Tuesday, 4 May 1993

The SPEAKER (Hon. J.E. Delzoppo) took the chair at 2.6 p.m. and read the prayer.

ABSENCE OF MINISTER

The SPEAKER - Order! I advise the House that the Minister for Public Transport will be absent during question time.

QUESTIONS WITHOUT NOTICE

PETROL LEVY

Mr KENNAN (Leader of the Opposition) - In light of the government's decision that major road works in Victoria will be delayed and that one-third of the revenue raised by the 3 cent a litre petrol levy announced yesterday by the government will be for the construction of new rural roads, will the Treasurer explain to the House how the government intends to finance the construction of the $1 bill on-plus Domain tunnel and Western bypass prolects?

Mr STOCKDALE (Treasurer) - What a treacherous question to the interests of the people of Victoria! Her Majesty's opposition in the Victorian Parliament is seeking to pre-empt the Australian Loan Council and the special Premiers Conference doing for Victoria what until this moment has had bipartisan support - getting a better deal out of Commonwealth funding arrangements.

The Leader of the Opposition and the shadow Treasurer know - because they have complained about it in the past - that Victoria subsidises the other States by around $800 million to $1000 million every year, depending on how one measures it. The Victorian government is seeking a better deal from the Commonwealth, and despite the troglodyte attitude of the Victorian Labor Party I am confident that the signs are there for the Commonwealth government to recognise that Victoria and New South Wales are unfairly subsidising the other States through general and road funding.

Victoria will seek - and I am confident it will obtain - a better deal to protect the State's funding base. Whatever funding the Commonwealth provides, the initiative announced yesterday by my colleague the Minister for Roads and Ports will give the government an additional capacity to fund works. Unlike the previous Labor government, this government has no intention of piling debt upon debt and borrowing to pay interest so that in the years to follow there is more debt. Roads will not be financed on Bankcard as the Labor government tried todo.

The government will build roads in accordance with its funding capacity. That initiative has wide support in the community, and it will attract editorial support - as it has done already - and the support of the representative organisation of motorists, the Royal Automobile Club of Victoria. The resultant development of infrastructure will not only confer enormous benefits on this State but will lead to the re-election of the Kennett government again and again.

INDUSTRIAL ACTION

Mr DEAN (Berwick)-Will the Premier inform the House of any likely damage to Victoria's national and international standing particularly with potential investors and credit rating agencies as a result of tomorrow's protest rally and the 74 days of rolling stoppages planned by the Victorian Trades Hall Council boss, John Halfpenny?

Mr KENNETT (Premier) - Once again the Victorian Trades Hall Council has decided to hold the people of Victoria to ransom and impose whatever inconvenience it can on the operations of the State tomorrow. Mr Halfpenny said that after tomorrow no more major industrial action will occur but that strikes will be called intermittently over the next 74 days.

Nothing could be more against the public interest than to have the Trades Hall Council, supported by the opposition, continuing a campaign of industrial action against fair-minded Victorians, especially when the people Mr Halfpenny has called on to join him tomorrow are those who are paid by the public to deliver a service. It is even worse than that.

Mr Sercombe interjected.

Mr KENNETT - The Deputy Leader of the Opposition is supporting not only tomorrow's strike but also 74 days of hit-and-miss industrial action designed to cripple and hurt Victorians. It goes further because the 74 days of industrial action -

and the honourable member for Coburg should listen to this - b e g i n s on 17 May.

Honourable members interjecting.

Mr KENNETT - I hope the television cameras record the irresponsibility of this discredited opposition!

The 74 days of hit-and-miss industrial action will begin on 17 May, which falls in the week when Victoria hosts 20 000 Rotary delegates for what will be the biggest single event hosted in this State since the 1956 Olympic Garnes. John Halfpenny and the Victorian ALP are embarking on a campaign that will demonstrate to our international guests that the very best we can do in Victoria is to have a group of people taking industrial action to try to hurt other Victorians.

Honourable members interjecting.

Mr KENNETT - It appears as if John Halfpenny and his Victorian ALP mates, having tried and having failed to deliver body blows to the government and the community, are intent on kicking all Victorians in the ankles for that 74-day period.

The Victorian community should clearly understand that the Leader of the Opposition, Jim Kennan, supported by all members of the Labor Party and John Halfpenny, is embarking on a campaign to further undermine the reputation of the State before 20 000 guests.

Government Members - Shame, Shame!

Mr KENNETT - Rather than encouraging and giving solace to John Halfpenny, I challenge the Leader of the Opposition - -

Honourable members interjecting.

The SPEAKER - Order! The Chair has been tolerant and has allowed too many interjections. I ask the House to come to order and listen to the Premier in silence.

Mr KENNETT - In the interests of Victoria's reputation and employment opportunities, I challenge the Leader of the Opposition to join with me and call on Mr Halfpenny to cancel the 74 days of industrial action, which will undermine Victoria's credibility to our guests.

Victoria desperately needs to grow out of this period of recession that the opposition, when in government, together with Mr Halfpenny, helped to create, and requires the community to work together to bring about new opportunities. Victorians expect their elected representatives to support the public, not Mr Halfpenny. I challenge the Leader of the Opposition to come out publicly and tell Mr Halfpenny, "Enough is enough" and to put the interests of Victoria foremost and clearly above all other interests.

PETROL LEVY

Mr KENNAN (Leader of the Opposition) - I n the light of the Treasurer's failure to explain to the House how the Domain tunnel and Western bypass projects will be financed, will he give the House an undertaking that no further petrol levy or road toll will be imposed to fund those projects?

Mr STOCKDALE (Treasurer) - When I come to work every morning I have to face up to the mess that these cowboys opposite left behind! It offers no consolation at all to be lectured in this House, particularly by the architect of the Bayside and MetTicket fiascos, on how to fund government projects.

Honourable members interjecting.

Mr S T O C K D A L E - Y o u are discrediting yourself with your backbench as well as with everyone else in the community.

The government will approach the appraisal and funding of major capital works on the same basis as it has approached financial management since the day it was elected to office: sensibly, with prudent management and in the interests of Victorians. The Leader of the Opposition can carp and drag down all he likes, but he was a member of the former government that was unable to deliver on many major projects. During the course of bungling their management he inflicted tens of millions of dollars of losses on the people of Victoria, which is the cause of the government's reduced capacity to provide capital works across the State.

Mr ROPER (Coburg) - On a point of order, Mr Speaker, the Treasurer is debating the question. The question the Leader of the Opposition asked was specific: whether a further levy to fund these two major projects would be imposed above and beyond the levy the government announced yesterday. That question does not require debating in the w a y the

Treasurer has responded. I ask you, Sir, to request the Treasurer to either directly answer the question or say that he is not prepared to tell the community what the government's intentions are.

The SPEAKER - Order! I uphold the point of order and ask the Treasurer to come back to the question.

Mr STOCKDALE (Treasurer)-Yesterday the government announced an initiative that will create a fund for major infrastructure development. The government announced a levy that will fund around $50 million a year of country roadworks in addition to other major roadworks and associated infrastructure. It follows from the logic of that announcement that if the government had any current plan to introduce a further tax for that purpose it would have done so yesterday.

The government has no plan to introduce any further levy. The government intends, as stated yesterday in its announcement, that the fund will be allowed to develop until the government has completed the appraisal of various roadwork projects, including those mentioned by the Leader of the Opposition. Whether any of those projects can be properly funded will depend upon a responsible analysis which is currently being conducted. When the government is in a position to announce projects it will do so. In the meantime, there is no plan for any further extension of the levy announced yesterday.

REPUBLIC ADVISORY COMMITTEE

Mr TURNER (Bendigo West) - Will the Premier advise the House whether the government has made any decision in response to the Prime Minister's invitation to nominate a person to represent the more populous States on the Republic Advisory Committee?

Mr KENNETT (Premier) - As the House will be aware, last week I received a letter from the Prime Minister announcing the establishment of the Republic Advisory Committee, a matter that was of concern to me because of the speed at which the committee had been created and because the people already appointed to it had clearly predetermined in their minds the need for a republic.

The Prime Minister has invited the Premiers to select two representatives to serve on the Republic Advisory Committee. I have already indicated that regardless of my private view, which is that the current system be retained until it is clear what system should replace it and how that would improve conditions in Australia, it is our responsibility to ensure we participate in a mature debate. In order to do so it is incumbent upon the Victorian government to put forward the name of a suitable person to serve on the committee with those already selected by the Prime Minister. The person selected is Professor Geoffrey Blainey.

Honourable members interjecting.

Mr KENNETT - He is a most distinguished Australian with a good personal background in provincial Victoria. He has played an active part in public affairs, having served as the Chairman of the Australia Council from 1977-81 and as a member of the Australia China Council from 1979-84.

Professor Blainey's participation on the committee is supported by the other Australian Premiers, and he will bring to it a great sense and knowledge of Australian history and a real vision for the future. After comparing his performance and his intellect with those of the people who have already been selected to serve on the committee, I am confident that he will add substantially to the success of the committee's deliberations.

If the Prime Minister persists with the time frame he has set for the report to be made - 1 September, which I believe to be inadequate - the committee will not be able to involve the community in its deliberations. The Prime Minister should consider one other matter. If it is good enough for the Prime Minister to consider the removal of the monarchy from its position at the head of the Australian Federation and, potentially, of the States, it also follows that under section 128 of the Constitution he can also propose the abolition of the States. I should have thought that under those circumstances - -

Honourable members interjecting.

Mr KENNETT - I should have thought if that is a possibility, and the Leader of the Opposition agrees that it is, the Prime Minister ought to seriously consider allowing each State to be represented on the committee. That would go a long way towards reassuring the community because the committee would then be more broadly based while representing the views and desires of the Prime Minister and the States. When the potential exists for the removal of the monarchy and the abolition of the States I believe each State has a right to participate fully on the committee. If the Prime Minister does

not accept that view, the worth of the deliberations of his committee will be put in doubt because it could be accused of bias.

I trust the other State Premiers will recognise the strength of the qualifications of Professor Blainey, which I believe will add a great deal to the work being done by the other members of the committee. It gives me much pleasure to put his name forward to represent not only the government but also the people of Victoria, because at the end of the day the contribution made by Professor Blainey will be noteworthy.

PUBLIC SECTOR SUPERANNUATION

Mr BAKER (Sunshine) - Will the Minister for Finance make public the draft legislation being prepared by the law firm Freehill Hollingdale and Page on public sector superannuation so that it is available for public scrutiny, consultation and debate?

Mr I. W. SMITH (Minister for Finance) - That is a strange request from a former Minister who was not in the habit of doing the same sort of thing himself. Although opposition members request this sort of information, they have absolutely no policy at all on how to cope with superannuation benefits.

Honourable members interjecting.

Mr I. W. SMITH - Wait for it! Our policy will be clearly spelt out in the legislation that will be introduced into Parliament.

ECONOMIC RECOVERY

Mr WELLS (Wantirna)-Will the Premier inform the House of the government's reaction to the attempt by Bill Deller and John Halfpenny to stall economic recovery in Victoria and to sabotage the State's finances by calling on the Federal government to intervene in the Victorian government's economic program?

Mr KENNETT (Premier) - I thank the honourable member for his question.

Mr Micallef interjected.

Mr KENNETT - The honourable member for Springvale interjected by saying, "Tedious repetition". We are about to see 74 days of industrial kneecapping by the Trades Hall Council (THC), which you support - and you complain about tedious repetition!

Those who enjoyed positions of privilege under the former Labor government are starting to squirm and squeal, but at the same time they are continuing to attack the Victorian public because they cannot get their own way. Today Mr Deller clearly spelt out on radio what he, Mr Halfpenny and the Victorian opposition are about. Mr Deller said, "Look, we provided all the support for the Keating government going into the last election. He loves us and now is the time for him to deliver. It is pay-off time". Mr Deller and Mr Halfpenny agree they are trying to get the Federal government to intervene against the duly elected government as it works towards repairing the damage done by the former Labor government. If the community wants a clear indication of the priorities of the Federal government it should forget the debate initiated by the Prime Minister, Mr Keating, on whether we should become a republic or whether we should retain the current system. Mr Halfpenny, Mr Deller and others have asked to see the Federal government on Thursday and they are going to meet with the Federal Treasurer, Mr Dawkins, who has said, "Come on down we will talk to you".

I have said that on occasions we have met with the Prime Minister and the Federal Treasurer and have had professional discussions; but since the Prime Minister was re-elected, he and the Treasurer have refused to see us. They may believe it is good politics, but it is not good for this country and it is not good for this State. The fact that they are prepared to work with and acquiesce to the Australian Council of Trade Unions and, more importantly, the Victorian THC and work against the elected government and the legislation we have put in place is an indication that nothing has changed in Canberra. The Prime Minister is still at the beck and call of the Dellers, the Halfpennys and those who sit on the opposite side. It is clear that Mr Halfpenny and Mr Deller are saboteurs.

Tomorrow there will be some sort of demonstration, when Mr Halfpenny will call for 74 days of industrial kneecapping, which he and his supporters will undertake to the detriment of Victorians in hospitals and in schools - and Mr Halfpenny believes that is acceptable. Moreover the Federal government is going to enter into another coalition with the Victorian THC against the interest of Victoria.

An honourable member interjected.

Mr KENNETT - It is not against the elected government because the elected government is the first in years to get on with the job of governing.

Honourable members interjecting.

Mr KENNETT - Everything that John Halfpenny or Bill Deller does is against our young and our sick. I trust and hope that gives the opposition a great deal of pride!

By joining with the Dellers and the Halfpennys, the opposition is simply committing itself to irrelevancy. The House has not heard one constructive comment from the Leader of the Opposition since he became Leader. Time and again he has simply fallen in with those from the Trades Hall Council who call the tune.

I call upon the Leader of the Opposition to explain to the House where he stands on tomorrow's action and the 74 days of kneecapping by the Trades Hall Council.

Mr McNamara - He's probably leading it.

Mr KENNETT - For once he should speak up on behalf of Victorians, and on behalf of the sick and the schoolchildren; or will he continue to be irrelevant, and to be a man of no policy and no principle? The Leader of the Opposition owes it to Victorians to say to them, "The interests of the people of Victoria are more important than the kneecapping activities of John Halfpenny and Bill Deller".

SCHOOL COUNCIL SUPERANNUATION PAYMENTS

Mr SANDON (Carrum) - Will the Minister for Education confirm that, as a result of the government's Budget strategy of retrenchments and redundancies, school councils have been told that they must meet the employer contributions to superannuation and, indeed, that the contributions will increase from 15 per cent to 20 per cent; also, that they will have to pay for 105 per cent of pension requirements and payments? Will he confirm that the school councils have been told that they must do this without an increase in their grants?

Mr HAYWARD (Minister for Education) - The information that the honourable member has attempted to give to the House is incorrect.

Mr Gude - Wrong again!

Mr HAYWARD - The issue is complex. Schools have not been told what the honourable member for Carrurn has just said, and I call upon the honourable member - in his position as shadow Minister for Education - to request teachers tomorrow to put the interests of students first, and to take a responsible attitude towards their jobs.

NATIONAL HEALTH SUMMIT

Mr McARTHUR (Monbulk) - Will the Minister for Health outline the progress made towards a national health policy at last Friday's national health summit and, in doing so, refer to the impact the summit will have on all Victorians?

Mrs TEHAN (Minister for Health) - The national health summit, held in Sydney last Friday, was hosted by Ron Phillips, the New South Wales health Minister, and was attended by all six health Ministers, the new Federal health Minister, Senator Graham Richardson, and representatives of the two Territories. It was a most productive day.

It was interesting that each of four of the Ministers present had not occupied the portfolio for longer than six months. That engendered a fresh spirit - they were not carrying the baggage of past experience, and they were not ideologically bogged down - and it provided an opportunity of addressing some of the problems that every person holding a health portfolio felt should be addressed.

Agreement was reached that there should be a national health policy, and that first and foremost the policy should address diseases in Australia at a national level. Four areas of disease were selected: cancer, heart disease, mental disorders, and accidental. A combined policy to address those disorders will be formulated during the next 12 or 18 months. I think I can safely say that during the next 12 to 18 months the Commonwealth and the States will work together in a national onslaught on the problems of the untimely onset of diseases, their treatment, and premature deaths from diseases.

The second important outcome for Victorians was a better opportunity or atmosphere for addressing what has been a series of ongoing problems between Commonwealth and State responsibilities for health: who should do what, who should pay for what, and who should be responsible?

A program was brought forward whereby the Commonwealth will take over a pilot study for the next 12 months on the funding of outpatient services

in every State. The study will later be assessed to ascertain the best financial arrangements for the delivery of those services.

The summit was most important in that it provided the opportunity of addressing funding and service delivery problems, of building up a national health policy, and of addressing the Commonwealth-State problems that have been manifest during the past 10 years. The national health policy - which was commenced at the summit last Friday - will provide a much better health outcome for Victorians.

WORKCOVER PAYMENTS

Mr MICALLEF (Springvale) - I refer to the Minister for Industry Services the operation of the government's WorkCover legislation, which has resulted in the termination of weekly payments to large numbers of injured workers. Will the Minister quantify what effect that will have on Commonwealth outlays for social security payments?

Mr PESCOTT (Minister for Industry Services) - I thank the honourable member for his question, and I congratulate him. We have now been in office for well over six months - -

Mr Sercombe interjected.

Mr PESCOTT - That is what I am getting to.

Honourable members interjecting.

The SPEAKER - Order! By whatever means, including by interjection, reflections on the Speaker are disorderly.

Mr PESCOTT - This is the first time the honourable member has actually asked a question, and I congratulate him on that.

The opposition has a great deal of difficulty understanding definitions and understanding what happened in Victoria while it was in government.

Mr Baker interjected.

Mr PESCOTT - The honourable member for Sunshine, who is interjecting, was the architect of a disastrous workers compensation system in Victoria. Since coming to office the coalition government has endeavoured to correct that disastrous scheme, which, because of the way it was structured and the way workers were able to rort the system, was bleeding Victoria.

Mr MICALLEF (Springvale) - On a point of order, Mr Speaker, perhaps because it is my first question to him the Minister does not understand the nature of the question. My question was about the number of people who are no longer receiving benefits under WorkCover.

Government members interjecting.

The SPEAKER - Order! I ask government members to remain silent. It is hard for the Chair to understand what the point of order is about. I ask for cooperation.

Mr MICALLEF - My question specifically related to those who had previously received workers compensation benefits under WorkCare and who are now receiving social security benefits. How much is it anticipated that will cost the Federal government?

The SPEAKER - Order! The honourable member for Springvale raises a question about how Ministers should answer questions. The House will be well aware that that is not in the hands of the Chair. The Chair has the responsibility to ensure that the Minister's answer is relevant. Up until this point I rule that the Minister's answer is relevant, but I ask him to come to the point of the question.

Mr PESCOTT (Minister for Industry Services) - As I said before, the opposition has some difficulty about definition. Since the introduction of the WorkCover legislation a record number of people have gone off WorkCover and returned to work. Under the previous government a large number of people were able to rort the system. The honourable member for Springvale asks me, as a Victorian State Minister, to provide information which presumably is readily available to him through his Commonwealth colleagues. It is absolute nonsense that a bogus question like this should be asked, because it does not get anywhere near to explaining what a successful story WorkCover has been under the coalition government. We have been able to get more workers returning to work and to tighten up the definitions of people who were claiming under the workers compensation system. It is about time that the honourable member for Springvale understood that the changes the government is making are beneficial to the Victorian work force. He should ask his colleagues in Canberra to supply the sort of information he has requested.

VICTORIAN PRINCIPALS FEDERATION

Mr DOYLE (Malvern) - Following the meeting of the Victorian Principals Federation at the weekend, will the Minister for Education advise the House of their position on the government's education reforms?

Mr HAYWARD (Minister for Education) - The Victorian Principals Federation was strongly supportive of the government's Schools of the Future program. That was reinforced by a radio interview that the president of the federation gave yesterday when he said:

> ... we've committed and reaffirmed this yesterday -

In other words, they support the Schools of the Future program:

> ... to the whole concept of school based self-management - there's no question that principals generally support that -

He went on to say that this is a worldwide trend.

It is a shame that the former government put its head in the sand because it was under the control of the teacher unions and did not realise that this is the important way to go so far as improving education quality is concerned.

A former Minister for Education, Mr Cathie, attempted to move towards school-based management but was sabotaged by the teacher unions and by the left wing of the Labor Party.

The government is committed to the Schools of the Future program and to giving schools control over their own destiny.

PRIVATISATION OF HEALTH SERVICES

Mr ROPER (Coburg) - Will the Treasurer advise the House of the extent of cost shifting to the Commonwealth in the health area by privatising pathology and outpatient services and stopping the provision of pharmaceuticals? Will he inform the House of the amount the State may lose as a result of the Medicare agreement as a result of the cost shifting being carried out by the State Minister for Health?

Mr STOCKDALE (Treasurer) - I thank the honourable member for his question, although I question the commitment of the Labor Party to Victoria because such questions play into the hands of people who seek to have Victoria obtain a poorer rather than a better deal.

The government has a wide range of policies that are designed to do two things; one is to create sustainable discipline in the use of resources to improve the efficiency of the operation of what are at present government-owned enterprises, and the second is to maximise the amount of competition in activity in the State to deliver the maximum power to consumers, including the patients in our health system.

My understanding was that there was a degree of bipartisan support for policies such as contracting out, that the previous government had actually taken initiatives in exploring the greater involvement of the private sector in improving the efficiency of Victoria's health services.

The part of the question that addresses the wider reform agenda, which plays a relatively small part in health but involves more competition, more private sector involvement and more discipline for continuing efficiency, appears to have been abandoned by the Labor Party despite the fact that it was its own policy.

The government is not engaged in cost shifting to the Commonwealth: the reverse is the case. As part of the negotiations on Commonwealth-State financial relations before the last Federal election, the present Minister for Health was successful in obtaining guarantees from the Commonwealth - as I understand it, endorsed by the Commonwealth Treasurer - that Victoria would get a better deal than had originally been proposed by the then Federal Minister, for Health, Mr Howe. That involved a substantial amount of money.

It appears as a result of the deliberations of the Australian Grants Commission that that has not been fully reflected in the proposed funding formula. As a result, the Victorian government has initiated discussions with the Federal government, although there is no ironclad guarantee pending the finalisation of these arrangements, as is normal. The Commonwealth has given every indication that it proposes to adhere to the agreement and to the guarantees that it gave before the Federal election, and that Victoria will stand to benefit substantially from additional Commonwealth funding reflecting,

among other things, improvements in health management that the present Minister has brought about compared with the debacle that she inherited from her predecessors after the honourable member for Coburg conceded in 1982 that he had inherited the best health system in Australia from the predecessor Liberal government. Despite the fact that Labor had driven the system into the ground for 10 years it is well on the way to being restored. I am confident that the Commonwealth will honour the commitments it gave the Minister for Health prior to the last Federal election.

YOUTH AFFAIRS

Mr FINN (Tullamarine) - Will the Minister responsible for Youth Affairs inform the House of government initiatives in youth affairs?

The SPEAKER - Order! I caution the Minister that the question is very broad and I ask him to confine his answer to as short a time as possible.

Mr HEFFERNAN (Minister responsible for Youth Affairs) - I thank the honourable member for Tullamarine for his question and his ongoing interest. Over the past six months my department and I have had 150 meetings with different youth organisations and people involved in youth areas.

Mr Gude - How many?

Mr HEFFERNAN - We have had 150. At the Sir Dallas Brooks Hall last Friday 300 people attended a forum where I outlined the direction my department and the government are taking in their efforts to attack youth homelessness and other youth problems in society. That meeting was an enormous success. The youth groups working in the system throughout Victoria came on side in the belief that the direction the government is now taking in supplying real services to youth is the only possible direction it can take in light of the circumstances that have arisen in the past where there was a breakdown in the references to some of the initiatives which I will cover and which I announced at that forum.

The major initiative I announced was that the "Street Kids" policy would be reaffirmed. I put on record my thanks to the Minister for Community Services, the Minister for Housing in another place and the Premier for their support in attacking the problem facing our young people. Regional coordination is the main area of breakdown in youth services. There is no coordination, although people working in the sector are endeavouring to achieve the same result. The lack of liaison between these people is obvious. My first step will be to seek a more coordinated line for the provision of youth services throughout Victoria.

A central computer system costing $40 000 will be set up in conjunction with the City of Melbourne and youth workers. A group of young people, which includes John Daly, Dean Smorgon, Olivia Anderson, Michael Carp, Kate Happen and Lana Tashi, has promised to raise the $40 000 needed to pay for that computer. That gesture illustrates that the problems confronting young people are problems for everyone and not just for the government. The government is also investigating what other help it can give youth workers, particularly in the major problem area of alcohol abuse.

Smorgons has agreed to coordinate its efforts with my regional committee. Another organisation has indicated to me it will provide $5 million over five years to help the government tackle youth problems. The announcement of that trust will be made at a later date, and it is an example of a major voluntary organisation working with the government to initiate constructive programs for homeless youth. It seems the only way of effectively tackling the problem. The community now realises that the government cannot overcome every problem in society.

I thank those people who assisted in the seminar on Friday. We may now produce the results that young people of Victoria have been waiting for.

GOVERNOR'S SPEECH

Address-in-Reply

The SPEAKER - Order! I advise honourable members that the Address-in-Reply to the Governor's speech on the opening of Parliament will be presented at Government House at 10.30 a.m. on Thursday, 6 May 1993. Transport will be available at the front steps and will leave at 10.10 a.m. It would facilitate transport arrangements if members could advise the Sergeant-at-Arms of their attendance. It is requested that as many members as possible accompany me to this presentation.

PETITIONS

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

Institute of Educational Administration

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

Receive the humble petition of the undersigned citizens of Victoria which relates to the Institute of Educational Administration.

Your petitioners request that the House take action to ensure that the Institute of Educational Administration continues to provide high quality residential training programs and other activities to improve the administrative ability of persons in positions of leadership in the field of education, persons aspiring to such positions and other persons interested in educational administration, as required by the Institute of Educational Administration Act 1980.

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

By Mr Maughan (20 signatures) and Ms Kirner (21 signatures)

Laid on table.

CONSULTATIVE COUNCIL ON OBSTETRIC AND PAEDIATRIC MORTALITY AND MORBIDITY

Mrs TEHAN (Minister for Health) presented report of the Consultative Council on Obstetric and Paediatric Mortality and Morbidity for the year 1990.

Laid on table.

PAPERS

Laid on table by Clerk:

Dental Board of Victoria - Report for the year ended 30 September 1992

Greyhound Racing Control Board - Report for the year 1991-92

Harness Racing Board - Report for the year 1991-92

La Trobe Regional Hospital - Report for the year 1991-92

Monash University - Report of the Council for 1990 together with Statutes approved by the Governor in Council

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

Alberton Planning Scheme - *US*

Bairnsdale City Planning Scheme - L29

Benalla Shire Planning Scheme - LI 1

Berwick Planning Scheme - lS4 Part 1, L56

Bright Planning Scheme - L14

Brunswick Planning Scheme - L26

Camberwell Planning Scheme - L31

Essendon Planning Scheme - L42, L44

Geelong Regional Planning Scheme - L131, 133

Hastings Planning Scheme - L63, L75, Ll04, Ll 10

Heidelberg Planning Scheme - L26, L35

Melbourne Planning Scheme - L73

Moorabbin Planning Scheme - L29

South Planning Scheme - L48

West Gippsland Hospital - Report for the year 1991-92

Woorayl District Memorial Hospital - Report for the year 1991-92

Wildlife Act 1975 - Notice of closure of areas to hunting pursuant to section 86.

BUSINESS FRANCHISE (PETROLEUM PRODUCTS) (AMENDMENT) BILL

Introduction andfirst reading

Mr STOCKDALE (Treasurer), by leave, pursuant to Standing Order No. 169(b), introduced a Bill to amend the Business Franchise (Petroleum Products) Act 1979, and for other purposes.

Read first time.

BUSINESS OF THE HOUSE

Mr ROPER (Coburg) - I desire to move, by leave:

That the Standing Orders Committee have power to inquire and report on the programming of government and general business of the House to provide for more efficient and effective use of Parliamentary debating time, and that the committee report no later than the first sitting of the spring 1993 sittings period.

Mr GUDE (Minister for Industry and Employment) - Leave is refused.

Mr ROPER (Coburg) - I give notice that tomorrow I will move that motion.

PARLIAMENTARY REFORM

Mr ROPER (Coburg) - I desire to move, by leave:

That this House adopts in principle the following proposals to alter Standing Orders outlined in the Ministerial statement concerning Parliamentary reform made by the former Premier in this House on 18 March 1922 to allow for:

(a) the discretion to the Speaker to allow question time to be extended if opportunity for asking an adequate number of questions is not available;

(b) the opportunity for a grievance debate to be held on a more regular and frequent basis (every third Thursday on which the Assembly sits);

(c) reduction of time limits on speeches in debate (with discretion to the Speaker to extend the time allowed if a member's rights are unreasonably affected by interruptions);

(d) agreed times for the duration of debates;

(e) the introduction of set times for the resumption of second-reading debates; and

(f) the adoption of the Australian Senate procedure relating to the protection of persons referred to in the House -

and requires the Standing Orders Committee to prepare amendments to the relevant Standing Orders for adoption by the House based on the proposals and that the committee report not later than the first sitting of the spring 1993 sitting period.

Mr GUDE (Minister for Industry and Employment) - Leave is refused.

Mr ROPER (Coburg) - I give notice that tomorrow I will move:

That this House adopts in principle the following proposals to alter Standing Orders outlined in the Ministerial statement concerning Parliamentary reform made by the former Premier in this House on 18 March 1922 to allow for:

(a) the discretion to the Speaker to allow question time to be extended if opportunity for asking an adequate number of questions is not available;

(b) the opportunity for a grievance debate to be held on a more regular and frequent basis (every third Thursday on which the Assembly sits);

(c) reduction of time limits on speeches in debate (with discretion to the Speaker to extend the time allowed if a member's rights are unreasonably affected by interruptions);

(d) agreed times for the duration of debates;

(e) the introduction of set times for the resumption of second-reading debates; and

(f) the adoption of the Australian Senate procedure relating to the protection of persons referred to in the House -

and requires the Standing Orders Committee to prepare amendments to the relevant Standing Orders for adoption by the House based on the proposals and that the committee report not later than the first sitting of the spring 1993 sitting period.

STRATEGIC MANAGEMENT REVIEW OF PARLIAMENT

Mr ROPER (Coburg) - I desire to move, by leave:

1. That a Joint Select Committee be appointed to further inquire into and report upon the administration and funding of the Parliament and into all issues contained in, and the recommendations of, the Strategic Management Review of the Parliament of Victoria, February 1991.

2. That the committee shall consist of eight members comprising not more than four members of the Council and not more than four members of the Assembly.

3. That five members of the committee shall constitute a quorum of the committee.

4. That the committee shall elect two of its members to be joint chairmen.

5. That the committee may sit in such places in Victoria as seem most convenient for the proper and speedy dispatch of business.

6. That the committee shall not sit while either House is actually sitting except by leave of that House and may not, while either House is actually sitting, sit in any place other than a place that is within the Parliament building.

7. That the committee may send for persons, papers and records and report from time to time.

8. That the committee shall, unless it otherwise resolves, take all evidence in public.

9. That the committee shall keep a record of all evidence given before it and determinations made by it.

10. That the committee have power to authorise publication of any evidence given before it in public and any document presented to it.

11. That as soon as practicable after the completion of each day's proceedings a transcript of the evidence taken in public by the committee shall be published.

12. That the foregoing provisions of this motion so far as they are inconsistent with the Standing Orders and practices of the Houses shall have effect notwithstanding anything contained in those Standing Orders.

13. That evidence taken before the previous Parliament of Victoria Committee shall be considered by the committee as if that evidence had been given before and for the information and guidance of the committee.

Mr GUDE (Minister for Industry and Employment) - Leave is refused.

Mr ROPER (Coburg) - I give notice that tomorrow I will move:

1. That a Joint Select Committee be appointed to further inquire into and report upon the administration and funding of the Parliament and into all issues contained in, and the recommendations of, the Strategic Management Review of Parliament of Victoria, February 1991.

2. That the committee shall consist of eight members comprising not more than four members of the Council and not more than four members of the Assembly.

3. That five members of the committee shall constitute a quorum of the committee.

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11. That as soon as practicable after the completion of each day's proceedings a transcript of the evidence taken in public by the committee shall be published.

12. That the foregoing provisions of this resolution so far as they are inconsistent with the Standing Orders and practices of the Houses shall have effect notwithstanding anything contained in those Standing Orders.

13. That evidence taken before the previous Parliament of Victoria Committee shall be considered by the committee as if that evidence had been given before and for the information and guidance of the committee.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Accident Compensation (WorkCover Insurance) Bill

Audit (Tender Board) Bill

Caravan Parks and Movable Dwellings (Amendment) Bill

Crown Land Acts (Amendment) Bill

Docklands Authority (Amendment) Bill

Education Acts (Teachers) Bill

Ethnic Affairs Commission Bill

Institute of Educational Administration (Repeal) Bill

Land (Miscellaneous Matters) Bill

Local Government (General Amendment) Bill

Police Regulation (Discipline) Bill

Stamps (Amendment) Bill

Tertiary Education Bill

CROWN LAND ACTS (AMENDMENT) BILL

Second reading

Mr COLEMAN (Minister for Natural Resources) - I move:

That this Bill be now read a second time.

The Crown Land Acts (Amendment) Bill contains important provisions which amend the Land Act 1958, the Crown Land (Reserves) Act 1978, the National Parks Act 1975 and the Conservation, Forests and Lands Act 1987.

I tum now to the specific amendments proposed by the Bill.

The amendments to the Land Act 1958 are required to overcome difficulties associated with the validity of grazing licences and renewal processes for these licences.

The Land Act 1958 contains no express provision to deal with the renewal of grazing licences, which have historically been issued and subsequently renewed by forwarding an invoice for appropriate fees. Renewal has been considered to be effected once payment of the fees has been received. This practice had been adopted for many years and in some cases dates back to licences first issued more than 60 years ago.

Recent advice from the Victorian Government Solicitor suggests that the practice of renewing licences in this way is not substantiated by the Land Act 1958 and that there is doubt about the continuing validity of grazing licences. The amendments will settle the issue of validity and provide for the existing practice of renewing licences by way of invoice and receipt to legally continue.

The amendments to the Crown Land (Reserves) Act 1978 are required to overcome anomalies in relation to the leasing of Crown land reserves. The Crown Land (Reserves) Act 1978 currently prevents leasing in certain classes of reserves such as those reserved under section 4(1)(w) for public parks and gardens.

There are a number of areas of Crown land, particularly within the metropolitan area, which are permanently reserved for public parks or gardens or as areas of historic interest, which are restricted from leasing and in which existing uses or proposed uses require the issuing of a lease under the Crown Land (Reserves) Act 1978.

Two examples are a proposed restaurant, tea rooms and kiosk complex in Queens Park, Essendon, and the use of a portion of the lower reserve, Camberwell, by the Camberwell Primary School for recreation purposes. In both of these cases, the use proposed is supported by the municipal council and the general public and would not be detrimental to the amenity of the areas.

Under existing provisions only an annual licence can be issued for these areas. Unless the capacity exists to lease land for an extended term of up to 21 years in the same way as for other reserves, appropriate investment and development of facilities will not occur.

In order to enable leases to issue in these areas, the Bill includes in the Crown Land (Reserves) Act 1978 a provision to enable the Minister to approve the granting of leases and licences where he is satisfied and states in the approval that the proposed use of the reserve is appropriate, having regard to the particular circumstances of the reserve, and that the issue of the lease will not be substantially detrimental to the adjoining reserved land.

This approval process will allow committees of management, which in most cases will be the local council, to put a case to the Minister to issue a lease for a particular use and for these applications to be examined on merit after examination of the circumstances which are particular to the reserve.

This approval is made by the Minister by order published in the *Government Gazette*. The order is required to be tabled in both Houses of Parliament within five sitting days and can be disallowed by either House within 10 sitting days of the tabling of the order.

The amendments proposed to the National Parks Act 1975 are required to widen the leasing provisions of the Act in relation to commercial facilities in the Mount Buffalo National Park.

The government owns a range of commercial facilities at Mount Buffalo, including ski lifts and the Mount Buffalo Chalet. The facilities have been loss-making enterprises over many years. With the exception of the chalet, most of the facilities have recently been leased to a small private operator. The chalet continues in government ownership and is

leased by Victorian Snow Resorts Pty Ltd - and it continues to incur losses.

The provisions of the National Parks Act 1975 prevent leases of many of the commercial facilities at Mount Buffalo to the private sector for more than seven years. That is a serious impediment to successfully leasing the chalet. The Bill will enable leases to be issued in respect of facilities at Mount Buffalo for up to 21 years. That will greatly enhance the likelihood of successfully leasing the chalet to the private sector, which is best suited to managing commercial tourist facilities of that type. In addition, the 21-year period will enhance the commercial viability of other private operations such as Tatra hm.

The amendments to the Conservation, Forests and Lands Act 1987 are required to give clear legal status to the corporate body now known as the Secretary to the Department of Conservation and Natural Resources. Although changes in the names of government departments can be effectively dealt with by administrative arrangements orders, that may not extend to changes in the name of the corporate body. The amendment simply clarifies the issue.

In conclusion, all the amendments in the Bill will improve the efficiency of management of Crown land for all Victorians.

I commend the Bill to the House.

Debate adjourned on motion of Ms MARPLE (Altona).

Debate adjourned until Tuesday, 18 May.

SUBDIVISION (AMENDMENT) BILL

Second reading

Mr MACLELLAN (Minister for Planning) - I move:

That this Bill be now read a second time.

The Subdivision Act was passed by Parliament in 1988 and came into operation on 30 October 1989. The Act streamlined and simplified the complex subdivision process which had previously been governed by a number of separate pieces of legislation. The Act sets out the procedure for the subdivision and consolidation of land and for the creation, variation or removal of easements or restrictions. It also regulates the management of common property and the operation of bodies corporate.

In addition, the Act specifies the procedures for obtaining council approval, service authority approval and registration with the Office of Titles of a wide range of subdivisions. The Bill makes a number of useful technical amendments to the Subdivision Act 1988 and to related provisions in the Sale of Land Act 1962 and the Transfer of Land Act 1958.

The Bill responds to positive suggestions made to the government by the development and conveyancing industry and the Office of Titles and builds on the major regulatory review that led to the passage of the principal Act in 1988 and a package of amendments in 1991. The current Bill has been developed on the basis of further practical experience with the application of the legislation. It will result in general improvements in the administration of the legislation and does not introduce any significant new matters of policy.

Among the changes proposed in the Bill, which will enable the legislation to reflect accurately current subdivision practice, are those proposed to both the Transfer of Land Act and the Sale of Land Act, which take account of the increasing use of pre-selling provisions previously introduced into the legislation.

Changes recommended by the Office of Titles will, once enacted, clarify the meaning of certain provisions and enable that office to adopt a more business-like approach when processing documents received from banks and other similar institutions. Documents signed by agents, including delegated bank officers, can now be accepted at face value without giving rise to any compensation claims if they are subsequently found to be inaccurate.

The Bill includes an amendment to a provision which has been of significant concern to local councils. It involves the timing of the payments for public open space from developers to councils. The intention of the existing Act is to ensure that, where a cash contribution is made, it cannot be demanded by the responsible authority too far in advance of the subdivision plan being approved. Hence, the Act includes a restriction on payment to a period within seven days of the statement of compliance - that is, plan approval.

Unfortunately, the current wording of the Act has been interpreted to mean that the very requirement for open space - that is, not just payment of the cash if the cash option has been chosen - must be made within seven days of the statement of compliance. Given the statutory notification period for applications and referrals for subdivision plans, this interpretation effectively prevents the open space policy being implemented.

The Bill amends the intent and frees the payment provision so that the timing of a payment is at the discretion of the applicant if made prior to the statement of compliance. Payment can be deferred until later by agreement between the council and the applicant. The Bill will also permit councils to process plans of subdivisions, notwithstanding that separate applications have been made to amend title boundaries under the Transfer of Land Act. The recording of easement information on plans is also simplified.

Together, the amendments to the Subdivision Act now before the House will further facilitate the effective operation of the system of subdivision and consolidation of land in Victoria.

The opposition has requested a briefing by technical advisers. Those advisers will be made available at the earliest possible opportunity.

