOUNTS	REASON FOR PAYMENT	DATE OF PAYMENT
1989-90			
Victorian Trades Hall Council	60 050	Employment of VTHC Maritime Union Co-ordinator	Monthly amounts paid upon invoices
Victorian Overseas Foundation	2000	Training of qualified apprentices in overseas countries	05.07.90
Chartered Institute of Transport (CIT)	1500	EDI Conference - Melbourne August 1990 - Feature advertising in CIT publications	06.03.90
National Heart Foundation	100	Donation to a charitable organisation	16.03.90
1990-91			
Victorian Trades Hall Council	50 260	Employment of VTHC Maritime Union Co-ordinator	Monthly amounts paid upon invoices
Williamstown Summer Festival	1000	Donation toward cost of organising the Festival	26.11.90
Fringe Festival Network	500	Painting of containers as part of a project depicting "Young Australian Art to the World"	10.10.90
Victorian Dragon Boat Association	1000	Support for PMA staff competing in the 1991 Moomba Dragon Boat Event	05.12.90
World Police and Firemen Games Committee	5000	Support for Port Emergency Service staff competing at the Games, USA	06.06.91
Ocean Racing Club of Victoria	5000	Sponsorship of Victoria's Port Authorities in the Queenscliff to Port Fairy Yacht Race	17.06.91

GRANTS — GAMING

(Question No. 1219)

Hon. K. M. SMITH (South Eastern) asked the Minister for Gaming:

In relation to each department and agency responsible to the Minister, what grants were made to organisations during 1989-90 and 1990-91 respectively, indicating the name of each organisation, the name of its principal, the amount of each grant, the reason for the grant, and the date on which payment was made?

Hon. D. R. WHITE (Minister for Gaming) — The answer is:

No grants were given to organisations by the Office of Gaming.

Supplementary answer:

The Office of Gaming and the Interim Independent Gaming Commission did not exist as a body during 1989-90, and as such could not make any grants to organisations.

The Office of Gaming and the Interim Independent Gaming Commission came into operation in April 1991. During the financial year 1990-91 the office and the commission operated under the umbrella of the Department of Manufacturing and Industry Development and neither had a separate budget from which grants could be made.

GRANTS — HEALTH

(Question No. 1220)

Hon. K. M. SMITH (South Eastern) asked the Minister for Health:

In relation to each department and agency responsible to the Minister, what grants were made to organisations during 1989-90 and 1990-91, respectively, indicating the name of each organisation, the name of its principal, the amount of each grant, the reason for the grant, and the date on which payment was made?

Hon. M. A. LYSTER (Minister for Health) — The answer is:

The time and resources to answer this question fully in respect of grants made by Health Department Victoria and its agencies to organisations during 1989-90 and 1990-91 cannot be justified.

Grants made to and on behalf of public hospitals, geriatric institutions and other agencies from the Hospitals and Charities Fund can be obtained from the health department's annual reports for the years 1988-89 and 1989-90.

GRANTS — CONSUMER AFFAIRS

(Question No. 1221)

Hon. K. M. SMITH (South Eastern) asked the Minister for Consumer Affairs:

In relation to each department and agency responsible to the Minister, what grants were made to organisations during 1989-90 and 1990-91 respectively, indicating the name of each organisation, the name of its principal, the amount of each grant, the reason for the grant, and the date on which payment was made?

Hon. T. C. THEOPHANOUS (Minister for Consumer Affairs) — The answer is:

Ministry of Consumer Affairs

This information is not readily available in the format requested and a voluminous manual search of files would be required in order to provide it in that form. However, I do refer the honourable member to the annual reports of the Ministry, in which lists of grant approvals, names and addresses of organisations and purposes of grants under the various grants schemes are provided as follows. I also refer the honourable member to the answer to question No. 673, tabled in the Legislative Council on 15 November 1990.

1989 report - Appendix 3

1989 calendar year funding for:

Consumer Affairs Grants Scheme

Residential Tenancies Grants Scheme

Community Credit Program

1990 report - Appendices 6A, 6B and 6C

January - June 1990 interim funding for:

Consumer Affairs Grants Scheme

Residential Tenancies Grants Scheme

Community Credit Program

1991 report - Appendices 6A and 6B

1990-91 financial year funding for:

Consumer Support Program

Tenant Support Program

The 1991 annual report will be tabled in the near future.

Liquor Licensing Commission

A grant was made to the Liquor Industry Development Committee through the commission. I refer the honourable member to Appendix 4 of the 1991 annual report of the commission.

GRANTS — ABORIGINAL AFFAIRS

(Question No. 1222)

Hon. K. M. SMITH (South Eastern) asked the Minister for Ethnic, Municipal and Community Affairs:

In relation to each department and agency responsible to the Minister, what grants were made to organisations during 1989-90 and 1990-91 respectively, indicating the name of each organisation, the name of its principal, the amount of each grant, the reason for the grant, and the date on which payment was made?

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — The answer is:

The Minister for Aboriginal Affairs office me informs me that the answer is being finalised and will be ready for tabling in the Council next week.

GRANTS — EDUCATION AND TRAINING

(Question No. 1223)

Hon. K. M. SMITH (South Eastern) asked the Minister for Education and Training:

In relation to each department and agency responsible to the Minister, what grants were made to organisations during 1989-90 and 1990-91 respectively, indicating the name of each organisation, the name of its principal, the amount of each grant, the reason for the grant, and the date on which payment was made?

Hon. B. T. PULLEN (Minister for Education and Training) — The answer is:

The attached tables provided readily accessible information on grants paid. The provision of the remaining details would require an extensive manual search of records, for which the time and resources are not available.

Information in respect of the Division of Further Education will be supplied directly to the honourable member, as its publication would take up an excessive number of pages in *Hansard*.

The tables referred to are as follows:

GRANTS TO ORGANISATIONS — SUMMARY

ORGANISATION	EXPN 1989-90	EXPN 1990-91
Ausmusic	40 000	60 000
Australian Association of Special Education	0	3 000
Australian Childrens Television Foundation	0	0
Australian Conservation Foundation	0	10 000
Australian Council for Educational Research (ACER)	163 600	168 850
Australian Council for Educational Research (ACER)		0
— Sample testing project	40 000	0
— Effective Schools Project		67 000
— Survey of Social Education		
Australian Council of Post-Primary Inst of Vic (ACPPIV)	42 800	44 400
Australian Educ Council (2 Projects)	83 700	0
Australian Educ Council — Mathematics Project		9 500
Australian National Memorial Theatre School	59 000	49 990
Australian Schools Sports Council	11 451	12 436
Ballarat Children's Homes and Family Services	0	28 121
Burremah Integration Service (Grassmere Youth Ser)	30 000	30 000

Campaign for International Committee for promotion of Oral Education of the Disabled	2 000	0
Centre for Educ and Res in Environ Strategies (CERES)	90 000	70 000
Council for Christian Education in Schools	315 300	329 500
Curriculum Corporation of Australia	52 400	96 600
Curriculum Corporation of Australia — Careers Education project		0 20 480
DEAL Communications		2 000
Doveton Welfare Cluster	15 000	0
Environmental Designers in Schools (Architects in Schools)	20 000	0 30 000
Ewing House Hostel (Victorian Committee for the Promotion of Oral Ed of the Disabled)		0 0
Family Life Movement	6 000	6 000
Family Science Project		25 000
Fitzroy Music Festival		5 000
Friends of the Zoo	10 000	0
Gender and Science and Technology (GASAT)		5 000
International Social Service	450	0
John Gardiner Centre		5 000
Joint Council of Subject Associations		39 875
McClintock Collective		4 595
McDonald House Hostel	36 000	36 000
Melbourne Living Museum of the West		
Ministry for Health, Education and the Arts (Survey)		
Muscular Dystrophy		1 500
Next Wave Festival		70 000
Parents of Hearing Impaired Children		5 000
Peer Group Support Foundation	20 000	40 000
Plumbers, Sheetmetal, Coppersmiths' Assoc		
Reverse Garbage Scheme	9 500	9 500
Salvation Army	2 500	0
Specific Learning Difficulties Association	15 000	15 000
Spoleto Music Festival	6 000	0
State Schools Horticultural Society		0
State Schools Relief Committee		10 000
Summer School —Melb Uni Student Union	250	250
United World Colleges Trust		
VAP Special Schools		3 000
VAEIA	34 000	0
Victn Assoc of rural Secondary Schools		
Victn Council of School Organisations (VICCSO)	109 800	112 800
Victn Federation of State School Parents Club	149 800	92 800
Victn Federation of Catholic Parents Club	9 500	9 500
Victn Information Technology Teachers Assoc		
Victn Institute of Marine Science Studies	30 000	17 500
Victn School Canteen Assoc	30 000	30 000
Victorian Parents Council	9 500	9 500
Victn Parents Advocacy Collective	25 000	35 000
Victn State Schools Sports Fed (Organised Athletics in Schools)	5 200	0 5 200
Wilderness Society	9 700	9 700
TOTAL	1 497 451	1 634 497

Grants from the Council of Adult Education were as follows:

NAME OF ORGANISATION AND PRINCIPAL	REASON	AMOUNT OF GRANT $	DATE MADE
Melbourne Theatre Company (Chairperson,	Support to Curtain-Up Program	10 000	8 May 1990

Prof D Penington)			
Adult Education Association (President, Mr Ken West)	To extend services of the CAE through AEA	24 000	1989-90

ORGANISATIONS	AMOUNT	REASONS FOR GRANT	DATE OI PAYMENT
Affirmative Action in Training	1) $25 000.00 2)$30 000.00 3) $5 000.00	Payment for the employment of 2 project officers with the aim of increasing the number of women in non-traditional trades, particularly with Group Training Schemes	1) 02.08.9 2) 17.01.9 3) 23.05.9
	1) $25 000.00 2) $1 000.00 3) $25 000.00	Payment for project officers Payment for project officers Payment for project officers	1) 16.10.9 2) 11.12.9 3) 23.05.1
	1) $25 000.00 2) $24 000.00	Payment for project officers Payment for project officers	1) 01.08.9 2) 26.10.9
Engineering Skills Training	1) $1 600.00 2) $70 000.00 3) $32 000.00 4) $48 000.00	Evaluation Engineer Craft Cert Accommodation and Travel Subs Metals and Engineering Production Engineering	1) 29.06.0 2) 28.09.0 3) 30.08.0 4) 30.08.0
Engineering Skills	1) $80 000.00 2) $110 000.00	Operation of Industry Training Boards Operation of Industry Training Boards	1) 24.06.0 2) 20.03.0
Engineering Skills	1) $80 000.00 2) $70 000.00 3) $69 530.64	Operation of Industry Training Boards Operation of Industry Training Boards Operation of Industry Training Boards	1) 25.10.0 2) 20.12.0 3) 23.05.1
Vic Furniture Industry	1) $30 000.00 2) $20 000.00 3) $50 000.00	Commonwealth Adult Literacy Commonwealth Adult Literacy Commonwealth Adult Literacy	1) 24.06.0 2) 20.03.0 3) 12.07.9
Workskill Aust. Foundation	1) $78 300.00	Work Skills	1) 06.12.9
Victorian Trades Hall	1) $55 305.00 2) $16 044.00 3) $67 700.00 4) $10 554.92 5) $20 744.31	Grant to enable the continuation of Skills Training and Technology Unit Grant to enable the continued strategy of the Access and Equity Office position within Skills Training and Technology Administration costs on salary and on-costs for Literacy Officer (International Literacy Year Small Grants program)	1) 08.06.0 2) 08.06.0 3) 30.05.1 4) 06.06.1 5) 25.06.1

Victorian Overseas Foundation	1) $4 500.00	Operation grant	1) 15.03.90
Victorian Timber Industry	1) $20 000.00	Operation grant	1) 22.09.89
Albury—Wodonga Group	1) $1 250.00	Operation of T'ship Group Schemes	1) 18.08.89
	2) $10 625.00	Operation of T'ship Group Schemes	2) 30.08.90
	3) $10 625.00	Operation of T'ship Group Schemes	3) 08.11.91
	4) $12 500.00	Operation of T'ship Group Schemes	4) 24.01.91
	5) $13 750.00	Operation of T'ship Group Schemes	5)02.05.91
Building Industry Group	1) $111 875.00	Operation of T'ship Group Schemes	1) 06.06.91
	2) $55,000.00	Operation of T'ship Group Schemes	2) 16.10.90
	3) $55 000.00	Operation of T'ship Group Schemes	3) 11.10.90
Central Highlands Group	1) $11 250.00	Operation of T'ship Group Schemes	1) 30.08.90
	2) $11 250.00	Operation of T'ship Group Schemes	2) 19.10.90
	3) $6 250.00	Operation of T'ship Group Schemes	3) 06.12.90
	4) $11 250.00	Operation of T'ship Group Schemes	4) 07.02.91
	5) $12 500.00	Operation of T'ship Group Schemes	5) 02.05.91
	6) $6250.00	Operation of T'ship Group Schemes	6) 02.05.91
Central Melbourne Region	1) $11 250.00	Operation of T'ship Group Schemes	1) 17.08.90
	2) $11 250.00	Operation of T'ship Group Schemes	2) 04.12.90
	3) $11 250.00	Operation of T'ship Group Schemes	3) 14.02.91
	4) $11 250.00	Operation of T'ship Group Schemes	4) 24.04.91
Central Victoria G.A.S.	1) $3 750.00	Operation of T'ship Group Schemes	1)18.08.89
	2) $26 250.00	Operation of T'ship Group Schemes	2) 30.08.90
	3) $25 000.00	Operation of T'ship Group Schemes	3) 11.10.90
	4) $25 000.00	Operation of T'ship Group Schemes	4) 31.01.91
	5) $26 250.00	Operation of T'ship Group Schemes	5) 24.04.91
Dandenong — Westernport	1) $3 750.00	Operation of T'ship Group Schemes	1) 18.08.89
	2) $21 250.00	Operation of T'ship Group Schemes	2) 30.08.90
	3) $21 250.00	Operation of T'ship Group Schemes	3) 11.10.90
	4) $25 000.00	Operation of T'ship Group Schemes	4) 31.01.91
	5) $17 500.00	Operation of T'ship Group Schemes	5) 24.04.91
Eastern Victorian Group	1) $9 375.00	Operation of T'ship Group Schemes	1) 30.08.90
	2) $9 375.00	Operation of T'ship Group Schemes	2) 15.11.90
	3) $9 375.00	Operation of T'ship Group Schemes	3) 07.02.91
	4) $9 375.00	Operation of T'ship Group Schemes	4) 09.05.91
Geelong and District GAS	1) $18 750.00	Operation of T'ship Group Schemes	1) 27.08.90
	2) $18 750.00	Operation of T'ship Group Schemes	2) 11.10.90
	3) $18 750.00	Operation of T'ship Group Schemes	3) 24.01.91
	4) $18 750.00	Operation of T'ship Group Schemes	4) 24.04.91
Gippsland Group Training	1) $3 750.00	Operation of T'ship Group Schemes	1) 18.08.89
	2) $25 000.00	Operation of T'ship Group Schemes	2) 30.08.90
	3) $50 000.00	Operation of T'ship Group Schemes	3) 28.02.91
	4) $25 000.00	Operation of T'ship Group Schemes	4) 24.04.91
Goulburn Valley Group	1) $15 000.00	Operation of T'ship Group Schemes	1) 23.08.90
	2) $15 000.00	Operation of T'ship Group Schemes	2) 15.11.90
	3) $11 250.00	Operation of T'ship Group Schemes	3) 31.01.91
	4) $18 750.00	Operation of T'ship Group Schemes	4) 02.05.91