I commend the Bill to the House.

Debate adjourned on motion of Mr DOLLIS (Richmond).

Mr MACLELLAN (Minister for Planning) - I move:

That debate be adjourned for one week.

Mr DOLLIS (Richmond) - It would assist if the Minister were to adjourn the debate for two weeks instead of one week.

Mr ROPER (Coburg) - As honourable members would be aware, this is a highly complicated part of the law. At one stage I was responsible for a subdivision Bill, and I am only too aware of the complications that can arise and the large number of professional organisations and people who need to examine the Bill. Although many of them may have had some input already, my experience is that, as competent professionals, they like the opportunity to examine the Bill and to make appropriate comments. It is basically unrealistic, not only from an opposition viewpoint but also from a government viewpoint, to expect that consultation process to be concluded by next Tuesday.

In the previous Parliament, Bills of this complexity were often adjourned, in effect, for more than a month and subsequently considered further in the Legislative Council. Some Bills were held over for consideration in the following sessional period and, as a result of submissions made, significant amendments to those Bills were put forward by both the government and the opposition.

The Minister has given an undertaking that extra time will be allowed if it is required. Although that is better than nothing, I believe that in accordance with the custom of the House the debate should be adjourned until 18 May so that the Bill may be dealt with properly not only by the government and the opposition but also by professional organisations. Following an adjournment of two weeks, Parliament would have a week for the matter to be considered by both Houses. The Upper House may decide, in any case, to meet for additional days in the following week.

There is a compelling case for allowing additional time so that the Bill can be properly considered. Therefore, I move:

That the words "one week" be omitted and replaced by the words "two weeks".

The opposition appreciates the agreement of the Minister to provide technical expertise on what is highly technical legislation. However, as those who have held responsibility for this area know, not all the available expertise is to be found in the government service and other experts are often able to provide additional advice.

Although I do not suggest there is likely to be huge public input to the Bill, there needs to be an adequate opportunity for expert input to take place.

Mr MACLELLAN (Minister for Planning) - I made it clear that the government was prepared to adjourn the debate for a week with additional time being made available if required. I made it clear that the government was prepared to provide briefings. If the opposition wishes to insist on its amendment the government will not oppose it. However, that will mean that the Bill will not be passed during this sessional period. If a week with additional time is not sufficient to satisfy the shadow Minister and the former Minister - it is the intervention of the

former Minister, the honourable member for Coburg, that makes clear what the opposition's views are - and they want to stuff this up for that length of time - -

The SPEAKER - Order! The Minister used an unparliamentary expression and I ask him to withdraw.

Mr MACLELLAN - If the opposition wishes to make it difficult in that way I am happy to assist it in that wish. The government will not oppose the motion, so there is no need to discuss it further. I will simply send the *Hansard* report to the municipalities that find it difficult to cope with whether they will be able to get money instead of public open space. Let it rest on the shoulders of the former Minister, who is not willing to accept an offer of an adjournment of a week with additional time if required. Frankly, it is time the opposition began to understand its responsibilities to this Parliament.

Mr DOLLIS (Richmond) - On the amendment, Mr Speaker, I do not think it is necessary for honourable members to engage in acrimonious debate on the question of time. I asked the Minister in a gentle way for an adjournment of two weeks to give me and anyone else who may wish to examine the Bill adequate time not only to avail themselves of the generous offer made by the Minister for expert advice from officers of his department but also to consult with relevant authorities.

In addition, an adjournment of two weeks would not in any way interfere with the capacity of the House to deal with the Bill and thereby provide an opportunity for the Upper House to deal with the Bill.

Mr McNamara interjected.

Mr DOLLIS - The Deputy Premier would not have a clue what is in the Bill. The Minister was genuine in making a fairly generous offer of advice on the legislation and the opposition has no problem with that. It was for that reason that the opposition intended to deal with the question of time in a way that would not produce unnecessary antagonism in the House.

The Deputy Premier has now begun, in a frivolous way, and by interjection, to deal with the question of a complex Bill, yet he would not have a clue what it contains and will still not have a clue what it contains after it has become law.

The opposition does not wish to delay this important piece of legislation, and accepts the Minister's offer of advice. It considers two weeks to be adequate for the House to deal with the matter and that its request for an adjournment of two weeks is reasonable.

Mr BAKER (Sunshine) - In speaking on the amendment I will put aside the extraordinary display of petulance by the Minister at the table - -

Mr Maclellan interjected.

Mr BAKER - You can squawk all you like! The opposition assumes that the Minister for Planning is in charge of this matter; he is sitting in the correct place at the table of the House for a Minister who has carriage of a Bill that is before the House. Unfortunately, honourable members on this side of the table heard the Leader of the House give the Minister his marching instructions. The Leader of the House clearly said, "No more time".

The Minister at the table was graciously prepared to give the opposition the extra time it requested, but the Leader of the House is in a bit of a gruff mood today - perhaps it is the result of a rough weekend away - and said quite specifically to the junior Minister, "No more time".

This is a sensitive and complex matter that requires at least two weeks to be put to the community - -

Mr Maclellan interjected.

Mr BAKER - We will take six months - we won't be bullied!

Honourable members interjecting.

The SPEAKER - Order! The level of interjection on my right is far too high. The honourable member for Sunshine will be heard in silence.

Mr BAKER - The opposition will not be bullied by threats and attempts to intimidate it. In accordance with the conventions of this House the opposition is entitled to have the debate adjourned for two weeks in the same way that the former government regularly, and as a matter of course, allowed the debate on the second reading of Bills to be adjourned for two weeks. A period of two weeks is particularly necessary in the case of extremely sensitive, technical and complex matters concerning subdivisions.

I am not a lawyer. Like you, Mr Speaker, I come from one of the disciplines that experiences more rigorous training, and because of the mysticism generated by the language in which this legislation is couched - it raises the mysticism of legalism to an art form - members of the opposition and other groups in the community that are interested in the legislation need two weeks for the legislation to be interpreted and translated into a logical form so that it can be understood.

Although it is not in my area of policy interest, the groups that come to mind at first glance in seeking a variety of opinions across the broad spectrum are the Municipal Association of Victoria, which I am sure would be most interested in analysing and dissecting the Bill at some length, municipal councils, provincial city councils, city councils and inner city councils. They would all bring varying views to this complex, wide-reaching and all-encompassing legislation.

Similarly, I should have thought that the coalition parties would be most interested in the view of the Real Estate Institute of Victoria, which I always understood to be one of their natural constituents. Surely the Minister for Planning, who is at the table, if he has been a good Minister and has been on top of his portfolio, would have been able to manage his business in the House and in government rooms. Perhaps he needs to form a closer association with those involved so that the Bill, if it is as critical as he has made it out to be in his petulant, foot-stomping way, would have been moved up the list and we would not have had this difficulty.

The opposition should properly represent the community on such a complex matter. If the matter is so complex, how can the Minister expect the opposition to run the legislation through the House because he is not up to managing the affairs of his own Ministry and the legislative program?

I urge all members of the House to grant the modest adjournment of two weeks. The Minister in his opening remarks indicated that he was prepared to give extra time. To me that sounds like two weeks. If he is prepared to offer this time, why did he not say so?

The SPEAKER - Order! The Minister has moved that debate on the Bill be adjourned for one week. The honourable member for Coburg has moved an amendment:

That the words "one week" be omitted and replaced by the words "two weeks".

Amendment agreed to.

Amended motion agreed to and debate adjourned until Tuesday, 11 May.

BOARD OF STUDIES BILL

Mr GUDE (Minister for Industry and Employment) - I declare that this Bill is an urgent Bill, and I move:

That this Bill be considered an urgent Bill.

Required number of members rose indicating approval of motion being put.

House divided on motion:

Ayes, 58

Ashley, Mr	Maclellan, Mr
Bildstien, Mr	Maughan, Mr
Clark, Mr	Napthine, Dr
Coleman,Mr	Paterson, Mr
Cooper, Mr	Perrin, Mr
Davis, Mr	Perton, Mr
Dean, Mr	Pescott, Mr
Doyle,Mr	Peulich, Mrs
Elder, Mr	Phillips, Mr
Elliott, Mrs	Plowman, Mr A.F.
Finn, Mr (Teller)	Plowman, MrS.J.
Gude,Mr	Reynolds, Mr
Hayward, Mr	Richardson, Mr
Heffernan, Mr	Rowe, Mr *(Teller)*
Henderson, Mrs	Ryan, Mr
Honeywood, Mr	Smith, Mr E.R.
Hyams,Mr	Smith, Mr 1.W.
Jasper, Mr	Spry, Mr
Jenkins, Mr	Steggall, Mr
John, Mr	Stockdale, Mr
Kennett, Mr	Tanner, Mr
Kilgour,Mr	Tehan, Mrs
Leigh, Mr	Thompson, Mr
Lupton, Mr	Traynor, Mr
McArthur, Mr	Treasure, Mr
McGill,Mrs	Tumer,Mr
McGrath, Mr J.F.	Wade,Mrs
McGrath, Mr W.D.	Weideman, Mr
McLellan,Mr	Wells, Mr

Noes, 24

Andrianopoulos, Mr	Leighton, Mr
Baker, Mr	Loney, Mr
Batchelor, Mr	Marple, Ms *(Teller)*

Coghill, Dr	Micallef, Mr
Cole,Mr	Mildenhall, Mr
Cunningham, Mr	Pandazopoulos, Mr
Dollis,Mr	Roper, Mr
Garbutt, Mrs	Sandon, Mr
Haenneyer, Mr	Sercombe, Mr
Hamilton, Mr	Sheehan, Mr
Kennan, Mr	Thomson,Mr
Kimer,Ms	Vaughan, Dr *(Teller)*

Motion agreed to.

Mr GUDE (Minister for Industry and Employment) - I move:

That the time allotted in connection with the Bill be as follows-

(a) for the second-reading stage of the Bill until 4.45 p.m. this day; and

(b) for the remaining stages of the Bill until 9.45 p.m. this day.

Honourable members interjecting.

Dr COGHILL (Werribee) - On a point of order, Mr Deputy Speaker, it was impossible for many honourable members to hear the motion. I am certainly unaware of the full text of the motion, and I am sure many other honourable members are in the same situation.

The DEPUTY SPEAKER (Mr J. F. McGrath) - Order! I ask the Leader of the House to repeat his motion.

Mr GUDE (Minister for Industry and Employment) - The motion is that the second-reading stage conclude at 4.45 p.m. today and the remaining stages conclude at 9.45 p.m. today.

Mr SANDON (Carrum) - I am extremely disappointed at the amount of time made available for the second-reading debate. It is ludicrous to give the opposition only 1 hour to debate this piece of legislation. During negotiations with the Minister for Education the opposition tried to enhance the Bill, which is fundamentally flawed in that there are many conflicts between what is said in the second-reading speech and what is in the Bill.

I am astounded that the government is operating in such a crass way. Education should be debated in a non-adversarial way. The present situation puts the matter straight back to "them and us - the government versus the opposition. The children of Victoria deserve more than a government that uses its numbers in this narrow and crass way to limit debate on the fundamental philosophy of the Bill to 1 hour - 1 hour!

Honourable members interjecting.

The DEPUTY SPEAKER - Order! The House will come to order. I remind the honourable member for Carrum that he has been in this place long enough to know that he should address his comments through the Chair. Yelling across the Chamber only invites interjections. I ask the honourable member to come back to the debate, and I remind other honourable members that they are responsible for their conduct within the Chamber.

Mr SANDON - The government had the opportunity to debate the legislation last week. That was discussed with the Acting Leader of the House at that time but the government chose not to go ahead with the debate.

The Bill is a significant piece of legislation that will establish the way the curriculum of Victorian students will be developed, formulated and introduced. It is totally inappropriate for the government to say that the opposition has 1 hour to debate legislation that is central to education. The government obviously has something to hide!

Last Thursday I spoke with the Minister's political adviser and the director of his department about the serious problems with the Bill. In good faith I gave them my amendments so that they could see the problems the opposition had disclosed. I was waiting to negotiate with them!

The opposition supports the Bill in principle, but there are problems with it. Because of its commitment to education the opposition was prepared to work with the government to improve the legislation. Catholic, independent and other school organisations have responded to the opposition's requests for their views.

There are enormous difficulties with the Bill, and I shall use the time I have to debate it in a constructive way. Once again I had to go to the Deputy Ombudsman before I could get a briefing from the Minister on the Bill. That reflects badly on the Minister and the government, as does the adversarial way in which the House is now debating the Bill. It should be objectively debating how to improve the legislation in the interests of Victorian

students. Sadly, the government has turned its back on them.

House divided on motion:

Ayes, 59

Ashley, Mr *(Teller)*	McNamara, Mr
Bildstien, Mr	Maughan, Mr
Clark, Mr	Napthine, Dr
Coleman, Mr	Paterson, Mr
Cooper, Mr	Perrin, Mr
Davis, Mr	Perton, Mr
Dean, Mr	Pescott, Mr
Doyle,Mr	Peulich, Mrs
Elder, Mr	Phillips, Mr
Elliott, Mrs *(Teller)*	Plowman, Mr A.F.
Finn, Mr	Plowman, Mr S.J.
Gude, Mr	Reynolds, Mr
Hayward, Mr	Richardson, Mr
Heffernan, Mr	Rowe,Mr
Henderson, Mrs	Ryan, Mr
Honeywood, Mr	Smith, Mr E.R.
Hyams,Mr	Smith, Mr I.W.
Jasper, Mr	Spry, Mr
Jenkins, Mr	Steggall,Mr
John, Mr	Stockdale, Mr
Kennett, Mr	Tanner, Mr
Kilgour, Mr	Tehan, Mrs
Leigh, Mr	Thompson, Mr
Lupton, Mr	Traynor, Mr
McArthur, Mr	Treasure, Mr
McGill, Mrs	Tumer,Mr
McGrath, Mr J.F.	Wade,Mrs
McGrath, Mr W.D.	Weideman, Mr
Mclellan, Mr	Wells, Mr
Maclellan, Mr	

Noes, 23

Andrianopoulos, Mr	Loney, Mr
Batchelor, Mr	Marple,Ms
Coghill, Dr	Micallef,Mr
Cole,Mr	Mildenhall, Mr
Cunningham, Mr *(Teller)*	Pandazopoulos, Mr
Dollis,Mr	Roper, Mr
Garbutt, Mrs	Sandon, Mr
Haenneyer, Mr *(Teller)*	Sercombe, Mr
Hamilton,Mr	Sheehan,Mr
Kennan, Mr	Thomson,Mr
Kimer,Ms	Vaughan, Dr
Leighton, Mr	

Motion agreed to.

Second reading

Debate resumed from 1 April; motion of Mr HAYWARD (Minister for Education).

Mr SANDON (Carrum) - It is a disgrace in every sense for the government to impose a guillotine on the Board of Studies Bill and to suggest that its many aspects can be discussed rationally in the remaining 46 minutes allocated for the second-reading debate. It is a sad reflection on Parliament, on the Minister for Education and on the people responsible for that decision. That reflects badly on the government, especially when one considers the way in which the opposition has worked with it in an endeavour to enhance the Bill.

In February I wrote to the Director of School Education to ask for a briefing on the legislation. When I did not receive a response I went to the Ombudsman. After the Ombudsman intervened we had a meeting at which I was forthright about the amendments I regarded as necessary to improve the legislation. Although the Minister's adviser and the director promised to get back to me - we were to have further discussions about how the legislation could be improved - they failed to do so.

When I was Minister for Police and Emergency Services I did not refuse the opposition access to the police, public servants or prison officers, because I had nothing to hide. Under the Westminster system it is the right of the opposition to receive proper briefings. When one considers how this legislation has been dealt with one must ask: what is the government frightened of? Why is it frightened to discuss the Bill? Why does the government not want to have an objective discussion about the Bill? Perhaps the opposition might find something!

Because I do not have a background in education I have taken a different attitude to discussion on the Bill. I have tried to understand the government's logic. I have listened to teachers and parents and I have seen what is has happening in the schools I have visited. I have endeavoured to apply that experience to the legislation in a practical way - but I will be denied that opportunity today.

The Bill establishes the Board of Studies and repeals the Victorian Curriculum and Assessment Board (VCAB). The Board of Studies will develop guidelines and procedures for each of the 13 years children attend school. The Bill gives added

prominence to the primary curriculum. I agree with that, because I believe a more integrated approach to curriculum development is a step forward. However the opposition disagrees with many of the clauses which give unprecedented power to the Minister and which will ensure that he has a greater involvement than before. The Minister will have a greater involvement in the activities of the board and the subcommittees and in decisions concerning who will chair them. The Bill should be amended because it smacks of political interference.

The opposition supports the emphasis on literacy and numeracy but disagrees with the strategies employed to achieve those goals and the level of resources to be made available to the board. The opposition supports the expansion of accreditation to all areas of schooling. As honourable members will be aware that was the direction in which the former Labor government was heading.

The most pleasing aspect of the Bill is that it covers all school students and creates a cohesive and integrated system of school studies. However the Bill turns its back on the education partnership that was the hallmark of education Ministers of all persuasions over two decades, from the Liberal years of Alan Hunt and Lindsay Thompson to the Labor years of Robert Fordham, Joan Kirner, Caroline Hogg, Barry Pullen and Neil Pope. They were all committed to legislation that involved parents, teachers, principals and non-teaching staff working in partnership to various degrees and in various ways. Sadly the legislation undermines that approach.

During the 10 years of Labor government there was a period of unprecedented cooperation among the various education partners, the aim of which was to improve schooling in Victoria. Teachers, students, principals, parents, public servants and government members worked together to promote major reforms in the public education system. When one compares that situation with what has occurred since October, one finds no partnerships, no cooperation, and no consultation; only division and destruction, which has occurred every day. Class sizes have increased and curriculum studies have been reduced. There are fewer teachers and few, if any, physical education programs. Library facilities and music and art classes have all become optional extras - if parents can afford them. A disastrous situation has occurred with emergency teachers.

The government has a so-called mandate to expand the rural school facilities yet it has charged parents $25 for the mobile area resource centre (MARC) program. But kids are cleaning schools, parents are maintaining schools and bus services are being reviewed, which will mean more services will be closed down - and additional costs for parents.

Teachers and parents have worked hard to build a quality education system. That is why VCAB consisted of representatives from the tertiary sector, school councils, parent organisations, teacher unions, independent schools and Catholic schools as well as the three political parties. The Bill cuts the representation of those groups on the Board of Studies from 22 to 11. Who will bear the cost? Will it be parents and the teachers or will it be the students?

The Bill stands condemned because of its failure to identify the interests that will be represented on the board. The Minister or any subsequent Minister - we should not lose sight of the fact that the Bill will give the Minister of the day enormous powers - will have intrusive powers, and board members and subcommittees will represent the Minister, not education. They will certainly not represent the kids!

Victoria needs a Board of Studies that is not political and that represents the community. If there is to be a successful implementation of its policies the government must ensure that those who will be affected are consulted and their views represented - but the legislation does not provide that. It is poor management to have a board that has little to do with the implementation of its decisions and to deny those who must implement them the ownership of the decisions.

The Minister for Education or his successor will be able to exert enormous control over the board, which should be independent. The Minister of the day should not have the sort of power provided by the Bill. Politicians and politics should be kept out of the debate on school curriculum.

The opposition would understand if the Minister were to say, '1 need that direct control because of my commitment to the national curriculum guidelines". In that case the opposition would accommodate the government through amending legislation so that the Minister's powers specifically allowed the board to carry out its responsibilities and duties independently.

The fact that the Bill is virtually silent, all-encompassing and all-embracing about independence means that the Minister has carte

blanche over the board. Later I shall move appropriate amendments.

The Governor in Council will approve membership of the board upon the recommendations of the Minister. The Bill does not oblige members to attend meetings. At any time the Governor in Council may remove a member from office. The legislation provides no legal obligation to consult with or to appoint teachers or parents to the board. The absence from the legislation of such provisions means the Minister is free to remove anyone whom he does not wish to have on the board, for whatever reason. The Minister will not be accountable in any way.

The independence of the board is called into question because of the provisions in the Bill. In its comment on the proposed legislation, the Catholic Education Office (CEO) states:

> In relation to comments re representation on board we would obviously expect to be represented. The concern is that no representation is specified in the Bill.
>
> ... concern that the Act politicises education significantly. A sudden change of government would bring another violent change of direction.

The CEO is most concerned about a future Minister making "violent change" to them when the board should be free of Ministerial control and direction. The board must ensure that curriculum is its primary focus and that, when raised at whatever level, issues should be beyond the direct control of the Minister of the day.

The centralised control inherent in the Bill has been commented on by members of the press and the subject has been discussed in newspaper and radio interviews. I had intended to quote from those interviews but, because of time restraints, I shall not do so.

The Association of Independent Schools of Victoria (AISV) has complained that the Minister will have increased control. The association's correspondence is another example of a sector of the education constituency expressing its concern about the autonomy of the board and about the level of political intervention allowed under the Bill.

On the autonomy of the board, the association says:

> Under the proposed staffing arrangements where the chief executive officer is responsible to the Director of School Education for personnel, budgetary and administrative matters the autonomy of the board is brought into question.

I do not have regular contact with that area of the education constituency but I have consulted them, as all constituent units within the education forum should have been consulted about the legislation. That letter is yet another example of the concern of an arm 0f the education constituency about the powers and the lack of autonomy of the board.

In its haste to produce the legislation, and without consulting with the education community, the Minister has introduced a flawed Bill. He says the P,)ard of Studies will apply to all students and not only students in government schools, yet in his second-reading speech he states:

> The decisions of the board are not binding upon the non-government school sector.

The CEO has doubts about those relevant legislative provisions, and presumes the Bill will apply to Catholic education. It has detected a conflict between the second-reading speech and the provisions of the Bill.

The AISV has clearly stated that it does not wish curriculum from preparatory to year 10 levels, nor at years 11 and 12, to be controlled by the board - rather, that the courses should be accredited.

The organisations representing independent schools and Catholic schools talk about control. Both organisations understand what is implicit in the Bill and are concerned about central control.

Later I shall move an amendment to ensure that the legislation applies only to the government sector of education. If the issue of coverage is not clarified, according to representatives of the non-government education sector, problems will exist in the interpretation of clauses 9, 10, 14 and 15. Based on what constituent units within the education field have said, discussions were held between the Minister's adviser, his director, and me so that I could demonstrate the conflict that is of concern. The Minister's second-reading speech should reflect the purposes of the Bill, but it does not.

The Bill lacks any statement of principles. One would have expected the primary principle to have been espoused in the objectives of the Bill, namely, a commitment to the State education system. Instead, the objectives are largely confined to more technical

issues. The words "State education system" are not mentioned.

Ms Kirner - T h e y are trying to get rid of it.

Mr SANDON - When one considers what system the Bill replaces, it is imperative that the principles underlying the State education system should be spelled out. They should include the fact that education must be accessible and of high quality, that the system should enhance the opportunity of all students to succeed in education, and that the system needs to recognise that not all students are the same - some have special needs that must be met. The board must have a specific role to ensure that the needs of kids with abilities and disabilities are met, and that the needs of the disadvantaged by reason of location, ethnicity, gender, disabilities or social conditions are met.

The CEO is very concerned about the Minister's approach. It is concerned, for example, about the move to make information collected by the board about the results of schooling available to the general public. They worry about such procedures and say there is a free market approach with little regard to factors such as isolation and race. That is not taken into account in the Bill. I foreshadow amendments to incorporate in the Bill objectives to provide for a commitment to a State education system.

I tum to the functions of the Board of Studies. The Bill advocates standardised testing for all students and the publication of results. The government is obsessed with testing and has an ideological commitment to it. It sees the administration of testing as an end in itself. That ideology commits the government to the expenditure of enormous amounts of money to ensure that every child is tested and ranked, yet the legislation does nothing to require the board to do anything with those test results. Why would one commit a board to carry out tests across the system and at the same time not direct it to do something with the results? The opposition tried to assist. Although the opposition disagrees with the government on the ideological commitment and obsession with testing, the government should at least demonstrate that the board has to be accountable. Statewide testing and the publication of results is expensive; it requires long-term data on each student and a database being established. Comparisons would have to be made and a database would have to be kept to allow standard movements between schools.

Who would mark the tests? It would require a large team of independent teachers or markers. The validity of the tests is reduced if they become shorter or multiple choice. How many subject areas would be tested - would it be only English or maths? There is the possibility that the teaching curricula of schools would become unduly narrow if the test results were published.

Questions are raised by the commitment to testing, yet there are no answers in the second-reading speech or the Bill. They raise issues about what is a good school. Does a good school try to work with all the students to maximise each student's potential? The answer to that problem under the common testing program would be to unload difficult students before they adversely affect the school scores. That would inevitably lead to social division and ghetto schools, and schools prepared to take on such students would risk being labelled as inferior. To enable schools to keep their numbers they would have to take on such students. Their political scores and public image would decline in the resultant snowball effect.

The accreditation of all courses from prep to year 12 is a huge task. The Bill defines the course as meaning educational subjects, and it includes study design, program structures and support material. The Victorian Curriculum and Assessment Board was given years 11 and 12 and had more than 100 public servant teachers seconded to it. How many teachers and public servants would be required to become involved in testing at all levels? Where is the commitment from the Minister that the board will fund programs designed to ensure that all children reach their potential? That is the core, yet all the Minister wants to focus on is testing.

The opposition foreshadows amendments that will require the board to act on the information by devolving and funding educational programs designed to address the educational needs of students identified as not meeting satisfactory standards.

I am committed to improving the standard of literacy and numeracy, but all the testing in the world will not do that; all it will do is provide resources in schools to run programs such as reading recovery. They are the programs that have been axed since the October 1992 election. The programs are under threat again.

In my younger days I was influenced by A. S. Neil. One should be talking not about academic

excellence, pursuing degrees and diplomas, but about an education that will produce well-rounded individuals with the capacity to leave school and be able to cope with life and the inevitable changes that life brings.

All of us are aware of the scope that exists in our community for change. What is of concern to me is that the Board of Studies will concentrate on testing academic excellence. I remember the words of A. S. Neil when he said, '1 would rather have a well-adjusted garbage collector than a neurotic doctor". Our education system should not be designed solely for those people who will become professionals and will move on to post-secondary institutions. We should be considering an education system that allows young people to question, to inquire and to examine areas in an objective way to enable them to cope with the enormous difficulties that adulthood brings. I hope there is a broader framework and understanding of these issues, but the Bill and the second-reading speech do not give any hope; they have a narrow telescopic focus on testing in the pursuit of academic excellence. Not all students can get there. We are all affected by the parameters of our experiences.

When I examine the Bill I cannot help but reflect on the position of my own son, who is doing his VCE. I looked at his legal and Australian studies, and it is a pleasure to see the way that curriculum has been broadened. He is examining how laws are made, how legislation is introduced into Parliament and the nature of our laws. That is proper because it reflects not only the technical processes but also the implications of, say, the Employee Relations Act, what a contract is, what an award is and what those terms may mean to young people joining the work force.

The curriculum is formulated to equip young people with the knowledge of what may happen to them when they go into the workplace. It is not only a narrow focus on passing an examination at year 12. The legislation is turning back the clock to an examination at year 12 to prepare students solely for university, not for a broader understanding of what is happening in life; not for a broader approach in their education to meet the social and cultural contributions they will have to make in our society. I regret that narrow focus. We have a responsibility to all young people, not just those who go on to tertiary study.

The Bill is also flawed because it does not require the board to consult with those who will implement the decisions or with those whose children are clients of the system. Parents, teachers, administrators and principals are locked out. The opposition will move an amendment to require the board to consult with those groups, which will be in the interests of better decision making.

Clause 9 provides for the board to operate within a charter. This clause should be deleted because it is too vague. A charter should be a mission statement that outlines the underlying educational philosophy of the government. It should outline what the approach of the Board of Studies and the government will be to education. Nothing in the Bill indicates that.

I have been told that the Minister is devising a charter for the future. What has he been doing for the past couple of years? The Minister should explain what his curriculum charter is and include it in this Bill. Either it is not ready to be released, or it is being kept hidden. If the Minister intends to introduce a charter, its details should be debated in Parliament.

Dr Vaughan - If it is not sinister, it should be in the Bill.

Mr SANDON - That is absolutely spot-on. Everyone should know and understand what the Minister's philosophy is. If there is nothing to fear, why is he hiding it?

The Bill also provides that the board must comply with the Minister's written advice and the charter, and that the Minister can change the charter without reference to the board. The opposition opposes these provisions.

The Bill will provide for the establishment of a body which will implement set functions rather than provide educational leadership or expert advice to the Minister. The Catholic Education Office has said that the board will have little independence.

The Bill will also introduce a new certificate for year 10. This move smacks of political interference and shows that the Bill is prescriptive in the extreme. The Minister has pointed out that those whom he places on the board will be there because of their expertise, yet they are being told that they will be required to award a year 10 certificate before they have been allowed to consider the issue. The Board of Studies is the centrepiece of the Minister's educational leadership, yet it will be told what to do. The removal of the requirement that the board shall

award a year 10 certificate will require legislative change; yet, at the same time, the Minister has the power to direct the board on any matter and can act without listening to the advice of his experts.

The Minister should have consulted all the players in the education system. The concept of a new year 10 certificate has been universally condemned. The government and non-government sectors regard it as wmecessary. I shall propose an amendment to delete this function for two reasons: firstly, it signifies political interference, because the Minister is telling his own expert committee what to do; and secondly, it is unnecessary, given the broad powers the Minister has given himself to direct the board on any matter.

The membership of the board is not stated in the Bill. Neither the Bill nor the second-reading speech sheds any light on who will be on the board. However, the press has reported that it will include business, university, independent, Catholic and government school representatives.

The Minister has pointed out that expertise, not representation, will be the criteria for membership. Why should they be mutually exclusive? The membership of the Victorian Curriculum and Assessment Board was based on partnership and representation of those involved in developing a quality public education system. That is why it was comprised of representatives of tertiary institutions, school councils, parents, teachers, unions, government, independent and Catholic schools and the three political parties.

Parents, teachers and principals are key components of the State education system, yet the Minister has failed in this Bill or in any public comment to assure them that their interests will be represented on the board. In private enterprise jargon, parents are the clients, and the successful business must deliver what the client wants. In order to do this, the business must know what the client wants. Representation of parents' interests on the board is essential.

The Minister has referred to the professionalism of teachers. He wrote to individual teachers at the end of the school closures and staff cuts to thank them for their professionalism, yet he does not trust them to elect someone to represent them. The same applies to principals. They are the educational leaders who know which of their number have the best curriculum expertise.

It is essential that the board include a principal, a teacher with primary school expertise, a teacher with secondary school expertise, a parent and a school counsellor. By failing to grant this, while giving himself unprecedented power, the Minister is provoking a great deal of wmecessary antagonism among parents, teachers, principals and school councils.

Therefore, I shall propose a number of amendments. One amendment will seek to increase the number of board members from 5 to 16. This is justified on the basis of the workload of the board and will allow those groups to be represented on the board without changing the balance that the Minister wants for the board. At the same time, it would give those who do the work and the clients of the system a role in this important decision-making process.

My second proposed amendment will specify who shall be represented on the Board of Studies. It will remove the secrecy provisions. It will not specify the actual members but will identify certain groups such as parents, principals, teachers and representatives of school councils. I propose to include both government and non-government sectors as well as representatives of post-secondary institutions. I have not included representatives of business, but it appears from press reports that the Minister wants representatives of the business community to be included on the board and I am happy to do that if he supports my proposed amendment.

My proposal is reasonable. It does not refer to the organisations that the Minister, unfortunately, has difficulty in dealing with, but it does ensure that the interests of school committees will be considered. If the aim of the legislation is to ensure access to education of the highest quality, board members should have expertise and experience, together with a legitimate interest in the education system.

My third proposed amendment will require the Minister to consult with the appropriate school community organisations before nominating members to the board.

My fourth proposed amendment will ensure balance in terms of practitioners and gender. It is important in developing policy for the people implementing the policy to be involved. That is the only way the community can be assured that the right decisions will be made. It is sad that the interests of women have not always been given the priority they deserve, and gender balance can address this problem. There is no shortage of women in the

education system, so it should not be difficult to find competent people. Unfortunately, many capable women teachers, especially at the senior levels, have left the Teaching Service through staff departures.

The Minister must act decisively to ensure adequate representation on the board. As a consequence of those comments I move:

> That all the words after "That" be omitted with the view of inserting in place thereof the words "this Bill be withdrawn and redrafted to ensure that - (a) its membership reflects partnership in education of principals, parents and teachers and expertise in and commitment to the State education system; (b) the board acts as an expert committee independent of the Minister and accountable to the public of Victoria through Parliament; and (c) adequate staffing and resources are provided to the board to allow consideration of all courses from preparatory to year 12 in spite of the current economic climate.".

I shall move further amendments during the Committee stage that will provide the grounds for removal from office; restrict the political involvement of the Minister in the internal workings of the board; secure the smooth running of the board; ensure that schools are represented on subcommittees; ensure the independence and autonomy of the board by making the chief executive officer responsible to the chairman; and ensure that the board is accountable to the people of Victoria and not to the Minister.

I now refer to the Victorian certificate of education (VCE) and the verification process. In the time allotted I am unable to cover these issues in depth, which is a disgrace, because the House should have a rational, objective discussion about the VCE, its future direction and the verification process. They are essential components of the system and it is hoped that education will not suffer the jackboot approach that has gone on today.

The SPEAKER - Order! The time allotted for the second-reading debate has now expired. The Minister for Education has moved that the Bill be now read a second time, to which the honourable member for Carrum has moved a reasoned amendment that certain words be omitted with the intention of substituting new words. Those who support the reasoned amendment should vote no.

House divided on omission (Members in favour vote No):

Ayes, 56

Ashley,Mr	McNamara, Mr
Bildstien, Mr	Maughan, Mr
Clark, Mr	Napthine, Dr
Coleman, Mr	Paterson, Mr
Cooper,Mr	Perrin, Mr
Davis,Mr	Perton, Mr
Dean,Mr	Pescott, Mr
Doyle,Mr	Peulich, Mrs
Elder,Mr	Phillips, Mr
Elliott, Mrs	Plowman, Mr A.F.
Finn, Mr	Plowman, Mr S.J.
Gude,Mr	Reynolds, Mr
Hayward, Mr	Richardson, Mr
Heffernan, Mr	Rowe, Mr
Henderson, Mrs	Ryan, Mr
Honeywood, Mr	Smith, Mr E.R.
Hyams,Mr	Spry, Mr
Jasper, Mr	Steggall, Mr
Jenkins, Mr	Stockdale, Mr
John, Mr	Tanner, Mr
Kennett,Mr	Tehan, Mrs
Kilgour, Mr	Thompson, Mr
Leigh, Mr	Traynor, Mr
McArthur, Mr	Treasure, Mr *(Teller)*
McGrath, Mr J.F.	Tumer,Mr
McGrath, Mr W.D.	Wade,Mrs
Mclellan, Mr *(Teller)*	Weideman, Mr
Maclellan, Mr	Wells,Mr

Noes, 25

Andrianopoulos, Mr	Loney, Mr *(Teller)*
Baker, Mr	Marple, Ms
Batchelor, Mr	Micallef, Mr
Coghill, Dr	Mildenhall, Mr *(Teller)*
Cole, Mr	Pandazopoulos, Mr
Cunningham, Mr	Roper, Mr
Dollis,Mr	Sandon, Mr
Garbutt, Mrs	Seitz, Mr
Haenneyer, Mr	Sercombe, Mr
Hamilton,Mr	Sheehan, Mr
Kennan, Mr	Thomson, Mr
Kimer,Ms	Vaughan, Dr
Leighton, Mr	

Amendment negatived.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr HAYWARD (Minister for Education) - I thank the House for its support of the second reading of the Bill. In dealing with the purposes of the Bill the honourable member for Carrum stated that he considered there were inconsistencies between the second-reading notes and the Bill, especially as they concerned non-government schools.

The Bill is not intended to cover non-government schools in the sense that the government does not seek to give the Board of Studies the power to determine what is taught in those schools. That can be contrasted with the powers given to the Director of School Education to determine what is taught in government schools through directions or instructions to those schools and their teachers. In saying that I make the point that government schools have always had a large degree of autonomy in setting their curriculum, and the government wishes that to continue. The Board of Studies will set guidelines and directions, but it will enable schools to use their own creativity in meeting the varying needs of students.

The statement that the Bill applies to all students refers to matters such as certificates. The board must provide certificates to all students from all schools, government and non-government alike, who the board decides have satisfactorily completed either year 10 or the requirements for the Victorian certificate of education. Again that does not mean that the Board of Studies can tell non-government schools what they should teach, nor is there any requirement that non-government schools should teach a specific course of study.

One of the purposes of the Bill is to repeal the Victorian Curriculum and Assessment Board Act 1986. I take this opportunity of thanking the members and staff of VCAB for their dedicated efforts. I thank the staff of the board for their cooperation in the preparation of the Bill. I also thank the chairperson of the board, Mr Howard Kelly, for the leadership he has given to the board in difficult times.

The honourable member for Carrum raised the question of briefings and the purposes of the Bill. I make it clear that I am more than anxious for the honourable member for Carrum to receive briefings when he requests them, as has been done in respect of two further pieces of legislation.

On this occasion the honourable member asked the Director of School Education for a briefing on this Bill. The director followed a practice which was put in place under the previous government that all requests for briefings should be made to the Minister's office. I do not understand why the honourable member did not ask me for a briefing. Immediately I was advised that he had asked for a briefing, I directed that he be given one.

Ms KIRNER (Williamstown) - The purpose of the Bill is stated to be the establishment of the Board of Studies and the repeal of the Victorian Curriculum and Assessment Board Act. However, the underlying purpose of the Bill is to re-centralise education in Victoria.

Approximately every 10 years in Victoria since the 1950s a major debate takes place about curriculum, and usually major changes associated with a new curriculum board or institute occur. In every decade since the 1960s a full debate has taken place about the direction in which curriculum was heading and all participants in education had a real chance of debating that direction in legislation such as the Bill before the House. That happened in the 1960s, when one of the most visionary educators the State has ever seen, Mr Ron Reed, the then director of secondary education, developed what many thought were brilliant reforms in secondary education.

Mr Reed established a Curriculum Advisory Board that was broadly representative and had two purposes. The first purpose was in the first four years of secondary education to provide general education rather than a pale reflection of years 11 and 12 or a limited extension of the primary years. The second purpose was to break the stranglehold the universities had on secondary education in Victoria.

Under the then Minister for Education, the Honourable Lindsay Thompson, by and large the first but not the second of those important objectives was achieved. The second objective was not achieved until the 1970s and a further debate developed in the intervening period. In 1976 the Victorian Institute of Secondary Education was established.

Although not everyone agreed with the establishment of the institute, unlike the situation in respect of today's debate on the Board of Studies Bill, everyone had a real opportunity to contribute to the debate and a guaranteed opportunity as parents, teachers and members of universities, government and non-government schools and research institutions to be members of the institute.

Does it not strike honourable members as a little strange that in the 1990s we are not as progressive in curriculum with the Bill before the House and the provisions of the membership, purposes and functions of the Board of Studies as the Liberal Minister Lindsay Thompson was in the 1970s when he introduced the Victorian Institute of Secondary Education Bill? I suppose "strange" is a polite word for it - I find it extremely disappointing. This Bill is one of the most disappointing steps backward I have experienced in my 25 years as an activist in education.

Following the passage through this House of the Victorian Institute of Secondary Education Bill, the people appointed to the institute proceeded appropriately to broaden the curriculum, particularly for year 12. A far better dialogue on what secondary education, and particularly year 12 education should be about was developed and the stranglehold of the universities was ameliorated but not broken as a result of that Bill.

By the 1980s economic demands had altered to such an extent that it was time to rethink the purposes of secondary education, particularly post-compulsory education. A former Minister for Education, the Honourable Robert Fordham, set up the Blackbum committee, headed by my good friend and colleague, Dr Jean Blackbum. It is universally agreed that Dr Blackbum is one of the world's great educators. The Blackbum committee produced one of the most far-reaching reports ever published in Australia or overseas on post-compulsory education.

For the first time in Australia - there had been reports of the Organisation for Economic Cooperation and Development on the matter - that report linked education, employment, curriculum and assessment. The report said that any certificate issued at the end of post-compulsory education ought to do two things. The first was to provide an opportunity for students to undertake further study if they wished and the second was to ensure that students had the ability to undertake and succeed in the world of work. The report also said that the certificate should be undertaken over two years, in part to accommodate the breadth of the curriculum required to enable all young people to successfully enter tertiary education or the employment sector.

Secondly, the report said the method of assessment ought to be changed so that the emphasis was not on the end-of-year exam but on producing students of excellence who had effectively learned the skills necessary to accomplish further learning.

I am pleased that at the beginning of his speech on the purposes of the Bill the Minister was shamed into thanking the Victorian Curriculum and Assessment Board (VCAB), which was set up to administer the Victorian certificate of education.

Mr Hayward interjected.

Ms KIRNER - I do not know why the Minister did not bother to thank VCAB in his appalling second-reading speech. I know of no other situation in which an education Minister has not bothered to thank a board such as VCAB for 10 years of work. The Minister and others have acknowledged that VCAB had one of the most difficult jobs in education and did a remarkable job. VCAB did such a good job that, despite attacks by the vice-chancellor of the University of Melbourne, the *Herald-Sun* newspaper and less informed members of the former State opposition, the VCE is here to stay and to lead education in Australia. That is not a bad effort!

Mr Elder interjected.

Ms KIRNER - But it is here to stay!

The CHAIRMAN (Mr J. F. McGrath) - Order! Interjections are disorderly.

Ms KIRNER - That was such a good one I wanted to get it on the record - the honourable member for Ripon says the VCE is here to stay.

Mrs Peulich - As are our schools!

Ms KIRNER - That is a terrific assurance. It reminds me of a conversation I had last night. I asked a leading person in the education field as he was leaving a dinner for Terry Moran last night, 'Why are you leaving early?". He said, "I am leaving early because I have to close the school before the children get there". That is not a bad statement from a leading educator!

An honourable member interjected.

Ms KIRNER - I'll bet the member would like to know; I'll bet he has the guest list. I can tell him that the Director of School Education was not invited.

An honourable member interjected.

Ms KIRNER - The member bets he does not exist. He might not exist if the member finds out who he is, I suppose.

I wish to place on record my thanks not only to the Victorian Curriculum and Assessment Board and to the Chairs, Professor John Legge, Dr Peter Hill and Mr Howard Kelly, but also to the people who have been members of the VCAB teams.

I also place on record the achievements of VCAB because mention of them was missing from the second-reading speech of the Minister. I believe VCAB ought to have been mentioned. It is a great pity that whoever wrote the second-reading speech for the Minister did not have the courtesy or appreciation of the traditions of education to include those matters.

First, I congratulate the board on being a very effective curriculum broker. In a time of great dissension and discussion on education - and it is fine at any time to have dissension and discussion - it is important to have a group of people who can act as brokers so that dissension and discussion can be directed towards a progressive end rather than falling apart.

The board was certainly given a difficult task. It has used its position to establish the Victorian certificate of education - t o make it a reality. Through excellent consultation it has enabled teachers to participate in shaping and teaching the VCE. VCAB has also through excellent consultation with tertiary institutions - sometimes at their demand, I would have to say - ameliorated the view of tertiary institutions of their right to control the schools agenda and forced them into rethinking tertiary selection, assessment and the purposes of assessment in secondary schools and considering whether they are the same thing. In my view they are not.

The board has developed a valued VCE curriculum - a curriculum that is 85 per cent there. The groundbreaking curriculum work done in technology studies and three other studies - psychology, drama and health education - is putting Australia in the lead in these curriculum areas. Over the next few years it will be seen that VCAB's work, particularly in technology studies, is extraordinarily important in the development of Victoria.

I hope the government will provide the facilities, as we were unable to do, as the curriculum is now excellent, to ensure that technology studies can be delivered in all schools. VCAB has opened up the learning experience of students through common assessment tasks or CATs. VCAB values tests, but also values the development of students' abilities to research and to gain the skills essential to ongoing learning which combine the theoretical and the practical. Indeed, it was the way many of us learnt at University High School back in the 1950s and it is the preferred way of learning in all good schools.

VCAB has enhanced the professional understanding of teachers through widespread consultation on the verification processes, which I agree needed streamlining. Most of all, VCAB has valued the work of teachers, and that is something the current Minister does not seem to be able to get into his head. It was interesting to read the article in the edu ation section of the *Age* this morning in which the current Federal Minister for Education made the point that unless teachers feel they are valued by Ministers and governments, there is no way that education reform will move forward.

The saddest thing about education in this State at the moment is that many principals and teachers in Victoria feel devalued in the work they do in schools because they are no longer partners: other people are above them in command. The VCE made teachers and principals, parents and students partners in education. It put many demands on all parties but they were partners.

The board served the community well, and I place on record my thanks, as a previous Minister for Education and Premier, and the thanks of the opposition to the board members and the staff. The work it did will go up - not down - in history as a very important part of education in Victoria, as will the contribution of the Victorian Institute of Secondary Education.

In discussing the purposes of the Bill it is important to try to tease out why the Board of Studies is important. The opposition does not oppose the Bill. It believes the Board of Studies is important and congratulates the Minister on deciding to have a Board of Studies for the whole curriculum. That is appropriate. The focus on years 11 and 12, for example, does not deliver literacy or numeracy in schools. If that is not provided in schools and homes - i n the early years of education it is a partnership - by and large, it will not eventuate, so the opposition is pleased to see the broader focus of the Board of Studies, as our shadow Minister said.

The opposition has read very carefully the document *Schools of the Future.* It agrees with the thrust of giving schools a greater ability to determine their educational programs and not simply to manage

their budgets. I cannot for the life of me understand - and I hope the Minister is able to convince us, although unfortunately there will not be a proper second-reading debate so there will not be the chance to debate these very important issues, and I regret that - how the Minister can claim to support decentralisation of education through the Schools of the Future program and at the same time re-centralise education through this centralist and political Board of Studies Bill.

In this Bill the Minister's power is not simply a reserve power, which would have been appropriate; there cannot be a State system of education unless the Minister has a reserve power, and certainly the same power exists in the VCAB legislation. But the Board of Studies Bill takes the Minister's reserve power out of the bottom drawer and makes it the centrepiece of the legislation.

All curriculum could become the Minister's plaything or the Minister's production line. Worse still, it could become the plaything of the Director of School Education. Imagine how many faxes he could then send to schools in a day! Schools will be totally confused by attempts to keep them informed. FaxStream would drive them further up the wall.

The central point I want to make in my limited time to speak on the Bill is that if the Bill's central intention was to empower school communities to advance excellence and equity in education at the school level, it would not be written in the way it is. It is written in this way because the Minister, whether he knows it or not, is about to be commanded by somebody to deliver the narrow ideological demands of the Liberal Party in the State education system.

Mrs Peulich interjected.

Ms KIRNER - No, they are ideological. If they were educational demands they would be spelt out in the Bill, but the government has not spelt out the educational objectives in this Bill, nor has it given the opposition the required briefings on the Bill. If you had written it, Inga, some of my fears may have been relieved!

The CHAIRMAN - Order! The honourable member for Williamstown should refer to other members by their correct titles.

Ms KIRNER - I am sorry; I should have said the honourable member for Bentleigh. It is important for people to realise that because this Bill does not spell out its educational purpose or objectives Victoria is about to have thrust on to it a Board of Studies which appears to decentralise education but which in fact is a vehicle for the implementation of the ideological views of the Liberal Party.

Mr DOYLE (Malvern) - The purpose of this Bill is to establish the Board of Studies. I too would like to tease out, as the honourable member for Williamstown correctly put it, why it is important to establish the Board of Studies.

The board replaces the Victorian Curriculum and Assessment Board (VCAB), which was established in 1986 to oversee years 11 and 12, in other words, the Victorian certificate of education (VCE). As the members of the opposition have said, it is important to broaden and extend that oversight to take into account all education.

The natural progression from VCAB is to develop an entity such as the Board of Studies to cover all students. First, there is a need to strengthen the curriculum, and the Board of Studies is the means to do that, by addressing the question of standards.

"Standards" has been a dirty word in education during the past 10 years. The proposed legislation is about how different subjects will be covered and how different skills will be developed. The second thing schools always need to consider is to cater for the individual skills and needs of different students. The third thing they must do is provide a comprehensive and reliable assessment of what students do. I suggest members of the opposition have no argument with the three needs I have outlined, but I believe there will be disagreement about how to make it happen. The government has chosen to implement change through the Board of Studies, that is to work through the curriculum of schools.

The House is debating what should be taught in schools. Everyone has an opinion about what should be taught in schools; what should constitute the curriculum.

It may be considered strange that as an ex-teacher I believe designing a curriculum requires no special expertise. Educationalists would have it that that is not so, but I believe otherwise. Only two basic requirements are necessary to design a curriculum: a clear idea of the aims of the school system and a willingness to test and question its assumptions and conclusions - to constantly ask "why".

During the second-reading debate the honourable member for Carrum talked a little about subjects and made some comparisons between useful subjects and those subjects which are not. To some extent that distinction is spurious. All subjects are useful, but perhaps, to paraphrase the words of George Orwell in *Animal Farm*, some subjects are more useful than others, and that is where I would start to define a curriculum.

How does one evaluate a subject's usefulness? I believe one must look to the aims of the education system. It is no good arguing that children need to learn an instrument or a foreign language unless one is clear how that skill will contribute to the aims of the education system. There is no point saying that all children should study mathematics without having regard to the topics that should be covered and at what age level they should be covered.

What are the aims and concerns of the curriculum and education system? I acknowledge the debt of some of my thinking to a number of people, including the Vice-Chancellor of the University of Melbourne, Professor David Penington, John Rae and Sir James Darling, the great educationalist. More than anything else, however, my thinking has been shaped by conversations over the years with colleagues in government and non-government schools.

What are the aims of education in Victoria? The first aim is to develop the abilities of individual children so that they become independent-minded adults. That means encouraging intellectual capacity, social skills and physical development. The second aim is to teach all children all the skills and attributes that they will need to find employment and therefore contribute to national and State prosperity.

The third aim is for all children to understand the language, history and cultural values by which our society has been formed. That is why this Bill allows for the timely formulation of the Board of Studies. With those aims in mind the Bill offers positive opportunities for Victorian education.

We should bear in mind that different students have different abilities and we must help all of them to reach their full potential. We must bear in mind that we have to provide feedback to students about what they are achieving, and that is done through assessing standards. We must also bear in mind, as the honourable member for Williamstown said quite correctly, that good education motivates students to learn for themselves and to strive to achieve. One commendable thing the V C E achieved for education was the encouragement of that motivation.

I turn to the purposes, objectives and the functions of the Board of Studies, the establishment of which is the purpose of the Bill. Its objectives and functions are to develop, accredit and evaluate courses of study, to assess and certify student performance and to develop and promote subject choices including pathways to further education and work.

I shall refer to the first objective. We need to be able to accredit all courses and areas on which there is national agreement, for example, the eight key curriculum areas covered by the Hobart declaration. That means we must establish a standards framework and set levels of student performance in each major curriculum area. We must provide the criteria for knowledge, skills, competencies, achievement, performance and assessment tasks against which courses can be accredited.

The board will develop profiles for achievement for agreed curriculum areas. All schools will have the opportunity to design curriculum within the board's standard framework; they will either teach courses accredited by the board for all schools or teach courses they have developed and which have been accredited by the board. That may go some way to answering some of the concerns of the honourable member for Carrum. The government expects the board to appoint curriculum committees covering prep to year 12 and to provide advice on those curriculum areas.

Educationalists have a case to answer for what has happened over the past 20 years. The Bill moves the education system away from the swinging pendulum. As the honourable member for Williamstown pointed out, not so long ago too much emphasis was placed on the traditional subject curriculum, which concentrated on static, isolated chunks of information which were memorised and regurgitated for examinations held at the Exhibition Building. That system had to go, and I believe it has gone forever. When procedures were applied they were applied only by rote, and no-one would call that education.

Recently, however, the pendulum swung back too far the other way and learning content was regarded of little value or account. Skills of inquiry or processes were all that were valued in problem solving; they became all that mattered. I stress that mastery of significant content and method of inquiry and critical reflection must be balanced. The

preoccupation with content or process alone is not conducive to good education: to paraphrase Professor Brian Crittenden's adaptation of Kant's dictum:

> Process without significant content is trivial; content without process is sterile.

The second objective of the board is to assess and certify. Objectivity, validity and reliability are the watchdogs of assessment; without them students will not be treated equally or fairly. That means a balance at year 12 between external and internal assessment; it means assessment procedures for VCE - that is years 11 and 12 - and it means guidelines for years prep to 10.

The Board of Studies will allow the Minister to conduct assessment for school review or national monitoring. The Board of Studies guidelines will assist schools to report student achievement and performance to students, parents, employers, post-secondary education bodies and any other body, none of which will be new or startling to honourable members on the other side. It is important that we get the assessment right - that is what students want. The honourable member for Carrum may wish to consider what Associate Professor Jeff Northfield said about balanced assessments.

Mr Sandon - I would have quoted it if I'd had time!

Mr DOYLE - He said:

> [The students] want every kind of feedbadc to [their work] - written feedback, verbal feedback and a grade. If they do an assignment they want to know how well they performed. They want to know how to improve next time. They want to know where they stand in relation to the rest of the class. Students are not convinced they are always getting this feedback.

A critical role for the board will be in helping schools to measure students' knowing, doing and making. Such a tripartite model is appropriate from the earliest to the final years of schooling. It must be understood that, without the recognition of achievement, effort does not continue: it either weakens or dies away. The abilities of students will not develop fully. The board will have to assist teachers and schools to evaluate students' knowing, doing and making by considering record keeping, assessment and reporting - the three key components of student evaluation.

The third objective of the board is to develop and promote student pathways to further education and work. All students must have opportunities for schooling, training, higher education and work. The board's role will be to promote the articulation of courses between school, vocational training and higher ucation sectors. It is important that any curriculum have flexibility for all types of students. Some students may want to go directly into the work force and, therefore, a year 10 certificate may be of more benefit than anything else. Students who want to enter the work force directly must be catered for. Students who wish to go on to higher education require preparation for the rigours of higher education. The curriculum must provide for them. The curriculum must also provide for students who do not know which pathway they will take: whether for work or post-secondary education and training; it must provide for the needs of all students. That approach ties in with my view that education should help students find employment, a vocation or profession and should help them contribute to their own and society's prosperity. The secret of the relationship between education and students' pathways and economic opportunities is in achieving a higher level of education across society. That must be a board responsibility. I am sure opposition members agree that the VCE can be a valuable tool in achieving a higher level of education across society.

Finally, it is vital to our society and to each individual that all students, whatever their socioeconomic background, have the opportunity to achieve their full potential. Society must make the most of our most precious resource - the intellectual potential of our young people. If we value that through the curriculum the Board of Studies can provide, we will protect a standard of living for them and for their children. One significant concern of society today is that individuals will not be able to hand on to their own children the same standard of living that they themselves have enjoyed. As the honourable member for Williamstown said, education is now going through a further change, an evolutionary change, which is part of a natural cycle. At the beginning of this change in education we cannot afford to get things wrong. If we do, the students whose careers and lives are seriously damaged will never forgive us.

I am concerned that any young person might have his or her potential or ability wasted. For that individual it would be a lost future. For the

community it would be a waste of talent: something it can ill afford.

In considering the future of the Board of Studies it may be beneficial to consider the lessons of history. I am sorry the honourable member for Sunshine is not in the Chamber because he often points out to honourable members the lessons of history. I remind honourable members that the French revolutionaries grappled with the same problems we are facing today. Their various curriculums were practical. They determined that students should learn mathematics for commerce; the French language for unity; and study their Constitution to make them good citizens of the republic. Their curriculum was dictated by what they perceived as the aims of education.

I return to the point at which I commenced my contribution. The Bill will help the education community to spell out the aims of education. Curriculum is not a hit-and-miss affair where, with luck, good effects will flow. Curriculum is a means to an end, and that is where the Board of Studies can be so effective.

Mr HAMILTON (Morwell) - The Board of Studies Bill is one of the most important measures to come before the Chamber for some time. It proposes to replace the Victorian Curriculum and Assessment Board with the Board of Studies. I will concentrate on the significant challenges facing the new board and will not empty buckets over it because at this stage it would not be logical to do so.

I hope all honourable members will agree with the statement that "State schools are great schools" because, over the years, throughout Victoria and Australia our school systems have overcome almost insurmountable challenges and those challenges appear to be increasing.

The honourable member for Malvern referred to the significant challenges facing education. I expect members on both sides of the House agree that there are challenges ahead, but they may differ on how those challenges should be tackled. With respect to the Board of Studies, the proof of the pudding will be in the eating. It is a pity honourable members will not have more time to debate the proposed legislation because concerns raised by opposition members may relate to interpretations of what the Bill will or will not do. As with many pieces of legislation, eventually it will be left to the legal eagles to decide what the Bill means.

The Minister for Education has taken on his shoulders a tremendous challenge, and the bureaucracy - and I know many officers who have spent a lifetime in education - is taking on an equal challenge. Those people have been part of the changes that have occurred in education over several decades, but in recent years the changes have occurred even more rapidly. It is interesting that every time there seems to be a problem in our society the trite answer is - -

Mr Elder - Have a change of government!

Mr HAMILTON - No, the answer is, "Give it to the educationalists to fix up". It was only last week that honourable members, on a bipartisan basis, discussed racism. The obvious suggestion was that the only solution to racism is through education Whenever that suggestion is made, another load is imposed on our schools. I am not suggesting that the issue should not be addressed from preschool through to tertiary education, but it is just another example of the load being imposed by society on schools.

Driver education is another area where schools have become involved in assisting our young people. The authorities were quick to blame young people for many of the problems and accidents on our roads and decided that education was the answer. To their credit, the educationalists and the deliverers of education - the teachers - have responded magnificently over a period.

I resent the strident attacks that have been made on the teacher unions, because the leadership and membership of those unions are as committed to good education as anyone else in the community. They understand what schools and education are about and their commitment should never be derided. It is important that the government recognise that teacher unions can make a contribution to schools, and that contribution should be encouraged.

The Bill takes an holistic approach to school education from preps through to year 12. The opposition has no difficulty with that position, but it is aware that the current educational structure will be challenged. In many ways the primary and secondary education sectors are autonomous, but a good argument can be made for melding them so that there is a continuum that recognises that not all children progress through school at the same rate. Currently that does not occur.

I am pleased that the non-government sector will not be forced to comply with the legislation. However, it is well known that non-government schools take a keen interest in what occurs in government schools. In many ways government schools provide an excellent lead in curriculum • development. I ask the Minister to tell the Committee whether the current curriculum Frameworks document will be thrown out or whether it will be used as a basis for the Board of Studies; it would provide a good basis for curriculum development. The good relationship that has been established between the government and the non-government educational sectors should be fostered. When dual systems exist it is important that good relationships be fostered so that both systems have an opportunity of learning from each other.

Mention has been made of the standards of accreditation. The honourable member for Malvern used jargon common to the elite independent school sector, but he did not deal with the most difficult problem, which is the establishment of a reliable system of assessment. In my early days of teaching when students were streamed into secondary school - they were the days when there were 48 children in each class, which is too horrible to remember - I recall a student who, although assessed as completely hopeless at maths, went through his school career in the minimum time and obtained a doctorate in mathematics. Assessments are made of students at various points, but because of the unreliability of the techniques used up to 1993 mistakes were made. The challenge is to have an assessment system that recognises the ability of a student to learn.

I am concerned about the wording of the Bill because it does not focus on the most important goal of education, which is to measure and enhance the ability of children to learn. The Bill focuses on an externally imposed set of curriculums that will be used to make that determination.

The debate about standards has continued for many years. The honourable member for Malvern, who has a background of attending an elite school, spoke about standards that are a luxury for many. However, because government schools must take every student that comes along, it is difficult to ensure that each student has the chance to reach his or her full potential. It will be a sad day when a student reaches year 6 but has not achieved the required standard for that year. That will be difficult to define and more difficult to measure - if we are talking about the ability of a child to learn in an internal system where he or she is required to regurgitate information at a written examination. Currently, that appears to be what the government thinks education is about.

Mr E. R. Smith - It must be an embarrassment to have a Leader who went to Scotch College!

Mr HAMILTON - I shall ignore interjections because they are disorderly. One would think that with those sorts of backgrounds government members would know better than to interrupt.

The CHAIRMAN - Order! The honourable member for Morwell should ignore interjections, difficult though that may be.

Mr HAMILTON - The structure of the board is critical. I am sure the Minister does not underestimate the difficulties he will have in ensuring the selection of appropriate people from a broad spectrum who can cope with a society that is making more demands of school education. Many of the responsibilities of parents and other members of the community have been duckshoved onto schools. That should not happen because it puts too many demands on teachers.

I support the remarks made by the honourable member for Williamstown, who said that our most precious resource is our children. Those who educate our most precious resource must be encouraged, recognised and appreciated, because they have seemingly never-ending demands placed upon them. Of all the professions teaching is the most derided by the general community. It is easy to throw mud at teachers; but not too many doctors, lawyers and managers could sit down with a class of children, understand the precious resource they are working with and encourage each one of those children to reach his or her potential.

It is easy to deride teacher unions while failing to recognise the important contributions teachers make to the ongoing development of our society and to its becoming more understanding and more tolerant. That is the challenge facing the Minister. I wish him luck, and I hope with all my heart that the Board of Studies serves the purposes that are so important to every Victorian.

Mrs PEULICH (Bentleigh) - I commend the Minister not only for his Schools of the Future program but also for the concept of the Board of Studies, which is fundamental to the visionary plan

for schools; it promises to offer Victorian education a rewarding and enriching future.

It was gratifying to hear honourable members opposite endorse substantial parts of the Bill; I think the Bill has broad support. The honourable member for Carrum offered some red herrings - but they will not stop the reform of Victorian education during the next decade.

Mr E. R. Smith interjected.

Mrs PEULICH - No, he is not because even his contribution about and knowledge of the number of members on the board was lacking.

Research and experience on school effectiveness and improvement demonstrates there is wide support for a further devolution of responsibilities to the school level within a central framework. The Board of Studies Bill provides that central framework for curriculum development, accountability lines, provision of information, services and other functions to develop and promote student pathways to future education and the workplace.

For the first time in the history of Victorian education we will see a duly appointed board with responsibility for providing leadership to schools across all levels. As a parent and a former educator, I applaud the Minister for his initiative.

The Bill will mean a far more effective and challenging curriculum for students within the State as well as nationally, because the changes must be seen in a broad perspective. The State education system must be responsive to certain important national and State imperatives. This Bill will mean increased confidence in the State education system for parents and members of the community - something that has been lacking for much of the past decade.

Mr Hamilton - Rubbish!

Mrs PEULICH - There has been a substantial lack of confidence in the education system and many concerns have been repeatedly ignored rather being than dealt with in the interests of our children.

In particular the Bill will provide coherence to prevent the disruption to education emanating from merely transferring from one school or region to another. That sort of framework will provide schools with a clearer direction - and I assure the House that schools are awaiting that guidance with bated breath. Schools will be provided with guidelines for teaching and learning activities. As a parent, I can say that those initiatives are long overdue.

The fact that my eight-year-old son attends a State school may be a novelty for members of the opposition, many of whom send their children to private schools, but I have faith in the State education system, where I taught for 13 years; I intend to work hard to improve the system so that all children can benefit from the opportunities it should offer.

Although my son attends what I would term a rather nice or good school, I am often disillusioned about the quality of the education he receives. He has a very keen interest in natural science, music and sport.

Mr Hamilton interjected.

Mrs PEULICH - The honourable member for Morwell has interjected a little too early.

The CHAIRMAN - Order! The honourable member for Morwell has had his opportunity and he should restrain himself.

Mrs PEULICH - My son's interests have been sponsored by the parents. His school - which I regard as good in many respects - has done little to further his interests in those specific areas, or to extend his interests and knowledge, or to offer him challenges. It is tragic that a child who has a curiosity and a desire to learn when only eight years old can be denied those opportunities.

I welcome the comprehensive framework that the Minister will implement in establishing the Board of Studies. Primary school education in Victoria is provided on a rather ad hoc basis. Our children are too important for us as a community and as parents to rely on pot luck - and often it boils down to just that!

I agree with the honourable member for Morwell that some form of continuity between primary and secondary education is long overdue, and no doubt the Minister will take that comment on board.

An important function of the proposed board is course development and accreditation, and a coherent framework to improve the quality of education in Victoria, as indicated by the honourable member for Williamstown, is required. I was pleased that the honourable member welcomed such

a move despite her expressed scepticism about other areas of the Bill. Schools will have the opportunity not only to decide their own curriculums within the board's standard framework but also to teach their own courses, which may be accredited by the Board of Studies.

Schools which have been denied meaningful and worthwhile courses and which have in the past been successful with the students they teach will welcome the reforms. For example, schools offering the tertiary entrance certificate, the tertiary orientation program and other year-12 courses that unfortunately have been sorely missed by many schools can be included in new curriculums. The Victorian certificate of education has failed to deliver that type of choice and diversity in education.

There is no doubt about community support for the concept of self-managing schools and for a further devolution of responsibility to on-site responsibility. However, to do so without establishing accountability lines would be incredibly irresponsible of any government and anyone with a genuine interest in education. Literature and research indicate that movement towards self-management without establishing accountability lines is not on. The honourable member for Williamstown should look at the most recent research on school effectiveness, both here and abroad, to appreciate the need for accountability lines or the accountability of schools to bodies such as the Board of Studies and the Directorate of School Education, accountability in subject areas to school councils, and schools' accountability to the people they serve. The last aspect is probably the most important line of accountability.

The honourable member for Malvern was concerned about the need for feedback in schools. As a working mother, I am appalled at the practice of some schools, including my son's school, of providing only one written report-at the end of the year. As an educator and a parent, it is pointless for me to find out at the end of the year about the sorts of problems and concerns my son has faced during the year.

Ms Kirner interjected.

Mrs PEULICH - I take a keen interest in school education, but without regular feedback and accountability lines we cannot hope to improve the quality of our education system. Accountability is the important ingredient in the delivery of quality **education, and the Board** of Studies will establish a standard framework in each of the major curriculum areas to provide criteria such as knowledge, skills, competencies, levels of achievement and performance, assessment tasks and assessment procedures for courses undertaken within the VCE and to provide guidelines from prep to year 12.

Schools will be accountable to the school system via the Minister and school councils' agreements or charters which set out the schools' education ethos, goals and planning as well as the accountability processes.

Schools will provide information on the extent to which goals, policies and priorities are being addressed and intended outcomes are being realised. Above all schools must remain largely accountable to their communities.

A further function of the Board of Studies will be the development and promotion of student pathways to further education and work. A lot of work must be done in that area.

The board will play a key role in the provision of information services. The movement towards self-managing schools will mean that school administrators will need to have skills to design and implement an ongoing, collegial and cyclical approach to goal setting, policy making, planning, budgeting, implementing and evaluation.

The board plays an important role in providing advice at a professional level. Schools must continue to nurture a vibrant culture in the local educational community. One of the functions of the board will be precisely that.

To put it into a broader perspective I shall quote from a policy information paper dated August 1991 released by the Honourable John Dawkins, the former Federal Minister for Employment, Education and Training. It says with regard to literacy policy:

> We cannot afford to be complacent. About 1 million people in all, or up to 10 per cent of the Australian population, do not possess effective English literacy skills, and this includes many who speak it as their first language.

There are many migrants who acquire English as a second language, but there are many native English-speaking people whose skills have been deficient in that area who have been ignored and denied assistance. That is an indictment of the

education system we have had over the past lOyears.

The policy document continues:

> The literacy difficulties encountered by so many Australians have not received sufficient public attention. Yet the demands of our society for higher levels of proficiency in English literacy are increasing all the time, especially in the workplace. Language and literacy development is a responsibility of the whole community.

The concept and approach of the Board of Studies in providing a coherent curriculum framework will put us in a better position to address such community concerns.

The Literacy Challenge, a report of the House of Representatives Standing Committee on Employment, Education and Training, states:

> It is estimated that as many as 700 000 English-speaking background Australians have difficulty in carrying out everyday literacy tasks.

How will that problem be addressed? The honourable member for Carrum obviously has a lot of research and reading to do on self-managing schools and on decentralisation of education to realise that the best and most effective way of making use of existing and declining resources is by ensuring that most of the decisions are made at the site level. Clearly the honourable member is not suited to his shadow portfolio. The honourable member for Williamstown did a far better job and was more interesting to listen to than the misguided, unenlightened honourable member for Carrum.

Ms MARPLE (Altona) - I am disappointed that time to debate an important Bill that will have an effect on everybody in the State has been limited. Education is the most important area for all who are concerned about the future of our State and our children. The challenges are enormous as we move out of the industrial era into what could be called the service era. The changes are painful, and we must look to education to help us through that change.

The statement that State schools are great schools is fundamental to the education of our children. Over the years I have been involved in education I have observed the various levels and been fortunate enough to move through the primary and secondary areas of both private and State schools. All the teachers have impressed me. Often teachers are run down by some people in the community who are looking for answers to their disappointments in life. Nobody can claim that every teacher is the most outstanding teacher of all. As members of a caring society we must continue to put education at the forefront to ensure that everybody has the opportunity of receiving the best education to enable them to make the most of their ability and to return it in kind to society.

Many people are afraid that the Bill will tum back the dock. An education system with an emphasis on testing worries people. Numeracy and literacy should be a high priority, but we should not return to overtesting. What are we testing for? Many of us can remember the days of being tested every month by the principal and the yearly visit by the inspector, who would put fear into the heart of the best of teachers. That is not sufficient for these days. People are concerned about turning the clock back to that type of testing of literacy and numeracy skills. I am not saying that there should be no testing. Much research has been done in this area, and one only has to look at the education system in the United Kingdom to see that that type of testing and grading has failed to produce what is needed.

The opposition does not oppose the Bill or the setting up of the board, but the Bill should not tum education back to the 1950s. The opposition acknowledges that standards should be set so that people know where they are heading and what will happen in the future. But the opposition is concerned about the power given to the Minister.

The board will have fewer people than the Victorian Curriculum and Assessment Board had. Who will be represented on the board? What will happen with the board? The power will go to the Minister, but is the Minister accountable?

Mr Hamilton interjected.

Ms MARPLE - It is likely that the power will be given to the bureaucracy. The Minister should have reserve powers, but the number of people on the board will be limited and the Bill does not say who will be members of the board. It does not say whether they will represent various school groups, teachers or parents, but it does say that the power will go to the Minister and that behind the Minister are some very well paid, powerful bureaucrats.

Mr Hamilton interjected.

Ms MARPLE - They would never have got to those positions if they had not been through the system. The Bill will centralise power; this is being done by a government that claims it wants to decentralise power out to schools.

I do not object to a curriculum that sets broad parameters because, if schools had to make all curriculum decisions, we would have different levels of education in different areas. How will schools deliver proper services when they are reliant on money from the community? How will schools in poor suburbs provide the same services as those schools in wealthy suburbs?

Mr Hamilton - What about the rural area?

Ms MARPLE - The recession is hitting rural families hard. They are even being asked to pay for library vans. They will have to find money for that service as well as money to run school buses.

Mr Elder - That is not true.

Ms MARPLE - How do we know that? Do we have your word on that? I hope the Minister considers those factors when he makes his decisions.

The Bill does not detail what will be taught in schools. The charter does not set out the basis of the curriculum, which will be overseen by the Minister. The board has already been told by the Minister that there will be a year 10 certificate.

Mr Hamilton - They got rid of that in 1968.

Ms MARPLE - Every year students in years 10, 11 and 12 had to march to the Exhibition Building for external exams. I was one of those who went there for my external exams. I hope we are not seeing a return to that situation. I hope people are not told that if they have arrived at a certain level they will stay at that level for the rest of their lives. I hope the Bill will not produce those results - but it seems that is what it is saying.

What status will the year 10 certificate have? Until now schools have been capable of assessing their students and providing them with a year 10 school certificate. The students are satisfied because they know what level they are at; they do not need a Statewide certificate.

Mr Hamilton - What about the ones who don't?

Ms MARPLE - Everyone knows that children learn at their own pace and that they become insecure if they think they are not achieving at the same pace as their peers.

The government has already abolished the reading recovery program - an excellent program that has been able to get to the core of problems early in primary school. What will happen now this excellent program is cut? The government will probably say it will be brought back magically.

The government talks about cutting and is always saying it cannot afford this or that. How will you deal with the learning difficulties of young students? You will tell them that they are not good enough. You have done this in the private schools over the years - you have dismissed them!

Honourable members interjecting.

The CHAIRMAN - Order! Interjections across the Chamber are disorderly. I remind the honourable member for Altona that she should direct her comments through the Chair and not across the Chamber because that incites interjections.

Ms MARPLE - I will contain myself, Mr Chairman, although it will be difficult.

The honourable member for Bentleigh spoke about literacy. It is important that we know exactly what literacy means. The definition of literacy has been debated at length by many educationalists. The Bill does not define literacy. The definition of literacy by the National Consultative Council for International Literacy Year is:

> Literacy involves the integration of listening, speaking, reading and critical thinking; it incorporates numeracy. It includes the cultural knowledge which enables a speaker, writer or reader to recognise and use language appropriate to different situations. For an advanced technological society such as Australia, the goal is an active literacy which allows people to use language to enhance their capacity to think, create and question, which helps them to participate effectively in society.

We would all agree with that. Some educationalists suggest there should be a literacy level so that students can read and write sufficiently to complete functional examinations. An example often given is that they should be able to read a recipe, but do we know if the reader understands how to apply it? There is much discussion among educationalists in

the teacher education area on functional and critical literacy.

If honourable members want to know more about critical and functional literacy they should read *Getting it right is hard: redressing the politics of literacy in the 1990s* by Colin Lankshear from the University of Auckland, who says:

> This approach -

that is functional literacy-

> has obvious appeal to politicians and policy makers since it appears to offer at least the beginnings of a practical agenda for tackling pressing concerns without requiring wholesale surgery on the social fabric. From the critical literacy perspective, however, these bases for the appeal of the functional literacy and human capital approach constitute its major drawback and make it dangerous.

Unfortunately, functional literacy has the tendency to keep people at a certain level and limit their ability to develop their critical skills.

I appeal to the Minister and the government to examine the intent of the Bill because it is possible for it to be interpreted in that way. It would be disastrous if it had the effect of dividing society into groups, as has occurred in the United Kingdom and in the United States of America. Australia does not need to go through that experience - it has proved disastrous in those countries. We need to ensure that our young students can look critically at what they need and develop their critical educational skills so they can take their place in society as fully functional, aware adults.

Functional literacy skills will not get them jobs. They need to have the necessary skills to feel comfortable about themselves, to develop a strong self-esteem, but that will not occur if they do not have the ability to question written material they come across throughout their lives.

The government is asking people to examine their own workplace agreements, which requires appropriate critical literacy skills. The opposition is questioning the Bill to ensure that it does not have the effect of taking education back to what it was 40 years ago: having tests every month to the extent that students lived in fear of being branded failures.

The Board of Studies should build on the work done during the 1980s, when the Victorian certificate of education was developed, which has meant that students can research, question and examine the material presented to them.

The young people I have worked with now know that they can complete years 11 and 12 and are not turning their backs on the system. We do not want a divided society. It is imperative that we develop a highly skilled, educated society, not one that is divided, as this Bill may suggest.

Mr ELDER (Ripon) - The Bill is a key plank of the coalition's education policy and is the result of 18 months of consultation with various groups in the community.

An honourable member interjected.

Mr ELDER - The coalition may not have spoken to members of the opposition or the Australian Labor Party branches in Carlton or other inner suburbs of Melbourne, but it has consulted widely. The policies have been on the table for 18 months, so the Bill is not being rushed through. That is a smokescreen being created by opposition members to denigrate what the government is doing.

I thank the opposition for its bipartisan approach to the Bill. It is fantastic that the opposition is supporting the Bill because it acknowledges that what the former Labor government did to education during the past 10 years was hopeless. Opposition members are admitting, by their support of the Bill, that their past policies were a mess.

The Bill will coordinate the curriculum - something the former Labor government could never do. All it wanted was social engineering at years 11 and 12. That is what was said in the *Labor Star,* copies of which have been hanging in my backyard toilet for years - that is all they are good for!

I thank the opposition for supporting the Bill because it is recognising at long last - it has taken 10 years - that its education policy was a failure. The opposition is telling the community that for the past 10 years it messed up education. The coalition has been waiting a long time for that admission. It accepts it and asks the opposition to apologise to the people of Victoria, particularly the children who were the guinea pigs in education.

I hope honourable members opposite have read what a former Labor Minister of Education said about the coalition's policy. The Honourable Ian Cathie is a person I respect. He had his finger on the

pulse. He supported Schools of the Future program and said he wanted to implement that policy but he was rolled by the unions and the tomato left - people like the honourable member for Williamstown. The former Minister of Education said that the development of the VCE was hijacked by teacher unions and left-wing parent groups. He said that many educationalists were opposed to testing of any sort.

The government has the support of a former Minister of the Labor government - what more does it need! It is doing the things that the opposition should have done in government.

Ms Kirner interjected.

Mr ELDER - Physical education is part of the curriculum. Members of the opposition say that the children of government members all attend private schools.

The Leader of the Opposition was born with a silver spoon hanging out of every orifice. While he was going to Scotch College, I was going to a State school in Broadmeadows.

The CHAIRMAN - Order! The honourable member used an unparliamentary term, and I ask him to contain himself. This might be an opportunity for the honourable member to collect his thoughts.

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

The CHAIRMAN - Order! I hope the tranquillity of the dining room has subdued the honourable member.

Mr ELDER - I shall recap what I said prior to the suspension of the sitting. The opposition says it supports the Bill. That is an indictment of the Labor Party, because it is an admission that everything it did in education during its 10 years in government was basically wrong. What I say is supported by a former education Minister, the Honourable Ian Cathie, and I congratulate him on his bipartisan approach. He has not sided with the Labor Party; he has said that what the coalition government is doing in education is correct. He has said he would have done the same thing, only he was ham.strung by the tomato left - the unions and all the other minority groups that handcuffed the Labor government and prevented it from doing what it really wanted to.

Under the Labor government students and parents were not informed of students' progress. I shall refer back to my working-class roots. In working-class suburbs people have a grave distrust of teachers. I have spoken with former Labor Ministers who say that the Labor government got it fundamentally wrong. Polling after the last election showed that the Labor government's policy on education gave it more trouble than any of its other policies. The working class, which the Labor Party pretends to represent, has a grave distrust of teachers because they did not inform parents how their children are going at sc ool. The blue-collar workers in Broadmeadows, Sunshine and Williamstown want to know how their kids are going compared with children in the rest of the State - j u s t as I want to know how my kids are going.

The second area in which the Labor government was wrong was in its politicising of the curriculum. There were editorials against the Labor government in the *Sunday Sun*.

Honourable members interjecting.

Mr ELDER - The opposition may laugh, but the *Herald-Sun* and the *Sunday Herald-Sun* have wider distributions and sell more newspapers to free-thinking Victorians who want newspapers that give them an unbiased view of society than the *Age*, the Spencer Street Soviet newspaper. They want the truth, they do not want the left-wing jargon of the Spencer Street Soviet newspaper rammed down their throats. The only way to get a job at the *Sunday Age* is to be a card-carrying member of the ALP or a Trotskyite!

An article written by the honourable member for Williamstown in the May 1984 edition of the *Labor Star*, headed "Tackling education: one viewpoint", shows how the curriculum was politicised. It has a lovely photo of the honourable member - even though she has more bangles than a bazaar shop in Iraq. She is reported as saying:

> A ruling class stays dominant both in education and in the shaping of our political economy. Their "new" education system will provide sufficient well-educated, employable people to reshape the past industrial capitalist society in ways which continue to exclude people - the underclass - from learning, work. creative leisure and power.

That is how our system was politicised. That was Labor's agenda when it was previously in opposition, which it carried through into

government. I am not saying everything the Labor government did was wrong, but the majority of what it did was wrong. I am an even-handed individual who is prepared to recognise that the Labor government got some things right - although, off the top of my head, I cannot think what they were!

One need only talk to members of Parliament on both sides of the House and to educational leaders such as Professor Penington to discover that under the Labor government the community lost confidence in education, and that showed up in the polling. Parents and students became pawns in an ideological push to change education in this State.