Group Training Australia	1) $35 000.00	Operation of T'ship Group Schemes	1) 30.08.90
Food Industry Training	1) $5 000.00	Operation of Industry Training Boards	1) 24.06.90
Forest I.T.B.	1) $43 500.00	Operation of Industry Training Boards	1) 24.05.90
Horticulture Training	1) 20 000.00	Operation of Industry Training Boards	1) 02.02.90
	2) $20 000.00	Operation of Industry Training Boards	2) 01.05.90
Local Government	1) $5 000.00	Operation of Industry Training Boards	1) 24.06.90
Metal Trades Industries	1) $65 000.00	Operation of Industry Training Boards	1) 11.01.90
Nurserymen's Association	1) $5 000.00	Operation of Industry Training Boards	1) 12.12.89
Plastics, Rubber and Printing Industry	1) $26 000.00	Operation of Industry Training Boards	1) 24.05.90
	1) $17 000.00	Operation of Industry Training Boards	1) 27.03.90
	2) $21 000.00	Operation of Industry Training Boards	2) 21.12.89
	3) $17 000.00	Operation of Industry Training Boards	3) 14.06.90
Road Transport I.T.C.	1) $32 000.00	Operation of Industry Training Boards	1) 24.06.90
	2) $10 000.00	Operation of Industry Training Boards	2) 24.06.90
Social and Community Services	1) $49 500.00	Operation of Industry Training Boards	1) 15.03.90
	2) $80 000.00	Operation of Industry Training Boards	2) 24.06.90
	3) $49 500.00	Operation of Industry Training Boards	3) 03.05.90
	4) $52 000.00	Operation of Industry Training Boards	4) 18.01.90
Textiles, Clothing and Footwea	1) $5 000.00	Operation of Industry Training Boards	1) 21.12.89
Tourism & Hospitality	1) $60 000.00	Operation of Industry Training Boards	1) 01.12.89
	2) $90 000.00	Operation of Industry Training Boards	2) 24.04.90
VACC	1) $5 000.00	Operation of Industry Training Boards	1) 02.02.90
	2) $40 000.00	Operation of Industry Training Boards	2) 24.06.90
Vic Building and Construction	1) $54 000.00	Operation of Industry Training Boards	1) 24.04.90
	2) $54 000.00	Operation of Industry Training Boards	2) 19.02.90
	3) $80 000.00	Operation of Industry Training Boards	3) 24.06.90
	4) $72 000.00	Operation of Industry Training Boards	4) 03.11.89
Vic Furniture Industry	1) $17 000.00	Operation of Industry Training Boards	1) 08.02.90
	2) $15 000.00	Operation of Industry Training Boards	2) 08.06.90
	3) $15 000.00	Operation of Industry Training Boards	3) 24.04.90
Vic. Textile Clothing and Footwear	1) $36 000.00	Operation of Industry Training Boards	1) 24.04.90
Victorian Arts	1) $32 200.00	Operation of Industry Training Boards	1) 11.04.90
Victorian Arts and Entertainment	1) $16 100.00	Operation of Industry Training Boards	1) 27.10.89
Victorian TCF Industry	1) $32 000.00	Operation of I ndustry Training Boards	1) 11.01.90
	2) $48 000.00	Operation of Industry Training Boards	2) 11.05.90

Victorian Timber Industry	1) $5 000.00	Operation of Industry Training Boards	1) 15.03.90
Wholesale, Retail and Pers	1) $20 000.00	Operation of Industry Training Boards	1) 24.05.90
	2) $13 700.00	Operation of Industry Training Boards	2) 29.06.90
Inner Eastern Group	1) $11 250.00	Operation of T'ship Group Schemes	1) 30.08.90
	2) $11 250.00	Operation of T'ship Group Schemes	2) 22.11.90
	3) $11 250.00	Operation of T'ship Group Schemes	3) 14.03.91
	4) $11 250.00	Operation of T'ship Group Schemes	4) 09.05.91
Inner Northern G.A.S.	1) $18 750.00	Operation of T'ship Group Schemes	1) 30.08.90
	2) $18 750.00	Operation of T'ship Group Schemes	2) 11.10.90
	3) $18 750.00	Operation of T'ship Group Schemes	3) 24.01.91
	4) $15 000.00	Operation of T'ship Group Schemes	4) 30.05.91
Murray Mallee Training Co	1) $3 750.00	Operation of T'ship Group Schemes	1) 18.08.89
	2) $16 875.00	Operation of T'ship Group Schemes	2) 27.08.90
	3) $16 875.00	Operation of T'ship Group Schemes	3) 21.02.91
	4) $16 875.00	Operation of T'ship Group Schemes	4) 21.02.91
	5) $15 000.00	Operation of T'ship Group Schemes	5) 30.05.91
Outer Eastern Group	1) $3 750.00	Operation of T'ship Group Schemes1	1) 18.08.89
	2) $21 250.00	Operation of T'ship Group Schemes	2) 30.08.90
	3) $25 000.00	Operation of T'ship Group Schemes	3) 11.10.90
	4) $25 000.00	Operation of T'ship Group Schemes	4) 31.01.91
	5) $11 250.00	Operation of T'ship Group Schemes	5) 09.05.91
Plumbing Industry Group	1) $35 625.00	Operation of T'ship Group Schemes	1) 14.03.91
	2) $11 250.00	Operation of T'ship Group Schemes	2) 02.05.91
Southern Suburbs Group	1) $9 375.00	Operation of T'ship Group Schemes	1) 30.08.90
	2) $9 375.00	Operation of T'ship Group Schemes	2) 15.11.90
	3) $9 375.00	Operation of T'ship Group Schemes	3) 28.02.91
	4) $9 375.00	Operation of T'ship Group Schemes	4) 24.04.91
S.T.E.P.	1) $5 625.00	Operation of T'Ship Group Schemes	1) 23.08.90
	2) $5 625.00	Operation of T'ship Group Schemes	2) 11.10.90
	3) $5 625.00	Operation of T'ship Group Schemes	3) 31.01.91
	4) $5 625.00	Operation of T'ship Group Schemes	4) 24.04.91
Sunraysia Murray Group	1) $9 375.00	Operation of T'ship Group Schemes	1) 30.08.90
	2) $9 375.00	Operation of T'ship Group Schemes	2) 15.11.90
	3) $9 375.00	Operation of T'ship Group Schemes	3) 07.02.91
	4) $18 750.00	Operation of T'ship Group Schemes	4) 02.05.91
VACC	1) $43 125.00	Operation of T'ship Group Schemes	1) 21.06.91
Western Region Group	1) $3 750.00	Operation of T'ship Group Schemes	1) 18.08.89
	2) $21 250.00	Operation of T'ship Group Schemes	2) 11.04.90
	3) $21 250.00	Operation of T'ship Group Schemes	3) 30.08.90
	4) $11 250.00	Operation of T'ship Group Schemes	4) 30.08.90
	5) $21 250.00	Operation of T'ship Group Schemes	5) 11.10.90
	6) $21 250.00	Opertion of T'ship Group Schemes	6) 28.02.91
Western Victoria Group	1) $3 750.00	Operaton of T'ship Group Schemes	1) 18.08.89
	2) $11 250.00	Operation of T'ship Group Schemes	2) 11.10.90
	3) $11 250.00	Operation of T'ship Group Schemes	3) 07.02.91
	4) $11 250.00	Operation of T'ship Group Schemes	4) 02.05.91
Wimmera and Grampians Group	1) $3 750.00	Operation of T'ship Group Schemes	1) 18.08.89
	2) $18 750.00	Operation of T'ship Group Schemes	2) 28.09.90
	3) $11 250.00	Operation of T'ship Group Schemes	3) 30.08.90
	4) $18 750.00	Operation of T'ship Group Schemes	4) 24.01.91
	5) $11 250.00	Operation of T'ship Group Schemes	5) 24.04.91

GRANTS — CHILD CARE

(Question No. 1224)

Hon. K. M. SMITH (South Eastern) asked the Minister for Ethnic, Municipal and Community Affairs, for the Minister responsible for Child Care):

In relation to each department and agency responsible to the Minister, what grants were made to organisations during 1989-90 and 1990-91, respectively, indicating the name of each organisation, the name of its principal, the amount of each grant, the reason for the grant, and the date on which payment was made?

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — The answer supplied by the Minister responsible for Child Care is:

The time and resources required to respond to each part of the question cannot be justified. The honourable member has been forwarded a sample of the tupe of information which can be provided in response to this question. The honourable member has also been informed that he is welcome to inspect the total report, which details grants by Community Services Victoria and the Office of Pre-School and Child Care, is approximately 750 pages per year for 1989-90 and 1990-91.

GRANTS — WOMEN'S AFFAIRS

(Question No. 1225)

Hon. K. M. SMITH (South Eastern) asked the Minister for Ethnic, Municipal and Community Affairs, for the Minister responsible for Women's Affairs:

In relation to each department and agency responsible to the Minister, what grants were made to organisations during 1989-90 and 1990-91, respectively, indicating the name of each organisation, the name of its principal, the amount of each grant, the reason for the grant, and the date on which payment was made?

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — The answer supplied by the Minister responsible for Women's Affairs is:

I am informed that the only group funded that falls within the women's affairs portfolio is the National Council of Women in Victoria.

The grant provided is a general one and the council have used it to pay rental on an office in Collins Street and to pay the salary of a part-time secretary.

The grants provided to the council were:

1989-90	$20 000	(paid on 27 October 1989)
1990-91	$21 000	(paid on 12 July 1990)

Details concerning the executive of the council or other information concerning its operatons are set out in the council's annual report.

VIC IMAGE SERVICES

(Question No 1259)

Hon. HADDON STOREY (East Yarra) asked the Minister for Manufacturing and Industry Development:

(a) Has the Minister or the Minister's department made use of the services of VIC IMAGE at any time since 1 January 1990; if so, what services were performed by VIC IMAGE and did any part of the services include taking photographs of the Minister?

(b) What was the cost of each service provided by VIC IMAGE and who met such cost?

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — The answer is:

From 1 January 1990 the department has used VIC IMAGE's duplicating, photographic, printing and laminating and poster enlargement services.

During this period, the department's marketing branch spent $604.90 for printing, $2432 for laminating and poster enlargement, $2317.15 for duplicates and $11 511.50 for photography.

The Office of Trade and Investment paid $553 for duplicates, the department's minerals group, $553 for duplicates, the Docklands Taskforce, $155 for prints and duplicates, and the National Industry Extension Service, $5829 for photography.

Since January 1990, a total of $557.30 has been spent by the department using the services of VIC IMAGE to take photographs of the Minister. These costs were paid by the department's marketing branch. Photographs were taken of the Minister renewing the NIES contract between the Federal and State governments ($323), at the launch of the government's energy efficiency strategy ($211.30), and $23 was paid for a copy of a small colour print of the Minister.

ENHANCED RESIGNATION PACKAGE — TOURISM

(Question No. 1296)

Hon. G. B. ASHMAN (Boronia) asked the Minister for Manufacturing and Industry Development, for the Minister for Tourism:

In respect of each department, agency and authority within the Minister's administration:

(a) How many people have accepted the enhanced resignation package as at 30 August 1991?

(b) What is the total value of these payouts?

(c) Will the enhanced resignation package continue to be available after 30 August 1991?

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — The answer supplied by the Minister for Tourism is:

(a) As at 30 August 1991 no employee has accepted the enhanced resignation package. Staff were given until that date to formally express an interest in the package.

(b) It is not possible at this stage to provide an answer to part (b) of the honourable member's question as the process of offers made to staff members has not been finalised.

(c) The enhanced resignation package is a one-off opportunity and as such, expressions of interest will not be accepted after 30 August 1991.