Tonight I have listened to previous speakers who have more or less attacked the government for having some right-wing agenda for educational change. If honourable members opposite care to check *Hansard,* they will find that in the past the opposition has implied that we have tried to introduce a new right educational philosophy. That is completely wrong.

I was educated in the State school system and my children are enrolled in the State education system. Many opposition members have had a non-government school education, which is probably why their views on State education are so perverse. For example, one might ask where the children of the shadow Minister for Education go to school. My children go to Learmonth Primary School, which is a great State school. I went to Jacana Primary School and studied for my higher school certificate at Wycheproof High School. The shadow Minister for Education has lost faith in State education in Victoria, because he sends his children to a non-government school.

Mr Sandon interjected.

Mr ELDER - I have been advised that you send your children to a non-government school. If that is incorrect - -

The CHAIRMAN - Order! I warn the shadow Minister for Education that interjections across the table are disorderly. I remind the honourable member for Ripon that his remarks should be made through the Chair, which will limit the amount of interjection across the Chamber.

Mr ELDER - Members of the opposition, who have been pouring out rhetoric about how bad private schools are and how the government is trying to introduce right-wing ideology and agenda into education in Victoria, have lost faith in the Victorian education system - they send their kids to non-government schools. That is their choice, and I do not blame them for that. However, while they send their children to non-government schools they should not condemn the non-government school sector and say that the government is trying to take it over with its right-wing agenda.

A former Minister for Education, the Honourable Ian Cathie, has commented on how well the government is going with its Schools of the Future program in devolving power to the local level and how that program is empowering - a Labor Party term - people at the local community level to make decisions in respect of their own schools on curriculum, uniforms and discipline - things that are important to people in those communities.

Ms Kirner interjected.

Mr ELDER - The honourable member for Williamstown says that they cannot make those decisions. The parents federation has also made that sort of comment to me. Last year I visited Chicago in the United States of America where the schools in black areas have a type of Schools of the Future program that devolves power from a centralised bureaucracy to schools. That system is working well in those schools and the parents and students I spoke to wanted it that way - they wanted to be empowered at a local level in respect of curriculum. Students in those schools were gaining much from subjects such as Afrocentric studies.

In an article headed "Tackling education: one viewpoint" at page 5 of the May edition of the *Labor Star,* the honourable member for Williamstown says:

> **We also need to emphasise the importance of studies as yet not central to the curriculum in Victoria: the study of labour ...**

Everyone has seen how the Labor Party studies labour. The Labor Party told students through history books that people who went to war were "harm workers". That is the way the Labor Party took over the curriculum in this State - it was an absolute disgrace! The article continues:

> **.. its importance; its contribution; its culture; its organisation; its conflict and cooperation with capital; the study of the role of women; multicultural and community language studies; Aboriginal studies; peace studies; technological studies. These studies are not to**

be seen as optional frills but part of the centrality of learning for our future society.

The comments of the honourable member for Williamstown are reported in the Labor *Star*, which is not a best-seller in the community. It makes its main sales in the Carlton and Williamstown branches of the ALP. When in government the Labor Party pushed through its left-wing ideology and for the past 10 years education in Victoria has been railroaded.

Part of the debate has centred around the issue of students leaving school after completing year 10. The Labor Party says that its greatest achievement in government was increasing school retention rates - that is, keeping all students on until year 12.

Ms Kirner interjected.

Mr ELDER - When I grew up in Broadmeadows, and when I taught in Broadmeadows only a few years ago - -

The CHAIRMAN - Order! The honourable member for Ripon seems to be having some difficulty in addressing his remarks through the Chair; he is wandering all around the Chamber and is avoiding the Chair. I ask the honourable member to direct his remarks through the Chair.

Mr ELDER - A more fantastic goal to achieve, rather than regarding the keeping on to year 12 of thousands of students as a major achievement, would be to have students finish their education in the State education system with high numeracy and literacy skills and better equipped to seek employment.

Ms Kirner interjected.

The CHAIRMAN - Order! The honourable member for Williamstown is out of order.

Mr ELDER - Keeping students on to year 12 is not a great achievement. Many students in Broadmeadows and Sunshine want to go only to year 10; they then want to go out into the real world to seek jobs.

The coalition government's coordinated curriculum from prep to year 12 and from prep to year 10 will give students the skills necessary to compete for jobs in the real world in preference to baby-sitting them through further school years, as the former government did.

Honourable members interjecting.

The CHAIRMAN - Order! The honourable members for Altona and Wantirna will not conduct conversations across the Chamber. Yelling matches are out of order. I ask honourable members to refrain from such conduct.

Mr ELDER - The Labor government said it was on about social justice and used its social justice framework to justify to parents why gifted students were ignored in the pursuit of excellence. Why were those people isolated in their school communities under Labor's social justice framework? I have sought answers from the opposition, but they have not been forthcoming.

An effect of the legislation is that students who complete year 10 will receive a certificate that they can use to assist them to gain employment in the real world. Time is running out, Mr Chairman, so without boring you further - -

The CHAIRMAN - Order! The honourable member's time has expired.

Mr LONEY (Geelong North) - It is a privilege to be able to contribute to this debate, particularly as the time allocated for the debate is so short, and I relish the opportunity, particularly following the spirited contribution of the honourable member for Ripon. I may return to that subject later.

Although the purpose of the Bill is shortly stated, it is not so much what is said that is important, rather it is what is not said. The purpose of the Bill is stated to be the establishment of the Board of Studies. What is not stated is what agenda the government wishes to set.

The contribution of the honourable member for Ripon gave some inkling of the real agenda rather than the agenda described in the less spirited contribution of the Minister for Education in the second-reading debate.

The purpose of the Bill is to set up a Board of Studies which will take control of curriculum development from preparatory school to year 12 in Victoria. On the surface that is laudable in many ways, but one of the things the honourable member for Ripon and a number of other speakers have ignored is the significant contribution of the Victorian system to curriculum development over many years. They have ignored the fact that some tremendous work has been done in curriculum development, both at

the school level and at the more formal level of curriculum planning through the State board and earlier through regional boards.

The number of speakers who have mentioned the national framework is interesting. They have mentioned how the system has to fit into the national framework, national benchmarking and national profiles. Some of those people should think for a minute about where some of policies have come from.

The profiles that have been adopted nationally in large part are profiles developed in Victoria. National curriculums were also in large part developed in Victoria. Is it not somewhat shameful to listen to a Minister and assistant Minister who are not prepared to give any credit to their own system of curriculum development implemented over a number of years? Curriculum development in Victoria has been of a very high standard.

We do not hear from members opposite about curriculum development or what should be taught in schools; instead we hear about what should be tested in schools. Certainly the honourable member for Ripon spent a large part of his time speaking on that. He spoke about testing, testing, testing, but what was the purpose of that testing?

An Honourable Member - It is diagnostic testing.

Mr LONEY - Is it diagnostic testing? The honourable member for Ripon raised a good point. A person who has had something to do with the education system would fully agree with diagnostic testing if it is used for a purpose. That is the important thing about diagnostic testing: not that it is done, but that it is used for a purpose.

Testing was linked very closely to literacy in the speech of the honourable member for Ripon and in other speeches. It is suggested that somehow testing will overcome illiteracy. This interesting proposition is not a new one. One of the key people putting forward the theory that testing is somehow allied to literacy and can overcome illiteracy is the new Director of School Education, Mr Geoff Spring. He ran that agenda 10 years ago or more in the Northern Territory.

An Honourable Member - It worked.

Mr LONEY - Did it? I will come to that in a minute. Literacy rates in the Northern Territory have not changed over the 10-year period that Mr Spring was conducting tests. That was the situation when the new director in Victoria came to power. I quote a person whom even members opposite will probably take as an expert, Mr Geoff Spring. In an article printed in the *Northern Territory News* dated 16 December 1990 he is reported as saying:

> In 1981 the department instituted a standard series of tests for years 5, 7 and recently year 10.
>
> He said the figure of illiterate Territory students was 20 per cent in 1988 and had remained constant since.

Under Mr Spring's program of testing, literacy rates have remained constant. So after a 10-year experiment in the Northern Territory that did not work the Victorian government has decided to bring Mr Spring down here to run another experiment that will have an equal lack of success because it is based on a flawed idea.

Testing on its own does not work; it is what is done with testing results that is important. There is no mention in the Bill of what is to be done with test results, so the premise is false.

Mrs Peulich - It is not about testing.

Mr LONEY - Nearly every speaker on the other side has picked up the point that the Bill is about testing. Certainly the contribution of the honourable member for Ripon was largely about testing.

The honourable member for Malvern spoke at some length on testing, too. I note his background. I shall refer to something the honourable member for Malvern would certainly be aware of. I am not sure whether the honourable member for Ripon and other honourable members would be aware of this. I refer to the works of Charles Dickens and particularly his novel *Hard Times. Hard Times* is appropriate in this context. The honourable member for Malvern would know that one of the central characters in this novel is Mr Gradgrind.

Mr Doyle - Facts, facts, facts!

Mr LONEY - "Facts, sir, teach them facts." This Bill is about the Gradgrind philosophy of education: the only things that count are facts - "teach them the facts, sir". It may be that the Minister for Education, who is at the table, is the Gradgrind of education in Victoria these days. I am not sure where that leaves the honourable member for Ripon. It may be that he is the Choakm'child. The central

philosophy is that education of itself has no intrinsic value.

Members have spoken about the year 10 certificate. The contribution of the honourable member for Ripon on the year 10 certificate was illuminating. He used the example of children in the Broadmeadows area, saying that they could aspire to the year 10 certificate. That is a wonderful view of education.

An honourable member interjected.

Mr LONEY - He may well have, but he is condemning them to something he was not condemned to; he had better opportunities. What will this do for education? The Minister in his second-reading speech said the Bill was about quality of education. How will the year 10 certificate improve the quality of education? Members opposite say that the Bill marks the end of compulsory schooling. Why would members want to make a point of that if it were not to suggest to some people that that is the limit of their achievement?

Allied to that was the attack by the honourable member for Ripon on retention rates.

Mr Hamilton interjected.

Mr LONEY - He is not the Minister yet, but he would like to be!

Retention rates have been talked about for some years, and there is a need to address what the education system is doing to help children develop higher aspirations than they have had in the past. Every child deserves to proceed through the education system as far as he or she possibly can, and that is what retention rates are about They show that more and more children are continuing on with their education. It is interesting that someone so intimately associated with education in this State denigrates the increase in retention rates, and the honourable member for Ripon should be condemned for that.

The honourable member for Malvern said the Bill stops the swing of the education pendulum. Having worked in education for some years I am not unfamiliar with the swing of the pendulum and the changes that accompany it. The Bill will not stop the swing of the pendulum; it will accentuate it. The Bill does not provide for any form of independent advice and independent setting of curriculum. All the powers in the Bill can be exercised at the whim of the Minister. When the member for Ripon takes over and introduces his philosophies the pendulum will swing again and a different facet of education will be looked at. I note that the honourable member for Ripon is happy with that suggestion. The Bill will not reverse the swing of the pendulum.

The member for Ripon also managed to work in social justice to his speech, and he degraded any ideas of that. He linked his condemnation of the former government's social justice principles to the people of his background - the children of Broadmeadows. Honourable members on both sides of the House would, I hope, like those children to have the same opportunities as other children throughout Victoria.

Honourable members should remember that good curriculum and good curriculum development are important. Education is much more than the simple parroting of facts; that is not curriculum, but it is what this Bill aims at. History, for example, is so much more than a collection of dates. If nothing else is included with the dates, a student has not been taught history.

The Bill excludes major sectors of the education community from addressing some of the curriculum issues.

Mrs Peulich-How is that?

Mr LONEY - The Bill ignores major sections of the education community that have a right to be involved in setting curriculum. Honourable members have heard about the non-government schools being represented on the board. I do not object to that, but the non-government schools that will be determining the curriculum do not have to follow the curriculum they determine; they can decide that the curriculum that they have set is something they do not wish to follow.

The only area in which non-government schools will be required to conform is with the Victorian certificate of education where accreditation is so important. Apart from that, non-government schools will not be required in any way, shape or form to follow the curriculum that they set.

Mrs Peulich - How about the curriculum committee?

Mr LONEY - There is no obligation on the non-government schools to adopt the decisions of the curriculum committee.

I shall refer to the question of accountability which has been raised by some. Attainment and accounQbility are being confused; they are not the same thing. Accountability comes in many forms, and certainly the education system should be accountable. There is no argument about that. However, the government should not confuse attainment with accountability, as is being done in this debate.

Mr Doyle - Can you measure one without the other?

Mr LONEY - The honourable member for Malvern is confusing the issue. One can certainly measure attainment, but the important thing is what one does with the measurement. Accountability is much wider than the single measure of attainment, and that is the point I am making: you have to go a lot further.

The government talks about attainment, illiteracy and their parameters, and bases its Bill on the fact that someone has been brought in from the Northern Territory--

The ACTING CHAIRMAN (Mr Cunningham) - Order! The honourable member's time has expired.

Mr E. R. SMITH (Glen Waverley) - This is an important Bill and one the State has needed for a long time. The government is proud of the measure because at long last it will get a grip on education, something the previous government did not do.

It is interesting to consider the way Australian universities view the education systems in Victoria and other States. I shall quote a recent survey of the views of business leaders commissioned by the Business/Higher Education Round Table. It elicited criticisms from graduates that must be taken seriously. The 1992 report lists some of the criticisms of the education system as:

> poor oral and written communication skills;
>
> poor ability to relate to others, especially those from a different background or working in a different area;
>
> a lack of empathy and understanding for other employees, especially those employed at the trades level;
>
> a lack of training in logic; and
>
> a lack of ability to manage others working in the same organisation.

Tonight the opposition has engaged in the usual carping criticism we have heard in the past about the sorts of things it did when in government. It has said nothing about standards. The Business/Higher Education Round Table organisation has referred to the standards that need to be achieved. The Bill will provide a grip on the curriculum so that Victorians will know what path education will be taking. Victorians need something that, at long last, will provide a proper grip on where our school system is heading. There has been no praise from the other side of the government's attempt to bring back accountability in schools. The honourable member for Geelong North in particular made the usual excuses as to why that should not occur.

The Board of Studies Bill is exciting. Its new approach will give back to parents in particular the opportunities they have been wanting for their children over the years. The people of Victoria are sick and tired of having their educational standards reduced to the current level. I am referring not to individual cases that honourable members may cite but to the overall position. It is obvious that Victorians want a new direction.

The Bill is an attempt to get rid of the educational system and mentality of those responsible for education in Victoria over the past 10 years. During the reign of the former Labor government there was a lessening of control over the way schools operated. The government wants to provide individual schools with the right to do the things that are necessary in their communities. It wants to offer a system that will allow students with abilities to get to the top and those who do not have the same talents to be given every opportunity to achieve the best possible results. That is the aim of the Bill. The government wants to introduce a system whereby schools can be run in a way that will benefit everyone.

I recall former schemes that allowed children with abilities to move into accelerated streams and be encouraged to attain certain goals. Children could transfer to opportunity schools or selective schools if they wanted to excel in certain disciplines. Other schools offered children opportunities of undertaking trade or commerce subjects. Many types of facilities were available to give students the education they required before entering the work force.

In considering what is wrong with our schools today, we must remember the earlier report I mentioned, which said that many students had poor oral and written communication skills. If we have a problem with our graduates, how will we ever get Victoria on to the right track? The Bill is an attempt to provide the necessary controls. The education system must allow children to transfer from one school to another throughout the State and not be disadvantaged by curriculum differences. At present it is not possible for children to move easily from school to school and continue their education without curriculum upheavals. If they do, it is more by good luck than good management.

The government will introduce a form of curriculum that will allow students to know where they are heading - a curriculum that will set out the standards required for each year. This is an important requirement for the proper running and accountability of our school system. It is vital that students, their parents and their teachers know where they are heading.

The honourable member for Malvern referred to the 1790s when the French revolutionaries examined what was required for France's educational system. Victoria has reached the other end of the spectrum. It must now return to a system that has standards and accountability and can be properly understood. At present Victorians have no confidence in their school system.

The Bill proposes a Board of Studies that will address the needs of students and business. It will produce a new form of curriculum, a curriculum suitable for all students who have certain aims, including those who wish only to go to certain levels and those who intend taking on tertiary education. There is no point in keeping children at school, as the Labor Party proudly trumpeted it was doing when in government, if it is really only baby-sitting and does not give students the opportunity to achieve their best results. In many cases keeping students at school was used in an attempt to keep the dole queues down.

A number of speakers, including the honourable member for Morwell, accused the government of teacher bashing. Members of the government have the greatest of respect for Victorian teachers, but certain attitudes of the teacher unions must be examined.

An article in the *Sunday Herald-Sun* this week headed "Dispute bid in school claims" makes one question the credibility of teacher unions. It states:

> The Australian Teachers Union has served an ambit log of claims on the Department of School Education.
>
> The log of claims includes a demand that teachers be paid $150 000 per year for 15 hours work a week during a school year -

wait for it -

> that lasts only 26 weeks.

Just listen to this credible union that the opposition is supporting:

> Other demands include a car valued at $100 000 or more and a residence valued at up to $250 000 for principals and "other officers designated by the ATU" as well as lifetime employment for teachers.
>
> The claim, dated 20 April 1993, gave the department 14 days to agree to the terms and conditions otherwise a dispute would be registered with the Industrial Relations Commission.

And the opposition talks about the teacher unions being credible. That is utter nonsense! It is the usual claptrap that we expect from the opposition in trying to support a system that is out of control. For the past 10 years Victoria's education system has been union dominated. The government believes that by having a proper grip on the education system it can restore the situation so that at last everybody can once again have confidence in the system.

The honourable member for Altona talked about the school systems in England and America. We do not want to consider the school systems in those countries. We should be looking at Japan and Germany - countries that are successful. They are the countries we want to emulate.

In Asian countries there is significant emphasis on education. They have respect for the educational institutions and for teachers. Unfortunately in Australia there is a general lack of respect not only for teachers but also for the school system. We must ensure that there is a proper rethinking of the system. The Bill provides the groundwork and wherewithal to enable us to examine what is required. We must emphasise the drills and skills, and not so much the frills, in schools. Victoria has

had years of glossing over what is called education and getting away from what is necessary.

I referred to a Commonwealth Labor government report issued in February this year which said that up to 20 per cent of children who moved from the primary to the secondary system had incredible literacy and numeracy problems. In other words, they were not able to cope.

The Board of Studies will ensure that a system is in place that allows children to receive their basic right to a good education. How many honourable members know of children who have become lost in the system? Many wonderful examples were given by the opposition of the results of the 80 per cent-plus retention rate in year 12, but how many of those students will have the necessary learning and skills to obtain employment?

Our system must be tailored so that people with talents will be recognised and pushed to the limits of their abilities - and the Bill provides those opportunities. We do not want the present rag-tag system to continue, because it has a bad reputation in the business community and has led to Australia's fall in world educational and living standings. Many years ago Australia was at the top of those standards. Australia's standard of living was among those of the top three to five of industrialised countries, but as a result of a lowering of standards over the years, particularly in schools, Australia is now 19th on the list. The honourable member for Morwell is grinning; he is proud of the system that has taken us to that level.

We must address the heart of the problem - and the Bill does that. It provides the opportunity for Victoria to raise its standards to their previous level. I do not denigrate all the work that has been done throughout the State, but we must ensure that we know where we are going. We do not want everyone going in different directions; we must know where we are and what we should be achieving.

Much has been said about the testing of students, which should be done after they have been properly taught. The honourable member for Geelong North criticised the honourable member for Ripon by saying that all he talked about was testing. The Bill will facilitate teaching to be done and then testing to be done. I should like to see testing at grade 4, grade 6 and year 10. That will show where the weaknesses are in the system. Testing should not be done for the sake of testing but to find out where the weaknesses are. The Labor Party has been too frightened of testing because it is afraid of how the teacher unions will react. The teachers paid half the election campaign expenses for the Labor Party in the 1982 election and we suffered the results of the paybacks.

We must find out where the weaknesses are and we must then remedy those weaknesses. The government is endeavouring to do what the former Labor government was too frightened to do. The honourable member for Altona hoped we would not return to the days of external testing, but that is the only testing that employers and the community believe is fair.

Honourable members interjecting.

Mr E. R. SMITH - Of course the rabble objects; that is what one expects from them. The government will ensure the system is fair, but it will require a rigorous period of study before examinations are held. Of course students will be nervous and worried, but that is the only system that will properly assess the levels students have reached. The government believes there should be a 50 per cent component of external testing at year 12. I should like to see a higher percentage; but the opposition has objected because it is afraid the weaknesses of schools that are not doing their jobs properly will be identified.

The government wants a system which is fair and which allows students, as the Minister and I saw evidence of in Sydney, to move through and perhaps win places in selected schools. If a student is lacking he or she can enter an intermediate level school, but there should be a system where everybody has similar opportunities, from the working class right through.

Honourable members interjecting.

Mr E. R. SMITH - I want an education system that I am proud to send children to, and I believe the Bill is the first step along the way. The Bill will enable the government to get a grip on the education system. The Labor Party did not have a grip on the curriculum; everyone was doing his or her own thing. The Rialto building had 2000 departmental officers located in it and most have been found to be redundant.

I do not object to curriculum days. Teachers should better themselves by becoming more skilled; but it should not be necessary for students to be given days off - usually on a Monday or a Friday to make a long weekend - so that teachers can attend to

curriculum matters. Teachers should be able to do that in their own time. Children should not be sent home from school because teachers choose to take curriculum days. When both parents are working, what happens to the children? Curriculum days should be looked forward to by teachers because they allow them to undertake personal development, but children should not be sent home. Do teachers believe that children just disappear on those days?

We must ensure that the Board of Studies develops a system that allows the best to be brought out of every individual. Students should be allowed to pursue excellence at their own levels rather than the artificial levels put in place by the former Labor government. Community confidence in education is low. We must push community confidence up, and that can be achieved through the Board of Studies.

Mr DOLLIS (Richmond) - The Committee has heard an extraordinary contribution by the honourable member for Glen Waverley. The opposition began to wonder whether the honourable member wanted an extension of time. His speech should make fascinating reading in *Hansard.* His contribution included references to the educational system in Japan. I wonder whether the honourable member has any idea of the education system in that country. Was he comparing apples with apples or rocks with fruit! He said some extraordinary things. I do not know whether the Minister took them all on board, but the honourable member appeared to contradict some important matters.

On the one hand the Minister said that there would not be external testing, but on the other hand the honourable member for Glen Waverley assured the Committee that external testing would be held. He said that testing would start at grade 3. The honourable member referred to weaknesses being identified. What do we do with those weaknesses in students or schools? I do not really know. The honourable member also spoke about pushing people to the limits of their abilities. We will have a Board of Studies which will not provide anything resembling a system of education and which will have little in common, either historically, educationally, culturally or academically, with any of the systems that the honourable member for Glen Waverley wishes to copy.

I assume that at some stage the Minister will take time to work out how the system operates in Japan or Asia, and whether the education system there has any similarity to the Victorian education system. He may be horrified to discover the truth!

Clause 1 increases the powers of the Minister and removes the independence of the board. Membership of the board is undefined. A criterion for membership amounts to individual expertise. How does one define "individual expertise", particularly when one realises that the selection criteria to be applied by the Minister are so limited?

There appears to be little accountability by the Board of Studies; apparently it will be accountable only to the Minister. Perhaps at some stage the Minister will define "accountability" and other aspects of the Bill. The Minister has the absolute power to direct the board on matters of policy and to provide its charter. At present the board provides its own charter.

As to directing education in Victoria, according to the legislation all wisdom is with the Minister and time will prove how wise any Minister can be about such matters.

I shall be brief because of the time restrictions imposed by the government, but fundamental questions abound about clause 1. Apparently the board will develop guidelines and procedures - but who will produce the courses, and who will determine whether there is a commitment to research and professional development for courses? The purpose of the Bill is to establish the Board of Studies; that board will have to deal with such problems.

This Bill also leaves the door wide open for the development of a multitude of courses which, in themselves, produce a number of uncertainties. Honourable members have dealt with the expansion of powers, as contained in the provisions, and about the present board having responsibility for only years 11 and 12; responsibility for preparatory to year 10 levels rests with schools. The Bill will move Victorian education into the realm of certain ideological theories, which I am sure the Minister understands.

I wonder about the interpretation of the Bill as explained by some government members. The Bill will return Victoria to the 1960s, when we were not trying to encourage students to complete year 12. Why would anyone develop a system to grant a certificate for the passing of year 10? What logic exists in the system in attempting to bring excellence into education?

I understand a number of honourable members opposite have a commitment to and understand education, but do some of the ideologues have any idea of the type of education that may result from this legislation and do they realise that the Minister will have extraordinary powers? I would not want to be in the position of the Minister. He must try to become a wise person; basically, he is telling Victorians that all wisdom rests within his parameters. If that is the way education is heading, there will be fundamental problems.

I hope honourable members on both sides will restrict their contributions so that the Committee can move beyond debate on clause 1. It is unfortunate that time restrictions have been applied to debate on education reform, because this Bill is the most important that Parliament will debate in this sessional period. Parliament debated the Barley Marketing Bill for more than 6 hours; but, when it comes to changing the education system in Victoria, only a limited time is allowed to analyse and debate one of the most extraordinary pieces of legislation ever debated in this place.

I suggest the government withdraw the Bill and return it to the drawing board. The Bill has too many uncertainties and has not been drafted properly. It has many queries about its purposes and leaves too many factors unsettled. The power of the Minister becomes paramount and the board will be subservient to the Minister. If the government does not realise that these measures will amount to a negative step for Victorian education, it does not have a clue what it is doing.

The honourable member for Glen Waverley had certain ideas about the type of education he wants in Victoria, but unfortunately his ideas are dissimilar to what his colleagues want. When he later compares his contribution to those of other honourable members, he will realise that he has contradicted the Minister. We assume the Minister has been reasonably honest with us about undertakings, but the honourable member for Glen Waverley will discover that his contribution has contradicted that of the Minister.

The Bill does the Minister no credit. The Minister has a history of commitment not only to the education area but also in social matters; however, this Bill will go down in history as one of the most negative steps that the government has committed itself to in its first six months in office.

There is still time for the Minister to withdraw the Bill. He should reconsider the provisions and remember that the future of our children should be handled in a bipartisan manner so that everyone feels confidence in the system, and politics will not be seen to be playing with the future of our children.

Mrs ELLIOTT (Mooroolbark) - I am pleased my contribution has been preceded by that of the honourable member for Richmond. I have had many teacher-related experiences, but one of the most interesting was as a leader of a Brownie pack in the high-rise flats adjacent to Richmond Primary School. That Brownie pack was comprised mainly of Vietnamese and Laotian children.

What I found fascinating was not so much the Vietnamese children dancing around an imitation mushroom, but that after some time many of them did not attend the Brownie pack meetings. Apparently many of their parents were sending them to Xavier College or Mandeville Hall. Their mothers were working in the sweatshops in Richmond doing piecework for manufacturers and their fathers were working in factories. The parents placed education as a high priority for their children.

An honourable member interjected.

Mrs ELLIOTT - One of my colleagues says that that is like the shadow Minister! However, many other honourable members on both sides seem to have chosen a non-government school education for their children.

On several occasions in my years as a probation officer, parents of my clients said that had their children stayed at school they would not have got into trouble. Perhaps the "trouble" may not have been great - perhaps shoplifting or being in moral danger - but they felt that had their children not left school at age 14 or 15 years they would have done better in life.

In my later teaching experiences I taught year 12 students individually. A Chinese girl whose father was a wholesale greengrocer at the Footscray market who spoke very little English came to me for two years to improve her English skills. She is now a medical graduate at Melbourne University. She invited me to her graduation ceremony, which I was pleased to attend.

It is a fact that families choose to send their children to non-government schools because they believe they will get a better education. It therefore gave me

pleasure to read in a newspaper article that a student from the Flemington High School had gone into the faculty of medicine at Melbourne University.

Mr Cole interjected.

Mrs ELLIOTT - It was the honourable member for Melbourne, was it?

The CHAIRMAN - Order! The Committee is interested in the educational exploits of the honourable member for Melbourne, but he should not interject.

Mrs ELLIOTT - That is interesting, Mr Chairman; from memory I believe the student was female. Unless the honourable member for Melbourne has undergone a radical life experience, it was not him.

The honourable member for Geelong North spoke about curriculum development being important and said that the Board of Studies would not ensure sufficient curriculum development. An article in the current issue of the Institute of Public Affairs **Education Monitor** states:

> If we really were appropriately professional, would 25 per cent of our children be leaving primary school with major literacy problems? Would countless numbers of them be 'doing' The Family, Pollution, the First Fleet, or the Dreamtime three years running in primary school, but have difficulty using a phrase like "the east coast of Australia" when defining the location of Sydney? And would we continue to insist that testing the reading of infant children is more 'stressful' than allowing them to progress to high school without basic word attack skills?

The honourable member for Geelong North said that it was terrible to give children a certificate at year 10 level. I disagree with him; it is important in life to mark progress. Society suffers if we do not mark progress through life to enhance people's self-esteem by sufficiently celebrating achievement at various levels. The groups that have the highest levels of education and the lowest levels of delinquency attest to that: I refer to the Jewish community, which celebrates the passage of time early in life with the bar mitzvah or the bat mitzvah, which takes place at the age of 13 years. The Jewish community says that a boy or a girl becomes a man or a woman at the age of 13 years. Jewish children do not seriously believe they have finished their education or have become adults, but they mark the bar mitzvah as the beginning of a new phase. With the decline of formal Christianity in society we do not have enough marking of levels of achievement in people's lives.

An honourable member interjected.

Mrs ELLIOTT - Confirmations are declining. One of my children agreed to be confirmed but hid in the woodpile when the vicar came. My two other children declined to be confirmed. We do not sufficiently mark passages of time in life. A certificate at year 10 is a mark of achievement that will encourage a child to go further to obtain a certificate at year 11, and I have no problem with them obtaining a certificate at year 12. Every student should be given a chance.

I commend the Minister for establishing a Board of Studies that will provide a coordinated curriculum from preparatory year to year 12. One of the great sorrows to me when the list of the top VCE students was published last year was the clustering of the achievements of students from non-government schools. My aim and the aim of any government should be to make government schooling a genuine alternative and to stop that clustering in non-government schools. If that took place the top VCE students would be in government schools. Most parents cannot afford to send their children to non-government schools; children should get the best of life's chances by obtaining their primary and senior schooling in government schools.

There has been too much evidence over the past 10 years of political correctness in government schools. The honourable member for Ripon spoke about the lack of rigour being applied to children in government schools and the education parents want their children to have. I am a great advocate for government schools, contrary to what opposition members might say. I have always taught in the government system and should like the schools to offer children the best chance in life by giving them a good education. The experience of the honourable member for Melbourne, allegedly in his guise as a female graduate from Flemington High School being able to study medicine at Melbourne University could be replicated many times.

The Minister for Education has been far-sighted in establishing the Board of Studies. Many parents want to know how their children are going against the achievements of other students. The parents who come to my office say they want to know how their children are going, regardless of whether they are bright or struggling. Testing will enable students to

get the help they need to achieve the educational levels that are required to put them on the educational pathways that are mentioned in the Bill.

I turn to Schools of the Future. Many government members had not anticipated the extreme disappointment of the schools that did not get into the pilot program. Yesterday morning I spent an hour consoling a principal from one of my local secondary colleges which had not been admitted to the pilot program. I told him that the school would probably get into the program next year. He said, "That is not good enough. It is a slur on our school; we want to be in the initial program". Many schools applied for admission to the pilot program but only a certain number could be included. I realised that instead of congratulating the schools that got into the pilot program I should have spent more time going to the schools in my electorate which got into the associate group. I should have told them that it was no reflection on the outstanding education they are offering their students, because only a limited number of schools could be included in the pilot program.

The Bill marks an advance in Victoria's education system. It will increase the standard of education and offer students in Victorian government schools the standard they want, that their parents want and that their teachers want.

Mr SANDON (Carrum) - I thank you, Mr Chairman, for the leniency you have shown the Committee on what has been a wide-ranging discussion on education. The debate reflects the anger of honourable members at the way debate on the Bill has been guillotined. Members on both sides of the House have wanted to make contributions to the debate on the effect the Board of Studies will have on education. I am not sure whether the honourable member for Malvern is aware of the implications of the legislation.

The honourable member for Ripon obviously has not understood that for the past decade parents and teachers have wanted more from the education system.

I thank you, Mr Chairman, for the way you have allowed opposition members to speak extensively on clause 1. I am now waiting for the Minister to indicate whether my proposed amendments will be accepted.

Mr ROWE (Cranbourne) - Some of the comments of honourable members in this debate are totally hypocritical. The children of the honourable members for Sunshine, Carrum and Broadmeadows do not attend government schools, unlike my children, who attend the local State primary school. Obviously those honourable members are not happy for their children to benefit from their contribution to the Labor system of education!

It is hypocritical of the honourable member for Altona to refer to ideological education when the Labor system of education includes a subject known as Labor studies. Whatever happened to even-handed education? Nothing is heard about the great steps forward of capitalism and the gains that can be made by achievement of excellence in society. Even the honourable member for Williamstown was quoted in the *Labor Star* as saying:

> We also need to emphasise the importance of studies as yet not central to the curriculum in Victoria: the study of labour; its importance; its contribution; its culture; its organisation;

Where is the mention of the capitalist contribution to the community?

Ms Kirner - Read it.

Mr ROWE - It is not there. I have found that all teachers want to do is to get back to basics and to stop all the rubbish about ideology and the attempts at guiding people down the socialist stream. Teachers want to get back to reading, writing and arithmetic.

Mr Seitz - How would you know?

Mr ROWE - I would know more than Mr Tram Conductor.

The CHAIRMAN - Order! When the honourable member for Cranbourne is referring to other members he should use their correct titles. He should also direct his remarks to the Chair.

Mr ROWE - This is an emotive subject. The education of our children has been hijacked by the socialists of the other side of the Chamber. Children need to be taught how to achieve in society. In the 1960s and 1970s students were given some indication of their achievements in the system by the granting of intermediate, leaving and matriculation certificates. I know many people who left with only intermediate certificates but who were able at least to read, write and multiply and who have since achieved greatness. One person I know who left

with an intermediate certificate has gone on to become a solicitor.

The system that is promoted by the Labor Party, and as expressed to me last night by teachers at a school council meeting, lacks discipline. It teaches no respect for the system, for the past or for parents and teachers. The system also emphasises the rights of the child but fails to teach that with rights come responsibilities. A teacher asked me last night, "Gary, when will your government return this system to basics?"

Mr Micallef interjected.

Mr ROWE - The honourable member for Springvale, who lacks the basics, is prepared to agree that children need to be able to read, write and do arithmetic.

Teachers want to get on with teaching. They want to be able to administer discipline in the classroom. They do not want a child standing up and saying, "You can't do that to me because I'll sue you, or my father will". That is what has happened under the system of the socialist Labor government.

My children are receiving an excellent State school education, unlike the children of the honourable member for Sunshine, Carrum and Broadmeadows. Only one teacher at the school my children attend is going on strike, and that teacher may not be there for much longer. The other teachers at that school are dedicated to the imparting of knowledge to children, not the ideology and rubbish of the former government.

The Minister for Education is dedicated to education to excellence, not education to sameness. People cannot achieve in this world unless they aspire to achieve. All the previous government wanted was the dull, boring sameness which was turned out for decades in Europe and which was thrown out by the people of Europe when they rejected socialism.

The current VCE system, which was introduced by the former Labor government, places excessive strain on children. If they do not achieve in year 11 they will not get a certificate to enable them to enter the work force. I reached the leaving certificate level and was able to enter the Police Force and further my education. One of my Parliamentary colleagues from Ballarat actually went to the intermediate level and reached the rank of senior sergeant before entering Parliament. At least when he achieved his intermediate certificate he was able to read and write, unlike children in Victoria today.

Primary school principals have asked me what can be done about this problem. Those children must be caught by the system now because it has let them down for the past 10 years.

It is interesting to examine the entire ideology of the Labor Party. Last night I listened to ABC radio - that socialist radio station - and had a long laugh when the fellow who was reporting from Cambodia said that the electoral booths were to be "personned". What is "personned"? Voting booths are "manned" in Australia.

Honourable members interjecting.

Mr ROWE - If honourable members opposite read the dictionary - if they can read it - they will find that "manned" means providing people to operate. The word "personned" sums up the Australian Labor Party. It is about ideology without substance, while members opposite send their children to private schools.

The State school system can be the equal of or better than the private school system because it has excellent teachers who want to get on with the basics. The Bill will allow teachers to do the job of teaching excellence.

Mr COLE (Melbourne) - My two children are too young to go to school; they are aged one and three years. There is a dispute at home about whether they will go to the public or the private school system. That is not because I do not have faith in the public school system, but because my wife is a Catholic and believes our children should have a religious education. At this stage I am winning the debate and the children may attend Flemington Primary School.

Unfortunately, they will not be able to attend my alma mater, Flemington High School, when they are older, because it has been closed by the government. My wife and I do not want them to go to a private secondary college but they may have to because, the way the government is heading, in a few years there will be no secondary schools in my area.

I take up the points made by the honourable member for Mooroolbark about my gender. I have never been a female. I have suffered no metamorphosis. I went to law school, not medical school, but I am pleased that some students from

Flemington High School have done well. It is amazing that they have produced a shadow Attorney-General! I might have done medicine, but the Liberal administration was in government during my secondary schooling so Flemington High School did not have science teachers and it was impossible to enter medical school without being taught physics and chemistry at year 12. Even if the school had had science teachers, the classes were so large that we would probably have learnt little science.

Government members talk about the disastrous education system perpetrated by the 10 years of Labor administration, but they do not speak of the increasing number of students staying at school, the expanding tertiary education sector or the number of students now attending the law and medical faculties of the universities throughout Melbourne. The standard of education in most schools among the children of Victoria would put many members opposite to shame, especially the Premier, who could have studied grammar only for a short period, because his grammar leaves a lot to be desired.

I have never heard such a load of drivel as honourable members have heard from government members about what the government will do for education. The honourable member for Glen Waverley wants to take the education system back to the 19th century. He wants students to learn the basic reading, writing and arithmetic, but to use a quill with ink so that they can write lovely curves, light up and dark down. It does not matter what they write, as long as it looks good! He does not want students to use computers or calculators. He wants to reintroduce the cadet training system, especially for children in the preparatory class. He wants them marching up and down, preferably in uniforms that they will have to pay for themselves. He also wants the teachers in uniform! He wants to make sure that everyone is in uniform so that they all look exactly the same, teachers and students, so that there is no individuality in society.

He does not want children to grow up thinking that they may be members of a union - heaven forbid! He does not want students learning about socialist principles - which would stop the teaching of history - because that would inform them of the industrial revolution. He certainly does not want students to know anything about revolutions.

What sort of education system would that be? An appalling system; one that did not accept computers, calculators or a grammar text system that will do the grammar for the student. They would have to know their times tables by heart. How could they count sheep without a calculator!

The honourable member for Cranboume thinks that during the past 10 years people like myself were sitting in a dark room with a hammer and sickle beside us working out how we would convince society of the benefits of communism and having communism taught in the education system. Where is the evidence of that? What is happening in universities? Honourable members opposite should ask that noted left-wing educationalist, Professor Penington, about the background of students at the University of Melbourne. They would soon find that very few of the students there come from working-class suburbs. Because the education system is geared to competitive mechanisms, students from working-class suburbs are almost precluded from attending that university.

Members of the government want to reintroduce the intermediate certificate, which would not even get young people into the Police Force today. Those systems are gone; they are pas . It is nonsense.

I am pleased that the honourable member for Mooroolbark is teaching children about Brownies. I am sure that has some value, but education is much broader than that. The Victorian certificate of education provides a broad range of subjects that will properly prepare students for university, not to develop communist plots or to learn about socialism. What absolute nonsense!

Mr E. R. Smith interjected.

Mr COLE - The honourable member ought to keep quiet after the pasting he has received. He wants the government to introduce a Japanese system of education.

In conclusion, I thank the honourable member for Mooroolbark for mentioning Flemington High School. Unfortunately it has been closed and is about to be sold to the Victoria Racing Club for use as a jockeys' school. The contributions of government members were appalling; they ought to go back to school.