STAFFING — TOURISM

(Question No. 1316)

Hon. G. B. ASHMAN (Boronia) asked the Minister for Manufacturing and Industry Development, for the Minister for Tourism:

In respect of each department, agency and authority within his administration, what was the staff attrition rate for the financial years 1981-82 to 1990-91, respectively?

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — The answer supplied by the Minister for Tourism is:

For the purposes of this question, data is provided on the level of staffing as at the end of each financial year in order for the net variation in level of staffing over a financial year to be identified. For 30 June 1984 and for each subsequent 30 June up to 1991 the Treasurer will provide this data for my portfolio in his answer to question No. 1022.

Prior to 1983, the Victorian Tourism Commission and Alpine Resorts Commission were comprised of many agencies and subsequently there are no staffing statistics available in accessible format.

Wednesday, 13 November 1991

QUESTIONS ON NOTICE

ENHANCED RESIGNATION PACKAGE — CONSERVATION AND ENVIRONMENT

(Question No. 1283)

Hon. G. B. ASHMAN (Boronia) asked the Minister for Education and Training, for the Minister for Conservation and Environment:

In respect of each department, agency and authority within the Minister's administration:

(a) How many people had accepted the enhanced resignation package as at 30 August 1991?

(b) What is the total value of those payments?

(c) Did the enhanced resignation package continue to be available after 30 August 1991?

Hon. B. T. PULLEN (Minister for Education and Training) — The answer supplied by the Minister for Conservation and Environment is:

(a) None.

(b) Nil.

(c) Yes.

Thursday, 14 November 1991

QUESTIONS ON NOTICE

CONSULTANT — FINANCE MINISTRY

(Question No. 1143)

Hon. M. A. BIRRELL (East Yarra) asked the Minister for Manufacturing and Industry Development, for the Minister for Finance:

Since 1 January 1988 has any department, statutory authority or agency for which the Minister is responsible engaged Mr David Withington as an employee or consultant; if so, when, why and upon what terms and conditions?

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — The answer supplied by the Minister for Finance is:

A search of the Ministry's records reveals that Mr David Withington has not been engaged since 1 January 1988 in any department, statutory authority or agency within my portfolio as an employee or consultant.

ARTS GRANTS

(Question No. 1210)

Hon. K. M. SMITH (South Eastern) asked the Minister for Ethnic, Municipal and Community Affairs, for the Minister for the Arts:

In relation to each department and agency responsible to the Minister, what grants were made to organisations during 1989-90 and 1990-91 respectively, indicating the name of each organisation, the name of its principal, the amount of each grant, the reason for the grant and the date on which payment was made?

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — The answer supplied by the Minister for the Arts is:

The annual reports of the Ministry for the Arts and its agencies contain details of grants made during each year. Relevant extracts from the reports have been forwarded direct to the honourable member.

Supplementary answer:

On 29 October 1991 the Ministry for the Arts wrote to the honourable member forwarding a complete listing of grants made in 1990 and 1991.

Identifying the principal of each organisation would require excessive time and resources and cannot be justified.

However, if the honourable member has any queries regarding particular organisations the Ministry will of course respond.

ENHANCED RESIGNATION PACKAGE — ABORIGINAL AFFAIRS

(Question No. 1287)

Hon. G. B. ASHMAN (Boronia) asked the Minister for Ethnic, Municipal and Community Affairs, for the Minister for Aboriginal Affairs:

In respect of each department, agency and authority within his administration:

1. How many people have accepted the enhanced resignation package as of 30 August 1991?
2. What is the total value of these payments?

3. Will the enhanced resignation package continue to be available after 30 August 1991?

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — The answer supplied by the Minister for Aboriginal Affairs is:

1. As at 30 August 1991, no offers of the enhanced resignation package had been made to staff of the Department of Aboriginal Affairs.
2. This is not applicable as no offers had been made.
3. No. The enhanced resignation package is only available to those officers who had expressed interest as of 30 August 1991.

Tuesday, 19 November 1991

QUESTIONS ON NOTICE

OPINION POLLS — TRANSPORT

(Question No. 1049)

Hon. M. A. BIRRELL (East Yarra) asked the Minister for Ethnic, Municipal and Community Affairs, for the Minister for Transport:

Since 1 July 1990 has any department or agency that reports to the Minister commissioned an opinion poll or public attitude survey; if so — (i) when; (ii) at what cost; (iii) who was the consultant; (iv) what were the topics concerned; and (v) when will the relevant report be made available to the public?

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — The answer supplied by the Minister for Transport is:

The following opinion polls/public attitude surveys were undertaken in Transport since July, 1990:

VICTORIA TRANSPORT

OPINION POLLS/PUBLIC ATTITUDE SURVEYS

(i), (ii), (iii), (iv) and(v)

Date	Cost $	Consultant	Subject	Report Availability
Public Transport Corporation:				
Dec. 1990	33 890	Reark Research Pty Ltd	Telephone survey of PTC customers	On request
August 1990	40 000	Australian Community Research	Telephone survey of attitudes to Met services and ticketing	Report on Ticketing available in Met Ticketing Taskforce Library
December 1990	32 700	Australian Community Research	Further telephone survey re attitudes to ticketing options	Available in Met Ticketing Taskforce Library
February 1991	23 000	Australian Community Research	Qualitative group survey to supplement telephone survey of attitudes to ticketing options	Available in Met Ticketing Taskforce Library
March 1991	40 710	Reark Research Pty/Ltd	Further telephone survey of PTC metro. customers	On request
Roads Corporation:				
Dec. 1990	4 000	AGB Spectrum	Assessment of programs for pedestrians in St Kilda	On request
July–Nov. 1990	67 000	Monash University Accident Research Centre	Analysis of speeding behaviour of motorists/attitudes to speeding	On request
July 1990	12 000	AGB Spectrum	Household survey about attitudes to speeding	On request

Feb. 1991	52 500	The Research Business	Community attitudes to road conditions	On request
Feb. 1991	5 760	The Research Business	Motorists attitudes/behaviours to wearing seat belts	On request
March 1991	23 300	Worthington Di Marzio	Determine community needs relating to transport	On request
March 1991	5 000	AGB Spectrum	Road Law knowledge: drink driving speeding, intersections, pedestrians, seatbelts, tram fairways, rear-end collisions, penalties and fines.	On request
March 1991	12 040	The Research Business	Survey of seat belt recall and child restraint advertising	On request
April 1991	13 500	The Research Business *Commissioned by the State Bicycle Committee (SBC)	Attitudes toward footpath cycling — Shepparton area	On request from Executive Officer, SBC
April/May 1991	16 500	TTM Consulting	Household survey about attitudes to speeding	On request

INPATIENT SERVICES

(Question No. 1163)

Hon. M. T. TEHAN (Central Highlands) asked the Minister for Health:

How many staff were employed and how many inpatients were being treated at the Gresswell Rehabilitation Centre, Smith Street Clinic and Travencore Child and Family Centre respectively, in — (i) June 1990; (ii) January 1991; and (iii) June 1991?

Hon. M. A. LYSTER (Minister for Health) — The answer is:

	Gresswell Rehabilitation Centre	Smith Street Clinic	Travancore Child and Family Centre
(i) June 1990			
Average Daily Inpatients	38	11	5
Total Staff (EFT) on Payroll	146	52	75.5
(ii) January 1991			
Average Daily Inpatients	6	Nil	3
Total Staff (EFT) on Payroll	143	49	70.4
(iii) June 1991			
Average Daily Inpatients	11	Nil	12
Total Staff (EFT) on Payroll	*99	**41	68.4

* Of these 99, 26 were employed in the Women's Program, 18 were involved in winding up activities and 55 were on temporary work assignments at other locations.

** Thirteen of these staff on assignment at other locations.

The figures listed for Gresswell Rehabilitation Centre and the Smith Street Clinic reflect the major restructure of the government drug treatment services which was initiated in the latter half of 1990. As part of this restructure, all inpatient beds at Smith Street have been closed together with all beds at Gresswell, except the 16 beds in the Women's Rehabilitation Program. These bed closures have been accompanied by the expansion of inpatient places at Pleasant View Centre, an increase in outpatient services at both Pleasant View and Smith Street, and a range of other service delivery improvements.

Improvements in assessment procedures, bed occupancy and throughput have resulted in an increase of 51 per cent in inpatients and 73 per cent in outpatients at Pleasant View. Overall, in the three government centres, Pleasant View, Smith Street and Gresswell Women's Program, now managed collectively as Drug Services Victoria, inpatient numbers have reduced by 8 per cent and outpatients increased by 55 per cent.

These figures do not include new inpatient services provided in the non-government sector through savings achieved at Gresswell and Smith Street.

SPEED CAMERAS — POLICE DUTIES

(Question No. 1166)

Hon. B.A.E. SKEGGS (Templestowe) asked the Minister for Health, for the Minister for Police and Emergency Services:

(a) Are police officers, once issued with a speed camera, expressly forbidden to take part in any other police duties; if so, what are the details?

(b) Has any police officer been warned, reprimanded or cautioned by his senior officer for packing up his speed camera to attend an accident scene?

Hon. M. A. LYSTER (Minister for Health) — The answer supplied by the Minister for Police and Emergency Services is:

Police members, when issued with a speed camera are not expressly forbidden to take part in any other police duties.

There is no record of any member of the Police Force being warned, reprimanded or cautioned by his or her senior officer for packing up a speed camera to attend an accident scene.

SPEED CAMERAS — SPEED LIMITS

(Question No. 1167)

Hon. B. A. E. SKEGGS (Templestowe) asked the Minister for Health, for the Minister for Police and Emergency Services:

(a) Have police vehicles travelled past speed cameras at a speed in excess of the speed limit and threshold speed to test the camera?

(b) Did a police motorcyclist ride past a speed camera at least three times at speeds up to, or in excess of, 120kph in a 60kph zone, supposedly to test the camera; if so, what are the details and at what location?

(c) What action has been taken to prevent the recurrence of this type of incident?

Hon. M. A. LYSTER (Minister for Health) — The answer supplied by the Minister for Police and Emergency Services is:

(a) Up to 4 September 1991 police policy in relation to the testing of speed cameras was as follows:

At the posted speed limit for the location plus 10 per cent plus 3kph.

On 4 September 1991 new instructions were introduced for speed tests as follows:

Prior to commencing operations of the speed camera, the HR4 radar unit is to be used to check the speed of vehicles passing through the site and a comparison made of the respective readings. A consistency of plus or minus three kilometres should be obtained prior to operational use of the speed camera.

This procedure supersedes previous practices. Under no circumstances are police vehicles to be used to activate the speed camera for speed check purposes.

(b) Yes, there was an incident involving a police motorcyclist passing a speed camera for test purposes at speeds in excess of 120 kph. The police officer concerned travelled past the camera on three different occasions at speeds in excess of 120 kph in Heidelberg West on 31 October 1990 for speed testing purposes.

(c) The members involved have been dealt with under force disciplinary procedures. As detailed in (a) above new test procedures have been instituted by the Police Force.

SPEED CAMERAS — DEMERIT POINTS

(Question No. 1169)

Hon. B. A. E. SKEGGS (Templestowe) asked the Minister for Health, for the Minister for Police and Emergency Services:

(a) What problems have been experienced in the allocation of demerit points from speed camera offences, resulting in demerit points being allocated to the wrong person as a result of — (i) traffic camera office software; and (ii) Roads Corporation Victoria database?

(b) Would a person who had received another person's demerit points be unaware of this if they were the first points against a person's licence?

Hon. M. A. LYSTER (Minister for Health) — The answer supplied by the Minister for Police and Emergency Services is:

(a) (i) The TCO receives owner details from the VIC ROADS database to issue infringement notices.

Should the owner nominate another person as the driver, demerit points are to be allocated to the nominated driver.

If the vehicle has been sold a new TIN is issued to the new owner according to the details provided in a statutory declaration.

However in March 1991 it was found that demerit points had wrongly been allocated to 301 former owners who had not advised VIC ROADS of a transfer of vehicle ownership (which is an offence), rather than being allocated to the new owner or the nominated driver.

These allocations were all reversed and correctly applied on 21 March 1991 and no further errors have occurred as a result of TCO software.

(ii) VIC ROADS allocates speed camera demerit points:

when the courts notify VIC ROADS of a conviction if the person elected to go to court;

for speeds of 30 kph or more over the posted limit when the TCO advises that 28 days have elapsed since the date of the notice and no objection or nominaton is received; and

when the TCO advises that a notice has been expiated or the PERIN Court advises that a judgement order has been made against the person concerned.

Demerit points can be wrongly applied if the registration database has the wrong driver license number recorded for a vehicle's owner, as/or has occurred in a small number of cases where two people have the same name and address, e.g. father and son.

In some circumstances demerit points are duly applied when notification of a nomination or court acquittal arrives late. In these cases the points allocations are reversed as soon as the proper information is to hand.

(b) Drivers are advised by letter from VIC ROADS of the allocation of demerit points whenever points are applied except for the first time.

Thus a driver with no points who is mistakenly allocated points would become aware of this when subsequently allocated further points. At that time, an appeal could be lodged with VIC ROADS to review the allocations made and reverse any mistaken allocations.

Mr Skeggs's remaining question (No. 1170) requires the detailed collation of statistical data and an answer will be prepared as soon as the data has been compiled.

SOUTHBANK MUSEUM — COSTS

(Question No. 1173)

Hon. M. A. BIRRELL (East Yarra) asked the Minister for Manufacturing and Industry Development, for the Minister for Major Projects:

(a) In relation to the site assembly for the new museum at Southbank, what were the costs for — (i) property acquisitions; (ii) fees; (iii) road construction; (iv) services relocation; (v) demolition; (vi) consultants; and (vii) all other relevant expenses?

(b) What are the expected additional costs in 1991-92 and in 1992-93, in each category?

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — The answer supplied by the Minister for Major Projects is:

I am advised by the Major Projects Unit that:

Costs for the site assembly for the new Museum at Southbank are:

		To date $	91-92 $
(i)	property acquisitions	4 305 205	0
(ii)	fees (e.g. legal, survey, valuation)	202 321	0
(iii)	road construction	2 655 768	438 000
(iv)	services relocation	2 494 334	862 000
(v)	demolition	664 600	0
(vi)	consultants	637 922	31 000
(vii)	other	192 000	50 000
		11 152 150	1 381 000

No further costs are envisaged beyond 91-92.

SOUTHBANK MUSEUM — OMNIMAX THEATRE OPENING

(Question No. 1174)

Hon. M. A. BIRRELL (East Yarra) asked the Minister for Manufacturing and Industry Development, for the Minister for Major Projects:

Was it the original plan of the government to have an Omnimax theatre constructed and operating on the new Museum Southbank site by July 1991; if so — (i) why was the date not met; and (ii) what is the new expected opening date.

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — The answer supplied by the Minister for Major Projects is:

I am advised by the Major Projects Unit that:

(i) It was originally hoped that the Omnimax theatre would be operating by July 1991 but funding constrants have meant that this was not possible.

(ii) Tenders for the piling have been called in October and work will commence on site in February 1992. Registrations of interest in this respect were called for under the "Infastructure Investment Guidelines for Victoria" framework and the final targets for construction time and possible staged opening of the project will not be determined until a development contract has been executed. Within normal industry standards it could be expected that construction and exhibition fitout would be completed and the museum open to the public within 4 years of the start of construction.

SOUTHBANK MUSEUM — OMNIMAX THEATRE FUNDING

(Question No. 1175)

Hon. M. A. BIRRELL (East Yarra) asked the Minister for Mnufacturing and Industry Development, for the Minister for Projects:

(a) What public funds have been expended on the — (i) lease; or (ii) purchase of equipment and related services for an Omnimax theatre at the new museum?

(b) What was the source or sources of funds?

(c) What contractual obligations — (i) had been; and (ii) are currently in place with respect to the Omnimax theatre, detailing all costs, charges and actual or contingent liabilities?

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — The answer supplied by the Minister for Major Projects is:

I am advised by the Major Projects Unit that:

(a) Funds of $1.4 million have been expended on an exclusive lease of the Omnimax equipment and technology for the Museum of Victoria Omnimax Theatre.

(b) Funds in respect to this capital lease were allocated through the works and services budgets.

(c) The lease agreement calls for rental payments per seat after delivery and installation of the equipment. At this time Imax have placed the equipment manufactured for the Museum of Victoria with another client so that the contractual rental charges are not applicable. There may be a relatively modest charge for the storage of equipment which is specific to the Museum of Victoria project and not suitable for use in other theatres. The extent of this potential charge together with future delivery requirements is currently being negotiated with Imax.

COMMUNITY HEALTH CENTRES — MEDIUM CAPITAL WORKS

(Question No. 1188)

Hon. G. P. CONNARD (Higinbotham) asked the Minister for Health:

What are the medium capital works for each community health centre for 1991-92?

Hon. M. A. LYSTER (Minister for Health) — The answer is:

A medium capital work is one costing between $50 000 and $6 million
There are no medium capital works approved for community health centres in 1991-92.
Community health centres approved prior to 1991-92 with contractual commitments in 1991-92 are:

Mountain District — Refurbishment of existing facilities
Aboriginal health — New centre
Craigieburn — New community health centre
Endeavour Hills — New community health centre
Southport — New community health centre
Collingwood — Refurbishment stages 2 and 3.

PSYCHIATRIC INSTITUTIONS — MEDIUM CAPITAL WORKS

(Question No. 1189)

Hon. G. P. CONNARD (Higinbotham) asked the Minister for Health:

What are the medium capital works for each psychiatric institution for 1991-92?

Hon. M. A. LYSTER (Minister for Health) — The answer is:

A medium capital work is one costing between $50 000 and $6 million.
There are no identifiable medium capital works approved for psychiatric institutions in 1991-92.
Medium capital works projects initiated in previous financial years and carried forward to 1991-92 are:

Aradale — Replace J ward
Heatherton — Acute psychiatric admissions unit
Hobson Park — Acute psychiatric admissions unit
Geelong — 24-bed hostel
Footscray clinic — Fitout premises
Grace McKellar — Psychogeriatric nursing home
Mount Eliza — 30-bed psychogeriatric nursing home.

PUBLIC HOSPITALS — MEDIUM CAPITAL WORKS

(Question No. 1190)

Hon. G. P. CONNARD (Higinbotham) asked the Minister for Health:

What are the medium capital works allocated for each public hospital for 1991-92?

Hon. M. A. LYSTER (Minister for Health) — The answer is:

A medium capital work is one costing between $50 000 and $6 million.

Identifiable medium capital works approved in 1991-92 for acute care hospitals are:

Alfred Hospital — Fire safety works
Central Gippsland — Operating theatres
Royal Children's Hospital — Fire safety works
Warrnambool Hospital — Rehabilitation unit
Alexandra Hospital — Accident and emergency
Cobram Hospital — Patient services upgrade

The time and effort required to detail medium capital projects approved prior to the current financial year and which maintain funding in 1991-92 individually cannot be justified.

PUBLIC HOSPITALS — MAJOR CAPITAL WORKS

(Question No. 1191)

Hon. G. P. CONNARD (Higinbotham) asked the Minister for Health:

What are the major capital works allocated for each public hospital for 1991-92?

Hon. M. A. LYSTER (Minister for Health) — The answer is:

A major capital work is a project costing in excess of $6 million and requiring Cabinet approval for each phase from feasibility study to construction commencement.

The only major capital work for acute hospitals in 1991-92 relates to stage 1A works at the Royal Melbourne Hospital. This involves construction of laboratories and the expansion of consulting suite facilities.

Major capital works carried forward from previous years and for which funds have been provided in 1991-92 are:

Monash Medical Centre (Clayton campus) — stage 2
Monash Medical Centre (Moorabbin campus) — stage 2
Portland — Redevelopment
Western Hospital (Sunshine campus) — stage 1
Western Hospital (Footscray campus) — stage 2
Western Hospital (Sunshine campus) — stage 2
Western Hospital (Footscray/Sunshine) — stage 3
Alfred Hospital — Cancer centre
Austin Hospital (Talbot) — Spinal unit
Ballarat Base Hospital — Redevelopment
Geelong Hospital — Radiotherapy unit
Peter MacCallum Cancer Institute — Redevelopment
Box Hill Hospital — Accident and emergency
Austin Hospital — PET scanner and cyclotron
Preston and Northcote Community Hospital — Theatres and kitchen
Warrnambool Hospital — Rehabilitation unit
Amalgamated Melbourne and Essendon Hospital — Redevelopment

PSYCHIATRIC INSTITUTIONS — MAJOR CAPITAL WORKS

(Question No. 1192)

Hon. G. P. CONNARD (Higinbotham) asked the Minister for Health:

What are the major capital works allocated for each psychiatric institution for 1991-92?

Hon. M. A. LYSTER (Minister for Health) — The answer is:

A major capital work is a project costing in excess of $6 million and requiring Cabinet approval for each phase from feasibility study to construction commencement.

The establishment of an acute psychiatric unit at the Alfred Hospital is the only identifiable new major capital work allocated in 1991-92 for psychiatric services.

There is an ongoing commitment to the Frankston acute psychiatric unit which is due to be completed during 1991-92.

COMMUNITY HEALTH CENTRES — MAJOR CAPITAL WORKS

(Question No. 1193)

Hon. G. P. CONNARD (Higinbotham) asked the Minister for Health:

What are the major capital works allocated for each community health centre for 1991-92?

Hon. M. LYSTER (Minister for Health) — The answer is:

A major capital work is a project costing in excess of $6 million and requiring Cabinet approval for each phase from feasibility study to construction commencement.

There are no community health centres which fall within the definition of a major capital work.

MAJOR CAPITAL WORKS — HEALTH

(Question No. 1194)

Hon. G. P. CONNARD (Higinbotham) asked the Minister for Health:

What are the major capital works allocated by Health Department Victoria to each of the research institutions, for 1991-92?

Hon. M. A. LYSTER (Minister for Health) — The answer is:

A major capital work is a project costing in excess of $6 million and requiring Cabinet approval for each phase from feasibility study to construction commencement.

As part of the 1990 Federal Budget initiatives, the Department of Community Services and Health announced a program to provide $50 million over the next five years to assist the capital works programs of selected medical research institutes.

Following advice from the National Health and Medical Research Council, the Department of Community Services and Health approved of grants being made available to six medical research institutes in Victoria subject to confirmed matching funding from State government or other non-Commonwealth sources.

The approved institutes are:

(a) Howard Florey Institute
(b) Baker Medical Research Institute
(c) Mental Halth Research Institute of Victoria
(d) Austin Research Institute
(e) Australian Bionic Ear and Hearing Institute
(f) St Vincent's Institute of Medical Research

Of the above, four institutes (a)—(d) have sought funding from the State government in order to secure the Commonwealth's grant.

Major capital works have been proposed for both the Howard Florey Institute and the Baker Medical Research Institute.

MEDIUM CAPITAL WORKS — HEALTH

(Question No. 1195)

Hon. G. P. CONNARD (Higinbotham) asked the Minister for Health:

What are the medium capital works allocated by Health Department Victoria to each of the research institutions, for 1991-92?

Hon. M. A. LYSTER (Minister for Health) — The answer is:

A medium capital work is one costing between $50 000 and $6 million.

As part of the 1990 Federal Budget initiatives, the Department of Community Services and Health announced a program to provide $50 million over the next five years to assist the capital works programs of selected medical research institutes.

Following advice from the National Health and Medical Research Council, the Department of Community Services and Health approved of grants being made available to six medical research institutes in Victoria subject to confirmed matching funding from State government or other non-Commonwealth sources.

The approved institutes are:

(a) Howard Florey Institute
(b) Baker Medical Research Institute
(c) Mental Health Research Institute of Victoria
(d) Austin Research Institute
(e) Australian Bionic Ear and Hearing Institute
(f) St Vincent's Institute of Medical Research

Of the above, four institutes (a)—(d) have sought funding from the State government in order to secure the Commonwealth's grant.

Medium capital works have been proposed for both the Mental Health Research Institute of Victoria and the Austin Research Institute.

RECURRENT EXPENSES — HEALTH

(Question No. 1196)

Hon. G. P. CONNARD (Higinbotham) asked the Minister for Health:

What are the recurrent expenses allocated by Health Department Victoria to each of the research institutions for 1991-92?

Hon. M. A. LYSTER (Minister for Health) — The answer is:

The department is in the process of finalising the recurrent grants to research institutions for the 1991-92 financial year.

I will provide you with details of the grants when the allocations are finalised.

This funding is designed to assist institutions in meeting infrastructure costs such as lighting, power, rent, telephone and administrative costs, and, as an interim measure, funding is continuing on a monthly basis at the 1990-91 level.

CONSULTANCY — PLANNING AND HOUSING

(Question No. 1197)

Hon. M. A. BIRRELL (East Yarra) asked the Minister for Education and Training, for the Minister for Planning and Housing:

In respect of a consultancy conducted by J. and T. Walsh for the Department of Planning and Housing regarding the Central City Media Strategy:

(a) On what date did the consultancy commence and what was the original planned duration of the consultancy?
(b) Has the duration of the consultancy been extended; if so — (i) for how long; (ii) why; and (iii) which officer of the department approved the extension?
(c) What are the qualifications of the consultant?
(d) What is the hourly/daily fee for the consultant?
(e) Has the consultant been paid any progress payments; if so — (i) what amounts; and (ii) on what dates?
(f) Who has been interviewed by the consultant?
(g) What were the original terms of the consultancy, indicating whether there has been any alteration to the terms of the consultancy and, if so, what alterations?
(h) Has the consultant made any interim or final finding or recommendations; if so, what finding or recommendations have been made?
(i) Has the consultant produced any interim/final finding, reports or recommendations; if so — (i) what finding, reports or recommendations; and (ii) on what dates?

Hon. B. T. PULLEN Minister for Education and Training) — The answer supplied by the Minister for Planning and Housing is:

(a) 28.9.90
One month.
(b) No.
(c) The consultant has extensive experience in media and public relations.
(d) $90.00 per hour.
(e) Yes
(i) $1575.00
$ 180.00
(ii) 28.11.90
2.1.91
(f) The consultant has interviewed the following:
Minister for Planning and Urban Growth
Minister's advisers
Staff.
(g) The consultant was engaged to advise the Minister in relation to central city issues and in particular:
media management of the launch of the Strategy Plan Review.
development of an ongoing media strategy for the central city, a focus of which was Metropolis '90 conference.
No alterations to the above.
(h) No formal interim or final recommendations were made as advice was provided on an ongoing basis.
(i) As per (h) above.

GRANTS — PLANNING AND HOUSING

(Question No. 1205)

Hon. K. M. SMITH (South Eastern) asked the Minister for Education and Training, for the Minister for Planning and Housing:

In relation to each department and agency responsible to the Ministe;:
(i) what grants were made to organisations during 1989-90 and 1990-91;
(ii) indicating the name of each organisation;
(ii) the name of its principal;
(iv) the amount of each grant;
(v) the reason for the grant;
(vi) the date on which payment was made?