Mr JENKINS (Ballarat West) - I come from a trade background and have been privileged to train apprentices for the past 30 years. Over the past decade I have seen a deterioration in the standard of education of apprentices who have come through the system. Much has been said tonight about the

three Rs. When it comes to apprentices trying to fill out time sheets or even write their names and addresses it is obvious that the three Rs are not being taught.

An employer requires his employees to do a fair day's work for a fair day's p a y - a n d he expects that at least they are able to fill out work sheets. I can give an example of a young apprentice who had been educated to VCE level in the magnificent school system that has been in place for the past 10 years. He had a 1-metre-long ruler and was asked to give a measurement of a specific item. I asked him what the measurement was, and he said, "The length of the ruler plus 59 little bits". The education system had not even taught that kid how to read a ruler!

These days employers expect employees to have at least the same ability as employees in years gone by. They expect that at the very least employees can write. I take the point made by the honourable member for Melbourne about working a computer. These days many machines are computer programmed or logic controlled. Employees come into factories from the school system, where they have had a wonderful time. They look at a computer and ask, "What is that?" They may say that they saw computers during their VCE years and that they learnt something about them, but they cannot work them because they have not been properly trained or tested on the way through. They may have supposedly done studies on computers, but when it comes to practical work they cannot transfer the knowledge they are supposed to have learnt to the skills needed to work on the machines.

Another example concerns a factory employing more than 600 people where 10 new employees were required to work with modern machinery. The personnel manager told me that he interviewed 100 people to find 10 employees who had been educated to the standard required to work the machines.

Over the past 10 years our education system has not worked. The Bill is important because it will provide a proper standard of education in the 1990s that will ensure future employment for people.

The CHAIRMAN - Order! The honourable member's time has expired. The honourable member for Malvern has 2 minutes.

Mr DOYLE (Malvern) - I feel I must speak again on the Bill, even in the 2 minutes remaining, to tackle some of the misapprehensions of opposition members such as those evident in the vituperative remarks of the honourable member for Altona, the ill-informed comments of the honourable member for Morwell, the provocative ideology of the honourable member for North Geelong and the absolute cant of the honourable members for Richmond and Melbourne. The problem with all of those speakers is that they think the government and non-government school systems are separate and that there is some extant class warfare. Their chip-on-the-shoulder mentality is a mind-set about how to keep them separate, as if they are not part of the same system and do not cross-fertilise and learn from each other. These are terrible misapprehensions about education as a whole and reveal something about the speakers and their knowledge of education.

The important thing about diverse education sectors is that there be a partnership between them, which the Bill will allow. That is something the opposition obviously finds ideologically unacceptable. Opposition members must learn that the most effective way for education to proceed in this State is to have choices for parents and choices for students about the schools they attend and choices for employers from the range of people who graduate from our education system. They do not seem to be able to understand the three streams of education we need: to prepare people for higher education; to prepare them for work; and to provide opportunities for those people who do not know which of those two paths to pursue.

The CHAIRMAN - Order! The honourable member's time has expired.

I remind the House that according to Standing Order No. 44 an honourable member should not walk between the member addressing the Chamber and the Chair. There have been several occasions in recent times when that has happened. Honourable members should always be mindful of the honourable member speaking and should not cross between that honourable member and the Chair.

The time allotted for the remaining stages of the Bill has expired. The question is:

That clause 1 stand part of the Bill.

Clause agreed to.

The CHAIRMAN - Order! The further question is:

That clauses 2 to 26, together *with* the printed and circulated government amendments Nos 1 to 5, be agreed to.

Question agreed to.

Printed and circulated government amendments referred to in question:

1. **Clause 5, line 13, omit "receive" and insert "have access to".**
2. **Clause 6, page 4, lines 29 and 30, omit paragraph (o) and insert-**

   "(o) to report (as the Board sees fit) on student performance to the Minister, the Director of School Education and relevant bodies;".
3. **Clause 16, line 2, after "Board" insert "(of which there must be at least 6 in each year)".**
4. **Clause 17, line 32, after "person" insert "employed in the administration or execution of this Act or the Education Act 1958".**
5. **Clause 24, line 8, after "person" insert "employed in the administration or execution of this Act or the Education Act 1958".**

Reported to House with amendments.

Passed remaining stages.

APPROPRIATION (PARLIAMENT 1992-93) BILL and SUPPLY (PARLIAMENT 1993-94, No.1) BILL

Mr GUDE (Minister for Industry and Employment) - I declare these Bills to be urgent Bills, and I move:

That these Bills be considered urgent Bills.

Required number of members rose indicating approval of motion being put.

House divided on motion:

Ayes, 57

Ashley, Mr	Maughan, Mr
Bildstien, Mr	Napthine, Dr
Clark, Mr	Paterson, Mr
Coleman, Mr	Perrin, Mr
Cooper, Mr	Perton, Mr
Davis, Mr	Pescott, Mr
Dean, Mr	Peulich, Mrs
Doyle,Mr	Phillips, Mr
Elder, Mr	Plowman, Mr A.F.
Elliott, Mrs	Plowman, Mr S.J.
Finn, Mr	Reynolds, Mr
Gude,Mr	Richardson, Mr
Hayward, Mr	Rowe,Mr
Heffernan, Mr	Ryan, Mr
Henderson, Mrs	Smith, Mr E.R.
Honeywood, Mr	Smith, Mr I.W.
Hyams,Mr	Spry,Mr
Jasper, Mr	Steggall, Mr
Jenkins, Mr *(Teller)*	Stockdale, Mr
John,Mr	Tanner, Mr
Kennett, Mr	Tehan, Mrs
Kilgour, Mr	Thompson, Mr
Leigh, Mr	Traynor, Mr *(Teller)*
McArthur, Mr	Treasure, Mr
McGrath, Mr J.F.	Turner, Mr
McGrath, Mr W.D.	Wade,Mrs
McLellan,Mr	Weideman, Mr
Maclellan, Mr	Wells,Mr
McNamara, Mr	

Noes, 24

Andrianopoulos, Mr *(Teller)*	Loney, Mr
Batchelor, Mr	Marple,Ms
Coghill, Dr	Micallef, Mr
Cole,Mr	Pandazopoulos, Mr
Cunningham, Mr	Roper,Mr
Dollis,Mr	Sandon,Mr
Garbutt, Mrs	Seitz, Mr
Haermeyer, Mr	Sercombe, Mr
Hamilton,Mr	Sheehan, Mr
Kennan, Mr	Thomson,Mr
Kimer,Ms	Thwaites, Mr *(Teller)*
Leighton, Mr	Vaughan,Dr

Motion agreed to.

Mr GUDE (Minister for Industry and Employment) - I move:

That the time allotted for the remaining stages of these Bills be until 11.15 p.m. this day.

Mr ROPER (Coburg) - On the question of time, Mr Speaker, the guillotining of the Appropriation and Supply Bills is part of a clear intention by the government to make an absolute farce of any Budget consideration in this House.

Mr S. J. Plowman interjected.

Mr ROPER - The honourable member for Evelyn suggests that the opposition should not be raising the question of the amount of time the government proposes to allow for this debate. I should have thought that the honourable member for Evelyn would have some respect for this House

and would realise that it is important for adequate time to be allowed for debate on Appropriation Bills.

I remind honourable members on the government side of the House that traditionally in the order of 25 to 35 hours have been allowed for the debate on Appropriation, which, until quite recently, included the Parliamentary appropriation.

The SPEAKER - Order! There is far too much audible conversation in the Chamber. The House will come to order.

Mr ROPER - In those circumstances any honourable member who wished to speak in the Appropriation debate was able to do so. I remind honourable members - no doubt the honourable member for Evelyn will remember - that 28 hours and 41 minutes were allowed for the debate on the Appropriation Bill in 1981-82 and that in subsequent years the time allowed was as follows: 26 hours in 1984-85; 25 hours in 1985-86--

The SPEAKER - Order! I do not like to interrupt the honourable member but there is too much audible conversation in the Chamber. Unless honourable members remain silent, I will be forced to indicate who they are.

Mr ROPER - A total of 30 hours was allowed in 1986-87; 29 hours in 1987-88; 25 hours in 1989-90; 27 hours in 1990-91; 30 hours in 1991-92; and in the last sessional period under the Labor government some 18 hours and 30 minutes were allowed for the debate on the Supply Bill alone.

When guillotine motions were moved on Appropriation or Supply Bills, they were moved after there had been a significant number of speakers. Indeed it would be reasonable to say that when the guillotine motion was moved on Appropriation or Supply Bills there had been discussion with the two other parties which ensured that there was sufficient time for all remaining members of the government and the opposition - -

The SPEAKER - Order! I am forced to interrupt the honourable member at this stage. It is 10 o'clock and under Sessional Orders I am required to interrupt the business of the House.

Debate interrupted.

Mr STOCKDALE (Treasurer) - I move:

That the sitting be continued.

House divided on motion:

Ayes, 57

Ashley,Mr	Maughan,Mr
Bildstien, Mr	Napthine, Dr
Clark,Mr	Paterson, Mr
Coleman, Mr	Perrin, Mr
Cooper, Mr	Perton, Mr
Davis, Mr *(Teller)*	Pescott, Mr
Dean,Mr	Peulich, Mrs
Doyle, Mr *(Teller)*	Phillips,Mr
Elder,Mr	Plowman, Mr A.F.
Elliott, Mrs	Plowman, Mr S.J.
Finn,Mr	Reynolds, Mr
Gude,Mr	Richardson, Mr
Hayward,Mr	Rowe, Mr
Heffernan, Mr	Ryan, Mr
Henderson, Mrs	Smith, Mr E.R.
Honeywood, Mr	Smith, Mr I.W.
Hyams,Mr	Spry, Mr
Jasper, Mr	Steggall,Mr
Jenkins, Mr	Stockdale, Mr
John, Mr	Tanner, Mr
Kennett, Mr	Tehan, Mrs
Kilgour,Mr	Thompson, Mr
Leigh, Mr	Traynor,Mr
McArthur, Mr	Treasure, Mr
McGrath, Mr J.F.	Tumer,Mr
McGrath, Mr W.D.	Wade,Mrs
McLellan,Mr	Weideman, Mr
Maclellan, Mr	Wells,Mr
McNamara, Mr	

Noes, 24

Andrianopoulos, Mr	Loney, Mr
Batchelor, Mr	Marple, Ms *(Teller)*
Coghill, Dr	Micallef, Mr
Cole,Mr	Pandazopoulos, Mr
Cunningham, Mr	Roper,Mr
Dollis,Mr	Sandon, Mr
Garbutt, Mrs	Seitz, Mr
Haermeyer, Mr	Sercombe, Mr
Hamilton,Mr	Sheehan, Mr
Kennan,Mr	Thomson,Mr
Kimer,Ms	Thwaites, Mr
Leighton, Mr	Vaughan, Dr *(Teller)*

Motion agreed to.

Debate resumed.

Mr ROPER (Coburg) - It is interesting to look at the number of members who spoke on the Appropriation Bills during the 51st Parliament. In 1989-90 some 54 members spoke for 25 hours and 54 minutes. In 1990-91 some 55 members spoke for a

total of 26 hours and 58 minutes; and in 1991-92 some 61 members spoke for a total of 30 hours and 29 minutes. In addition at least 30 members spoke every year on the Supply debate.

This government has deliberately set about taking away the rights of honourable members to speak on Appropriation Bills. There is no question that the Leader of the House and the government have decided that it is an unnecessary privilege for members to speak on the Budget and that Supply debates are not important.

Last year when the coalition was in power only 10 members spoke on the Appropriation (Interim Provision 1992-93) Bill spanning a total of 4 hours and 59 minutes. The government guillotined debate on the Appropriation (Interim Provision, Parliament 1992-93) Bill allowing time enough for only 2 members to speak in 1 hour and 6 minutes.

It makes an absolute farce of the speech that the government wrote for the Governor to read at the opening of Parliament last October, which said that the government wished to reinstate the importance of Parliament. The government has absolutely no intention of dong that! One wonders where the great democrats on the other side are now. When he was in opposition the Minister for Finance insisted that adequate time be provided for debate on Ministerial statements. He is now voting with his colleagues to ensure that debate is kept to an absolute minimum because the government has respect for neither this place nor the importance of honourable members being able to present their views.

During debate on the Appropriation Bills the government deliberately gagged its own members. I am sure that comforted them because they did not want to support the Bills anyway! The government is now doing the same with the Parliamentary Appropriation Bills.

I wish to move an amendment to the motion before the House:

> **That the expression "11.15 p.m." be omitted with the view to inserting in place thereof the expression "1 p.m. tomorrow".**

I am not suggesting that Parliament should go through the stupidity of meeting through the night as the government insisted last week. I am suggesting a sensible debate lasting for some hours so that members on both sides of the House can contribute.

The SPEAKER - Order! Did the honourable member for Coburg say "1 a.m." or "1 p.m."?

Mr ROPER - I said 1. p.m.

Mr Reynolds - T h a t is tomorrow afternoon!

Mr ROPER - If the honourable member had been listening he would have been aware that I was saying that Parliament should not repeat the stupidity of last week sitting during the night, but rather that the Bills be debated between 10 a.m. and 1 p.m. tomorrow.

The-government seems absolutely determined to deny the rights of members in this place. When he was in opposition the Treasurer used to speak for approximately 2 hours on the Appropriation Bills and then had a full cast of members behind him to follow. The Treasurer is now party to a motion that denies members on either side of the House the right to participate in debate on the Parliamentary Appropriation Bills.

This action will return one day to haunt the government because it destroys - -

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

Mr STOCKDALE (Treasurer) - T h e Labor Party must surely qualify for the *Guinness Book of Records* for hypocrisy on at least two grounds: this House has just seen the amazing spectacle of the opposition actually opposing the continuation of the sitting in order to argue that more time should be provided to debate the Parliamentary Appropriation Bills. That defies logic. How can the opposition simultaneously argue that the sitting should not be continued and that more time should be available to debate the Parliamentary Appropriation Bills? Those two points made by the honourable member for Coburg show that the Labor Party simply does not have its act together. It cannot even reconcile its attitude towards debate on a particular Bill with its overall attitude towards Parliamentary debate.

It is extraordinary on that score alone that the opposition has engaged in the sort of inconsistency breathlessly espoused by the honourable member for Coburg. It is utterly irreconcilable, and even the opposition must concede it, that the honourable member for Coburg would call for a division to oppose the continuation of the sitting and then speak on a motion demanding that he should have

more time to address the Bills. It is unbelievable hypocrisy and inconsistency.

The opposition has attempted to frustrate the considerations of this Parliament. The government was prepared to enter into discussions with the opposition as a whole and with individual shadow Ministers to allocate suitable times for debating Bills on which the opposition had important views to put forward. The opposition has not been prepared to agree to that or to facilitate the orderly processing of the business of Parliament.

Time and again opposition members have delivered substantially the same speeches. As I pointed out last week, the honourable member for Preston made the same speech virtually word for word.

Mr Leighton - I was being consistent.

Mr STOCKDALE - Consistent to the point of irrelevancy and tedious repetition and boredom. He had nothing to contribute to the debate; he was simply filling in time. Because the Standing Orders allocate a certain amount of time for a member to speak, he stood up on two separate occasions and made virtually the same speech. What was the purpose of that?

The government is prepared to negotiate with the opposition to identify - -

Mr Roper interjected.

Mr STOCKDALE - That is simply untrue. There has been no disagreement about the time allowed for the deliberation of Bills. I do not doubt that there will be disagreements in the future, but the fact is that the government has been prepared to get together with the opposition and identify the Bills on which the opposition requires meaningful debate.

It is extraordinary that tonight the opposition voted against the Supply Bills. Since 1975 the Australian Labor Party has sought to maintain the rage of the people of Australia against even the possibility of blocking Supply. How can the Labor Party expect to be taken seriously after voting against the passage of Supply in this Parliament?

Mr Leighton - In the Lower House, not the Upper House!

Mr STOCKDALE - The opposition intends to adopt a different position in the Upper House. That is a complete sham. The Labor Party is virtually saying, '1t is all different. Although we are outnumbered two to one in both Houses, in the Lower House we will indulge in the luxury of voting against Supply. In the Lower House, where Supply has been introduced and the government is formed, we are intent on opposing Supply but we are not prepared to do so in the Upper House".

Mr Leighton - On the question of time!

The SPEAKER - Order! The honourable member for Preston has had a fair go. I ask him to come to order.

Mr STOCKDALE - It is all hypocrisy and nonsense. The Labor Party has given ingenuous treabnent to the rules of Parliamentary debate. It has set out to frustrate rather than facilitate proper and orderly debate in the House. The proof of that is that, on countless Bills that the Labor Party agreed with and ultimately voted to support, it ran a filibuster campaign by putting up speaker after speaker with nothing to contribute to the debate; they merely filled in time. Opposition speakers offered nothing constructive. It was hypocrisy of the highest order. It ill behoves the Labor Party's Leader of the House to protest in the middle of his own speech, thus denying himself the right to speak on a Bill when he knows that it is simply a waste of time and frustrates the opportunity of his members to contribute to the debate. If the Labor Party had any shred of decency it would stop this farce, cooperate with the government in its timetabling arrangements and allow all members to make useful and proper contributions to the debate, instead of squandering time in debating these procedures.

Dr COGHILL (Werribee) - The speech by the Treasurer is unbelievable. As a member of the executive of the Parliamentary Labor Party and as a close colleague of the honourable member for Coburg, I am in a position to know whether there have been overtures of the type indicated by the Treasurer to the opposition to attain orderly arrangements for the programming of business of the House. Such overtures have not occurred. In fairness to the Treasurer, perhaps someone has told him that that was the proposal, but it has not happened. What the Treasurer said tonight is untrue.

No overtures were made to the opposition and no proposals were put to it. The closest we came to such a position was an indication by the Premier, speaking on the Appropriation and Supply Bills last Thursday, when he said:

> In the interests of staff and members, the operation of the Federal system should be considered. I thought that, with agreement, we could introduce those arrangements to Victoria. We have tried it this week and it has not worked because the opposition has filibustered.

It is simply not true. I have been closely involved in the issue and kept up to date with the discussion - the little there has been - between the Leader of the House for the Labor Party, the honourable member for Coburg, and the government. The sorts of proposals intimated by the Premier have not occurred.

The references the Premier made to the Federal system indicate that he does not understand how it works in any event and that he is unfamiliar with the options paper issued by the former Standing Orders Committee of which you, Mr Speaker, and I were both members. That options paper was circulated to members of the House in July last year. The solution to the problem was in the options paper circulated to members of the 51st Parliament in 1992.

The SPEAKER - Order! The Chair has some difficulty. As the honourable member would appreciate, debate on the question of time is narrow and I am not sure whether the Chair can entertain the canvassing of other matters. I ask the honourable member to return to the question of time.

Dr COGHILL - In debating the question of time it is important to canvass the opportunity for members to consider issues relevant to these two Bills, which are to be debated concurrently. A key matter the House must consider and debate in that context is the management of Parliament, in particular the management of this House, which in turn goes to the effective and efficient use of its time.

I will not deal with the merits of the proposal put by the Premier, but the document issued by the former Standing Orders Committee is publicly available and contains suggestions on how the House can overcome this problem.

Over the past few sitting days the government seems to have been struck with some sort of petulance. Time and again we have seen petulant behaviour by government members responsible at the time for procedural motions in the House, which led to the absurd sitting arrangements last week when the Thursday sitting extended from 10 a.m. on Thursday until 11.45 a.m. on Friday. Today the Parliament and this House, in particular, are being treated with absolute contempt by the executive government.

If the principal motion before the Chair had been carried forthwith, it would have denied almost every member of the House the opportunity to contribute to the debate. Yet here the proposed legislation affects the very reason for our being here; it affects the right for us to put views in the Parliament and to act on behalf of our constituents. Similarly, it affects the efficiency and effectiveness of Parliamentary committees, on which many of us serve. It goes to a whole host of issues which, frankly, this Parliament ought to consider seriously. Almost all of the new members, just to take a basic example, would have noticed the hopeless ergonomics of the seating in this Chamber.

The SPEAKER - Order! The ergonomics may be difficult, but that matter has nothing to do with the question of time.

Dr COGHILL - Perhaps in debating Bills subject to a motion such as is now before the Chair members would want to canvass that matter. I shall not get into the merits or demerits of the seating arrangements, but it is one issue of concern that members might want the opportunity of canvassing.

Much more fundamental is the opportunity to canvass the view put by the Premier last week that this State Parliament should be abolished. The Premier said that if there were a motion for the abolition of State Parliament he would support it. Since then he has made contradictory statements in speaking on behalf of the government. These are fundamental issues on which every member of Parliament would have a view and on which every member should have the opportunity of commenting. I shall not debate the matter because this is not the time or the place to argue the merits of the Premier's view that State Parliament should be abolished as an institution, but I suggest that all honourable members should have an opportunity of putting their views on the issue before the House. There may be differences of opinion within parties, as there are between the Premier and other members of the House, but the important point is that we should have the opportunity of debating the issue.

Honourable members should have the opportunity of debating a host of other matters, such as the staff cuts suffered by Assembly members. Honourable members should have the opportunity of debating the absurd charge that the opposition is

filibustering. Since the 52nd Parliament began in October last year and certainly during the current sessional period I have probably spent more time than most honourable members listening to debates. I can say with absolute certainty that with few exceptions the contributions made by honourable members have not been repetitious. Most have introduced fresh matters rather than repeating previous arguments or the arguments of others.

A number of pieces of legislation have been passed remarkably quickly with few contributions from members from either side. At least the House should have the opportunity of debating the second reading of the Bills in the time suggested in the motion moved by the honourable member for Coburg. His position is not hypocritical because he has moved that we should have rational sitting hours and reasonable periods for debate. Rather than having only 1 hour and 20 minutes this evening, 3 hours should be made available tomorrow for the second-reading debate. The debate on the motion for the adjournment of the sitting should proceed forthwith after the determination of the motion before the Chair. That would be entirely reasonable and proper.

As honourable members are aware, the Bills are historic, because it is the first time that Bills such as these have been introduced into the Victorian Parliament. The only precedent was the interim Bill that was passed in October last. That is cause enough for the debate to be extended by the motion moved by the honourable member for Coburg. I support the motion and I urge the House to do so.

Mr LEIGHTON (Preston) - For the government to move the guillotine on the Appropriation (Parliament 1992-93) Bill and the Supply (Parliament 1993-94, No. 1) Bill - -

Mr W. D. McGrath - Why do you need your notes?

The SPEAKER - Order! The Minister for Agriculture is out of order.

Mr LEIGHTON - For the government to apply the gag to these two Bills creates a farce. I should have thought the Bills would have received support from both sides of the House, because Parliament now has its own Appropriation and Supply Bills. But in one fell swoop the government has denied the House the opportunity of debating these Bills - a n d that should also be seen in the context of only 10 hours being allowed for debate on the mini-Budget.

Last week most honourable members were denied the opportunity of making a contribution to the debate on the mini-Budget. It would have been appropriate for honourable members to have been given the opportunity to debate for the first time Parliament's Appropriation and Supply Bills.

Mr Stockdale interjected.

Mr LEIGHTON - It really does not matter whether 1 hour is taken up debating the question of time or debating the substantive proposition, because at the end of the day 1 hour is almost no time at all. Almost every member of the House will be denied the opportunity of making a contribution to the debate.

This should have been a landmark occasion for members on both sides of the House. A number of important issues are contained in the Bills, but I suspect the reason the government is keen to gag the debate is that the Bills deal with the way Parliament and members meet the needs and expectations of local communities. Because only 1 hour will be allowed for debate on the second reading of the Bills the community will be denied the opportunity of seeing its representatives held accountable.

The Bills go to the heart of the Westminster system. The onus is on the government to use the guillotine only occasionally, but the guillotine was applied more often during the first sitting weeks of the 52nd Parliament than it was in the previous four years of the Labor government. The government could argue that with the rush of legislation in the final weeks there is a need to apply the guillotine, but it is now being used a little over halfway through the session. The Appropriation and Supply Bills for Parliament are the last Bills that should be gagged. In doing so the government has trampled over the Westminster conventions. The government has forfeited any right to use the guillotine.

The government did not seek to reconvene Parliament for the autumn sessional period until 9 March. If the government had said it had a large number of Bills to deal with, the opposition would have been happy to sit in February. Not only did the government not seek to reconvene Parliament in February, but when it did sit on 9 March the government wasted two weeks of honourable members' time dealing only with fillers. It was not until the end of March that the government got

down to serious business. The government was not able to introduce its legislation until then, and now, during the last few weeks of the sessional period, it is faced with a backlog. It appears that the government intends to guillotine one Bill after another, which is a serious matter for members on both sides of the House.

My rights are being denied, and few honourable members will be able to make a contribution in 1 hour. The honourable member for Coburg may make his contribution as lead opposition spokesman, and if a government member seeks to make a contribution, that will complete the time for debate. Only one member from either side will be able to contribute to the debate, which is not satisfactory. I can see why the oncers on the other side are happy to hide behind the guillotine, because without that excuse they would have difficulty explaining to their electorates why they did not participate in the debate. Now they have the perfect excuse when asked by their electors why they did not participate.

The SPEAKER - Order! The honourable member for Preston is straying from the question of time. I ask him to come back to the question.

Mr LEIGHTON - Because only 1 hour will be allowed for the second-reading debate, most honourable members will not have the opportunity to participate. Honourable members opposite will not get away with that excuse in their electorates: their constituents will understand that they have not participated in the debate.

The government is more concerned about sending the Premier to China at the end of the sessional period than allowing adequate debate on each Bill. If a backlog in business exists at the end of the sessional period the opposition will be happy to continue sittings, but the government is determined to whip the Premier out of the country and into China. That may be good for Victoria, but it is not good for Parliament if the government intends to guillotine every Bill and finish the sessional period early.

The Treasurer said the government was prepared to negotiate on the time allowed for debate on each Bill. I reject that statement. That proposition did not apply last Thursday when the opposition was willing to negotiate. The sitting last Thursday could have finished at the satisfactory time of about midnight, but honourable members opposite became hairy-chested and decided - -

Mr Roper interjected.

Mr LEIGHTON - I am not sure that I would be game to check but it certainly appeared that honourable members opposite became hairy-chested and consequently subjected not only all honourable members but also Parliamentary staff to enormous personal pressure - and achieved very little.

It is also farcical that last week members of the government suggested we may finish at about 5 a.m. today and again tomorrow, but that they now wish to guillotine debate. Clearly the government has mismanaged the business it has listed on the Notice Paper, because there are very few Bills to be debated. That is another reason why the government should not allow only 1 hour for debate.

Obviously the Treasurer does not understand how Appropriation Bills work, because he attacks the Labor Party for opposing the Bills in this House. The opposition has the right to do that. In 1975 the tactic of using numbers in the Upper House to block - -

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

Mr MICALLEF (Springvale) - I support the amendment moved by the honourable member for Coburg to extend the time allowed for debate until 1 p.m. tomorrow - a sensible motion. It is absurd that Parliament should be debating the issue of time at 10.45 p.m. when honourable members should be packing up to go home for a good night's sleep. To pinch the Premier's phrase and use it in its proper context, the government is kneecapping Parliament. The government is usurping the rights of Parliament and honourable members in a disgraceful manner.

It is rather sad that the use of the guillotine motion is becoming prevalent. Its overuse will damage Parliament. It is about time the use of the guillotine motion was put to rest, along with the staff of Parliament and honourable members, and that we return tomorrow to debate the Appropriation and Supply Bills for Parliament.

It is nonsense for the Treasurer to say the opposition wishes to continue debate until 1 a.m. because the amendment to the motion on the time allotted for debate on the Bills was that the debate continue until 1 p.m. tomorrow, with the intention of Parliament knocking off early to allow everyone to have a good night's sleep, and recommencing at 10 a.m. tomorrow. Everyone should understand the issue.

The constant use of the urgency motion, coupled with absurd hours of sitting, has become ridiculous.

Although the nature of the Bills is limited, debate on Appropriation for Parliament is important. Many honourable members will have something to say about the funding of Parliament, the way funding is used and the misuse of funds in allowing Parliament to sit all night. Rather than paying for penalty rates that are of dubious benefit to those who work here, we should sit reasonable hours and properly debate the allocation of funds to Parliament.

Mr Finn interjected.

Mr MICALLEF - I remind the honourable member with the big mouth that as a member of Parliament he has rights; he may not now appreciate them, but at some stage he will learn that Parliament has a legal and moral responsibility to look after the wellbeing of its members and its staff. It is about time Parliament started to realise that fact and acted responsibly.

It is a disgrace that we are forced to extend the sittings for an absurd number of hours so as to push Bills through this place. No wonder the quality of debate here does not come up to standard: time will not allow for proper debate and interaction between both sides of the House.

Parliament has been hamstrung, kneecapped and pressured into behaving in a manner that is totally unacceptable to the public. It is disgraceful that the situation should be allowed to continue.

The Treasurer has the hide to say that the House hears repetitious speech after repetitious speech. Anyone who has been a member of this place for a number of years would have been forced to listen to boring repetition in the speeches of the Treasurer, especially when he was shadow Treasurer; yet he has the hide to say that other members can be repetitious. I think the Treasurer holds the world record for provocative boredom! The Treasurer can keep that record because no-one on this side would want to wrest it from him.

The House needs time to debate the Parliamentary Appropriation. The Treasurer, like every honourable member, should be preparing himself to go home - remembering that Ministers ride home in comfortable cars, perhaps sleeping in the back seats, while the rest of us make our own way home in the depths of night.

The motion moved by the honourable member for Coburg, that debate be resumed tomorrow and continue until 1 p.m. is sensible and should be supported by everyone. We should go home and have a good sleep and return at 10 a.m. tomorrow when honourable members on both sides can question the particulars of the Bills. As it is envisaged that the House will not even go to the Committee stage of these Bills, a bipartisan approach to the operation of this place will be difficult to achieve.

At one time honourable members took pride in being members of Parliament, but that pride is being stripped from us. In the past we could have said that we had become involved in debate because the opportunity was afforded to us. Now all we can say is that the guillotine motion has been moved again and again. It seems to have almost become an Order of the Day - the first Order of the Day appears to be the recitation of the prayer, and the second Order of the Day is the moving of the guillotine motion.

The sooner the government acts responsibly to enable honourable members to contribute properly to debate and sits responsible hours to enable them to go home for a good night's rest and return refreshed, the better off we will be and the sooner we will get some respect from the community. It is sad that the longer this debacle goes on the longer we will see snippets on television about the behaviour and antics of members of this place.

We all know we are at our worst at about 3 o'clock in the morning. It is all downhill, particularly between 3 o'clock and 5 o'clock in the morning.

At this time of the evening we should be packing up and going home to have a good night's rest. Tomorrow the Speaker will be relaxed and refreshed and will not be cranky and get into people for interjecting. He will be pleasant and able to control the House. We will all be in a better frame of mind after a good night's sleep and some of us will even behave like human beings, be friendly to each other and debate Bills properly. The media will look at us in a far better light rather than reporting the antics of this place. We have not had the ability to debate Bills in a proper manner.

I support the proposal to adjourn now and return at 10 o'clock in the morning to debate the Appropriation (Parliament 1992-93) Bill and the Supply (Parliament 1993-94, No. 1) Bill until 1 o'clock tomorrow afternoon.

Mr W. D. McGRATH (Minister for Agriculture) - I can understand the honourable member for Coburg protesting about the guillotine. It is understandable that he wants to use his full allotment of 10 minutes. It is amazing when complaining about the lack of time for debate that the honourable members for Werribee, Preston and Springvale took up their allotted 10 minutes. If they were concerned about the amount of time allocated to this debate they should have shortened their responses, but they filibustered once again about time just as they did on the Children and Young Persons (Further Amendment) Bill, the Shop Trading (Further Amendment) (Amendment) Bill and the Barley Marketing Bill.

There is a proper and sensible way to conduct debates which has not been demonstrated or exercised by the opposition; it has utilised the time debating the motion when opposition members had the opportunity to put forward constructive criticisms. The opposition has spent its opportunity and can only blame itself.

House divided on omission (Members in favour vote No):

Ayes, 57

Ashley,Mr	Maughan,Mr
Bildstien, Mr	Napthine, Dr
Clark, Mr	Paterson, Mr
Coleman,Mr	Perrin, Mr
Cooper,Mr	Perton, Mr
Davis,Mr	Pescott,Mr
Dean,Mr	Peulich,Mrs
Doyle,Mr	Phillips, Mr
Elder, Mr	Plowman, Mr A.F. *(Teller)*
Elliott, Mrs	Plowman, Mr S.J.
Finn, Mr	Reynolds, Mr
Gude,Mr	Richardson, Mr
Hayward,Mr	Rowe,Mr
Heffernan, Mr	Ryan, Mr
Henderson, Mrs	Smith, Mr E.R.
Honeywood, Mr	Smith, Mr I.W.
Hyams,Mr	Spry, Mr
Jasper, Mr	Steggall, Mr
Jenkins, Mr	Stockdale, Mr
John,Mr	Tanner,Mr
Kennett, Mr	Tehan, Mrs
Kilgour,Mr	Thompson, Mr
Leigh, Mr	Traynor,Mr
McArthur, Mr	Treasure, Mr
McGrath, Mr J.F.	Tumer,Mr
McGrath,•Mr W.D.	Wade,Mrs
Mcl..ellan,Mr	Weideman, Mr
Maclellan, Mr	Wells, Mr (Tel/er)
McNamara, Mr	

Noes, 25

Andrianopoulos, Mr	Loney,Mr
Baker,Mr	Marple,Ms
Batchelor, Mr	Micallef,Mr
Coghill, Dr	Pandazopoulos, Mr *(Teller)*
Cole,Mr	Roper,Mr
CuMingham, Mr	Sandon,Mr
Dollis,Mr	Seitz, Mr
Garbutt, Mrs	Sercombe, Mr
Haermeyer, Mr *(Teller)*	Sheehan, Mr
Hamilton,Mr	Thomson,Mr
KeMan,Mr	Thwaites, Mr
Kimer,Ms	Vaughan, Dr
Leighton, Mr	

Amendment negatived.

Motion agreed to.

Second reading

Debate resumed from 8 April; motions of Mr STOCKDALE (Treasurer).

Mr ROPER (Coburg) - The absolute arrogance of the government is witnessed yet again on these important Bills. The government is saying to this Parliament and to Victorians that it simply wants to avoid debate on major issues. This is in absolute contrast to the attitude previously taken to debate on issues relating to Parliament by members of the Liberal Party when in opposition. The coalition government simply wants to avoid any detailed discussion of its budgetary measures, which is an attitude that is in contrast to the lies of the coalition government that the Governor had to read out in his speech in the other place on the opening of this Parliament. The Governor talked about the reforms the coalition government would implement to make Parliament more relevant and accountable, but the government has, by use of the guillotine, deliberately ensured that Parliament is not in a position to debate important issues.

In debate on the issue of time I pointed out that traditionally the time available for Appropriation Bills was between 25 and 30 hours to allow 50 to 60 members to speak. The government did not allow that on the two Appropriation Bills that were debated last week, when only 12 members spoke, nor will it allow it on these Appropriation Bills, on which only 1 person will speak.

The government does not want it highlighted that it has cut the budget of the Parliament at a greater rate than it has cut the budgets of a number of departments. Further, expenditure on the Parliament has been significantly skewed in favour of the government in the provision of increased wages for additional Ministers, additional office holders and additional chairpersons, while the capacity of other honourable members to service their electoral offices has been reduced.

The government has also disregarded the occupational health and safety of Parliamentary employees. It has allowed the Parliament to meet any number of hours regardless of the damage it does to the health of members and the staff.

Mr McNamara interjected.

Mr ROPER - It would have been appropriate for that to have occurred. I direct to the Deputy Premier's attention the sitting hours of this Parliament in 1991, 1992 and 1993. In the autumn sessional period of 1991 Parliament met for 28 days - more than 10 weeks - and on only four occasions sat for more than 10 hours on the one day. On only one occasion did it meet for more than 15 hours, and that was at the end of the session. The public may argue that 10 hours is sufficient for the meeting of this place on any day, but during the 1991 sitting Parliament met for less than 10 hours on 24 of the 28 days on which it met and on most occasions it adjourned at a reasonable time.

During the 1992 spring sessional period the House sat for 10 hours or less on the vast majority of days on which it met, and the sitting rarely continued after midnight. During the autumn sessional period of 1991 the House continued sitting after midnight on only three occasions. During the 1992 autumn sessional period it continued meeting after midnight on eight occasions, but four of those were for less than 1 hour after midnight, with the adjournment commencing before midnight.

What a contrast that is with this sessional period where, already, on 18 of the days on which Parliament has sat, eight sittings have extended beyond midnight and not just by a short period but for hours.

The SPEAKER - Order! I do not like interrupting the honourable member, but the debate is not on time. The honourable member is not canvassing the Bills.

Mr ROPER - U Parliament allowed adequate time for this debate, one would make the point that these ludicrous sitting hours not only affect the health and safety of members and staff, but add significantly to the cost of running Parliament. Indeed, if the hours of Parliament were more effectively organised it would cost less to operate.

During this sessional period sittings have finished at 4.44 a.m., 2.43 a.m., 4.2 a.m. and 3.8 a.m. and last Thursday the House continued to sit through the night. That severely damages the health of members and staff and adds significantly to the costs of Parliament.

It is part and parcel of the general arrogance of the government, which sees this place as being just for its own purposes and devices. That is nowhere better demonstrated than in one small item in the Bill that makes funds available for the Commonwealth Parliamentary Association. The government has simply said, 'We don't care what the mathematical arrangements might be, we will ensure that more of our members get trips overseas than they would in the normal course of events". As the Premier well knows, Mr Speaker, on that matter your colleague in another place, the President, suggested an appropriate solution that would be fair.

Mr Kennett interjected.

The SPEAKER - Order! The Premier is out of order.

Mr ROPER - The Premier simply said to us, 'We will run the place as we see fit. We don't care what the minority in this Parliament think or what their entitlement should be".

Mr Kennett interjected.

The SPEAKER - Order! The Premier is out of order with his interjections.

Mr ROPER - The government simply regards this place as its plaything. It regrets that it must come in here to have legislation passed in the first place; it would much prefer to regulate. Indeed, there is a growing tendency in the legislation that comes before this place to vastly increase the regulatory capacity of the Governor in Council.

The SPEAKER - Order! The time allotted for the remaining stages of the Bills has expired. The question is:

That these Bills be now read a second time.

Motion agreed to.

Read second time.

Committed.

Committee

The CHAIRMAN - Order! The time allotted for the remaining stages of the Bill has expired. The question is:

That clauses 1 to 4, Programs Nos 103 to 109 contained in the table in clause 4, and clauses 5 to 8 stand part of the Appropriation (Parliament 1992-93) Bill; and that clauses 1 to 5 stand part of the Supply (Parliament 1993-94, No. 1) Bill.

Question agreed to.

Reported to House without amendment.

Passed remaining stages.

ADJOURNMENT

Mr GUDE (Minister for Industry and Employment) - I move:

That the House do now adjourn.

Intellectually disabled

Mrs GARBUTT (Bundoora) - I direct to the attention of the Minister for Community Services the client account management system, known as CAMS, applying to intellectually disabled persons. This new system has just been introduced, particularly into houses where Community Services Victoria has taken over from the Regional Residential Associations.

I have received many complaints from the parents of residents and other interested people who have told me about the procedures these clients are now being forced to go through. They point out that the bureaucratic system is excessive, with layer upon layer of administration. Clients have to get receipts for anything over $5 and three quotes for anything over $100. We all recognise the need to ensure residents' funds are fully accounted for, but this is the most excessive bureaucratic system imaginable. It is slow and restrictive.

Parents tell me that if they wish to call to collect a son or daughter to go out to buy a pizza or go fishing, no money is available for the resident to spend on a spur-of-the-moment decision. The resident simply cannot go unless he or she is funded by the family. They also mention the bureaucratic nightmare involved in giving a $100 gift to a resident. The money must be banked - it cannot be kept in the house - and it can take three weeks of paperwork before the same $100 is returned to the person it was given to.

The system requires assessment of every resident. Even if residents have been independently handling their money for years, perhaps with a little bit of help, they now have to answer questionnaires. If they fail one question they are deemed as not being independent and must be assigned to an administrator. That is a restrictive arrangement.

I have been told by interested people that in a house where clients have been handling their own money for years, three clients failed the questionnaire, after which Community Service Victoria officers came and cut up the plastic cards they had been using. This is an all-or-nothing system where people are deemed totally dependent or totally independent with no help at all.