Hon. B. T. PULLEN (Minister for Education and Training) — The answer supplied by the Minister for Planning and Health is:

In relation to the planning arm of the Department of Planning and Housing, due to the considerable number and range of grants made to organisations during 1989-90 and 1990-91, the following general information is provided as a response to question No. 1205. A printout listing all specific information requested has been sent to the honourable member for South Eastern Province.

(i) Over 400 grants were made to organisations during 1989-90 and over 200 grants were made during 1990-91. The printout sent to the Honourable Ken Smith details the nature of these grants.
(ii) The range of organisations which received grants includes councils and shires, community organisations and resident action groups, educational institutions, Aboriginal cooperatives, land protection societies and government bodies.
(iii) The names of the principals of these organisations are not available.
(iv) The amount of the grants varied considerably, but the majority of grants made were for amounts under $5000 or between $5000 and $20 000.
(v) The majority of grants made were for:
Area conservation and land use purposes. Environment protection reasons, for example, recycling programs and greenhouse information. Restoration and repair work to buildings on the Historic Buildings Register. Urban development projects. National Estate works.

(vi) The payment dates for the grants made during 1989-90 and 1990-91 are listed on the printout sent to the honourable member for South Eastern Province.

With regard to Housing and Construction Victoria:

(i) Grants were allocated under the Local Government and Community Housing Program — Local Government Sub-Program.

(ii)—(v)

The following local government authorities were allocated grants:

Shire of Barrabool, Shire Secretary —Mr Merv Hair
$156 400 for the construction of two 1-bedroom units for the elderly at Airey's Inlet.

Shire of Heytesbury, Chief Executive Officer — Mr Mervyn Whelan
$160 000 for the construction of a 5-bedroom group house for the aged at Timboon.

City of Knox, Chief Executive Officer — Mr Timothy Neville
$144 000 for the purchase of a 5-bedroom house for single people in City of Knox.

Shire of Kyneton, Chief Executive Officer — Mr Graeme Wilson
$105 000 for the construction of two 1-bedroom units for youth, as part of existing Winderrin Centre project, Kyneton.

City of Melbourne, Chief Executive Officer — Ms Elizabeth Proust
$845 250 for the construction of two 2-bedroom and five 3-bedroom units for a family cooperative in Flemington.

Shire of Melton, Chief Executive Officer — Mr Lindsay Merritt
$48 665 towards the construction of one 5-bed house for youth in Melton.

Shire of Mildura, Shire President — Cr Anne Cox
$250 000 for the construction of five 1-bedroom units for the elderly at Merbein.

Shire of Mornington, Chief Executive Officer — Mr John Ross
$200 000 for the purchase of two 3-bedroom houses for families in Mornington.

Shire of Mount Rouse, Shire Secretary — Ms Janet Davis
$127 688 for the construction of two 3-bedroom houses for families in Penshurst.

City of St Kilda, Chief Executive Officer — Ms Jude Munro

City of Prahran, Town Clerk — Mr David Jesson
$11 720 to refurbish 3-bedroom house in Prahran and $232 200 to purchase two 2-bedroom units in St Kilda. This is a joint project to provide accommodation for seven secondary school students.

Shire of Swan Hill, Chief Executive Officer — Mr Neil Noelker
$15 000 towards the construction of four 1-bedroom units for older people in Nyah West.

Shire of Talbot and Clunes, Shire President — Ms Joyce Wagstaff
$225 937 for the construction of four 2-bedroom units for mixed target group in Clunes.

(vi) Payment of grants was made by the end of the 1989-90 financial year.

In relation to Urban Land Authority grants:

(i) There were no grants approved in 1989-90. In 1990-91, approval was given for 37 grants totalling $8.2 million, but as of 30.6.91 only two payments had been made.

(ii) VIC ROADS and Go-Green were allocated grants.

(iii) The principal officer of VIC ROADS is the Chief Executive, Mr Reg Patterson.

Go-Green is an urban project under the administration of Greening Australia Pty Ltd. The principal officer is the General Manager of Greening Australia, Dr Paul Hunt.

(iv)—(vi) VIC ROADS received $200 000 for the construction of a roundabout at Taylors and Kings Road, Keilor. Payment was made on 27 June 1991.

Go-Green received $1322 for landscape design for Lakewood bike path, City of Knox. Payment was made on 24 June 1991.

GRANTS — CONSERVATION AND ENVIRONMENT

(Question No. 1206)

Hon. K. M. SMITH (South Eastern) asked the Minister for Education and Training, for the Minister for Conservation and Environment:

In relation to each department and agency responsible to the Minister, what grants were made to organisations during 1989-90 and 1990-91 respectively, indicating the name of each organisation, the name of its principal, the amount of each grant, the reason for the grant, and the date on which payment was made?

Hon. B. T. PULLEN (Minister for Education and Training) — The answer supplied by the Minister for Conservation and Environment is:

The department and other agencies within my portfolio provide various types of grants to different organisations. Compilation of data in relation to all these various grants would take excessive time and resources and cannot be justified.

If, however, the honourable member wishes to obtain information in respect of a particular grant, I will endeavour to provide that information.

GRANTS — TOURISM

(Question No. 1212)

Hon. K. M. SMITH (South Eastern) asked the Minister for Manufacturing and Industry Development (for the Honourable the Minister for Tourism):

In relation to each department and agency responsible to the Minister, what grants were made to organisations during 1989-90 and 1990-91 respectively, indicating the name of each organisation, the name of its principal, the amount of each grant, the reason for the grant, and the date on which payment was made?

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — The answer supplied by the Minister for Tourism is:

The following is a schedule of grant payments made by the Victorian Tourism Commission for 1989-90 and 1990-91.

With the exception of the date of payment, all data concerning the grants are provided. Date of payments for Rural Marketing Assistance Program, tourist information centres and others are paid on a quarterly basis. To provide each date of payment would require an enormous amount of time which could not be justified.

The Alpine Resorts Commission has provided one grant in the financial years specified.

This grant was to Ski Victoria, an industry group established to market skiing in Victoria. The group comprises representatives from all facets of the ski industry. The grant is provided for funding of the group's secretariat and promotional marketing such as participation in ski shows.

The grant has been paid in three instalments:

1.	20.2.91	$20 000
2.	14.6.91	$20 000
3.	21.10.91	$25 000 made up of $20 823 grant and $4176 in sundries purchased for ski shows on behalf of Ski Victoria by the ARC.

GRANTS PAYMENTS

1990-91

APPLICANTS	AMOUNT $	PURPOSE	DATE
Victorian Eastern Devel;opment Asssoc.	51 950	Rural Marketing Assistance Program	
Lakes Entrance and Dist. Tourism Assoc.	15 000	" " "	
Sun Country Playground Inc.	23 050	" " "	
Beechworth Promotion Council	7 750	" " "	
Great Ocean Road Tourism Assoc.	9 000	" " "	
Geelong Otway Convention and Visitors Bureau	55 500	" " "	
Yarra Valley and D'nong Ranges Tourism Board	35 000	" " "	
Wimmera Tourism Ltd	87 500	" " "	
Latrobe Valley Tourism Assoc.	6 123	" " "	
Portland Tourist Assoc.	10 000	" " "	
Camping Assoc. of Vic.	19 500	" " "	
Falls Creek Chamber of Commerce	26 380	" " "	
Swan Hill Promotion and Development Corp.	20 291	" " "	
Mt Beauty Chamber of Commerce	11 000	" " "	
Ballarat Tourist Assoc.	39 708	" " "	
Warrnambool and District Tourism Board	65 500	" " "	
Host Farms Assoc.	8 928	" " "	
Lorne Bireeguna Promotion and Development Assoc.	15 000	" " "	
Phillip Island Tourism Assoc.	30 000	" " "	

Western Port Tourism Inc.	20 000	"	"	"
Echuca-Moama & District Tourism Development Association	50 000	"	"	"
Arthurs Seat Precinct Tourist Assoc.	12 500	"	"	"
Gourmet Deli Tourism Assoc.	12 080	"	"	"
City of Shepparton Promotion & Development Committee	6 750	"	"	"
Mansfield Chamber of Commerce	15 000	"	"	"
Bright & Ovens Valley Tourism Assoc.	25 000	"	"	"
Central Victorian Promotions	15 000	"	"	"
North East Victoria Tourism Inc.	7 062	"	"	"
The Winemakers of Rutherglen	15 000	"	"	"
Southern Peninsula Tourist Assoc.	41 260	"	"	"
Central Gippsland Tourism Assoc.	10 000	"	"	"
Mildura and District Tourist Development Assoc.	25 000	"	"	"
Echuca-Moama and District Tourism Development Assoc.	45 500	"	"	"
Bendigo Tourism Board	36 459	"	"	"
Wangaratta & Region Tourist Promotion Assoc.	6 452	"	"	"
Benalla & District Tourist Assoc.	16 625	"	"	"
Macedon Ranges Tourism	7 500	"	"	"
Hamilton Regional Tourist Assoc.	11 735	"	"	"
Caravan Parks Assoc. Inc.	20 000	"	"	"
Ski Victoria Inc.	34 156	"	"	"
Goulburn Tourism Assoc. Inc.	46 000	"	"	"
Tourism Albury/Wodonga	12 500	"	"	"
Midland Region Tourism Assoc.	1 625	"	"	"
Bendigo Tourism Board	30 000	Tourist Information Centres		
Tourist Development Assoc., Mildura	30 000	"	"	"
Wimmera Tourism Ltd	30 000	"	"	"
Ballarat Tourist Assoc.	30 000	"	"	"
City of Warrnambool	30 000	"	"	"
Geelong Regional Commission	30 000	"	"	"
City of Shepparton	30 000	"	"	"
City of Wangaratta	30 000	"	"	"
Bendigo Tourism	30 000	"	"	"
Victorian Eastern Develolment — Bairnsdale/Lakes Entrance	30 000	"	"	"

Winchester Drafting	400	Great Ocean Road—Tourist map	22.2.91
Moomba Masters	5 000	Moomba Masters	22.2.91
Ballarat Historical Park Assoc.	5 000	Eureka Stockade Sound & Light	12.11.90
Melbourne City Council	20 000	Chinatown	10.10.90
Life Be In it	45 000	Tourist Information	14.6.91
Koorie Heritage Trust	25 000	Koorie Heritage Trust — Travelling Exhibition	16.1.91
Melbourne International Comedy Festival	323 500	International Comedy Festival	27.7.90
Spoleto Foundation Inc.	150 000	Melb Int'l Festival	7.11.90
Melbourne Moomba Festival Ltd	200 000	Moomba Festival 1991	30.11.90
Castlemaine and Maldon Railway Preservation Society	20 000	Muckleford Bridge	29.10.90
Major Projects Units	85 527	National Tennis Centre–Footbridge Display	17.1.91
City of Echuca	25 000	Paddlesteamer Alexander	10.10.90
		Arbuthnott	
Spring Racing Carnival Committee	200 031	Spring Racing Carnival	26.8.90
Dept. of Conservation and Environment	4 000	Steavensons Falls Lighting	1.6.91
Judith McBride & Assoc.	3 040	Grampians Document	4.6.90
Brambruk Inc.	10 000	Brambruk Cultural Centre	
Melbourne Marathon Inc.	6 000	Victorian Ambassadors Program	27.3.91
City of Wangaratta — Jazz Festival	10 300	Victorian Ambassadors Program	5.9.90
Aust. Broadcasting Corp.	10 152	ABC Holiday Show	31.5.91
Rural City of Wodonga	15 000	Wodonga Tourist Information Centre	19.12.90
City of Melbourne	16 980	Chinatown Museum	20.2.91
Melbourne Tourism Authority	1 327 000	Convention Marketing and Familarisation	
Rotary International	79 000	Rotary International Convention—1993	
Koorie Tourism Trust	90 000	Lake Condah	

GRANTS PAYMENTS

1989-90

APPLICANTS	AMOUNT	PURPOSE	DATE
Victorian Eastern Development Assoc.	50 070	Rural Marketing Assistance Program	
Lakes Entrance and Dist. Tourism Assoc.	10 925	" " "	
Arthurs Seat Tourist Assoc.	10 815	" " "	
Beechworth Promotion Council	8 710	" " "	
Great Ocean Road Tourism Assoc.	7 461	" " "	
Geelong Otway Convention and Visitors Bureau	42 319	" " "	
Melbourne Leisure Region Tourism Assoc.	25 000	" " "	
Wimmera Tourism Ltd	91 250	" " "	
Latrobe Valley Tourism Assoc.	18 732	" " "	
Portland Tourist Assoc.	13 250	" " "	
Camping Assoc. of Vic.	34 500	" " "	
Macedon Ranges Tourism Assoc.	15 000	" " "	
Swan Hill Promotion and Development Corporation	22 281	" " "	
Warrnambool Shipwreck Coast Tourism Board	50 000	" " "	
Ballarat Tourist Assoc.	25 000	" " "	
Falls Creek Chamber of Commerce	12 848	" " "	
Host Farms Assoc.	13 283	" " "	
Phillip Island Tourism Assoc.	36 208	" " "	
The Winemakers of Rutherglen	70 000	" " "	
Yarrawonga Mulwala Tourism Development Assoc.	10 580	" " "	
Central Gippsland Tourism Assoc.	10 000	" " "	
Mildura and District Tourist Development Assoc.	15 000	" " "	
Echuca-Moama and District Tourism Development Assoc.	40 000	" " "	
Bendigo Tourism Board	56 878	" " "	
Central Victorian Promotions	11 914	" " "	
Mornington Peninsula Agency for Tourism	76 569	" " "	
Hamilton Wool Week Heritage Committee	6 349	" " "	
Golden Triangle Promotions Group	10 000	" " "	
Western Port Tourism Inc.	20 000	" " "	
Ballarat Begonia Festival	8 750	" " "	
Bendigo Tourism Board	15 000	Tourist Information Centres	
Tourist Development Assoc., Mildura	15 000	" " "	
Wimmera Tourism Ltd	15 000	" " "	
Ballarat Tourist Assoc.	15 000	" " "	
City of Warrnambool	15 000	" " "	
Geelong Regional Commission	15 000	" " "	
City of Shepparton	15 000	" " "	
City of Wangaratta	15 000	" " "	
Bendigo Tourism	15 000	" " "	
Victorian Eastern Development—Bairnsdale/Lakes Entrance	15 000	" " "	
Australian National Airshow P/L	25 000	Ballarat Airshow	8.2.90
Bendigo Trust	28 000	Bendigo Tourist Railway	23.9.89
Dept. of Agriculture & Rural Affairs	1 684	Fancy Frollicks Booklet	4.9.89
Arthritis Foundation of Victoria	5 000	Taxi Driver of the Year	12.2.90
Melbourne City Council	75 000	Chinatown	10.11.89 13.3.90
City of Echuca	25 000	Port of Echuca	23.9.89
Dept. of Housing & Construction	3 500	Spotswood Museum Wharf—Feasibility Study	20.3.90
Shire of Ararat	5 000	Grampians Surrounds Study	27.4.90
Zoological Board of Vic.	37 000	Healesville Sanctuary Wombat Enclosure	24.5.90
Heritage Parks Assoc.	2 500	Heritage Parks Assoc. Biennial Conference	8.2.90
Hospitality Management Guild	2 000	Hospitality Management Award	18.7.89
Koorie Heritage Trust	25 000	Koorie Heritage Trust — Travelling Exhibition	31.5.90
Healesville Railway Cooperation	1200	Healesville Tourist Railway	4.9.89

Melbourne International Comedy Festival	402 950	Internationa Comedy Festivall	27.7.89
Spoleto Foundation Inc.	100 000	Melb. Int'l Festival	19.4.90
Mitchell River Management Board	2 000	Mitchell River Planning Study	25.9.89
Melbourne Moomba Festival Ltd	739 993	Moomba Festival 1990	2.2.90
Castlemaine and Maldon Railway Preservation Society	20 000	Muckleford Bridge	3.11.89
Major Projects Units	15 000	National Tennis Centre Footbridge Display	2.7.90
Next Wave Festival	15 000	Next Wave Festival 1990	26.3.90
City of Echuca	45 000	Paddlesteamer Alexander Arbuthnott	30.10.89
Emerald Tourist Railway Board	280 500	Puffing Billy	14.10.89
Janne Martin Enterprises	8 698	Video—Production "Visions of Victoria"	15.11.89
Ballarat Historical Parks Assoc.	325 000	Sovereign Hill Orientation Centre	10.8.89
Fringe Network Ltd	15 000	Spoleto Fringe Festival 1990	26.6.90
Spring Racing Carnival Committee	150 000	Spring Racing Carnival	8.6.89
Dept. of Conservation and Environment	4 000	Steavensons Falls — Lighting	22.8.89
The Taste of Australia Food & Beverage Fair Ltd	11 500	Taste of Australia Festival	26.2.90
VicRoads	5 000	Trappers Gap—Economic Benefits	22.11.89
National Trust of Australia (Victoria)	12 000	Trust Tours	27.10.89
Variety Club of Australia	10 000	Variety Club of Australia/ Le Baldes Artistes	4.6.90
Melbourne Youth Music Council	5 000	Victorian Ambassadors Program	7.5.90
Ted Hopkins	2 800	Victorian Ambassadors Program	2.5.90
Beverley Van Praagh	500	Victorian Ambassadors Program	22.5.90
Victorian Tour Operators' Assoc.	300	Logo	23.6.89
Rural City of Wodonga	1 000	Wodonga Tourist Information Centre	28.7.89
Mr A. Kinchela	1 500	World Police and Fire Games Bid 1995	28.2.90
Melbourne Tourism Authority	2 119 000	Convention Marketing and Galleria	
PATER	250 000	Pater Awards	
Koorie Tourism Trust	50 000	Lake Condah	

INFRASTRUCTURE GRANTS — MEDICAL RESEARCH INSTITUTES

(Question No. 1234)

Hon. G. P. CONNARD (Higinbotham) asked the Minister for Health:

What are each of the amounts of the infrastructure grants allocated by Health Department Victoria to each of the medical research institutes in Victoria for each of the past three financial years?

Hon. M. A. LYSTER (Minister for Health) — The answer is:

MEDICAL RESEARCH GRANTS

RESEARCH INSTITUTES	1988-89 $$	1989-90 $	1990-91 $
Australian Kidney Foundation	34 000	35 700	37 000
National Heart Foundation	21 000	22 000	23 000
Australian Brain Foundation	21 000	22 000	23 000
The Walter & Eliza Hall Institute of Medical Research	1 280 000	1 500 000	1 567 000
Baker Medical Research Institute	300 000	600 000	627 000
Prince Henry's Institute of Medical Research	130 000	300 000	313 000
Anti-Cancer Council of Victoria	330 000	346 500	362 000
Howard Florey Institute of Experimental Physiology & Medicine	380 000	600 000	627 000
The National Vision Research Institute of Australia	42 000	60 000	63 000

St Vincent's Institute of Medical Research	35 000	100 000	105 000
The Asthma Foundation of Victoria	21 000	22 000	23 000
Microsurgery Foundation	150 000	152 000	236 500
The Australian Bionic Ear & –Hearing Research Institute	–	200 000	209 000
Research Centre for Cancer and Transplantation	–	150 000	157 000
McFarlane Burnet Unit for Clinical Research	40 000	100 000	105 000
The Murdoch Institute for Research into Birth Defects	–	150 000	157 000
National Research Institute of Gerontology & Geriatric Medicine	175 500	184 000	292 000
Lions International Diabetes Institute	–	–	100 000
Mental Health Research Institute	432 200	652 820	686 000
TOTAL	3 391 700	5 197 020	5 712 500

GRANTS — SOUTHERN REGION COMMUNITY ORGANISATIONS

(Question No. 1235)

Hon. G. P. CONNARD (Higinbotham) asked the Minister for Ethnic, Municipal and Community Affairs, for the Minister for Community Services:

What grants were made to each of the community organisations funded by Community Services Victoria in the Southern Region, indicating — (i) new initiatives and the amounts involved; (ii) organisations funded last year but not this year and the amounts involved; and (iii) organisations either with increased funding or given reduced funding and the amounts involved?

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — The answer supplied by the Minister for Community Services is:

(i) New initiatives and the amounts involved:

New CSDG projects recommended for 1992	
Anglican Mission to Streets & Lanes "Dixon House"	$9877.08
Southern Region Housing Council	$9840.22
Moorabbin Network Sole Parents	$7792.83
Parents Reaching out to Parents	$2225.00
Mordialloc/Cheltenham CHC	$5400.00
Anger Management Program for people with Intellectual Disabilities	
Mordialloc/Cheltenham CHC	$2000.00
Human Relations & Sexuality for people with Intellectual Disabilities	
Sandringham CAB "Telecare"	$600.00
Joint Effort Assoc. Inc.	$400.00
TOTAL	$38 135 13

Poverty Action Program (PAP) recommended for 1992

Joint submission by Southern REgional Housing Council and Southern Consumer and Financial Advocacy Service

TOTAL $24 577

Note: This is the first PAP submission received in the Southern Region since the program's inception in 1985.

(ii) Organisations funded last year but not this year and the amounts involved:

Note: No CSDG or FVPF groups were defunded in Southern for 1992. The following groups did not re-apply for 1992:

Group	Amount funded 1991
Bayside Foster Care	$7963.25
Fusion Community Centre	$8143.76
Parkinson's Disease Assoc (Vic	$1000.00
Gardiner Neighbourhood House (Playgroup)	$250.00
TOTAL	$17 357.01

(iii) Organisations with either increased funding or given reduced funding and the amounts involved:

Organisation Name	Activity/Service Name	Funded 1991	Recommended 1992
Community Support & Development Grants:			
Southern Region	Southern Region	$10 486.77	$15 080.00
Neighbourhood House Network	Neighbourhood House Network		
City of Sandringham	Castlefield Community Centre	$9769.20	$10 053.00
Highett Community Association Project	Highett Community Work	$9413.77	$10 053.00
Southern Region Children's Services Network	Southern Region Children's Services Network	$22 063.64	$20 159.60
Southern Region Aged Services Network	Southern Region Aged Services Network	$22 303.64	$23 881.02
Southern Region Youth Action Council	Community Development Project	$15 153.02	$15 335.84
SCAN for Youth Inc.	SCAN for Youth Inc	$20 823.64	$17 371.52
POAV Inc	POAV Inc	$17 910.52	$13 747.82
Southern Region Youth Action Council	Youth Counselling Service	$19 388.32	$18 019.62
Municipal Disability Advisory Committee	Support Worker for Municipal Disability Advisory Comm	$18 942.11	$5598.55
Southern Region Accommodation Council	Say-It Self Advocacy Group	$19 552.11	$12 224.52
Southern Family Life	Stepping Out	$4220.00	$2931.00
Chadstone Community Health Centre	PAKETT	$6888.96	$8629.89
City of Mordialloc	Extended Family Network	$9174.50	$10 120.49
Interchange Southern Region Inc.	Interchange Southern Region Inc.	$2660.00	$2660.00
Oakleigh/Clayton Community Toy Library	Priority access to toy library for low-income families	$2450.00	$1500.00
Gardiner NeighbourhoodCentre Inc.	Malvern Disability Services Advisory Com.	$1300.00	$1300.00
Kallay Street Playgroup Inc.	Monday Special Needs Integrated Playgroup	$571.00	$600.00
Brighton Beach Occupational Group	Brighton Beach Occupational Group	$800.00	$850.00
Mordialloc CAB	Mordialloc CAB	$1000.00	$600.00
Moorabbin CAB	Moorabbin CAB	$1000.00	$600.00
Malvern CAB	Malvern CAB	$1000.00	$600.00
Brighton CAB	Brighton CAB	$1000.00	$600.00
City of Brighton	Cross St Playgroup	$250.00	$250.00
Family Violence Prevention & Support Fund			
Gardiner Neighbourhood Centre Inc.	Family Violence Prevention Project	$7082.79	$8078.00
Southern Family Life	Mates Group	$2185.00	$2931.00

Note: It is assumed that this question is in reference to those groups funded under the Community Support and Development Grant (CSDG) Program, the Family Violence Prevention and Support Fund (FVPS), and the Poverty Action Program (PAP).

MUSEUM AIR MONITORING STATION

(Question No. 1237)

Hon. M. A. BIRRELL (East Yarra) asked the Minister for Education and Training, for the Minister for Conservation and Environment:

(a) Since August 1987, on how many occasions was the Museum air monitoring station not operating, indicating the number of days it had not provided technical readings of air quality?

(b) Was any other central city testing station operating after August 1987?

(c) When was the Museum testing station moved to its new site and at what cost?

Hon. B. T. PULLEN (Minister for Education and Training) — The answer supplied by the Minister for Conservation and Environment is:

I refer Mr Birrell to my answer to question on notice No. 1018 which was tabled in the Legislative Council on 8 October 1991 and published in *Hansard* No. 6, dated 22, 23 and 24 October 1991 page 952.

CONSULTANT — CONSERVATION AND ENVIRONMENT

(Question No. 1238)

Hon. M. A. BIRRELL (East Yarra) asked the Minister for Education and Training, for the Minister for Conservation and Environment:

In respect of Mr David Withington, what payments have been, or are to be made to him as a consultant or employee in 1990-91?

Hon. B. T. PULLEN (Minister for Education and Training) — The answer supplied by the Minister for Conservation and Environment is:

1990-91 (financial year) (July 1 to June 30) = $44 100.

SALMONELLA — YARRA RIVER

(Question No. 1239)

Hon. M. A. BIRRELL (East Yarra) asked the Minister for Education and Training, for the Minister for Conservation and Environment:

In respect of the Yarra River:

(a) On how many occasions and in what locations was salmonella detected in 1989-90 and in 1990-91, respectively?

(b) At what locations will testing be conducted for salmonella in 1991-92, and for what duration in each case?

(c) What specific initiatives has the Environment Protection Authority taken, or is planning to take in 1991-92 to reduce the causes of salmonella contamination of the river, and what funds have been allocated for this purpose?

Hon. B. T. PULLEN (Minister for Education and Training) — The answer supplied by the Minister for Conservation and Environment is:

(a) In 1989-90, salmonella was detected 43 times in the Yarra River. In 1990-91 salmonella was not detected.

(b) Testing of the Yarra River for salmonella is intended to be conducted between 2 December 1991 and 26 January 1992 at three sampling sites. These are Williams Road Landing, Morell Bridge and Princes Bridge.

(c) Over the past ten years, extensive sewering of suburbs in the Yarra Catchment has significantly reduced levels of bacterial contamination in the river. EPA enforcement action has also pin-pointed and eliminated discharges from industrial, commercial and agricultural premises which contributed to bacterial contamination.

Salmonella contamination originates from a number of sources and salmonella organisms are commonly found in soils. Only certain types of salmonella are harmful to humans. The fact that salmonella organisms are still periodically detected in the Yarra reflects low level contamination of much of the water which drains from urban parks and gardens, streets, pavements and nature strips.

This diffuse source pollution does not lend itself to specifically targeted enforcement actions. However, EPA is working with Melbourne Water to encourage municipalities not to flush street sweepings into drains. A number of councils are also undertaking programs to ensure that dog owners do not allow their animals to foul pavements and streets, since this is a significant source of faecal contamination in drains and rivers.