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

Public toilets in Kalorama Park

Mr McARTHUR (Monbulk) - I ask the Minister for Natural Resources to direct to the attention of the Minister for Conservation and Environment in the other place the draft management plan released for discussion on Kalorama Park in the Dandenong Ranges. That draft management plan raises the possibility of the closure or removal of a set of public toilets in the reserve.

The proposal has attracted considerable opposition from local residents and businesses in the area and is also of concern to the many people who visit the Dandenongs on week days and, especially, weekends and public holidays. A number of people have contacted me on this issue, including Mr Barry Woods, a former ranger in the Kalorama Park, and the Chairman of the Dandenong Ranges Tourist

Council, Mr Phil McCallum. In a letter to the Minister Mr McCallum said:

> Inspection shows that the toilets are in good order and appear to be well maintained and, as you would [illegible] aware, are a necessary service to the many visitors to the Dandenongs particularly those using the car park at the Kalorama viewpoint.
>
> The question as to whether the toilets ought to be maintained by the Shire of Lillydale or the department appears to be an irrelevancy and the ORT does not see why the public ought to be the meat in the sandwich in an argument between these two bodies.

There appears to be a demarcation dispute between the department and the shire as to who is responsible for the maintenance of the public toilets. A number of reserves and parks throughout the Dandenongs protect and preserve some rare items in the hills. Most honourable members would be aware of the importance of protecting lyrebirds - but a number of people in the Dandenongs have pointed that the rarest species of all in the Dandenongs are public toilets! A million people visit the Dandenongs every year and few public toilets are available for them.

The provision of public toilets has been a long-running saga in Olinda, and the shires of Sherbrooke and Lillydale have argued to and fro for decades about a suitable site. It is a nonsense to consider removing public toilets from the Dandenongs simply because no-one is able to decide whether the department or the shire should be responsible for their maintenance. It is a badly needed service. It is of value to businesses in the hills and influences their ability to attract customers - and it is clearly valuable to visitors to the hills. I urge the Minister to take this up with his colleague in another place to find a way of maintaining those public toilets.

Timber industry

Ms MARPLE (Altona) - I raise an issue for the attention of the Minister for Natural Resources. Anybody fit enough to watch television last Friday night would know of the Minister's contribution to the *7.30 Report* on the timber industry, the lack of markets for our native hardwoods and the concerns of people in the Orbost area about their futures.

On that program the Minister claimed that the State government was considering building a pulp and paper mill. People who know the history of such mills in all parts of Australia would know of the battles that have been won and lost on the issue.

Many people involved in conservation are concerned about the effect of pulp mills on the environment.

Saturday's *Age* contained an article about the issue. The newspaper reported what the Minister had said on the *7.30 Report* and stated that the Premier had in good conscience signed the National Forests Policy Agreement, which commits the State government to the protection of all old-growth forests. The protection of old-growth forests is commendable, and the opposition congratulates the government on signing the agreement. However, any proposal to build a pulp mill would require the provision of additional subsidies to the ailing native hardwoods timber industry. It is doubtful that even the construction of a pulp mill would save that industry and assist the people of Orbost.

I ask the Minister to explain to the House the government's financial and environmental justification for the construction of a pulp and paper mill for Victoria, as he has suggested, particularly given that the Premier has signed the National Forests Policy Agreement.

State deficit levy

Mr HAMILTON (Morwell) - I raise a matter for the attention of the Treasurer. I do so with confidence because the events of last week demonstrated clearly that the Treasurer was not without heart and convinced us all that he was not infallible.

I raise a serious matter of what I hope was an unexpected inequitable effect of the application of the State deficit levy to the Yallambie elderly persons village at Traralgon. The more than 100 occupants of the village, 90 per cent of whom are aged pensioners and one or two of whom are superannuation recipients, were shocked when they received a bill for $72.34 as the contribution of each unit towards the payment of the State deficit levy.

The village is run by a committee of management on behalf of the City of Traralgon. Residents make an initial substantial contribution towards the cost of the units they occupy and pay a weekly amount of approximately $30. The committee of management is adamant that residents must pay $72.34, which is calculated as a proportion of their rates and is deducted from their weekly payments.

The residents of the village are irate, to say the least, at having to pay $72.34 for each unit when the area of the establishment is not much larger than some housing allotments in the Latrobe Valley. I ask the Treasurer to examine the sorts of things that have happened not only in relation to this retirement village but in other similar situations throughout Victoria.

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

Barwon River saline water spill

Mr SPRY (Bellarine) - I bring to the attention of the Minister for Natural Resources the recent spill of highly saline water from the Lough Calvert drainage scheme into Birregurra Creek and thus into the Barwon River. I understand that the spill occurred when the lock gate was inadvertently left open by a contractor. As a result two saline slugs are in the Barwon River right now: one is around Winchelsea and the other is near Inverleigh.

It is difficult to assess the damage done to the flora and fauna in the system because the saline slugs are heavier than the normal river water; the flow is therefore laminar by nature so the salt slugs move at a slower pace below the normal flow of the river. There are platypus in the river system and the escape of saline water could well affect that type of fauna.

Some criticism has been made of the Lough Calvert drainage scheme because of the escape of these saline slugs. The river is labelled by some parties as a drain, and under the circumstances that is probably with some justification. Certainly downstream farmers dare not risk using water from the Barwon River system either on their crops or for stock because of the damage that might be done.

I have been advised by the Geelong and District Water Board that arrangements have been made to monitor the movement of the slugs down the river so that farmers will be advised on what is happening. I ask the Minister to advise me what steps can be taken to mitigate this sort of escape of highly saline water so that such damage can be avoided if a similar event occurs again.

Melbourne-Werribee rail service

Dr COGHILL (Werribee) - I bring to the attention of the Minister for Public Transport the afternoon peak hour train service on the Werribee line. The Department of Transport and the Public Transport Corporation classify peak hour services as being between 4 p.m. and 6 p.m. My concern is reinforced by the answers to two questions on notice, Nos 5 and 6, which I received today. The answers confirm that there has been a dramatic slump in the number of passengers using these services.

Passenger counts can be compared on similar dates in 1992 and 1993 on which there have been estimates of the number of passengers travelling. To give an example, for Monday, 2 March 1992, a total of approximately 3210 passengers was recorded at North Melbourne railway station as passengers on peak hour services. On the nearest date recorded in 1993, Monday, 22 March, the number of passengers was only 2520, a dramatic slump, as honourable members would well appreciate.

One matter I have been pursuing with the Minister for Public Transport is that since 24 December last year the train running at approximately 4.51 p.m. has not travelled through the underground loop, whereas the equivalent service, the 4.48 p.m. service, which ran until 24 December last year, went through the underground loop. It is of great convenience to travellers on the Werribee line to have that service picking up passengers through the underground loop, and it is apparent from passenger loadings reported in the answers to the questions on notice that that change is a significant factor in the major drop in patronage of afternoon peak hour services on this line.

I ask the Minister to provide a proper, detailed analysis of the reasons why the underground loop service cannot be provided, because that is not apparent from the answers that have been provided to questions on notice Nos. 5 and 6.

Disused water aqueduct

Mr PHILLIPS (Eltham) - I direct to the attention of the Minister for Natural Resources, who is the representative in this place of the Minister for Conservation and Environment, a disused water aqueduct in the electorate of Eltham. The Shire of Diamond Valley has been trying to acquire title to the aqueduct because it affects part of a road it is trying to construct. The road will be a major link between two residential areas, however, two small sections of the aqueduct cross the proposed road.

The issue has been bubbling along for a couple of years and the shire has written to the Department of

Conservation and Natural Resources on a number of occasions. Recently the department indicated that because it is only a small section of land totalling some 1500 square metres it is not high on the department's priority list for its works. It is a high priority for the shire because without the road connection people have to turn off into residential streets, which is creating rat-runs.

I ask the Minister to request officers of the department to look into transferring the land to the shire so that it can get on with building the road.

Lalor railway station

Mr ANDRIANOPOULOS (Mill Park) - In the absence of the Minister for Public Transport I direct to the attention of the Treasurer, who is at the table, allegations about the extent of the vandalism at Lalor railway station. As all honourable members are aware, one of the first actions of the Minister for Public Transport and this government was to get rid of the Transit Police and hand over their functions to the Victoria Police Force. It has been reported to me that vandalism is rampant at the station. A constituent has recently written to me about this matter alleging that when he approached the station authorities he was advised that it is not uncommon for cars to be vandalised at least two or three times a week.

There is an exorbitant amount of vandalism, and the Minister must deal with it.

Mr Gude - Have you raised it with the local police?

Mr ANDRIANOPOULOS - The matter has been raised with the local police at Epping, but like many other police, they have a host of other matters to attend to. It seems that vandalism at railway stations is among the lowest ranking priorities for police. I can understand that line of thinking and the frustration the police must experience with matters of this kind.

The Minister should re-examine the security at railway stations in view of his repeated statements about protecting the people who use the public transport system and their property. The Minister must do something of a more specific nature rather than just relying on the Victoria Police to patrol railway stations, particularly in cases such as this where there is a high incidence of vandalism.

Public transport in City of Keilor

Mr SEITZ (Keilor) - I raise a matter for the attention of the Minister for Public Transport, and in his absence I direct it to the Leader of the House. Now that the Minister has completed his successful negotiations with the public transport unions and has announced the cutbacks in the availability of train and bus services, which will particularly affect the disabled from the Spastic Society and Multiple Sclerosis Society centres in St Albans who use public transport, I ask the Minister to meet with the City of Keilor to explain how the new system will operate in the municipality.

The mwlicipality and the community are totally confused about the future operation of trains and buses and anything else that may be used as public transport. The City of Keilor has other problems relating to the pressing need to construct roads, underpasses and overpasses. I urge the Minister to meet a deputation from the City of Keilor and advise where public transport is heading. I ask him to explain how the new system will work, which will make it easier for my office staff and me to advise residents what services will be available in the municipality, particularly in the Sydenham growth area where the former government made a commitment to electrify the rail service. From recent government press releases I understand that road construction rather than the electrification of the service will take place. The municipality wants to know whether it will have to obtain Federal funding to build roundabouts or overpasses.

For these reasons the council would appreciate the Minister or one of his Parliamentary secretaries meeting with councillors and representatives from the engineering department to plan and develop the stages for future works that will be required so that there is some certainty over the next two or three years while the coalition government is in office. If the Minister requires a submission from the municipality to put the issue before him, I ask him do advise me so that we can expedite the discussions.

Dual occupancy regulations

Mr THOMPSON (Sandringham) - I raise with the Minister for Planning a matter concerning a constituent of mine who found herself in the unfortunate position of having a neighbour's two-storey dual occupancy extension overlooking her backyard, which invaded her privacy. After writing to the local council she was advised that, although the dual occupancy regulations enabled

some prescription about views intra-site, no regulation governed adjoining views.

I ask the Minister to review the matter so that similar cases may be avoided in the future. In this case my constituent and the builder adopted a sensible approach, and some trellis work and plants have been provided to offer screening that alleviates the problem, but that does not address the shortcoming in the law introduced in about 1985 to cover this situation.

Swan Hill Pioneer Settlement

Mr THOMSON (Pascoe Vale) - I direct to the attention of the Minister for Tourism correspondence he received from the honourable member for Swan Hill on 15 October last year, which was released to me under the Freedom of Information Act, which is a useful piece of legislation. The letter from the honourable member for Swan Hill referred to the procedures to be taken to revoke the Swan Hill Pioneer Settlement Act 1974. The concern expressed by the manager of the Swan Hill Pioneer Settlement is that although the settlement had become the responsibility of a special committee of the Swan Hill City Council, because the Act is still in force the board of the authority had leased the settlement and its operations to the Swan Hill City Council for 12 months or so. For the proper and effective operation of the settlement it is necessary that action be taken on the legislation. The honourable member for Swan Hill has recommended that the Act be repealed.

It is more than six months since the letter was written by the honourable member for Swan Hill. I do not know the nature of the reply from the Minister for Tourism or whether there has been one, but clearly--

The SPEAKER - Order! The honourable member for Pascoe Vale should appreciate that he cannot ask for legislation.

Mr THOMSON - I seek advice from the Minister about the action he intends to take about concerns expressed by the manager of the Swan Hill Pioneer Settlement about the effective management of that worthwhile facility. I have been there on a couple of occasions and I found the sound and light show to be spectacular. I urge the Minister to take appropriate action to ensure that the settlement is able to operate effectively.

Fairlea Prison

Mr SERCOMBE (Niddrie) - I direct to the attention of the Minister for Corrections correspondence he received from the Uniting Church chaplain to women in prisons in Victoria. It is speculated that the government is considering the closure of Fairlea Prison, the transfer of those prisoners to Barwon and redundancy packages for prison staff. The transfer of the prison facility to country or provincial locations is not appropriate because most of the women prisoners are from Melbourne and have relatives in Melbourne. If the prisoners were located, it would be extraordinarily difficult and expensive for their families to visit Barwon or Tarrengower. It would also cause rehabilitation difficulties because their contact with their families would be restricted.

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

Responses

Mr JOHN (Minister for Community Services) - The honourable member for Bundoora raised the bureaucratic nature of the new client account management system (CAMS) for the computerisation and control of trust moneys and personal expenses of people with intellectual disabilities. This issue has a long history, which goes back to the term of the former government. About two or three years ago serious allegations were made about the misappropriation of money and the sexual abuse of intellectually disabled persons, which occurred at eight or nine institutions including facilities at Pleasant Creek, Aradale and Caloola, other institutions and community residential units. The former government began work on methods to make better use of computerisation to control trust moneys and personal expenses and to ensure that the personal funds belonging to people with intellectual disabilities were monitored and protected.

The government has carried on that work with the result that last year the Intellectually Disabled Person's Services (Trust Money) Bill was enacted. Put in simple terms, the effect is that the money of intellectually disabled persons at large institutions and in community residential units is controlled by methods commonly used by banks. As is the case with Bankcard and Visa card users, statements are printed; they contain computerised entries, with appropriate dates and amounts. Authorities can trace funds and ascertain what has been expended,

thereby helping to control the funds of intellectually disabled persons.

In more recent times serious allegations about fraud have been made at the Janefield Training Centre at Bundoora. It appears that large sums of money have been misappropriated, and the police have been asked to investigate the alleged misappropriation. Some charges are pending. I believe certain people have already been charged, and, therefore, I shall not comment further on that. However, the department advises me that the misappropriations discovered so far are only the tip of the iceberg.

A better system is required for handling the moneys of some of the most vulnerable people in our community. Therefore, the government has implemented the new CAMS system. I advise the honourable member for Bundoora that there have been difficulties with the early implementation of the system. I have received complaints from several of my constituents and from constituents in other areas of Victoria.

I assure the House that my department will do everything possible to iron out the early problems and ensure that the system will not be bureaucratic in its nature so that people can freely use their funds and will not be hamstrung by the system and the regulations. The system is intended to help people and to protect their funds. I assure the House that the government is committed to doing everything possible to protect and monitor the funds of people with intellectual disabilities.

Mr COLEMAN (Minister for Natural Resources)-The honourable member for Eltham raised the issue of access over a redundant aqueduct, which, I presume, is in the Research area. The aqueduct was one of the fundamental components of Melbourne's water supply, but it is now beyond its useful life. Access across the aqueduct is difficult for the community and it presents difficulties to subdividers in developing adjacent properties.

The matter is in the hands of the Minister for Conservation and Environment, as I understand it, although I understand also that Melbourne Water has an interest in resolving the problem. I will pursue the matter with the Minister tomorrow to ensure that the community obtains a resolution to the problem quickly.

The honourable member for Monbulk raised an issue regarding the Kalorama Park and asked that the problem regarding the provision and maintenance of a toilet block in the reserve be referred to the attention of the Minister for Conservation and Environment.

A feature of tourism throughout Victoria is the continuing problems associated with toilet blocks. There are probably good and sound reasons why the Minister for Tourism and the Minister for Conservation and Environment should consider the future operations of toilet blocks, as they form a fundamental part of tourism.

An honourable member interjected.

Mr COLEMAN - An honourable member has suggested that it may be a problem for local government.

I assure the House that being near a toilet block is not a good place to be when a tourist bus unloads nearby! However, toilet blocks form a fundamental part of tourism.

I will take up the matter with the Minister for Conservation and Environment. It is a matter that has been raised with him before.

The honourable member for Bellarine raised the matter of a discharge from Lough Calvert on 24 April as a result of a negligent act by a contractor. Some 100 megalitres of water was discharged with an E.coli reading of 12 000. It is a matter of concern to the Rural Water Corporation, the Save the Barwon fraternity and the Geelong and District Water Board.

There are three possible solutions to rectify the problem of the 5-kilometre long slug. The Barwon River at present is running at a rate of about 25 000 megalitres a day and there is some difficulty in clearing the slug. The first option is to do nothing and wait until it rains. The second option is a discharge from the west Barwon reservoir, for which the Geelong water board will charge approximately $200 000 for the release of the water to clear the slug. The third option is to open the gates of Lough Calvert to discharge a considerable amount of water to clear the slug.

The three options are under consideration. Obviously the third option is the least acceptable. The second option has a tag of $200 000, and the first option means that when it rains it may correct itself. They are all unacceptable. Tomorrow all parties will meet in Geelong to discuss the matter in the hope

that a resolution will be achieved. I hope that from that meeting I can report progress.

The honourable member for Altona raised a matter about a program on the ABC's 7.30 *Report* on Friday night. I suggest she obtain the tape and record what I said. If she is to quote me she should quote me correctly. The government of the day offered expressions of interest for some 900 000 cubic metres of material suitable for chipping. Not all expressions of interest were taken up. The program was targeted specifically at East Gippsland where there is a sawmill allocation of 174 000 cubic metres ofC-plus logs and an amount over and above that of D and E-grade material.

The television program correctly pointed out that in the extraction of that 174 000 cubic metres of soil other significant material was left behind. The government wants that residual roundwood put to some use.

That was the context of the television program, and I do not resile from the comments I made. They were entirely consistent with the government's policy. If people want to criticise the costs of the native forest operations of the Department of Conservation and Natural Resources, they should acknowledge that only half of what is produced in the forest is used. No other industry in Victoria could operate successfully if only half of what it produced was sold. The department will continue those losses until ways of using the residual roundwood are discovered.

Mr STOCKDALE (Treasurer) - I thank the honourable member for Morwell for raising a matter that illustrates his obvious compassion for the people concerned. I had difficulty following the import of what he described. It was not dear, for example, why residents in a housing development are receiving individual rate notices, particularly when those rates would not be subject to levies. I am not sure if the rates were waived or whether some other concessional arrangement was reached. If the honourable member could provide me with a dear statement of the details I would be happy to take the matter up with the State Revenue Office and provide him with an answer.

Mr GUDE (Minister for Industry and Employment) - The honourable member for Werribee is concerned about the 4 p.m. and 6 p.m. services on the Werribee line. He quoted a series of figures from 1992 until now that compared the number of people travelling on those services. Because the figures were not from month to month the matter probably needs some qualification. He also referred to the condition of the underground loop as it affects the Werribee line. I will draw both of those matters to the attention of the Minister for Transport.

The honourable member for Mill Park referred to the alleged vandalism at the Lalor railway station. He said that some vehicles had been vandalised and implied that the removal of Transit Police and the introduction of Victoria Police on that line had been responsible in some way for the outbreaks of vandalism.

The Victoria Police service is far better than that provided by the Transit Police. The Victoria Police have full policing powers, and rather than there having been a diminution in the quality of the service, the opposite is the case. In response to an interjection the honourable member for Mill Park said that he had taken the matter up with the Epping police. I will raise this matter with the Minister for Transport and ask if the Epping police have noticed an increase in vandalism and, if so, whether they need to seek some liaison with the Transit Police.

The honourable member for Keilor was concerned about the change in transport modes to the Sydenham are. He was seeking a meeting between representatives of the City of Keilor and the Minister to discuss the new train and bus services for that area. I shall raise this matter with the Minister for Public Transport and I have no doubt he will contact the honourable member for Keilor, who has again exhibited his tireless endeavours on behalf of his electorate.

Mr McNAMARA (Minister for Corrections) - The honourable member for Pascoe Vale raised for my attention, as Minister for Tourism, a letter written to me by the honourable member for Swan Hill regarding the Swan Hill Pioneer Settlement. The matter is currently receiving attention by the Department of the Arts, Sport and Tourism, which wants to resolve the matter.

The honourable member has acknowledged that the pioneer settlement is a fantastic facility from which the State should receive best value. It has total community support. The honourable member for Swan Hill has been vociferous in his representations to me as he has been directly involved in the development of the pioneer settlement over many years, not only as a member of this House but in his

role as the Mayor of the City of Swan Hill. Judging from the response of the honourable member for Pascoe Vale, I am sure that when the Bill is introduced it will pass with the unanimous support of the opposition.

The honourable member for Niddrie directed my attention to a letter from the chaplain of the Uniting Church regarding the future of Fairlea Female Prison, which has caused speculation from time to time. Last week the honourable member for Gippsland South directed to my attention the future of the Sale Prison. The government is reviewing the operation of all prisons in Victoria. The honourable member for Niddrie should recognise that the condition of Fairlea is unsatisfactory because the former Labor government neglected it. The Labor government was discriminatory in attending to the needs of inmates. The matter will be addressed in due course and I shall advise the honourable member accordingly.

Mr MACLELLAN (Minister for Planning) - The honourable member for Sandringham raised with me rules regarding dual occupancy where occupants may be capable of overlooking neighbouring properties. The honourable member says he has the solution to the problem in the Sandringham area but believes some changes are required to the appropriate rules that apply for dual occupancy in other areas. I shall examine that issue and report back to the honourable member in due course.

Motion agreed to.

House adjourned 12.9 a.m. (Wednesday).

Wednesday, 5 May 1993

The SPEAKER (Hon. J. E. Delzoppo) took the chair at 10.5 a.m. and read the prayer.

ABSENCE OF PREMIER AND HONOURABLE MEMBER FOR WARRANDYTE

The SPEAKER - Order! I advise the House that the Premier and the honourable member for Warrandyte will be absent from the House today because of important discussions in Sydney on air flights from Japan to Melbourne and other investment issues. The Deputy Premier will handle any matters relating to the Premier's portfolio.

Mr McNAMARA (Acting Premier) - On a point of order, Mr Speaker, I ask you to inform the House of the appropriateness of the honourable member for Warrandyte accompanying the Premier. He speaks Japanese, which makes his attendance in Sydney an important matter for this House.

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

PETITIONS

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

Institute of Educational Administration

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

Receive the humble petition of the undersigned citizens of Victoria which relates to the Institute of Educational Administration.

Your petitioners request that the House take action to ensure that the Institute of Educational Administration continues to provide high quality residential training programs and other activities to improve the administrative ability of persons in positions of leadership in the field of education, persons aspiring to such positions and other persons interested in educational administration, as required by the Institute of Educational Administration Act 1980.

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

By Mr Jenkins (27 signatures) and Mr Turner (38 signatures)

Track closure in Yarra Valley-Gembrook areas

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

The humble petition of the undersigned citizens of the State of Victoria sheweth there are in excess of 200 kilometres of tracks that have been closed in the Yarra Valley-Gembrook areas recently, without due public consultation.

Your petitioners therefore pray that these closures are reopened immediately and no further track/road closures be implemented at all on any public land in Victoria.

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

By Mr McArthur (2063 signatures)

Mobil refinery in Williamstown and Altona

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

We, the undersigned, humbly beg and pray that the State government does not approve the proposed expansion of the Mobil refinery in Williamstown and Altona.

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

By Ms Kirner (4987 signatures)

Laid on table.

PAPER

Laid on table by Clerk:

Statutory Rule under the Drugs Poisons and Controlled Substances Act - SR No. 63.

REPUBLIC ADVISORY COMMITTEE

Mr KENNAN (Leader of the Opposition) - I wish to move that the House do now adjourn for the purpose of discussing a definite matter of urgent public importance - namely, the failure of the Victorian government to nominate Sir Rupert

Hamer for appointment to the Republic Advisory Committee established by the Prime Minister.

Required number of members rose indicating approval of motion being put.

Mr KENNAN (Leader of the Opposition) - I move:

That the House do now adjourn.

Mr McNAMARA (Acting Premier) - Mr Speaker, I raise a point of order to do with the motion moved by the Leader of the Opposition. To conform with the guidelines of the House an adjournment motion must be a matter of urgency and should be raised at the first available opportunity. Last Wednesday evening the Premier received information by fax from the Prime Minister, and he advised the House on Thursday morning of the setting up by the Prime Minister of the Republic Advisory Committee. An opportunity existed for the opposition to respond with the names of suitable nominees for appointment to the committee. On the weekend there was speculation in the media that Professor Geoffrey Blainey could be a candidate for the position. On Sunday, the Leader of the Opposition suggested the name of Sir Rupert Hamer.

When the first opportunity arose for the matter to be dealt with, namely, when the House dealt with the matter yesterday, the Leader of the Opposition took no action to put forward the name of Sir Rupert Hamer as a suggested nominee, or to respond on the issue at all. Clearly, the Leader of the Opposition did not consider that as the first available opportunity to take action to advise the House or even raise at question time that he wished to nominate someone for appointment to the committee.

One would have thought that if this matter were to be determined a matter of urgent public importance, the opposition would take action in the House to bring the matter forward. The opposition has missed every opportunity of doing that. This motion is intended to distract attention from the industrial action which is due to start today and in relation to which the opposition is agent provocateur through its links to Trades Hall - action that is part of a process of kneecapping the Victorian public for the next 70-odd days.

The SPEAKER - Order! The Acting Premier does not have licence to canvass the issues in the way he is canvassing them. He must stick to the point of order before the Chair, namely, the admissibility of the motion moved by the Leader of the Opposition.

Mr McNAMARA - For the motion to satisfy the criteria determined by precedents in this House it should involve a matter of broad community concern. The republican debate is clearly a matter of broad public concern. However, further justification is needed from the opposition that the personalities involved in the issue are a matter of broad public concern. In proposing the motion, the opposition has also slighted the person the Premier has nominated to represent Victoria on the Republic Advisory Committee. A nominee of this State for appointment to such an important position should be of the highest calibre, as is that person.

The opposition did not take the opportunity it had yesterday to raise the matter. On that basis, the motion should be disallowed.

Mr ROPER (Coburg) - On the point of order, Mr Speaker, I draw to the attention of the Acting Premier Sessional Order No. 2 that the government has imposed on this House that restricts the opportunity for proposing general notices of motion and moving adjournment motions to Wednesdays. The suggestion that somehow this matter could have been dealt with yesterday by a notice of motion being able in any way to bring the matter forward, even if that were relevant to the matter before the House, is incorrect. It was only during question time yesterday that the Premier announced his nomination of Professor Blainey. The question of urgency - -

The SPEAKER - Order! Will the honourable member for Coburg please resume his seat? There is far too much conversation in the Chamber. This is a delicate matter for the Chair to decide on, and I ask honourable members to remain silent so that I am able to hear both sides of the argument.

Mr ROPER - I am making the point, and directing it particularly to the Acting Premier, that under the Sessional Orders that have been determined by the House and by his government, this is the first available opportunity. The Acting Premier mentioned that this issue relates to an announcement that was made yesterday. As this is the first available opportunity, the motion is clearly admissible.

The only other matter that was put to you, Mr Speaker, related to whether this is an issue of broad community concern. Following an

examination of *May* and of the previous decisions made by Speakers in this place, it is clear that that is a matter for the House to determine and is not a matter for a point of order. I point out, however, that even if that were not the case, the Acting Premier specifically admitted that this issue is a matter of broad community concern. So, if that point was part of his argument about the inadmissibility of the motion, he himself contradicted that argument.

It is obvious that the motion complies with the way in which adjournment motions have traditionally been put before the House and, as you are only too well aware, Mr Speaker, the only opportunity now for those types of motions to be proposed is on Wednesday mornings.

It seems the Acting Premier does not wish Parliament to debate the issue. Opposition members believe it is appropriate and, more importantly, in order, for the nomination to be debated this morning.

Mr GUDE (Minister for Industry and Employment) - O n the point of order, Mr Speaker, this is one of the flimsiest adjournment motions ever to be proposed. Given the major issues of the moment, the Leader of the Opposition might have chosen any number of things to have a go at, so to speak, rather than raising the nonsense the House is being asked to consider this morning. I am almost inclined to think he is trying to become a yuppie version of Clyde Holding, who spent 10 years as Leader of the Opposition. I wish him every success in his endeavours - may he stay there for the next 10 years! If this motion is the best the Leader of the Opposition can do, the people of Victoria are being let down sadly.

The provisions of the Standing Orders require that a motion of this type should involve a definite matter having exact time limits, that it be determinate, distinct, precise and not vague. This motion does not qualify on any of those criteria.

Today we are not being invited to contemplate the issue of a republic; we are being invited to contemplate the prospective nomination to the Commonwealth government on behalf of the State of Victoria of a person for appointment to the Prime Minister's Republic Advisory Committee. It has been accepted over the years that appointments of this type are at the discretion of the government of the day.

Mr Roper interjected.

Mr GUDE - The honourable member for Coburg says that the Parliament can discuss them. That is correct; honourable members can raise the matter at question time and offer public comments as they choose. However, this is one of the flimsiest matters that could possibly be brought before Parliament in the form of an urgent matter.

The requirement also is that the matter be urgent, pressing and calling for immediate action, decision or attention; that it be important, earnest and persistent in demand.

I have heard no calls from the community against the nomination of the government. I have seen nothing that could be described as having any persistence attaching to it. It is doubtful whether the matter is urgent because the government is proposing a person for consideration by the Commonwealth. It is not a question of discretion as to who will be appointed, as the appointment is at the Commonwealth's discretion, but it is our right as a State - I will go further - it is our responsibility as a State to seek out an eminent, genuine Victorian to be on that committee.

The community at large would certainly agree with that. The motion of the Leader of the Opposition takes up the question of an individual appointment, not a matter of broader community concern. On that ground the motion is false and foolish. Urgency debates normally deal with matters of substance and community concern. Again, where is the community concern? On the contrary, in last weekend's *Sunday Herald Sun* David Wilson commented on "Premier Jeff Kennett's idea of approaching Prof. Geoff Blainey ..." - -

The SPEAKER - Order! I must interrupt the Leader of the House at this stage and indicate that he is debating the question. The Chair clearly has to decide whether the motion is admissible, bearing in mind the precedents of the Chair and extracts from *May* and other authorities bearing upon whether the motion is admissible. If the Leader of the House wishes to continue on the point of order I will hear him, but he must not debate the question.

Mr GUDE - I make the point that rather than its being a matter of community concern a major newspaper has effectively supported the choice of the Premier in its editorial, so how can it be a matter of community concern when at the very first opportunity - -

Honourable members interjecting.

Mr GUDE - The Leader of the Opposition and others chortle. They denigrate one of the great newspapers of Victoria. If they want to do that, that is fine. The point I make is that it is not a matter of substantive community concern. There is grave concern about the republican issue; there is grave concern about a strike that is potentially to be held today; there is grave concern about the level of unemployment of the State; there is grave concern about the economic mismanagement of the previous government; but there is no community concern about the nominee.

There is another ground upon which the motion ought to be ruled out. Such debates allow the House to express its views on matters of immediate and overwhelming significance to the community. I do not believe any honourable member who is being genuinely honest could say he senses that the appointment is of overwhelmingly significant concern in the community.

It is a poorly drafted motion relating to an individual position. It deals with a matter which is determined by the government of the day, and the Premier has made the announcement. It is not a contentious community issue because we should remember that we are not even dealing with the general question. The motion refers specifically to the nomination of Sir Rupert Hamer to the committee. A choice was made by the government after proper consideration and a different party was chosen.

The SPEAKER - Order! I have to interrupt the Leader of the House once again to say that he may not debate the question. He has to confine his remarks to the point of order: whether the motion moved by the Leader of the Opposition is admissible.

Mr GUDE - The Leader of the Opposition could suggest a name a day. We could go back to the Boy Scouts' bob-a-job approach. A motion could be put forward nominating another person. Who is to say that this could not happen given the track record of the lot over there when in government and, worse still, now in opposition? Next they will want to put up John Halfpenny. Perhaps it will be Bill Deller next week. Whom will they want to put up the week after that? Surely the motion is irrelevant, trivial and does not deal with a matter of urgency or importance; it certainly is not a matter of concern to the community of Victoria. I ask you, Mr Speaker, to rule against the motion.

Mr KENNAN (Leader of the Opposition) - On the point of order, both the Acting Premier and the Leader of the House have conceded the importance of the issue. Clearly there can be little of more fundamental significance to Victoria or Australia than the question of Australia becoming a republic.

The Republic Advisory Committee established by the Prime Minister and referred to in his speech of last week is of fundamental importance to that fundamental question. Indeed the purpose of the committee, as announced by the Prime Minister, is to describe the minimum constitutional changes necessary to achieve a viable Federal republic. One of the express terms of reference is the implications of those constitutional changes for the States.

In establishing the committee the Prime Minister wrote to the heads of government, inviting two nominees from each. It is not at all clear whether the nominee of any State will end up being one of these two appointees. Therefore the identity of the nominee is of crucial importance. It must be considered whether that is the most appropriate nomination because the level of bipartisan, widespread and interstate as well as intrastate support is crucial to whether the nominee will be appointed and will gain the support of the other States. Already the Premier of New South Wales, Mr Fahey, has effectively disagreed with the choice made by the Victorian Premier.

Firstly, the Acting Premier this morning conceded that the name of the appointee is of great importance. Not wanting to debate the question, I refer only to the comments of the Acting Premier for the purpose of arguing that the motion is of great importance. The Acting Premier said that Professor Blainey has a point. So the Acting Premier has conceded that this is a matter of great importance and that the identity of the appointee is important.

Secondly, the Acting Premier was good enough to point out that the Sir Rupert Hamer issue was raised over the weekend but the Premier did not make an announcement on the identity of the person appointed until yesterday. So the Acting Premier has conceded that the first opportunity we have had to raise the issue is today.

The Leader of the House escalated the importance of the issue in the community by referring to the editorial in the *Sunday Herald Sun*. He said that the *Sunday Herald Sun* had seen the identity of the appointee as sufficiently important to run an editorial on the subject. The Leader of the House has

put forward another useful argument in our favour. He underlined the point by saying - and these are his words:

> There is grave concern about the republican issue.

It is common ground therefore that, firstly, the whole issue is of grave concern and great public importance and, secondly, the identity of the nominee is very important. The Prime Minister has not made a choice and it is not too late for the government to submit another name so the Prime Minister can make an effective choice. Thirdly, as the honourable member for Coburg has so cogently pointed out, this is the first and most appropriate opportunity for us to raise the matter.

The SPEAKER - Order! I have heard sufficient on the point of order. The question as to whether the motion is admissible falls under three broad headings: whether it is a matter of government administration, whether it is urgent and whether it is the first opportunity for this motion to be brought forward and for the question to be debated. Let me settle the question of urgency quite clearly from the start. Previous Speakers' rulings and May state that 12 members rising in their places in support of a motion proves to the House that the matter is urgent, so I will not hear any more debate on the question of urgency.

On the question of opportunity, the Acting Premier suggested that there was an earlier opportunity during which this matter could have been raised by the opposition. Having listened to the argument given that the announcement about the committee was made yesterday, I am persuaded that the provisions of Sessional Order No. 2 by which the House is governed mean that today is the first opportunity for the question to be debated.

On the question of community concern, I believe the motion involves a matter that concerns the community, particularly given the time and space devoted to it by the media. An argument cannot be sustained that the matter is not of community concern, and therefore I rule that the motion is admissible.

Mr KENNAN (Leader of the Opposition) - Last week on 28 April the Prime Minister announced that in accordance with his election policy he was forming a committee to advise on the formation of a republic of Australia. The Prime Minister referred to the fact that in his election speech he had pledged that the government would establish a broadly based committee of eminent Australians, including representatives of the States, to develop a discussion paper to consider options for a Federal republic of Australia.

The Prime Minister went on to say that he had decided in forming the committee to look at what he described as the minimalist position in order to try to achieve as much consensus as possible. The Prime Minister said that on this issue, as with other issues, it will never be possible to have complete consensus because people have different views. However, he wants to limit the opportunities for red herrings to get in the way of the formation of the committee to make recommendations on how a republic can be achieved.

I note the importance of the Republic Advisory Committee and the people who will serve on it to Australia and its identity. The Prime Minister has indicated that, through the work of this committee, the people of Australia should be in a position to vote in a referendum later in the 1990s on whether Australia should become a republic by 2001.

In establishing the committee it is important to note that the issue was before the people of Australia on 13 March and that the Keating Labor government has a mandate to go ahead with the committee and to form a republic. It is therefore incumbent on State governments, public figures and politicians to behave in the most constructive way possible in relation to these issues.

The nature of the appointments is of fundamental concern when one considers the importance of the range of issues that are to be discussed. The backgrounds and minds of the people needed to form the committee go to the core of a republic and national agenda. The republican debate requires more than the feet-in-the-dag approach that characterises the government in Victoria. Unfortunately, Australians are increasingly experiencing that approach. Senator Reg Withers said of the Fraser government after he had fallen out with the then Prime Minister that it was a government with its feet in the clag. If ever a phrase characterised the behaviour of this government generally and specifically in relation to a republican issue and the way it has approached the appointment to the committee, "feet in the clag" is it.

It is important to note that the formation of a republic and the work of the committee is the ultimate process of decolonisation - it is as important as that. Victoria and other States began as

colonies after the European invasion of Australia. Until Federation they were colonies of England, as were other places in Asia and around the globe.

The importance of the nature of the people who are appointed to the Republic Advisory Committee is that this could be the final act of decolonisation- the final step towards full nationhood. The committee requires people who are broad-minded, bipartisan and visionary to grapple with the issue. Those characteristics are extremely important in considering the nature and desirability of an appointment of a particular individual.

The point about the committee is that finally, 100 years after Federation, Australia is moving towards a true national identity. One of the values the Prime Minister and Australians want to see in people appointed to the committee is a belief in a national identity, and that can be said of Sir Rupert Hamer, whom the opposition would like to see appointed to the committee. Among the values desired for a republic are tolerance rather than conformity, difference rather than uniformity and an outlook that is unambiguously Australian and yet in some ways more worldly and international than other republics.

In forming a republic of Australia now we have a great opportunity. Don Watson has said that Australia has the opportunity to form what he describes as the first post-modem republic in the world because it has can draw together its great multicultural traditions to create something that is uniquely Australia.

Prominent Victorians had a great part to play in the formation of the Federation in the 1880s and 1890s and many no doubt took a colonial attitude and had reservations about the Federation. Much in our present Constitution reflects the compromises that were necessary to draw disparate colonies together in one Federation. That is why there are aspects of the Constitution and our Federal structure that may have been appropriate in the 1880s and 1890s that are now outmoded, and that is why there needs to be change and why referendums are needed from time to time.

It is why this government - ultimately joined by New South Wales - s a w it as appropriate to move forward and establish a single national companies scheme through the Australian Securities Commission. That was not done by referendum but by ceding powers to the Commonwealth. There are hiccups for the coalition because it does not believe in a national scheme for companies and securities regulation. Clearly there are differing views about the scheme, but in the end all the States supported it.

Through the work of the Council of Australian Governments, the work of Prime Minister Hawke, which has been accelerated by Prime Minister Keating through the One Nation process, and through the increasing goodwill and efforts of some far-sighted people, this disparate nation will be drawn towards greater uniformity and mutual recognition.

What we are seeing is people with a sense of One Nation, people with a real sense of a role of government preparing to move forward with a greater sense of national identity. It is increasingly important, as the day-to-day lives of Australians and Victorians are changing; as the whole patterns of domestic living, of work and of our place in the region are, as described in Hugh Mackay's *Reinventing Australia; the mind and mood of Australia in the '90s* circumstances of unprecedented change and, in some senses, of anxiety in Australia.

We have the great opportunity here and now - and it really is a test of political leadership - to move forward or to have our feet in the clag; to be progressive and pluralist and to want to be generous, or to want to be mean and project such conflicting values; to talk ourselves up and to take an embracive, inclusive notion, or to lower self-esteem, to bag, depress and take a small-minded view; to say that we are a group of people that can embrace the concept, as so many others have done, of decolonising and setting ourselves up as a truly independent people, or to say, 'We cannot do this in Victoria or Australia, we are not good enough, we do not have these qualities other countries have, but we have this umbilical cord - - ! '

Mr GUDE (Minister for Industry and Employment) - Mr Deputy Speaker, it is quite clear that the Leader of the Opposition is debating an issue that he may have raised but chose not to. The motion before the Chair is clearly concerned with the failure of the Victorian government to nominate Sir Rupert Hamer to the Republic Advisory Committee established by the Prime Minister. In his ruling, Mr Speaker acknowledged that the motion was specific. We have now a general canvassing of the republican issue, which could have been the point of the motion but clearly is not.

The motion is specific. It relates entirely to the suitability of one person rather than another.

Mr Kennan interjected.

Mr GUDE - The suitability of Sir Rupert Hamer. We have yet to hear any real reference to that issue. Primarily we have had the Leader of the Opposition canvassing his personal views on whether there ought to be a republic. He is canvassing the Federal Labor Party's One Nation statement and his views on political mandates and saying nothing about the motion before the Chair. I invite you, Sir, to bring him back to the motion he moved, on which the Chair has ruled.

Mr KENNAN (Leader of the Opposition) - On the point of order, Mr Deputy Speaker, had the Leader of the House been listening to the earlier part of my speech he would have heard that the opposition was arguing that these were the qualities and the sense of vision needed in the appointee to the Republic Advisory Committee and that it is Sir Rupert Hamer who embraces these qualities. But the reason Sir Rupert should be appointed can only be tested by reference to the range of issues and the breadth of intellect and the scale of values inherent on the one hand in the issue and the scale of values held by the appointee; that is, weighing up the values and the standards required and then looking at the most appropriate person to hold them. It is not something that can be done in isolation.

Honourable members interjecting.

Mr KENNAN - The government, which behaves like an opposition - and that is why we sometimes refer to it as an opposition - is never capable of the values of tolerance and fair, open-minded debate. It is not only absolutely appropriate but also necessary to weigh up what values are required in an ideal appointee and then to test those values against Sir Rupert Hamer and his background. That is an absolutely integral and essential part of the motion.

The DEPUTY SPEAKER (Mr J. F. McGrath) - Order! At this point, I do not uphold the point of order. However, I take the point made by the Leader of the House that the motion is specific to the appointment of one individual to the committee and is not an opportunity for broad-ranging debate on the republican issue. So long as the Leader of the Opposition and those who follow him direct their remarks to the substance of what is a fairly specific motion, they will be in order.

Mr KENNAN - Let us look at the values of Sir Rupert Hamer because there is an interesting test to make in these times under a Kennett so-called Liberal government in Victoria. It was Sir Rupert Hamer who had a reputation for a large measure of tolerance. It is Sir Rupert who has a reputation for an interest in quality-of-life issues. It was Sir Rupert who introduced a notion of small-l liberalism to this State when he became Premier after Sir Henry Bolte. It was Sir Rupert who abolished capital punishment. It was Sir Rupert who turned away from the values of meanness, intolerance and exclusion.

In terms of the cultural life of this State Sir Rupert is not a man about whom it could be said that greed is good, as in the Gordon Gecko-Jeff Kennett spirit. To use Manning Clark's words, "He is a man in whom the gale of life blows strongly". That description is appropriate to Sir Rupert and that is why Sir Rupert is appropriate as an appointee: he is capable of looking forward.

Sir Rupert demonstrated in his political career that he has a vision: that he's interested, rightly or wrongly in the politics of inclusion; he demonstrated that he believes we can move forward. Sir Rupert demonstrated that the job of government is to build up a sense of pride in this State, a sense of instilling confidence rather than going out and threatening and damaging the people. It is appropriate to look at his role in government and compare it with that of Sir Henry Bolte.

In the recent documentary on the hanging of Ronald Ryan, Clyde Holding said what Sir Henry Bolte wanted to do there was to show the ultimate force of government - that is, to execute a person. No dearer demonstration could be shown of the narrow-minded and vicious values that were perpetrated in this State under Sir Henry Bolte. But Sir Rupert moved away from that. Now the wheel has turned again and we have in Sir Rupert a very different person, a person who has very little in common with the current-day Liberal Party under Mr Kennett.

What the republican debate requires is indeed those senses of vision, those senses of a capacity to move forward. Sir Rupert has demonstrated those qualities. Now in the 1990s the test ahead - and the reason why Sir Rupert is so appropriate as a member of the committee - is whether we can move forward or live in the past. Will we say that Federation in 1901 is as far ahead as we can move this quasi colony? Until we sever these links with the monarchy we will remain a quasi colony.

Can anyone imagine that Indonesia might still have some links with the Netherlands? In all the countries

that were colonised and are now functioning as successful independent States, it is inconceivable that, having become republics, they would still want to retain links to their former imperial conquerors. It is out of their minds; it is not on. But it is still in the psyche of those who would seek to oppose Sir Rupert Hamer's appointment.

This requires a sense of our taking a lead role. We want to take a lead role in the debate. We want to move forward. The political leaders of the State should be on about the future; they should be on about resolving the uncertainty of national identity that is unquestionably out there; they should be on about resolving people's anxieties about a whole range of issues, not adding to them; they should be on about enhancing our sense of what we can do and achieve; they should be on about enlarging the imagination, the capacity and the self-confidence of this State, not talking it down.

During his life in politics and after, Sir Rupert Hamer has shown he has a sense of the larger picture, but the Premier did not appoint him. The Premier said the other day that he believes the republican issue is a distraction and that Victorians are capable of concentrating on only one issue, which is the reduction of debt. He said that Victorians are so stupid that they can concentrate on only one issue at a time. Those remarks reflect the Premier's values that informed his choice of a person other than Sir Rupert Hamer to be a representative on the Republic Advisory Committee.

The Premier does not appear to understand that the issue of the republic is not without economic connotations. Australia will gain self confidence as it builds its self-esteem, and that will have an effect on manufacturing and exports. One had only to read the *Far Eastern Economic* Review after the Federal election to see that Australia is being taken more seriously in Asia because of its sense of being one nation and its moving towards becoming a republic. Asian countries that were formally colonies but became republics a generation or more ago would have reservations about a country that seemed to have an identity crisis and that did not know whether it was an off-shore county of Britain somewhere east of Dover or whether it was truly a country in its own right.

The Chairman of the Republic Advisory Committee, Malcolm Turnbull, has said that he was embarrassed when on a recent occasion the New South Wales Liberal Premier, Mr Fahey - he is closer to the Victorian opposition than the Premier in his choice of a representative - toasted the President of Ireland, Mary Robinson. She then stood and, with a slightly wry smile, proposed a toast to Queen Elizabeth. The New South Wales Premier is closer to the opposition on this issue because he understands the situation. When one considers Cromwell - one only needs to talk about Cromwell in the presence of the Acting Premier - -

The DEPUTY SPEAKER - Order! The Leader of the Opposition should mention Sir Rupert Hamer in his dissertation.

Mr KENNAN - I am happy to mention Sir Rupert in that context because I am sure he is no Cromwellian. Sir Rupert Hamer would work well with the other committee members.

It is embarrassing when one is mixing with representatives from other countries at various consulates in Melbourne to listen to their republics being toasted one after the other. Our trading partners, many of whom were formally colonies, have all been through the republican process. They have their own senses of nationhood; they have their own identities. Toasts are moved to this nation and that, and when it is Australia's turn, a toast is proposed to Queen Elizabeth. It is pathetic and embarrassing.

Recently David Malouf made a great speech in the Assembly Hall, during which he said that we are creatures who place particular importance on the power of naming. He said that when one gives a name or a place an identity, it takes on enormous power in peoples' minds. He talked about the Aboriginal community naming the landscape and suggested we may be going through a process similar to that. Ideas have enormous power; they can do a great deal for the self-esteem and confidence of this nation as a great multicultural republic.

We need a representative on the committee who is progressive, fair-minded, democratic and unashamedly Australian. We need a person with authority and standing in the community who can command bipartisan support. We do not say that Sir Rupert Hamer would necessarily come to mind from a political viewpoint, but from a bipartisan viewpoint he would be a most effective and persuasive advocate when the committee is examining the republican issue.

The Prime Minister has said that the six States should suggest two names: one person to represent

the populous States and one to represent the less populous States. Victoria should put forward a person who will attract bipartisan support and who will be capable of compromise. The opposition unashamedly says that the person should be above sectarianism, above States' rights, above party politics and above other day-to-day matters - and that person must have a sense of the future. Therefore it is appropriate to suggest a suitable person from the other side of politics. It would not be fair to characterise him as in any way embracing the values expressed by the Kennett government; but he is a man who defeated the Labor Party at three elections in the 1970s.

The opposition believes the republican debate must be approached with a long-term vision and not with small-minded, Gordon Gecko, "greed is everything" threats such as those made by the Premier about superannuation and at midnight last night, when he said, '1f the opposition votes against the Bill we will knock off their CPA trips". What sort of mentality is that? It is not the sort of mentality that will inform a republican debate. In suggesting Sir Rupert Hamer as the representative, we are happy to go to the other side of politics because of his excellent qualities as a representative. It was because of those qualities that the captains of industry pulled the plug on him. He was tossed out - and at the next election in 1982 the Liberal Party predictably lost.

The opposition is prepared to support a person who is from the other side of politics because it recognises that he is likely to have a fair measure of bipartisan support not only in Victoria but in New South Wales. He may get up, because he will be seen nationally and by the Prime Minister as a bipartisan, harmonious and progressive choice. Therefore the nomination of Sir Rupert Hamer is likely to ensure Victoria's interests are represented on the committee. That is the core reason why the opposition is concerned about the failure of the government to appoint Sir Rupert. He appears to be the person most likely to attract interstate support, particularly from New South Wales.

The Kennett government is not serious about the republican debate - we have heard it from the Premier and we know that 80 per cent of the Liberal Party are staunch royalists. He is chained on this issue, and that will pull the Liberal Party apart. How would one feel as a fair-minded Liberal voter when one heard the Labor Party saying, 'We are prepared to support Sir Rupert Hamer but the Kennett government says no"? The ordinary fair-minded voter will be wondering what is going on. We will tell them what is happening. The Kennett government's failure to appoint Sir Rupert Hamer is yet another indication that it is living in the past - as it is on so many other things.

Arguments about the present and the past should also include the question of what the government ought to be doing about the present and the future. Sir Rupert has shown time and again in his political and post-political life that he can embrace the present and the future. The republican issue is about the present and the future; it is about building up the confidence and self-esteem of the nation.

The republican issue is about a sense of genuine national identity. The issue does not concern heavy materialistic values, or threats, or small-mindedness, or meanness: if a republic is to work, and if the process leading to a republic is to work, above all it needs people who can rise above the past, who can see and who have a sense of the future, who have an outlook that is unambiguously Australian, who have a worldly and international view and, most definitely, who follow our great humanist traditions in Australia.

New politics will be increasingly concerned about the ordinary lives of people and about values of kindness, generosity, care and tolerance. Those values will form a genuinely multicultural republic. They are not, however, the values of the Kennett government. Every action it takes on every day, every threat, every divisive attack on the self-esteem of people, is a reversal of that principle. We need to support someone like Sir Rupert Hamer for the committee.

Honourable Members - Hear, hear!

Mr McNAMARA (Acting Premier) - In response to the motion moved by the Leader of the Opposition, the Victorian government accepts that Sir Rupert Hamer is an eminent Victorian who has a long and proud record of public service to Victoria. The Leader of the Opposition has detailed his career, which has been a credit and a service to Victoria over many decades.

By the same token, Professor Geoffrey Blainey is a respected historian whom the government believes will place an historical perspective on the republican debate. It is worth noting that the committee established last week by the Prime Minister excluded a person of the eminence of Professor Blainey. A number of media commentators questioned advisers to the Prime

Minister about how a person with such a sense of history and such an understanding of the history of constitutional issues could be not included in such an important committee.

I would have thought today that Her Majesty's opposition would have responded by congratulating the government for taking a part in the Prime Minister's committee. Other States have said they will not take any part in discussions, but the Victorian government felt strongly that Victorians should be involved and, through the process of inclusion, that we should be taking part in the debate by putting forward someone who is regarded as an eminent Victorian and who has not been criticised by anyone on his sense of the historical perspective of the State or his understanding of constitutional law.

If one looks at the composition of the committee announced to date, the inclusion of Professor Blainey would add quite substantially to the intellectual capacity of that committee and would actually lead to an upgrading in the status of that committee. Many people involved in the debate about republicanism do not have an understanding of the perspective which has led us to this position in the first place. As the Leader of the Opposition correctly said, we have to return to the 1890s when Victoria and Victorians played a prominent role in leading the debate towards the establishment of the Federation. That debate was driven very much by people in this Parliament, by many prominent citizens of Victoria, by business people in this State, and by people from the trade union movement.

The Leader of the Opposition talked about some of the moves towards further evolution of the process of Federation that he had charge of when he was Attorney-General, and he quoted the example of the Australian securities legislation which has led to uniform companies law. The Kennett government, when in opposition, supported the former government in that respect, but similar legislation was not adopted universally throughout all States because, only one year ago, for instance, the Upper House in Western Australia blocked corresponding legislation.

It took 6 or 12 months before that legislation was reintroduced and finally passed. There was a great deal of suspicion in Western Australia of a further centralisation of decision making in Canberra and, irrespective of the political persuasion in Western Australia - whether it be a Labor or a conservative government - both sides of politics there are highly suspicious of a Canberra government. The shadow Attorney-General nods his head in agreement.

It is interesting to read comments supposedly made recently by Western Australians that if a referendum on the republican issue was not carried in that State, the Western Australian government would look at the constitutional issues in the belief that it could secede from the Commonwealth Federation.

Ms Kirner interjected.

Mr McNAMARA - I agree, that would be a stupid decision, but the point must be made that some of the farther flung States regard centralised government with suspicion. The more we hear on the republican debate, the less it becomes a debate about whether we should have a monarchical system or a Westminster system, but whether we should have a devolved or centralised system of government.

It will not take too much encouragement from those who are not supportive of change to encourage those concerns within States such as Queensland, which is at present governed by the Labor Party. That government has not embraced this issue with the same enthusiasm adopted by some on the conservative side of politics in the major States. Again, that is a reflection of the view of that constituency.

People living in places like Cairns, which is located farther from Brisbane than Brisbane is from Canberra, have a suspicious view of centralised government. I remember an occasion when I visited North Queensland and people there talked about "the government in the south"; obviously I thought they were speaking about the government in Canberra, but they were actually innocently talking about their own State government in Brisbane!

During the past 92 years, we have established a sense of unity in Australia. I am very concerned that moves by the Prime Minister to attempt to steamroll change without bringing all Australians with him will place at risk the unity that exists in Australia at the moment.

The DEPUTY SPEAKER - Order! I direct to the Deputy Premier's attention the fact that the motion before the Chair is specific as to the non-appointment of Sir Rupert Hamer. It is not an opportunity for a wide-ranging debate on the republican issue.

Mr McNAMARA - As you will become aware, Mr Deputy Speaker, I was coming precisely to that point. Particularly States such as Queensland, Western Australia, and possibly even Tasmania, must have people on the Prime Minister's committee who will contribute to that debate on a national basis and with a national perspective - and maybe not with the perspective of one of the major States.

This government has a great respect for the contribution Sir Rupert Harner has made to Victorian politics, but the fact that he has been one of the longest serving State Premiers, and despite being aware of the very high regard in which he is held within the Victorian community, he may not necessarily be acceptable as a nominee to this committee to people in Western Australia, Queensland or other States, who view with suspicion the urgency with which the Prime Minister is driving this issue and the timetable he has set - particularly his requirement that this committee should report within the next 2 or 3 months. Who would know what his timetable would be after that to accommodate change either at a Parliamentary level through the Commonwealth of States or through a referendum?

We should have an individual who will represent the whole of Australia. The Prime Minister has not given each State the opportunity to select one nominee. If there were that luxury the nomination of Sir Rupert Harner would be considered. The Prime Minister has asked us to nominate two people on behalf of the six States and Territories. We must sell that nominee to not only Victorians, who would universally accept Sir Rupert Harner, but also to the whole of Australia. I thank the Leader of the Opposition for the way he has responded to the issue of choosing the most prominent Victorian, a former Liberal Premier, who achieved much in his period in office and who led Victoria through the most prosperous period the State has enjoyed in recent decades. The State needs a conservative leader to put forward a vision and provide direction for the future.

If one looks at the leadership of Victoria over the past decade one can see what happened as a result: massive debt and huge problems that will take many decades to overcome. The Premier is showing vision and a sense of purpose about getting Victoria back to a solid financial base so people will feel confident about investing in the State's future.

Members of the committee must be acceptable not only to Victorians but to all Australians. Professor Blainey is one individual who is highly regarded not only in the more populous States but in the smaller States too. He is an individual who understands the basis on which the Commonwealth was formed. He knows the nuances of the Federation conferences in 1890 that ultimately led to the formation of Australia as a nation, which we all support and should take every measure not to place at risk.

It is an important issue - one the opposition must think about carefully. I hope I am not correct, but I believe what the opposition is attempting to do is use Sir Rupert Hamer in a political point-scoring exercise. The method is to nominate an individual who has expressed some views in support of change and, by doing so, try to embarrass the government. I call on the opposition to take a more far-sighted approach and look at the effect the committee will have on Australia. The Australian community believes the composition of the committee is slanted towards republicanism, and it will not be universally accepted by the Australian population.

We do not know what Professor Blainey's views are on republicanism; it is not something that the Premier has asked him about in recent months.

Many people are concerned about the direction in which the debate is going. I refer to Professor Cheryl Saunders, Director of the Centre of Comparative Constitutional Studies at Melbourne University, who in an article in a newspaper at the weekend raised concerns about the direction the Prime Minister was taking. Adequate time must be given for the committee to consider this important task. We must ensure that every State is represented on the committee and that its composition not be as the Prime Minister has proposed, because that does not give Victorians a feeling of ownership in this debate.

Mr COLE (Melbourne) - I support the motion. The importance of the debate goes without saying: the issue of the republic and what is to happen to this country from now until the tum of the century with respect to its constitutional arrangements is crucial.

With respect to the appointment of an eminent person to the Republic Advisory Committee, we must remember, contrary to what the Acting Premier believes, that the committee does not have plenipotentiary powers; it is an advisory committee. Its object is to give advice to the Federal government and to work through issues on the establishment of a republic.

The opposition proposes that Sir Rupert Hamer should be appointed to that committee. I shall go through some of the reasons: first and foremost, Sir Rupert has accepted that Australia's becoming a republic is inevitable. That is not to say he supports it. One could say that in the past and even today he would be seen as a constitutional monarchist. He has a knighthood - he is not a Warden of the Cinque Ports like Sir Robert Menzies, but he still has a knighthood. He has embraced the monarchy and accepted it for nearly all his life but now sees the inevitability of republicanism. In a community that has lived with a constitutional monarchy, although some of us have always embraced the concept of a republic, it is appropriate to put forward someone who fits into the category and who realises there is a diversity of view and a movement towards change. That would be the principal reason why Sir Rupert Hamer should have been appointed to the Republic Advisory Committee. It should be an advisory committee consisting of people who have the foresight to realise that there is talk about change and there should be a move towards that change. That does not mean that Sir Rupert necessarily likes it.

The opposition accepts that the government has the power to choose the person but it does not mean that it has the right to choose somebody who may be unacceptable to opposition politics; it does not have the right to deliberately choose somebody who will subvert the process. I am not suggesting that will happen, but the government has a responsibility to the community and to the opposition, because we represent a large section of the Victorian community, to put forward somebody who is acceptable to both sides of politics. It is evident that Sir Rupert Hamer is accl!ptable to the opposition.

The appointment of Sir Rupert Hamer would have been acceptable to the government, and no logical reason can be given why he was not put forward. He stands in contrast to Professor Blainey for many reasons: firstly, he is a former Premier of this State; secondly, he knows about the constitutional operations of this State; and, thirdly, he has been a loyal servant of the Crown, not only in title but also in fact - unlike myself. We swear allegiance to the Crown because we have to, not because we want to.

It is for those reasons that Sir Rupert Hamer stands in marked contrast to Professor Blainey and most other people in the community. He, like Nick Greiner, will look at the republican issue from a Liberal perspective. He will be sensitive to the Liberal philosophy and will know about the expectations of people who come from that direction. He knows how the Liberal Party operates. The Labor Party would not expect the government to nominate John Halfpenny.

Government members interjecting.

Mr COLE - I inform the honourable members for Glen Waverley and Swan Hill that the Labor Party does not know that because when it was in government it did not do things like that, particularly on important issues. The Labor Party wants someone who will be acceptable to the community.

An honourable member interjected.

Mr COLE - He may have been acceptable to half the population, and more acceptable than Professor Blainey. If the Labor Party, the Liberal Party and the National Party support the appointment of Sir Rupert Hamer, the bulk of the community will agree that he should represent Victoria on the Republic Advisory Committee.

I would have thought Sir Rupert Hamer would have been the logical choice of this government. He would have been far more acceptable to other States, including the Labor States, than Professor Blainey. The government is taking a terrible risk by not appointing a true representative of Victoria.

The nature of the republican debate must be examined. A republic will mean a reduction in the recognition and subservience of Australia to hereditary titles. That is what the Labor Party wants from a republic, and that is what the republican debate should be about. The Labor Party also wants the reserve powers of the heads of State eliminated. People on the committee should have an open mind because a republic will be the ultimate act for Australia to achieve full nationhood.

An honourable member interjected.

Mr COLE - I hear murmuring from the other side.

The DEPUTY SPEAKER - Order! The honourable member for Swan Hill is not only out of his place; he is also out of order.

Mr Richardson - The honourable member for Melbourne ought to concentrate.

The DEPUTY SPEAKER - Order! The honourable member for Forest Hill is also out of his place and out of order.

Mr COLE - I know government members are sensitive about this topic. I also know that the Premier and others have been slow to enter the debate, which is a product of the 13 March election the Federal Labor government won so convincingly. Some 18 months ago the Prime Minister, to his credit, pushed hard for the republican movement to get going. Many people opposed that idea, and since the 13 March election it has split the Liberal Party. It does not know where it stands on republicanism. One would have thought the Liberal Party would have acted with more sense and appointed Sir Rupert Hamer to the advisory committee. That may have brought people in the Liberal Party back together. The National Party, as usual, is consistently and unanimously supporting the constitutional monarchy and is out in the back paddock lauding the virtues of the stump jump plough, which has very little to do with 1993.

The DEPUTY SPEAKER - Order! I hope the honourable member for Melbourne is not casting aspersions on the Chair.

Mr COLE - I would not do that, Mr Deputy Speaker.

Mr McNamara - The wool industry also thinks it is an important issue.

Mr COLE - It should not be forgotten what happened to the wool and meat industries when those wonderful people from England joined the European Community!

The advisory committee should comprise good representatives to jettison our links with England and to move Australia closer to the Asian region. Australia's biggest trading partner is Japan; Australia sells more to Japan than Japan buys from Australia. As the Japanese Prime Minister has said, part of the move towards Asia involves the relinquishing of Australia's links to England. That is difficult for the conservatives in politics to understand. They do not embrace Sir Rupert Hamer because he has adopted liberalism.

Liberalism is an interesting term. When I was at university I was lectured by Professor Blainey on economic history, in which he referred to the biography of John Stuart Mill, an extremely famous liberal. I recall the honourable member for Ballarat East saying he knew John Stuart Mill; he booked him in Daylesford for smoking marijuana! I must inform him that there is another John Stuart Mill - and I do not know whether he smoked marijuana.

From my extensive studies of John Stuart Mill while burning the midnight oil at university I discovered that nothing in the conservative parties matches up with his philosophy. But that is not the case with Sir Rupert Hamer. I do not want to idolise Sir Rupert Hamer or to become an historical revisionist, but compared to the current lot in the Liberal Party, Sir Rupert Hamer is surprisingly liberal - at times he is even a trifle left.

During the debate on the City of Greater Geelong Bill the Premier actually said that if someone moved a motion to get rid of the States he would support it. This is not the right time, but the opposition will come up with it some other time. I am drawing a distinction between the substantial changes needed for a republic and the minimalist approach of relinquishing Australia's attachment to the Queen and England.

Sir Rupert Hamer is the best possible choice the government could make for a representative on the advisory committee. He would receive State support, which Professor Blainey will probably not. Sir Rupert Hamer would represent the views of members on both sides of the Chamber. He has integrity and a long record of service to the State. The only reason he has not been appointed to represent Victoria is that he said that a republic is inevitable. He did not say that he supports it; he just said it is inevitable.

The opposition has moved the motion so the public knows the view of the Australian Labor Party. The conservatives use stunts to undermine the republican movement. They have no respect for Sir Rupert Hamer, one of their own, who would do a tremendous job. It is disrespectful not to appoint such a distinguished Victorian, who could dearly handle this very difficult but important issue for the State of Victoria and Australia.

Mr GUDE (Minister for Industry and Employment) - In opposing the motion for the adjournment of the House, I do not wish to rake over the merits or demerits of Sir Rupert Hamer, somebody I have had the privilege of working with.

Mr Roper - Mr Speaker, I direct your attention to the state of the House.

Quorum formed.

Mr GUDE - When the honourable member for Melbourne was speaking, only four members were in the Chamber, and even the Leader of the Opposition was absent! The motion demonstrates the hypocrisy of the Leader of the Opposition, who often refers to himself as a Queen's Counsel - whether he is self-appointed or self-anointed does not matter.

Mr KENNAN (Leader of the Opposition) - Mr Speaker, I ask the Minister for Industry and Employment to withdraw each of those references.

The SPEAKER - Order! The Leader of the Opposition finds the expressions unparliamentary and asks for a withdrawal.

Mr GUDE (Minister for Industry and Employment) - If the Leader of the Opposition believes the remarks are offensive I will withdraw them. He is very touchy on that subject. The Leader of the Opposition referred to outdated colonial vestiges. I should have thought the title "Queen's Counsel" fitted into that category, but it appears that is one aspect of the past that the honourable member wants to hang on to.

I noted with interest that the honourable member for Melbourne, the leader of the limousine left, followed the Leader of the Opposition in the debate. It is clear the limousine left is driving the process. Members of that faction are very embarrassed at the moment because they do not want the attention of the community directed towards the level of unemployment - the 300 000 Victorians out of work - or to the fact that the opposition, when in government, had no policies to remedy unemployment. They do not want to talk about financial mismanagement, the rural crisis and the industrial disruption impacting on the community. They are pulling a cheap political stunt to deflect their embarrassment, but it will not work.

I had the privilege of serving in the House when Sir Rupert Hamer, as he later became, was Premier of Victoria, and I relate to many of the things said about him. He is a very honest, active, responsible person, who has achieved so many things during the course of his life. The same can be said about Professor Blainey and a number of other Victorians - for instance, former Prime Minister Malcolm Fraser, former Victorian Premier Lindsay Thompson, and Professor David Penington.

Ms Kirner interjected.

Mr GUDE - The honourable member for Williamstown is critical of Professor Penington because he took a contrary view to hers and exposed her deficiencies as the Minister for Education and as Premier. What would be wrong in nominating Sir Gustav Nossa!, Professor Max Charlesworth, Professor Ian Gust, Ivan Deveson, who is a former Victorian of the Year, Louis Waller, Sir Peter Abeles, John Ralph, Kevan Gosper, John Gough or Dame Leonie Kramer?

Ms Kirner interjected.

Mr GUDE - I know Mr Gosper is overseas, but he may well come back if he considered it important enough. The honourable member for Williamstown does not know whether or not he would return to Australia.

Ms Kirner - How do you know?

Mr GUDE - I know Kevan Gosper quite well; he hired me when he was the personnel officer at Shell Australia. I have known him for a long time and I keep in touch with him.

Mr Sercombe interjected.

Mr GUDE - I do not think even the honourable member for Niddrie would want that comment on the record. The remark is offensive and I ask for a withdrawal.

Mr SERCOMBE (Niddrie) - I withdraw.

Mr GUDE (Minister for Industry and Employment) - Many Australians could have been nominated instead of Professor Blainey.

Honourable members interjecting.

The SPEAKER - Order! The level of interjection is too high. I should have thought that on such an important matter the House would give attention to what the Minister is saying.

Mr GUDE - The opposition is seeking to divert attention from its personal embarrassment at being associated with another disruption of the Victorian community. It is embarrassed at the deficiencies of its own performance, not just in government but in opposition. The performance of the Leader of the Opposition is abysmal. He is going backwards, and

his performance today confirms his position as temporary Leader.

There is no shortage of acronyms around this place. As I was walking in the corridor before I heard someone refer to TJ and someone else refer to VTJ. It was more than I could handle so I had to find out precisely what it was about. It seems that some opposition members were having a discussion and one of them was referring to "temporary Jim" and the other said, "No, after today's motion, very temporary Jim"! Even the Leader of the Opposition's own party is divided over the propriety and integrity of the motion before this House.

The opposition is devoid of inspiration and is continually dreaming up ideas to divert the community's attention from the problems of the State. If I recall correctly, the Leader of the Opposition said he believed the Premier should have consulted with the opposition before determining who the Victorian representative on the committee would be. I wonder whether the Prime Minister consulted with the Premiers of the States before choosing the members of his committee; I am sure he did not. I wonder whether he consulted with the Federal Leader of the Opposition about the group he chose; I am sure he did not. There is silence on the other side of the House.

Mr Cole interjected.

Mr GUDE - Oh, he rang the chairman of the limousine left. Did he ring your fellow travellers as well?

Again that highlights the hypocrisy of the process. It is apparently all right for a Labor Prime Minister to make his own judgment about the people he wants on his committee - and clearly he has chosen people who agree with the direction in which he wants to go.

Mr Sercombe interjected.

Mr GUDE - I do not know Nick Greiner's views on the issue other than what I have read; I have not spoken with him about it. That is irrelevant to the issue. When the Federal Labor Party is in power, it is apparently okay for the Prime Minister to choose who he wants; but when it comes to a State in which the Labor Party is out of power and likely to remain so for a long time - -

Mr Sercombe interjected.

Mr GUDE - The wheel of politics turns, but I can tell the honourable member for Niddrie that the wheel of fortune will turn very slowly for the Labor Party.

Mr Sercombe interjected.

Mr GUDE - There is only one poll that counts, and that was held last October. That resulted in the coalition's enjoying the largest majority in the history of Federation, with 61 members as against 27 Labor Party members in this place and more than double the Labor Party numbers in the Legislative Council. That is what the people of Victoria think of the 1.abor Party. The motion before the House confirms the incredible irrelevance of the opposition.

It is also instructive that the motion suggests that the chairman of the Federal government's committee may be having some difficulty with the composition of the committee. Opposition members were critical of my reference to an article in the *Sunday Herald Sun* and poured scorn over that newspaper. They can do what they like; that is their choice. I have not heard them criticise the *Age,* but in Monday's edition of that newspaper, Malcolm Turnbull, the chairman of the committee, said he had no objection to Professor Blainey being on the committee:

> '1 can't comment on any particular nomination; that is a matter for the Premiers", Mr Turnbull told Australian Associated Press.

Mr Sercombe interjected.

Mr GUDE - The honourable member for Niddrie gets out of the blocks a bit too fast. If he gave his mouth a rest and his ears a chance, he might learn something.

The report in the *Age* continues:

> "But all the nominations -

one assumes that includes Professor Blainey -

> "that I've heard of so far appear to be knowledgeable and enthusiastic people who would have a lot to contribute".

It is clear that Professor Blainey fits that qualification. He is an eminent Australian who has studied and researched the history of this country.

Mr Cole interjected.

Mr GUDE - The honourable member for Melbourne interjects by asking whether I have read his books. I know Professor Blainey has written innumerable books. He is a learned person who has challenged the Australian people to think about issues and to debate them. The republican debate is all about challenging people to think about the issues. The committee needs a blend of people with a variety of views so that the people of Australia will have balanced views put before them.

The people of Australia will consider this matter in due course. I have no problems with the issue being raised and debated. It should be out in the open so that we can find out precisely what it is the Prime Minister intends for Australia. The debate must be conducted in a way that allows all sections of the community to have a say; but the motion moved today implies that the opposition's choice is the only one that is acceptable.

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

Mr SERCOMBE (Niddrie) - Nothing shows the irrelevance of this government to mainstream trends, attitudes and ideas in the Australian community more than its reaction to the motion. In reality the motion before the House raises a narrower issue than the fundamental issue of an Australian republic and its symbolic importance to the development of contemporary Australian society. I do not intend to canvass in detail the debate about an Australian republic other than to the extent that it relates to the appointment the government is seeking to have made to the Republic Advisory Committee. The contemptuous way in which the Leader of the House and the Acting Premier have treated this discussion shows the isolation of the government.

Mr E. R. Smith - Mr Speaker, the Leader of the Opposition.is not in the Chamber. I also direct your attention to the state of the House.

Quorum formed.

Mr SERCOMBE - The purpose of the motion is to maximise the opportunity for the Victorian community to be represented on the Republic Advisory Committee established by the Prime Minister. The opposition recognises that State representation on the committee is by no means a foregone conclusion. The New South Wales government has views significantly different from those of the coalition government, not only on the substantive issue of a republic but also on who should represent the two major and most populous States.

It is therefore critically important to maximise the contribution of the Victorian community to the debate. Victoria has been given a more than generous opportunity to nominate a person associated with the government side of politics.

The opposition's suggestion that the government should nominate a person who in the past has been a political foe but who can command widespread respect and support, including the support of the opposition, on the important questions confronting the Australian nation is an indication of the way it views the question.

As we proceed towards the 21st century Australia is a rapidly changing and different sort of society than it was 20 years ago. The symbolism associated with our nationhood and which is inherent in the republican debate is critical to our future and to our identity and pride as a nation.

A broad range of commentators, including the Premier, have said that the future of the nation lies in being part of the Asia-Pacific region. For better or worse, the future of Australia is tied up with the future of that region and the symbolism involved in the concept of Australia becoming a republic recognises that that historical and geographical reality has to be seized upon.

The people of Australia live in a multicultural society, and more so in Victoria than in any other State or Territory. That characteristic of the Australian community is becoming increasingly apparent each decade. Intermarriages of people from different cultural backgrounds, together with the success since the second world war of the Australian community in absorbing people from virtually every continent and every culture on earth, have been of significant credit to people of all political allegiances who have contributed in important ways to the development of a tolerant, multicultural Australian society.

The reality of the relevance to Australia of the Asia-Pacific region and the fact that Australia is no longer essentially an Anglo-Saxon society makes the debate about republicanism symbolic. The opposition believes the republican issue is of such importance that the Victorian government ought to nominate a person such as Sir Rupert Hamer, who

would receive the support of the entire Victorian community.

The Victorian nominee could be placed in a competitive position in the nomination of a representative of the two States, Victoria and New South Wales, because it is quite clear that the New South Wales Liberal government has a different view about who the representative should be.

Professor Blainey undoubtedly makes a significant contribution to the broader debate in the Victorian and Australian communities, and I have been impressed with his past contributions to Australian intellectual life. His seminal history of Australia, *The Tyranny of Distance*, contributes significantly to the view Australians have of themselves and to an understanding of Australia's position in the world. His subsequent work, *Triumph of the Nomads*, deals with Aboriginal Australia and is an important contribution to a broader understanding in the Australian community of the role of Aboriginal Australians in our society. The book traces and discusses Aboriginal prehistory in ways that had not previously been broadly understood by the Australian community.

However, although in more recent years Professor Blainey has continued to make an important and proper contribution to social debate, it has been a divisive contribution. In his contributions to the debates on multiculturalism and environmental issues - I emphasise it is appropriate that he, like any other citizen, should make a contribution - he has adopted a divisive position which would not command the support of more than, at most, 50 per cent of the community, and that is a generous assessment of the level of support he would command.

As the nominee of the Victorian government for appointment to the Republic Advisory Committee, Professor Blainey would not be seen as a person who was speaking on behalf of the entire Victorian community. One wonders how serious the government is in nominating him because the Deputy Premier, in his remarks this morning, sounded as though he was referring to "Geoffrey Blarney" - perhaps he was thinking about Sir Thomas Blarney. The Acting Premier is certainly not on the ball on this matter.

In acknowledging the importance of Professor Blainey's contribution to intellectual life in Australia - although in recent years members of the Labor Party have been opposed to his views - the opposition has been more generous than has the government. It is a matter of horses for courses, and the opposition's view is that Professor Blainey is not a suitable nominee. In order to maximise the benefits to the Victorian community as a whole of the work of the committee a different Victorian should be nominated.

A distinguished Victorian historian from La Trobe University has been appointed to the committee, as has the former conservative Premier of New South Wales, Mr Greiner. Given the weight and importance the Federal government places on the deliberations of the committee and the relative contributions that could be made by members of the committee, Victoria should be represented by a former Premier.

Sir Rupert Hamer may be seen as a unifying force. He was a genuine small-1 liberal, unlike almost every current government member. The Minister for Planning, who is at the table, has in the past had the respect of the opposition as a small-1 liberal, but these days even he seems to be descending into the neanderthal conservatism that characterises the government and which characterised the Bolte years. Sir Rupert Hamer is not in that category.

In the 1970s Sir Rupert's premiership marked quite a distinctive and important change in the nature of government. A story is told about the former Prime Minister, Gough Whitlam, being questioned about why, when there had been changes of governments in Australia, including at a Federal level in 1972, there had been no change of government in Victoria. Whitlam made the quite correct point that there had been a change of government in Victoria in the transition from Bolte to Hamer. There was a radical difference of style, emphasis and approach between Bolte and Hamer.

Regrettably the neanderthals of the Liberal Party seem to have reasserted themselves and even people like the Minister at the table, who in the past one would have thought would have complied with the liberal traditions of John Stuart Mill, are, on the kindest interpretation, being done over regularly in the Cabinet room.

There is nothing liberal about the government. Sir Rupert Hamer as Premier was relevant to Victorian society in the 1970s. His approach to planning and environmental matters and the emphasis he placed on the importance of the arts and on considering features of our society are acknowledged by the opposition.

Mr Richardson - Sir Rupert Hamer is knighted! A royal honour!

Mr SERCOMBE - The honourable member for Forest Hill refers to Sir Rupert having been knighted. He gives one reason for considering Sir Rupert as someone who could enjoy support across the board. The opposition is not advocating the nomination of Sir Rupert because it expects him to support the republican position per se, but he has received an award from the Crown and in the circumstances I would have thought that would add to his credentials rather than take away from them; he ought to be capable of attracting support across the whole of Parliament and not simply from the Labor side.

I come back to my starting point. The views of the Victorian community must be adequately reflected and analysed to enable the work of the committee to proceed in a way that is not the subject of the divisive game playing and smartypants tactics of the Premier.

Mr MACLELLAN (Minister for Planning) - This is one of the sadder, less important and less impressive motions to come before the House. It has become a vehicle for political debate rather than constructive contributions on the troublesome question now before the public: whether Australia should become a republic or should remain a constitutional monarchy, with the Queen remaining as head of State for ceremonial and legal purposes but represented by Australians in the form of Governors-General and Governors.

The true motive behind the motion is not to assist in the progress of debate but simply to create a minor, time-wasting distraction. I do not think Sir Rupert Hamer will be vastly impressed with the half-hearted praise that has been heaped on him by members of the opposition as though he is now seen by them to be the best person to represent the populous States on the Republic Advisory Committee.

I imagine that Professor Geoffrey Blainey, being a professor, is well used to criticism and would probably let all that has been said about him by the opposition by way of implication just pass by. As a person of considerable intellectual scope, he would regard these comments merely as the pinpricks that must be endured on the way towards making a contribution to central issues within society.

Members of the opposition have difficulty with symbols of their nationalism. The Leader of the Opposition says that Australians have to cast aside the monarchy to convince themselves that they are not part of a colony. Other opposition members take the gumnut approach, while some take the shamrock nationalist approach. Opposition members seem to be lacking an acceptance of their being Australian. That acceptance seems to be reinforced as though they have some doubt about it. Their doubts are showing.

Whether people have an Anglo-Saxon, Celtic, broader European or Asian background or come from anywhere else in the world, they all bring specific gifts to Australia. They enrich our society. I do not know why members of the opposition suffer this terrifying misapprehension that unless they express their nationalism in some form of aggression towards somebody else or some other value they cannot be Australian; they cannot give expression to their Australian identity unless being negative or critical of others' views.