EPA's surveillance activities will continue to include checking for illegal sewage discharges to the stormwater drainage system where appropriate, and work will also continue on evaluation of the significance of sewer overflows as a source of contamination following periods of heavy rain.

There is no separately identifiable component in EPA's budget covering the above activities.

VIC IMAGE — TOURISM

(Question No. 1245)

Hon. HADDON STOREY (East Yarra) asked the Minister for Manufacturing and Industry Development, for the Minister for Tourism:

(a) Has the Minister or the Minister's department made use of the services of VIC IMAGE at any time since 1 January 1990; if so, what services were performed by VIC IMAGE and did any part of the services include taking photographs of the Minister?

(b) What was the cost of each service provided by VIC IMAGE and who met such cost?

Hon. D. R. WHITE (Minister for Manufacturing and Industry Development) — The answer supplied by the Minister for Tourism is:

Agency	Services Provided by VIC IMAGE	Was Minister's photo included	Costs of Services	Costs paid by:
Victorian Tourism	(i) Photography - Country Victoria Tourism Council	No	$87.00	VTC
	(ii) Photography - ABC radio Promotion	No	$83.30	VTC
	(iii) Photography - Japanese Tourism Mission	No	$439.30	VTC
	(iv) Photography - Country Tourism Conference	No	$798.20	VTC
Alpine Resorts Commission	Producing transparencies from large posters for ski-show promotions	No	$420.00	VTC

VIC IMAGE — PORTS

(Question No. 1249)

Hon. HADDON STOREY (East Yarra) asked the Minister responsible for Ports:

(a) Has the Minister or the Minister's department made use of the services of VIC IMAGE at any time since 1 January 1990; if so, what services were performed by VIC IMAGE and did any part of the services include taking photographs of the Minister?

(b) What was the cost of each service provided by VIC IMAGE and who met such cost?

Hon. D. R. WHITE (Minister responsible for Ports) — The answer is:

No work was commissioned from VIC IMAGE by the port authorities.

FREEDOM OF INFORMATION — CONSUMER AFFAIRS

(Question No. 1264)

Hon. M. A. BIRRELL (East Yarra) asked the Minister for Consumer Affairs:

In respect of freedom of information requests by members of Parliament and/or journalists, for each department, agency and authority within the Minister's administration:

(a) What are the existing guidelines, instructions, and directions to the freedom of information officer in dealing with - (i) requests by members of Parliament; and (ii) requests by journalists?

(b) Is there any instruction or direction that the documents (or copies) be forwarded to the Minister's office prior to release of the documents; if so, what delay has been caused by the submission of the documents to the Minister's office for each such request since 1 June 1990?

(c) Have any instructions been given to the freedom of information officer since 8 September 1991 in respect of freedom of information requests by the member for Doncaster in the Legislative Assembly, other members of Parliament and/or journalists, respectively; if so - (i) by whom, indicating the person's name and title; (ii) what was the nature of the instruction; and (iii) on what date was it given?

Hon. T. C. THEOPHANOUS (Minister for Consumer Affairs) — The answer is:

I refer the honourable member to my answer to question No. 1041 in the Legislative Assembly, a copy of which is attached.

The answer referred to is as follows:

(1) Freedom of information officers observe the guidelines laid down in Volume 2 of the *Freedom of Information Handbook*. Any other procedures observed by FoI officers relate to the general administrative procedures of the department or agency which are not specific to freedom of information matters.

(2) It is a usual part of departmental activity that Ministers are briefed on any matter which they might be called upon to respond to in the Parliament or elsewhere. Consequently, the documents to be released under the FoI Act may be sighted by the Minister's office prior to release.

Any delay that might occur with FoI requests does not specifically relate to this procedure, but to the complexity of the individual request and to the number of other requests made to the department or agency.

(3) No such instructions have been given.

ENHANCED RESIGNATION PACKAGE — CONSUMER AFFAIRS

(Question No. 1274)

Hon. G. B. ASHMAN (Boronia) asked the Minister for Consumer Affairs:

In respect of each department, agency and authority within the Minister's administration:

(a) How many people had accepted the enhanced resignation package as at 30 August 1991?

(b) What is the total value of those payouts?

(c) Did the enhanced resignation package continue to be available after 30 August 1991?

Hon. T. C. THEOPHANOUS (Minister for Consumer Affairs) — The answer is:

I refer the honourable member to my answer to question No. 1063 in the Legislative Assembly, a copy of which is attached.

The answer referred to is as follows:

As at 30 August 1991, no staff had accepted the enhanced resignation package as that was the date upon which expressions of interest for the package closed.

ENHANCED RESIGNATION PACKAGE — TRANSPORT

(Question No. 1280)

Hon. G. B. ASHMAN (Boronia) asked the Minister for Ethnic, Municipal and Community Affairs, for the Minister for Transport:

In respect of each department, agency and authority within the Minister's administration:

(a) How many people had accepted the enhanced resignation package as at 30 August 1991?

(b) What is the total value of those payments?

(c) Did the enhanced resignation package continue to be available after 30 August 1991?

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — The answer supplied by the Minister for Transport is:

The enhanced resignation package is the voluntary departure package advertised in the *Public Service Notices* on 30 July 1991. It is a one-off offer and staff were given the opportunity to formally express an interest in the package by 30 August 1991 (the Public Transport Corporation staff were given until 6 September 1991).

As the process of implementing the package had not been completed by 30 August 1991, no offers had been made by that date. Accordingly, the information requested by the honourable member is not available.

JOURNALISTS — CONSERVATION AND ENVIRONMENT

(Question No. 1372)

Hon. G. P. CONNARD (Higinbotham) asked the Minister for Education and Training, for the Minister for Conservation and Environment:

(a) How many journalists, media personnel or similar staff are employed by each Ministry, department or agency that reports to the Minister?

(b) What is the name of each person and what costs were incurred in each case on salary, motor car and travel expenses in 1990-91 and in this year to date?

Hon. B. T. PULLEN (Minister for Education and Training) — The answer supplied by the Minister for Conservation and Environment is:

Preparation of the requested information would require excessive time and resources and cannot be justified.

Wednesday, 20 November 1991

QUESTIONS ON NOTICE

GRANTS — MAJOR PROJECTS

(Question No. 1215)

Hon. K. M. SMITH (South Eastern) asked the Minister for Manufacturing and Industry Development, for the Minister for Major Projects:

In relation to each department and agency responsible to the Minister, what grants were made to organisations during 1989-90 and 1990-91 respectively, indicating the name of each organisation, the name of its principal, the amount of each grant, the reason for the grant, and the date on which payment was made?

Hon. D. R. WHITE (Acting Minister for Major Projects) — The answer is:

I am advised by the Major Projects Unit that no grants were made to organisations in 1989-90 and 1990-91.

NATIONAL PARKS — POLICIES AND PROGRAMS

(Question No. 1226)

Hon. R. A. MACKENZIE (Geelong) asked the Minister for Education and Training, for the Minister for Conservation and Environment:

(a) Does the memorandum of understanding for the management of the Australian Alps National Parks signed by the Hon. J. E. Kirner, MP, on 16 July 1986 seek to develop complementary recreation policies and management programs for national parks, including the Alpine National Park and the Kosciusko National Park in New South Wales?

(b) Do the Land Conservation Council's final wilderness recommendations propose to allow the continued use of Cowombat Flat, Cowombat Flat Track, Cobberas Trail and McFarlan Flat Track for horseriding and offroad vehicles?

(c) Has the Minister referred the council's draft recommendations to the Inter-Alps Committee in accordance with the memorandum of understanding of 16 July 1986?

(d) Will the Minister uphold the intention of the memorandum of understanding by implementing wilderness management for Cowombat Flat and include the area in the proposed Cobberas wilderness?

Hon. B. T. PULLEN (Minister for Education and Training) — The answer supplied by the Minister for Conservation and Environment is:

(a) Under the memorandum of understanding in relation to the cooperative management of the Australian Alps National Parks, the Victorian, New South Wales, Australian Capital Territory and Federal conservation Ministers acknowledged the Alpine National Park, Kosciusko National Park and specified adjoining areas as being of national significance.

Among other things, the Ministers agreed to cooperate in the provision of outdoor recreation opportunities to encourage the enjoyment and understanding of the alpine environment, and where appropriate, to provide recreation facilities and services to enable visitors to use adjacent areas covered under the agreement.

(b) The Land Conservation Council's *Wilderness Special Investigation Final Recommendations* have not yet been published. They are due to be released by 30 November 1991.

(c) Copies of the LCC's *Proposed Wilderness Recommendations* were sent to the National Parks and Wildlife Service of New South Wales and the Australian National Parks and Wildlife Service, both of whom are represented on the Alps Liaison Committee. The recommendations were also outlined and discussed at an Alps Liaison Committee meeting this year.

(d) The Minister will give the matter of wilderness management in the Cowombat Flat area due consideration in the light of the LCC's final recommendations, after they are published.

COMMUNITY HEALTH CENTRES — BUDGETS

(Question No. 1228)

Hon. G. P. CONNARD (Higinbotham) asked the Minister for Health:

What was the budget surplus/deficit for the inner budget of each of the community health centres for 1990-91?

Hon. M. A. LYSTER (Minister for Health) — The answer is:

I advise the honourable member that the budget information requested can be obtained in each of the annual reports of community health centres for 1990-91.

PUBLIC HOSPITALS — BUDGETS

(Question No. 1229)

Hon. G. P. CONNARD (Higinbotham) asked the Minister for Health:

What was the budget surplus/deficit for the inner budget of each of the public hospitals for 1990-91?

Hon. M. A. LYSTER (Minister for Health) — The answer is:

I advise the honourable member that the budget information requested can be obtained in each of the annual reports of public hospitals for 1990-91.

COMMUNITY HEALTH CENTRES — DEFICITS

(Question No. 1230)

Hon. G. P. CONNARD (Higinbotham) asked the Minister for Health:

What is the accumulated deficit of each of the community health centres?

Hon. M. A. LYSTER (Minister for Health) — The answer is:

I advise the honourable member that the budget information requested can be obtained in each of the annual reports of community health centres.

PUBLIC HOSPITALS — DEFICITS

(Question No. 1231)

Hon. G. P. CONNARD (Higinbotham) asked the Minister for Health:

What is the accumulated deficit of each of the public hospitals?

Hon. M. A. LYSTER (Minister for Health) — The answer is:

I advise the honourable member that the budget information requested can be obtained in each of the annual reports of public hospitals.

Thursday, 21 November 1991

QUESTIONS ON NOTICE

GRANTS — ABORIGINAL AFFAIRS

(Question No. 1222)

Hon. K. M. SMITH (South Eastern) asked the Minister for Ethnic, Municipal and Community Affairs, for the Minister for Aboriginal Affairs:

In relation to each department and agency responsible to the Minister, what grants were made to organisations during 1989-90 and 1990-91, respectively, indicating the name of each organisation, the name of its principal, the amount of each grant, the reason for the grant, and the date on which payment was made?

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — The answer supplied by the Minister for Aboriginal Affairs is:

The grants made by the now Department of Aboriginal Affairs to organisations during 1989-90 to 1990-91 are listed below.

The time and resources required to provide the information on the principals of each organisation cannot be justified. This information, as it applies to these organisations, could be provided by my department on request.

Financial year 1989-90	Capital Project grants
Organisation	Rumbalara Football/Netball Club Inc
Amount	$12 000
Reason	Feasibility study
Organisation	Victorian Aboriginal Legal Service Co-operative Ltd
Amount	$634 000
Reason	Purchase of building for offices
Organisation	Kerrup-jmara Elders Aboriginal Corporation
Amount	$326 000
Reason	Purchase of archaeologically significant land
Organisation	Mildura Aboriginal Corporation
Amount	$29 268
Reason	Mildura Sobering-up centre funding (furniture and motor vehicle)
Organisation	Kurung Constructions Pty Ltd
Amount	$179 100
Reason	Purchase of factory
Organisation	Framlingham Aboriginal Trust
Amount	$199 525
Reason	Farming land
Organisation	Victorian Aboriginal Legal Service Co-operative Ltd
Amount	$161 434
Reason	Melbourne Sobering-up centre funding (purchase of house)
Organisation	Aboriginal Community Elders Services Co-operative Ltd
Amount	$280 327
Reason	Cultural Centre at ACES
Organisation	Bendigo Dja Dja Wrung Aboriginal Association Inc
Amount	$27 768
Reason	Cultural Display items
Organisation	Echuca Aboriginal Co-operative Society Ltd
Amount	$125 424
Reason	Renovations to Echuca Courthouse
Organisation	Far East Gippsland Aboriginal Co-operative Ltd

Amount	$63 400
Reason	Cann River Cultural/Tourist centre funding
Organisation	Brambuk Incorporated
Amount	$98 500
Reason	Brambuk staff house purchase
Organisation	Central Gippsland Aboriginal Health and Housing Co-operative Ltd
Amount	$133 656
Reason	Admin/Health/Community centre building part funding
Organisation	Gippsland and East Gippsland Aboriginal Co-operative Ltd
Amount	$67 000
Reason	Admin/Cultural/Community centre
Organisation	Gunditjmara Aboriginal Co-operative Ltd
Amount	$30 000
Reason	Warrnambool Sobering-up centre funding (furniture and motor vehicle)
Organisation	Rumbalara Aboriginal Co-operative Ltd
Amount	$68 000
Reason	Mooroopna Sobering-up centre funding (house renovations, furniture and motor vehicle)
Organisation	Swan Hill and District Aboriginal Co-operative Ltd
Amount	$155 000
Reason	Sobering-up centre funding (house, land, furniture and motor vehicle)
Organisation	Echuca Aboriginal Co-operative Society Ltd
Amount	$157 000
Reason	Echuca Sobering-up centre funding (house, land, furniture and motor vehicle)
Organisation	Central Gippsland Aboriginal Health and Housing Co-operative Ltd
Amount	$30 000
Reason	Morwell Sobering-up centre funding (furniture and motor vehicle)
Organisation	Echuca Aboriginal Co-operative Society Ltd
Amount	$54 000
Reason	Factory building
Organisation	Swan Hill and District Aboriginal Co-operative Ltd
Amount	$250 000
Reason	Purchase of "Swan Hill Glass" business
Organisation	Echuca Aboriginal Co-operative Society Ltd
Amount	$30 000
Reason	Feasibility study
Organisation	Victorian Aboriginal Legal Service Co-operative Ltd
Amount	$47 000
Reason	Melbourne Sobering-up centre funding (Northcote) (house renovations, furniture and motor vehicle)
Organisation	Bendigo Dja Dja Wrung Aboriginal Association Inc
Amount	$133 500
Reason	Purchase of association premises
Organisation	Bendigo Dja Dja Wrung Aboriginal Association Inc
Amount	$80 000
Reason	Association premises renovations
Financial year 1989-90	Cultural Heritage Project Grants
Organisation	Gippsland and East Gippsland Aboriginal Co-operative Ltd
Amount	$47 631
Organisation	Wurundjeri Tribe Land and Compensation Cultural Heritage Council Inc
Amount	$228 380
Organisation	Central Gippsland Aboriginal Health and Housing Co-operative Ltd
Amount	$45 473
Organisation	Healesville and District Aboriginal Co-operative Ltd
Amount	$56 397
Organisation	Ballarat and District Aboriginal Co-operative Ltd
Amount	$47 552
Organisation	Sunraysia and District Aboriginal Corporation
Amount	$38 642
Organisation	Mildura Aboriginal Corporation
Amount	$17 311
Organisation	Murray Valley Aboriginal Co-operative Ltd
Amount	$61 069
Organisation	Far East Gippsland Aboriginal Co-operative Ltd
Amount	$30 529

Organisation	Echuca Aboriginal Co-operative Society Ltd
Amount	$53 501
Organisation	Yorta Yorta Advancement Group Inc
Amount	$51 090
Organisation	Goolum-Goolum Aboriginal Co-operative Ltd
Amount	$40 589
Organisation	Gunditjmara Aboriginal Co-operative Ltd
Amount	$44 963
Organisation	Wathaurong Aboriginal Co-operative Ltd
Amount	$23 418
Organisation	Swan Hill & District Aboriginal Co-operative Ltd
Amount	$49 319
Organisation	Bendigo Dja Dja Wrung Aboriginal Association Inc
Amount	$45 797
Organisation	Moogji Aboriginal Council East Gippsland Inc
Amount	$43 002
Organisation	Shepparton Aboriginal Arts Council Co-operative Ltd
Amount	$16 500
Reason	Cultural officer vehicle
Organisation	Victorian Aboriginal Cultural Heritage Trust
Amount	$29 800
Reason	Artefact replicas and exhibition publication
Organisation	National Aboriginal Day Observance Committee of Victoria
Amount	$10 806
Reason	Contribution towards NAIDOC week activities 1989

Financial year 1990-91 — Capital Project grants

Organisation	Fitzroy Stars Aboriginal Community Youth Club/Gymnasium Inc
Amount	$147 250
Reason	Fitzroy Stars Gymnasium renovations
Organisation	Gippsland & East Gippsland Aboriginal Co-operative Ltd
Amount	$203 513
Reason	Community centre construction
Organisation	Echuca Aboriginal Co-operative Society Ltd
Amount	$7500
Reason	Reburial of Aboriginal skeletal remains
Organisation	Koorie Heritage Trust
Amount	$119 600
Reason	Koorie Mobile Travelling Exhibition funding
Organisation	Gippsland and East Gippsland Aboriginal Co-operative Ltd
Amount	$157 730
Reason	Acquisition of Jumbarra rehabilitation centre, site for expansion of cooperative facilities
Organisation	Aboriginal Community Elders Services Co-operative Ltd
Amount	$44 908
Reason	Completion of ACES centre
Organisation	Shepparton Aboriginal Arts Council Co-operative Ltd
Amount	$13 000
Reason	Security works for the Shepparton Aboriginal Keeping Place
Organisation	Rumbalara Aboriginal Co-operative Ltd
Amount	$72 500
Reason	Purchase of industrial land
Organisation	Bendigo Dja Dja Wrung Aboriginal Association Inc
Amount	$328 092
Reason	Renovations to association building
Organisation	Ballarat & District Aboriginal Co-operative Ltd
Amount	$400 867
Reason	Purchase of land
Organisation	Kuruna Constructions Pty Ltd, building company of Ballarat & District Aboriginal Co-operative Ltd
Amount	$23 569
Reason	Two vehicles for Kurung Constructions Pty Ltd
Organisation	Rumbalara Football/Netball Club Inc
Amount	$12 500
Reason	HGF deposit
Organisation	Central Gippsland Aboriginal Health and Housing Co-operative Ltd
Amount	$2365

Reason	Relocation of Sobering-up centre
Organisation	Lake Tyers Aboriginal Trust
Amount	$50 000
Reason	Lake Tyers Health/Administration Centre building additional funds.
Organisation	Brambuk Incorporated
Amount	$70 000
Reason	Brambuk landscaping
Organisation	Rumbalara Aboriginal Co-operative Ltd
Amount	$42 500
Reason	Vehicle, tools and equipment for the building company
Organisation	Brambuk Incorporated
Amount	$145 807
Reason	Furniture and equipment
Organisation	Brambuk Incorporated
Amount	$22 000
Reason	Vehicle
Organisation	Swan Hill & District Aboriginal Co-operative Ltd
Amount	$133 000
Reason	Swan Hill Co-op enterprises premises works
Organisation	Victorian Women's Trust
Amount	$28 800
Reason	Contribution towards Women's Economic Development conference
Organisation	The International Women's Development Agency Inc
Amount	$9500
Reason	Furniture and equipment for The Aboriginal Program Exchange (TAPE)
Organisation	Brambuk Incorporated
Amount	$135 000
Reason	Staff housing
Organisation	Yangenannock Aboriginal Corporation
Amount	$22 750
Reason	Deposit for purchase of association's offices
Organisation	Yangenannock Aboriginal Corporation
Amount	$204 750
Reason	Settlement on purchase of association's offices
Organisation	Bendigo Dja Dja Wrung Aboriginal Association Inc
Amount	$9500
Reason	Telephone system for association building
Organisation	Yappera Childrens Service Co-operative Limited
Amount	$54 000
Reason	Child care centre
Organisation	Rumbalara Aboriginal Co-operative Ltd
Amount	$80 300
Reason	Rumbalara factory/office works
Organisation	Sunraysia Development Corporation
Amount	$26 000
Reason	Koorie Corroboree feasibility study
Organisation	Rumbalara Aboriginal Co-operative Ltd
Amount	$10 999
Reason	Landscaping
Organisation	Yorta Yorta Murray Goulburn Rivers Clans Inc
Amount	$210 000
Reason	Meeting place and offices
Organisation	Gippsland & East Gippsland Aboriginal Co-operative Ltd
Amount	$30 000
Reason	Sobering centre furniture and fittings
Organisation	Coranderrk Koori Co-operative Ltd
Amount	$28 875
Reason	Tractor and tools
Organisation	Ngwala Willumbong Co-operative Limited
Amount	$40 163
Reason	Treatment centre renovations
Organisation	Wurundjeri Tribe Land Compensation & Compensation Cultural Heritage Council Inc
Amount	$129 745.67
Reason	Offices for the Council Dandenong

Financial year 1990-91	Cultural Heritage Project Grants
Organisation	Gippsland and East Gippsland Aboriginal Co-operative Ltd
Amount	$47 980
Organisation	Wurundjeri Tribe Land and Compensation Cultural Heritage Council Inc
Amount	$61 002
Organisation	Central Gippsland Aboriginal Health and Housing Co-operative Ltd
Amount	$42 214
Organisation	Coranderrk Koori Co-operative Ltd
Amount	$41 728
Organisation	Ballarat and District Aboriginal Co-operative Ltd
Amount	$37 987
Organisation	Mildura Aboriginal Corporation
Amount	$47 827
Organisation	Murray Valley Aboriginal Co-operative Ltd
Amount	$44 827
Organisation	Far East Gippsland Aboriginal Co-operative Ltd
Amount	$41 338
Organisation	Echuca Aboriginal Co-operative Society Ltd
Amount	$6815
Organisation	Yorta Yorta Advancement Group Inc
Amount	$33 677
Organisation	Goolum-Goolum Aboriginal Co-operative Ltd
Amount	$42 325
Organisation	Gunditjmara Aboriginal Co-operative Ltd
Amount	$27 165
Organisation	Wathaurong Aboriginal Co-operative Ltd
Amount	$44 146
Organisation	Swan Hill & District Aboriginal Co-operative Ltd
Amount	$47 172
Organisation	Bendigo Dja Dja Wrung Aboriginal Association Inc
Amount	$44 783
Organisation	Moogji Aboriginal Council East Gippsland Inc
Amount	$17 583
Organisation	Brambuk Incorporated
Amount	$52 030
Organisation	Brambuk Incorporated
Amount	$7466
Reason	Research officer employment for place name restorations
Organisation	Swan Hill and District Aboriginal Co-operative Ltd
Amount	$3603
Reason	Participation in Swan Hill "Kuwayung" festival
Organisation	Victorian Aboriginal Legal Service Co-operative Ltd
Amount	$5000
Reason	Production of video
Organisation	National Aboriginal and Islander Day Observance Committee of Victoria
Amount	$11 000
Reason	National Aboriginal and Islander Week activities in 1990
Organisation	Aborigines Advancement League Co-operative Ltd
Amount	$5000
Reason	Student Cultural Tour
Organisation	Brambuk Incorporated
Amount	$5000
Reason	Brambuk Living Cultural Centre official opening ceremony
Organisation	Central Gippsland Aboriginal Health and Housing Co-operative Ltd
Amount	$5000
Reason	Co-operative's Admin/Health/Community centre official opening ceremony
Organisation	Yorta Yorta Murray Goulburn Rivers Clans Association Inc
Amount	$2000
Reason	Cultural camp funding
Organisation	Shepparton Aboriginal Arts Council Co-operative Ltd
Amount	$3000
Reason	Cultural resource library funding
Organisation	Mildura Aboriginal Co-operative Ltd
Amount	$2000
Reason	"Chowilla" skeletal burials project

ENHANCED RESIGNATION PACKAGE — COMMUNITY SERVICES

(Question No. 1282)

Hon. G. B. ASHMAN (Boronia) asked the Minister for Ethnic, Municipal and Community Affairs for the Minister for Community Services:

In respect of each department, agency and authority within the Minister's administration:

(a) How many people had accepted the enhanced resignation package as at 30 August 1991?

(b) What is the total value of those payouts?

(c) Did the enhanced resignation package continue to be available after 30 August 1991?

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — The answer supplied by the Minister for Community Services is:

(a) None.

(b) Nil.

(c) Due to the closure of the Caloola Training Centre, staff were given until 30 September 1991 to express interest in the enhanced resignation package.

Due to the impending cessation of the service provided by nursing advisers, these staff were given until 13 September 1991 to express interest in ERP.

On a service-wide basis, all staff who have had a combination of full-time and part-time service were able to express interest in ERP until 16 October 1991.

ENHANCED RESIGNATION PACKAGE — PLANNING AND HOUSING

(Question No. 1284)

Hon. G. B. ASHMAN (Boronia) asked the Minister for Education and Training, for the Minister for Planning and Housing:

In respect of each department, agency and authority within the Minister's administration:

(a) How many people had accepted the enhanced resignation package as at 30 August 1991?

(b) What is the total value of those payments?

(c) Did the enhanced resignation package continue to be available after 30 August 1991?

Hon. B. T. PULLEN (Minister for Education and Training) — The answer supplied by the Minister for Planning and Housing is:

1. At 30 August 1991 there were no acceptances of the 1991-92 enhanced resignation package.

2. Nil.

3. Administration of the 1991-92 enhanced resignation package is conducted under the guidelines provided by the Department of Finance and the Government Workforce Management Unit.

   Under these guidelines expressions of interest closed on 30 August 1991. The process of formally offering, accepting, and implementing packages is continuing after 30 August 1991 from those officers who had expressed interest at that date.

INTELLECTUAL DISABILITY INSTITUTIONS — RESIDENTS

(Question No. 1327)

Hon. ROSEMARY VARTY (Nunawading) asked the Minister for Ethnic, Municipal and Community Affairs, for the Minister for Community Services:

In respect of the past three years ending 30 June, how many residents were accommodated at each Victorian institution for people with intellectual disability?

Hon. C. J. HOGG (Minister for Ethnic, Municipal and Community Affairs) — The answer supplied by the Minister for Community Services is:

Victorian institution for people with intellectual disability	Number of residents 1988-89	1989-90	1990-91
Aradale Training Centre	369	202	191
Brierly Training Centre	37	-	1
Caloola Centre	555	541	486
Colanda Training Centre	152	176	169
Janefield Training Centre	416	405	399
Kew Cottages	758	753	677
Kingsbury Training Centre	68	73	72
Mayday Hills Training Centre	182	175	131
Pleasant Creek Training Centre	127	114	104
Sandhurst Training Centre	38	47	44
St Gabriel's Centre (or Balwyn Centre)	32	34	26
TOTAL	2734	2520	2300

SOURCE:

Community Services Victoria Annual Report 1988-1989
Community Services Victoria Annual Report 1989-1990
Community Services Victoria Annual Report 1990-1991