While opposition members make great claims that Australia is a multicultural society, what a pity that they do not make equally broad claims that Australia hopes to become a tolerant society. The intolerance of the opposition is reflected in the motion. The opposition wants the Prime Minister's committee to be advised in a way that reflects one side of the argument.

Not only is the committee based around Sydney; it is also based around people who have pronounced themselves to be either in favour of a republic or of the view that a republic is inevitable. It seems that the object of the committee is to make sure the other side of the argument is not reflected in the committee's work.

That object is compounded by the rather devious motion moved by the opposition. In effect, it does not want to offer support to somebody who represents the populous States; that is a complication. One has to commend the Prime Minister, and I presume his advisers, on the skill with which Victoria will be left out of the advisory group. Appointees have to be hand-picked for their commitment or Victoria will not be represented at all.

The comments of opposition members about the character, philosophy or sense of the coalition government compound the problem. As part of their supposedly constructive contribution towards the

consideration of whether Australia should change its present constitutional arrangement to some other arrangement, it suits them to say that Liberal Party members have changed from being liberal to being troglodytes; opposition members say that there are no people of broad or contrary vision within the coalition. Such comments are meant to assist in the consideration of the matter!

The opposition had a great chance to nominate people it had in mind, simply to put forward other nominees, but it has not done that. It has chosen one nominee and put forward a succession of arguments for the nomination of that person. The usefulness of Sir Rupert might be destroyed by his name being put up in this way.

If the Leader of the Opposition had a little nous and wished to have Sir Rupert considered for nomination, I would have thought that on hearing that the Prime Minister had sought a representative for the populous States the Leader of the Opposition would have approached the Premier and said, '1n considering people to be put up first and discussed with New South Wales" - it might be New South Wales and Queensland; the populous States are not defined - "what about considering Sir Rupert?". If this debate were not about party politics, about division and separation, about taking a political stance, but were about seeking to advance discussion within the community in a reasoned and measured way, that is what the Leader of the Opposition would have done, but that is not what happened.

The Premier announced in the House yesterday the nominee put forward at the invitation of the Prime Minister. It should be noted that the Prime Minister did not invite the Victorian Parliament to nominate somebody to represent the populous States. Perhaps in the circumstances it is just as well because presumably the opposition would have wished to put forward nominees who would have to pass a republican and inevitability test. The opposition would have had to show its true colours, but the Prime Minister did not do that.

The Prime Minister wrote to the Premiers of the most populous States - that may include Queensland because the Prime Minister has within his grasp which are the populous States and which are not - requesting that agreement be reached between those States on a nominee. If agreement is not reached presumably the Prime Minister retains the right to appoint another republican or a person committed to the outcome he desires to represent the populist States.

It is unbelievable that former Senator Susan Ryan is palmed off as being somebody who represents Victoria. As far as her political life was concerned she never represented Victoria, and apart from the fact that she left the Federal government and entered into business arrangements she is not seen as a public figure in Victoria. If one were looking for a former politician who was a public figure one could well have thought of John Button. Now there is somebody who may have been able to achieve bipartisan support across the State borders.

Having been advised yesterday by the Premier about the government's nomination, the opposition now wants to criticise the failure of the Victorian government to nominate Sir Rupert Hamer. You have ruled, Mr Speaker, that the motion is in order and I am not in any way arguing that. However, I do raise issue with the motion because it is trivial and inappropriate.

As was pointed out earlier, it could be argued that if the name Sir Rupert Hamer were taken out of the motion one could put in any other name one wanted.

Mr Cooper - John Halfpenny!

Mr MACLELLAN - I thought it was a pity that John Halfpenny or Bill Deller were not nominated, and so it could go on; because there is one nominee versus the world. At the invitation of the Prime Minister, the Premier and the government nominated Professor Blainey.

Underlying the motion is an almost unspoken criticism of Professor Blainey. The Deputy Leader of the Opposition came close to enunciating the reasons behind the motion; they are not that the person nominated does not have the intellectual capacity for the challenge of the position or the identification with Victoria and its government and the people of this State. The criticism is that the opposition does not like what Professor Blainey says. That is the real situation.

It comes back to narrowness. I may not agree with everything that is said by some members nominated for the Prime Minister's committee but, heavens above, I would not criticise them for saying things that I disagree with. Heaven knows there are enough republicans on the committee. It is not as if the republican side of the argument is wanting for proponents on the committee; it is not as if there is

too much weighting the other way. One knows what the outcome of the Republic Advisory Committee will be: it will be an outcome fixed in advance by its membership.

I presume the opposition's view is that there must not be anyone on the committee who is likely to present a different view. That is what is behind the criticism of the nomination by the coalition government of Professor Blainey. The criticism is not that Professor Blainey lacks appropriate qualifications; that has not been said.

Ms Kirner - I should hope not!

Mr MACLELLAN - I should hope not, too. I am heartened that the former Premier, the honourable member for Williamstown, says that that is not the issue. However, If that is not the issue why has the opposition skipped a few Premiers? Why doesn't the opposition's motion refer to the honourable member for Williamstown, the immediate past Premier, with the broad bipartisan support she has and the high regard in which she is held? Why not the Premier before that, the Honourable John Cain? Does he not have the ability to span the party gap? Does Mr Cain somehow fail the test of the necessary breadth of mind and modern ideas? What about Lindsay Thompson?

Apparently we need a period of sanity-or sanitisation, I am not sure which. According to the opposition we must skip three Premiers and go for the next one while accompanying that choice with a deluge of criticism of the Premier immediately prior. The Leader of the Opposition made it clear that had Sir Henry Bolte been available he certainly would not have been acceptable.

Of the Premiers in living memory the opposition has only one in mind as being appropriate to put up too late, too inappropriately and too indelicately. Had the opposition made the suggestion privately and had the suggestion been rejected, one could understand the motion being put forward for the record. However, my confident guess is that the opposition had no intention of putting forward a nominee; its only intention is to make trouble.

Mr DOLLIS (Richmond) - I support the motion before this House because I believe the government's position is not correct. The Minister for Planning provided the House with what I would call a minimalist interpretation. The Premier has written to the Prime Minister - a t the Prime Minister's suggestion -informing him that he had decided on Professor Blainey as Victoria's nominee, but he did not consider whether the government has a duty to consult more widely before it makes a decision on such an important appointment.

Mr Maclellan - Did the Prime Minister consult widely?

Mr DOLLIS - The Minister forgets that this is a State House and that the Premier's responsibility is to adequately represent the people of Victoria.

Professor Blainey is a person of considerable intellectual scope. He is a highly respected academic and one of Australia's true intellectuals. However, that does not make Professor Blainey the ideal unifying force in this debate. Members opposite will agree that Professor Blainey divided the community with his position on Australia's immigration system and the type of society he believes Australia should be.

Australia is a federation of States and that adds to the complexity of the issues confronting the republican debate. Even in the wake of the Australia Acts 1986 the States retain some direct access to the Crown separately from the Federal authority.

It will be incredibly difficult for the government to argue that Professor Blainey is better equipped than Sir Rupert Hamer to not only analyse the current constitutional system, understand the political complexities and understand Victorian society but also to carry those arguments forward in a way that will safeguard the interests of the Victorian people.

The government has adopted a minimalist approach by deciding on a nominee without consultation and discussion with the opposition.

The most amazing contribution to the debate has been made by the Acting Premier, who said Professor Blainey would give an historical perspective to the republican debate. For the information of member opposite the word "republic" comes from the latin "respublica", which is comprised of "res", which means a matter or thing and "publicus", which means pertaining to the people or to the community as a whole. The word is therefore almost the exact equivalent of the old English word "commonweal" or "commonwealth". According to Harry Evans, at the time of the later Roman Republic "the term had a more developed meaning and a dual meaning". Although it was used to denote any State or constitution, it also denoted a particular kind of State, one in which

power was exercised in accordance with the constitution.

Those who are interested in history and the classics should turn to Cicero's work *De Republica,* which is sometimes translated as "On the Commonwealth". Cicero defined a republic as the property of the whole people and as a partnership in justice. The former darling of the conservative establishment, Mr Malcolm Turnbull, has said, 'We may have a Queen of Australia, but we do not have an Australian Queen". The plain truth is that our monarchical system is not an Australian institution. There is no better illustration of that than the fact that if the heir to the British throne - in this case, Prince Charles - embraced Roman Catholicism, he would not succeed to the throne. I believe some members opposite would have considerable difficulty with that proposition.

I remind honourable members opposite that during the first three and a half decades of the Commonwealth of Australia decisions about the appointment of Governors-General were made in England. The Governor-General was responsible to Whitehall and not to Australia's elected government and the Australian people. The decisions were made in another country, not necessarily a foreign country but a country with historical connections to Australia. The representatives of this independent nation were responsible to Whitehall. It was not until 1938 that Britain appointed a High Commissioner to Australia. Because it considered Australians to be British, the British government did not believe a representative of its government was needed in this country. Australia did not have any diplomatic representatives at that time. Like India, Australia at that time was a member of the League of Nations, but I do not think anyone thought of India as an independent nation.

This debate is about the values of our society and about the uniformity of purpose required to tackle this difficult debate. I do not believe Professor Blainey will be able to project the values that will unify the community, even with his intellectual capacity. The appointment of Professor Blainey is another example of the arrogance of those on the government benches, who say, "The person we believe to be adequately equipped is the person who should be appointed to deal with those matters". The opposition believes Professor Blainey would not be the ideal appointment.

Mr Cooper - Why?

Mr DOLLIS - For the simple reason that although his intellectual powers are considerable, that is not sufficient reason for the community to respect his views on the matter. I remind honourable members about the remarks made by Professor Blainey about immigration. The government's current attitude smacks of hypocrisy. During the time the current Premier held the shadow portfolio of ethnic affairs, Professor Blainey's remarks put him on the front page of every newspaper in the Asia-Pacific region and brought Australia to the forefront of world comment. His analysis was that if the current system of immigration continued, Australia would become a divided society.

I believe that on the way to work on that particular morning Professor Blainey either lost his historical perspective or left his analytical skills somewhere on his desk, because the reality is that since Federation our society has welcomed many groups of people from diverse cultures who speak a multitude of languages. Professor Blainey rejected a fundamental notion of our society. We live in a diverse multicultural multilingual society. On a number of occasions the Premier has suggested that that is the only way forward.

I have not read through the debate on Professor Blainey's remarks to find out what the Premier said; but for the government to propose that a person who divided our society should be a representative on the Republic Advisory Committee is not only arrogant but also totally disregards the values of our society. The government wishes to confront people at every step along the way rather than approaching them cooperatively. If the government had been prepared to cooperate it would have discussed the appointment not only with the opposition and other political forces in this State but also with the community at large.

It is difficult to understand some of the contributions made by government members. Other people such as former Premiers Cain and Thompson would be able to represent the populous States on the committee. Let the government move an amendment to the motion and give honourable members an opportunity to nominate a person of that calibre. I do not believe we would have any difficulty with an amendment like that.

The debate on republicanism will be long and complex, especially when it comes to examining the role of the States. That role is paramount in deciding constitutional changes. Referenda can take place, with a majority of four States and a majority of the

people deciding the issue. Each State will have to decide how it will approach the year 2000. The debate is about values, identity and belonging. We belong to the region in which we live and with the people who are our neighbours and with whom we trade. Although historically we have belonged to another country, the reality is that the last economic, financial and trade ties were lost when the former European Economic Community was created. That experience proved almost beyond belief how the English powers who used to govern this country abandoned this State and Commonwealth as soon as it became important and imperative for them to look after themselves.

Australians should be allowed to decide on a system that truly represents every person living in this country irrespective of their linguistic, cultural or religious background. I remind honourable members opposite that if the present heir to the throne of England decided to change his religion and become a Catholic, he would not be able to become the King of Australia.

Mr Stockdale - T h a t is not a telling point.

Mr DOLLIS - It may not be a telling point for the Treasurer but let him explain to Australians how the government will move forward and couch this debate in terms that will unite and not divide Australia.

House divided on motion:

Ayes, 23

Andrianopoulos, Mr	Marple, Ms
Batchelor, Mr	Micallef, Mr
Coghill, Dr	Mildenhall, Mr *(Teller)*
Cole,Mr	Pandazopoulos, Mr
Cunningham, Mr	Roper, Mr
Dollis,Mr	Sandon, Mr
Garbutt, Mrs	Seitz, Mr
Haermeyer, Mr	Sercombe, Mr
Kennan, Mr	Sheehan, Mr
Kimer,Ms	Thomson,Mr
Leighton, Mr	Thwaites, Mr *(Teller)*
Loney, Mr	

Noes,54

Ashley,Mr	Maclellan, Mr
Bildstien, Mr	McNamara, Mr
Brown,Mr	Maughan,Mr
Clark, Mr	Napthine, Dr
Coleman,Mr	Paterson, Mr
Cooper, Mr	Perrin, Mr
Davis, Mr	Peulich,Mrs
Dean, Mr *(Teller)*	Phillips, Mr *(Teller)*
Doyle,Mr	Plowman, Mr A.F.
Elder, Mr	Plowman, Mr S.J.
EJliott, Mrs	Reynolds, Mr
Finn,Mr	Richardson, Mr
Gude,Mr	Rowe,Mr
Hayward,Mr	Smith, Mr E.R.
Henderson, Mrs	Smith, Mr I.W.
Hyams,Mr	Spry, Mr
Jasper, Mr	Steggall,Mr
Jenkins, Mr	Stockdale, Mr
John,Mr	Tanner, Mr
Kilgour,Mr	Tehan, Mrs
Leigh, Mr	Thompson, Mr
Lupton,Mr	Traynor, Mr
McArthur, Mr	Treasure, Mr
McGill,Mrs	Tumer,Mr
McGrath, Mr J.F.	Wade,Mrs
McGrath, Mr W.D.	Weideman, Mr
McLellan,Mr	Wells, Mr

Motion negatived.

ADJOURNMENT

Mr GUDE (Minister for Industry and Employment) - I move:

That the House, at its rising, adjourn until tomorrow at 12noon.

Motion agreed to.

FREEDOM OF INFORMATION (AMENDMENT) BILL

Introduction and first reading

Mrs WADE (Attorney-General) introduced a Bill to amend the Freedom of Information Act 1982 and for other purposes.

Mrs WADE (Attorney-General) - I move:

That this Bill be now read a first time.

Mr KENNAN (Leader of the Opposition) - Will the Attorney-General outline briefly the purposes of the Bill?

Mrs WADE (Attorney-General) (By *leave)* - I am delighted to have the opportunity of outlining the provisions of the Bill. Over recent years various proposals have been made to amend the Freedom of Information Act: some by the former government and some by this government when in opposition.

One of the proposals that will bring about far-reaching reform is the proposal to cover agencies and organisations that are not currently covered by the Act. The 1982 Act, while satisfactory when it was introduced, is not meeting the needs of the community in 1993.

I think the Leader of the Opposition proposed amendments to the Act in 1985 and again in either 1989 or 1990. It was proposed in 1985 that certain Cabinet documents should be exempt. Those amendments were introduced in another place by the now Leader of the Opposition and they received considerable attention at the time. The then government considered that the amendments were necessary to preserve the oyster of the Cabinet system. Subsequently in 1989 or 1990 the government introduced other amendments relating to Cabinet documents and the way in which requests made for the release of Cabinet documents should be dealt with.

The government has considered those proposals, submissions made by various people and organisations and recommendations of the Legal and Constitutional Committee. It has considered the cost of administering the Act, which is expensive for the community.

Although there is an element of user-pays in the principal Act, the cost to the taxpayer is considerable. It is estimated that it costs the government about $6 million a year to administer the Act. It is estimated to cost the Commonwealth government $9 million to administer its Act. It is of particular concern because of the nature of requests that government departments receive from various individuals and organisations. Many applications ask for all documents that bear any relationship to a particular subject matter. It can cost the department many thousands of dollars to respond to such an application.

The equivalent Commonwealth legislation makes provision for voluminous requests, although they are not referred to in that way. They require departments to divert considerable resources into providing responses. The cost of voluminous requests is largely borne by the Victorian taxpayer and the government has considered whether there are ways those requests could be made more specific so that such costs are not incurred.

I am sure when honourable members have the opportunity of considering the provisions in the light of the problems I have just outlined they and the community generally will consider that the Freedom of Information Act will be not only widened but improved as a result of the proposed provisions.

Dr COGHILL (Werribee) - The House has been asked to agree to the first reading of the Bill. The Minister has given a summary of the matters that have been taken into account but has not indicated the matters proposed to be incorporated in the Bill.

Mrs WADE (Attorney-General) *(By leave)* - I have endeavoured to go through the areas that are covered by the Bill and the matters that have been taken into account in preparing the legislation.

Motion agreed to.

Read first time.

VICTORIAN PLANTATIONS CORPORATION BILL

Introduction and first reading

Mr COLEMAN (Minister for Natural Resources) introduced a Bill to confer additional functions and powers on the Victorian Plantations Corporation, a State body established under the State Owned Enterprises Act 1992, to make further provision for the management of plantations, to make consequential amendments to certain Acts and for other purposes.

Mr COLEMAN (Minister for Natural Resources) - I move:

That this Bill be now read a first time.

Dr NAPTHINE (Portland) - Will the Minister for Natural Resources outline the details of this important Bill?

Mr COLEMAN (Minister for Natural Resources) *(By leave)* - The Bill is part of a process to bring Victorian plantations under the administration of a corporation set up under the State Owned Enterprises Act. Victoria has some 106 000 hectares of softwood plantations and approximately 10 000 hectares of hardwood plantations, which are currently being managed by the Department of Conservation and Natural Resources.

The government has decided - and it was also the aspiration of the previous government - to bring the management of those plantations into some

corporate structure. The previous government attempted to do that through a process of valuing them for sale, which was eventually the subject of considerable public controversy. The passage of time has resulted in few of those issues being dealt wjth, and it is now realised what those plantations are worth.

The State Owned Enterprises Act, which was passed before Chrisbnas, enabled the Governor in Council to approve the setting up of a State-owned corporation. That corporation has appointed directors, and its powers and functions are determined.

1bis Bill proceeds from that point and deals with the legislative agreements that will provide security of supply for the parties to the agreement. Those parties will be able to assign their entitlements to produce from those plantations. This Bill will give the government the opportunity to assign its obligations and agreements to the corporation.

Further, the Bill will allow a considerable number of plantations around the State to be transferred to the administration of the corporation.

Mr Leigh interjected.

Mr COLEMAN - There are 180 plans nominated in the schedule to the Bill, which designates the locations of those plantations. They range from Rennick on the South Australian border, in the electorate of the honourable member for Portland, through the Western District and into north-eastern Victoria and Gippsland.

A feature of the plan is that a large number of former school plantations, which had special significance, are in rural areas. The legislative agreements will become the responsibility of the plantation corporation and the quantities, which are secured by agreement. There are also a number of licences, which are held by individuals for up to 15 years. The legislation will also allow licences to be transferred.

The board, which has already been selected, comprises people who have been on the interim board as well as other people with specific expertise. The board will have transitional powers and will provide substantial advice to the new corporation. It will ensure that plantations get onto a commercial footing.

The definition of plantation includes those areas that are nurseries. The corporation will have the power to regenerate areas under its administration. The nurseries, which are an integral part of regeneration, are maintained and operated by the Department of Conservation and Natural Resources and will be transferred to the corporation.

A main obligation of the corporation will be to undertake the same fire protection and control measures as apply to the Department of Conservation and Natural Resources. The Department of Conservation and Natural Resources and the corporation will have the opportunity to strike an agreement in that regard. The corporation is a single shareholder corporation and, together with the Department of Conservation and Natural Resources, will manage public land in Victoria. There needs to be a strong relationship between the two entities to ensure that the best management practices are put in place.

The Bill will also ensure that the corporation uses the code of practice for the forestry industry. I hope that during the second-reading stage honourable members will have enough time to debate the Bill in full. It should enjoy the support of all parties.

Motion agreed to.

Read first time.

TATTERSALL CONSULTATIONS (REPORTING) BILL

Introduction andfirst reading

Mr STOCKDALE (Treasurer) introduced a Bill to amend the Tattersall Consultations Act 1958 and for other purposes.

Read first time.

CLUB KENO BILL

Introduction andfirst reading

Mr STOCKDALE (Treasurer) introduced a Bill to make provision for the game of Club Keno, to amend the Tattersall Consultations Act 1958 and the Racing Act 1958 and for other purposes.

Read first time.

Sitting suspended 1 p.m. until 2.4 p.m.

DISTINGUISHED VISITORS

The SPEAKER - Order! I welcome to the gallery Mr T. C. Moses, MP, Chairman of the Select Committee on Price Control of the Nauruan Parliament. He is accompanied by Mr Mehra, Parliamentary Counsel. Mr Moses is no stranger to Parliament as he was Consul General for Nauru, and has lived in Melbourne for many years.

Honourable Members - Hear, hear!

QUESTIONS WITHOUT NOTICE

PUBLIC SECTOR SUPERANNUATION

Mr KENNAN (Leader of the Opposition) - My question is directed to the Acting Premier. Does the government propose to introduce any legislation during this sessional period relating to public sector superannuation and, if so, what changes will that legislation make to existing superannuation arrangements?

Mr McNAMARA (Acting Premier) - Public sector superannuation is a serious issue, which has implications for the Victorian Budget. The Leader of the Opposition is well aware of the negligence of the former Labor government during the past 10 years in not tackling the superannuation issue.

In 1982-83 Victoria had an unfunded superannuation liability of approximately $3 billion to $4 billion. That has now increased outrageously to $19 billion. The decisions that should have been made during the past 10 years were not made and, as a result, the government is faced with an horrendous superannuation problem that it will handle responsibly.

The government is obviously concerned about the level of the unfunded liability and its impact on government revenue. If the Labor Party, when in government, had acted responsibly and with the financial diligence one expects from any government, Victoria would not be in the situation it is now in. It is worth noting that in 1984 the then Economic and Budget Review Committee, under the chairmanship of the Honourable Barry Rowe, a former member for Essendon, made a number of recommendations regarding public sector superannuation. The Minister for Education and I were members of that committee, as were a number of opposition members.

Honourable members interjecting.

The SPEAKER - Order! The level of interjection and conversation is too high. I ask the House to come to order.

Mr McNAMARA - The Rowe report made some fundamental recommendations. It said that superannuation should be more fully funded. What did the government do? It did nothing. It allowed the unfunded liability to increase significantly so that Victoria's unfunded liability for public sector superannuation increased from $3 billion to $4 billion in 1982-83 to $19 billion today.

Honourable members interjecting.

The SPEAKER - Order! If the barrage of interjections from either side of the House continues, I shall call the next item of business.

Mr McNAMARA - The Economic and Budget Review Committee identified various problems in continuing with an unfunded superannuation scheme. It recommended a process for fully funding the scheme.

I ask honourable members to compare the legacy that the former Labor government left in this State to the position in Queensland where, after 30 years of conservative government, the unfunded superannuation liability was nil - not $1 of unfunded superannuation liability in the Queensland public sector superannuation scheme!

I thank the Leader of the Opposition for his question because it has given me the opportunity of highlighting the deficiencies resulting from a decade of negligence.

The government will respond appropriately and in due course will introduce legislation to resolve the problems that the wreckers of the Labor Party left for Victoria.

PUBLIC SERVICE INDUSTRIAL ACTION

Mr SPRY (Bellarine) - Will the Acting Premier inform the House whether there were other reasons for today's destructive Public Service industrial action other than those put forward by John Halfpenny?

Mr McNAMARA (Acting Premier) - I have received advice this morning that there are other

reasons for the industrial action today. The State Public Services Federation of Victoria is currently holding elections for its public officers. In the next few weeks a number of senior positions in the union will be contested. I am advised that the draw for the ballots was conducted earlier this week and that ballot papers will be printed over the weekend and distributed to members next week.

A desperate battle is now going on between the Trotskyites that control the union, led by the likes of Bill Deller and Kay McVey--

Honourable members interjecting.

The SPEAKER - Order! Unless order is regained I will call the next item of business.

Mr McNAMARA - Mr Deller, a self-confessed Trotskyite, holds an important senior position in the State Public Services Federation of Victoria. On the Ranald Macdonald program only this morning Kay McVey said:

Basically I am a Trotskyite.

Average public servants in this State are concerned that people with extreme political leanings are leading such an important union.

Today's industrial dispute is a deliberate move by radical elements within the State Public Services Federation Victoria to divert the attention of its members from the real agenda, which is to ensure their re-election. Public servants are being used as pawns in that process. It is disgraceful that the public of Victoria has been put in the situation of having to put up with the actions of a person such as the Secretary of the Trades Hall Council, who - I do not know if he is still a communist but he certainly once was - is setting about organising disruptions that for the next 70-odd days will kneecap Victorians. He is deliberately trying to bring this State undone; and more importantly, as the Premier said yesterday, he is doing it at a time when many thousands of international visitors are making an assessment of our State.

I hope opposition members will show courage, leadership and direction in supporting Victoria, and will show that they are proud of being Victorians and will acknowledge that Victoria has a future. They should get behind the government in impressing on people who visit Victoria that we are heading in the right direction, rather than engaging in the negative carping we hear time and again. Until that happens this State's recovery will be further delayed.

PUBLIC SECTOR SUPERANNUATION

Mr KENNAN (Leader of the Opposition) - I refer the Acting Premier to his answer to the previous question, his reference to the Rowe committee report and his apparent support for fully funded superannuation, which he believes the Rowe committee recommended. In the light of his previous answer, does the government now intend to provide for full funding of all Victorian State public sector superannuation schemes?

Mr McNAMARA (Acting Premier) - As I advised the Leader of the Opposition in my previous answer, the government is currently considering a range of issues. We are not rushing into these matters.

Honourable members interjecting.

Mr McNAMARA - That highlights the irresponsibility of the opposition and shows how the government differs from the previous government. We are concerned to ensure that we gather all the facts and that we come up with a resolution that will take Victoria into the next century instead of making no decision and allowing the mess to continue. Rather than making hasty decisions that will be discarded at a later date, the government will continue the process of consultation currently being carried on by the Minister for Finance. When that consultative process is completed we will consider the appropriate changes that need to be introduced. I advise the Leader of the Opposition that he will be one of the first to know when the final decision is made.

GOOD MORNING AMERICA PROGRAM

Mr PATERSON (South Barwon) - Will the Acting Premier, in his capacity as the Minister for Tourism, advise the House of the benefits the government anticipates Victoria will receive as a result of next week's visit by the top rating television program *Good Morning America*?

Mr McNAMARA (Minister for Tourism) - This is also a good news item. The *Good Morning America* program is currently filming in New Zealand en route to Australia, where it will do a number of broadcasts that will be replayed in the United States of America. Initially the program planned to do only one broadcast from Victoria - in Melbourne. I

congratulate the work of Tourism Victoria because it persuaded the program to do a second broadcast in country Victoria.

That means that some 25 million American homes will receive the broadcast, which will be watched by some 65 to 70 million Americans. Americans will have an opportunity of seeing why Victoria is the most livable State in the world.

Honourable Members - Hear, hear!

Mr McNAMARA - I am pleased the opposition supports that prospect - that is a first!

The programs will each be of 2 hours duration. An attempt to buy that sort of advertising time would soak up more than the entire budget of Tourism Victoria. The broadcasts will be of terrific value and the tourism industry will be the beneficiary. They will provide a massive audience at minimal cost.

The two other rival breakfast programs in the USA, NBC's *Today* program and CBS's *This Morning* program, have regularly been out-rated by the *Good Morning America* program, which has been by far the most popular breakfast program in the USA for the past three years.

The broadcasts will give Victorians an opportunity of showing the world, especially the USA, what this State has to offer. These programs are broadcast not only in the USA but across the world, including Australia, so Victorians will also have the opportunity of seeing them. We will be able to show the world why Victoria is the sporting, artistic, cultural and fashion capital of Australia. The massive American audience will be able to see historic sheep farming on a property near Ballarat. It will also receive direct broadcasts from the Melbourne Cricket Ground, which is the Mecca of sport in Australia. That will give a real stimulus to tourism in Victoria.

I thank the Australian Broadcasting Corporation and the Australian Tourism Commission for their cooperation in making this program possible.

Honourable members interjecting.

Mr McNAMARA - Some opposition members seem to view this issue with some levity. I assure them that this is a serious and important issue for people ih the tourism industry. Those shows will be able to be viewed on Channel 9 between midnight and 2 a.m. If necessary we will make sure that the House is sitting and will arrange for the show to be broadcast here in Parliament!

The program is great news for Victoria. It will put us on the international tourist map and will generate new jobs and opportunities.

VICTORIAN COMMISSION OF AUDIT REPORT

Mr BAKER (Sunshine) - Does the Treasurer expect the Victorian Commission of Audit report to refer to his current policy as set out in the April mini-Budget statement? If so, is the reference a result of a request from the Treasurer or his officers?

Mr STOCKDALE (Treasurer) - I expect that the commission will report in accordance with its terms of reference. There have been no requests for inquiry other than the terms of reference. I expect that the commission will comment on appropriate Budget strategies for Victoria, because that is part of its terms of reference.

WOOL INDUSTRY

Mr A. F. PLOWMAN (Benambra) - In light of the crisis in the wool industry, will the Minister for Agriculture outline to the House Victoria's response to the Federal government's decision to activate special circumstances provisions of the rural adjustment scheme to help growers in the wool industry in Victoria?

Mr W. D. McGRATH (Minister for Agriculture) - The wool industry is important to Victoria and has been a key factor for many decades in Australia's economy. I am pleased to announce that, as a result of the cooperation of the Treasurer and his department and of the Rural Finance Corporation of Victoria, Victoria is able to take full advantage of the special circumstances provisions to provide to growers who meet the requirements up to 100 per cent interest subsidy. Victoria will also meet its debt reconstruction obligations - a 50 per cent interest subsidy will be provided to a number of woolgrowers for debt reconstruction.

Victoria has approximately 7000 specific woolgrowers. It is anticipated that about 2000 of those woolgrowers will qualify either for debt reconstruction assistance or special circumstances provision assistance as a result of the downturn in wool prices that has occurred, particularly in the past six weeks.

It is a disaster for the economy of Australia that wool prices have fallen. Confidence among woolgrowers and others in the wool industry was destroyed when the former Minister for Primary Industries and Energy, John Kerin, moved the reserve price from 870 cents a kilogram to 700 cents a kilogram after having previously given a commitment that the price would not change.

This action to try to restore confidence in the wool industry is being taken by the Victorian government with finance provided by and in cooperation with the current Minister for Primary Industries and Energy, Simon Crean. In addition, officers of the Department of Agriculture, officers of the Victorian Farmers Federation, rural counsellors and other people are currently conducting seminars throughout the wool-growing areas in the Western and Central districts to try to assure woolgrowers that somebody cares and is able to provide them with proper advice on how they can utilise the assistance being made available to them in the form of the special circumstances and debt reconstruction facilities that I mentioned, household support and job search schemes.

This year many woolgrowers will have a negative income. It is important for those woolgrowers to have an opportunity of being able to put food on the table. The Victorian government will continue to do what it can to minimise the losses of Victorian woolgrowers and to ensure that they are still in business when the wool industry turns around.

During the peak in the wool industry approximately $1000 million was paid in income tax by woolgrowers. Those woolgrowers are now beginning to see a return through the special circumstances provisions of the rural adjustment scheme. It is fair and reasonable that woolgrowers should receive that sort of assistance at this time.

TOURISM

Mr THOMSON (Pascoe Vale) - I direct to the attention of the Minister for Tourism the Liberal-National coalition tourism policy document entitled *Jobs in Tourism*. At page 11 of that document, under the heading "Murray River", a specific promise, partly highlighted in orange-coloured text, states:

> The coalition is committed to the upgrading of the Vinelander.

Honourable members interjecting.

Mr THOMSON - Will the Minister inform the House of the work his department has undertaken since October to bring the proposal to fruition, and provide the House with the relevant documents?

Mr McNAMARA (Minister for Tourism) - Clearly the comment about the *Vinelander* in coalition election policy was made on the coalition's understanding of the State's finances in the rail area.

Honourable members interjecting.

Mr McNAMARA - As has clearly been pointed out by the Minister for Public Transport, the haemorrhaging in public transport was far more severe than was anticipated. The coalition has indicated on several occasions that it would have liked a tourist rail service to continue servicing the Sunraysia area. The honourable member for Mildura made strong representations in that regard, and I congratulate him on his contribution to the debate.

The government was concerned to take every step to ensure the maintenance of a rail service to the Sunraysia district. The honourable member for Mildura brought to Melbourne one of the private tenderers for the service. That tenderer holds contracts for bus services with the Public Transport Corporation and had tendered for the rail service to be maintained.

During discussions with the government on what could be done, particularly by the tourism Ministry, to assist with the bid, the tenderer said he had gone cold on the matter, that he did not believe a 7-day-a-week service was viable, but that he would like to consider options for the future such as a holiday or weekend service. Those matters will be explored further in the future.

The bottom line is to ensure that an effective public transport service is provided for the people of country Victoria. The Minister for Public Transport has been able to guarantee that every rural community that has had a public transport service still has a public transport service - every one of them! In some areas the Minister for Public Transport has even been able to bring about an improvement in the service.

The government has facilitated investment by the private sector, which was unheard of and never considered by the former government. For example, a private sector organisation has taken up an option to provide excellent public transport services on the Warrnambool rail line. The government is opening

up many opportunities that did not exist previously. The government is concerned that, at the end of the day, communities that were serviced by public transport will continue to be serviced by public transport.

The opposition should lend more productive support to the government's initiatives rather than carping. Where was the opposition when the Minister for Public Transport was negotiating arrangements with the transport unions? The opposition was trying to scuttle and disrupt the negotiations. If it had been successful, that action would have resulted in higher costs to Victorian taxpayers. The Minister for Public Transport soldiered on without any help at all from the opposition.

It is about time opposition members got off their backsides and made some positive contribution to Victoria rather than just carping and being negative all the time.

SUPREME COURT WAITING LISTS

Mr RYAN (Gippsland South) - Will the Attorney-General outline the significant improvements that have been made by the Supreme Court to the waiting times for criminal trials?

Mrs WADE (Attorney-General) - As all honourable members would be aware, the government is committed to restoring confidence in the criminal justice system in Victoria. Part of that involves ensuring that the courts operate in an efficient manner and that matters listed for trial in criminal courts are heard as expeditiously as possible. Honourable members will also be aware that I recently gave notice of legislation which is directed to that end. However legislation is not the only way of improving the efficiency of our courts. It is not only the government that comes up with the good ideas; I would particularly like to compliment the Supreme Court on a new initiative in the criminal justice area. Commencing on 18 January this year the Supreme Court initiated what was called a summer assault on the criminal list in the Supreme Court. The summer assault was similar to the spring offensive of last year, which was an attempt to reduce the number of cases waiting in the civil list.

The spring offensive was extremely successful and resulted in a great reduction in the number of civil cases pending in the Supreme Court. I am sure that it had the support of opposition as well as government members. It was an initiative of the Chief Justice of the Supreme Court and was supported by other judges.

The summer assault has been as successful as the spring offensive. At the beginning of January 48 serious criminal cases were pending. During the first term the number of cases completed was 30, involving 38 accused persons.

Honourable members interjecting.

The SPEAKER - Order! The level of conversation is too high.

Mrs WADE - Naturally, additional criminal cases were committed during the first term this year, but because of the number of matters that have been dealt with by the court now only 29 criminal cases are pending in the Supreme Court and ready to go to trial in the second term. Of the 29 cases that are still awaiting trial, only 3 were committed for trial in the Supreme Court prior to December 1992. I am advised that by the middle of this year the waiting time for cases in the Supreme Court will be no more than six months.

Improvements will continue to be made because the court is also instituting some new administrative arrangements. It is proposed that at the time of committal for trial in the Supreme Court an arraignment date will be fixed. That date will be not less than 12 weeks from the date of committal to allow time for the preparation of the case.

I notice the shadow Attorney-General has been browsing through the report of the Pegasus task force during question time. He would recognise that one of the recommendations of the Pegasus report was that at the arraignment the accused will be required to indicate whether he is pleading guilty or not guilty to the charge. Following that the judge will be in a position to take control of the progress of the case. It is anticipated that this procedure will result in significantly greater efficiency in the court.

It is proposed that all cases committed after 1 July this year will follow this new arraignment procedure and that the first arraignment date will be 7 October. I am sure all honourable members would wish to join me in complimenting the Supreme Court on the great progress that has been made in this area.

APPROPRIATION MESSAGE

Message read recommending further appropriation for Stamps (Amendment) Bill.

BUSINESS FRANCHISE (PETROLEUM PRODUCTS) (AMENDMENT) BILL

Mr STOCKDALE (Treasurer) - I move:

That this Bill be now read a second time.

The purpose of the Business Franchise (Petroleum Products) (Amendment) Bill is to introduce a levy equivalent to 3 cents per litre on motor spirit and diesel fuel. Off-road use of diesel fuel will continue to be exempt. The increase will apply to licences issued in respect of the licence month commencing on and after 1 August 1993 and will result in an increase in pump prices from the beginning of July. Revenue from this levy is estimated at $157 million in 1993-94. It will be dedicated to a new trust account - the Better Roads Victoria account - to be spent on roads and associated infrastructure throughout Victoria.

As a result of the mismanagement of the previous government, Victoria has had to endure a long period of reduced spending on State infrastructure. The present government must give priority to eliminating the large current account deficit. The Budget remedial program and the need to fund the deficit until it is eliminated on a sustainable basis require continuing restraint on new infrastructure works funding from existing sources.

This long period of low investment is not good for Victoria. Reduced public investment has aggravated the downturn in construction and related activity. Low levels of investment have tended to degrade Victoria's roads system. Victoria needs new roads and infrastructure to upgrade the efficiency of transport and complement other reforms designed to lift the competitiveness of the Victorian economy. Important economic benefits will be opened up by restoring our State's capacity to recommence investment in roads and other infrastructure. These benefits mean new jobs in construction and in a more competitive economy, and greater job security for every Victorian already in work.

The existing revenues will not fund these important investments and at present Victoria cannot afford to add to its debt even for such important investments. The Better Roads Victoria program will facilitate significant investment consistent with the government's Budget rebuilding strategy. The government will seek to negotiate to retain maximum Commonwealth funding for projects in this State. This program will complement and be additional to that funding.

Spending from the Better Roads Victoria account will be on major road building projects, which will reduce transport costs and increase the efficiency of major arterial roads. Given its commitment to prudent financial management, the government will not undertake additional borrowings for those projects; they will be undertaken at the rate facilitated by revenue from the levy. One-third of the funds will be spent in country Victoria and the balance will be spent on major urban road projects.

I commend the Bill to the House.

Debate adjourned on motion of Mr BAKER (Sunshine).

Mr STOCKDALE (Treasurer)-I move:

That the debate be adjourned for one week.

Mr BAKER (Sunshine) - I cannot believe the government continues to ask for such an abbreviated adjournment of debate on money Bills. The government is aware of the consequences; we have debated this matter time and time again and still the Treasurer insists on trying to whip one through. It is not on, and the opposition will continue to protest as is its right and duty.

It was only yesterday that the Treasurer announced that this measure was afoot. The introduction of the proposed petrol levy is a significant change in government policy. Given the stand the Treasurer took on the Pyramid petrol levy and the comments he made at that time it is amazing that he is now reaching out for this convenient taxing measure to suit his own purposes. It is exactly the same measure as the Pyramid levy and the Treasurer is not prepared to allow the opposition the time to pass out this legislation for community debate.

The people in country Victoria will be less than pleased with the Bill despite the dangle or lure that one-third of the funds raised by the tax will be used for country roads to the exclusion of some significant projects in the outer eastern suburbs of Melbourne.

No debate has taken place on the measure. The Bill has landed in the House after the usual leaks to the

media and the usual media blurb. It has suddenly landed here and the Treasurer wants a week to crunch it through.

Mr Stockdale interjected.

Mr BAKER - The Treasurer wants to crunch it through within a week, and the opposition is not having it. It must exercise the only option it has to safeguard community interest, and that is to stand up in this place and talk about the question of time.

The Treasurer and other significant figures in the government have suggested that the opposition is maladroit or improper in raising the question of time. When one looks at its recent record one sees that the government has been quite prepared to allow large amounts of time to debate measures such as the Barley Marketing Bill but when it comes to money Bills it is prepared to trample over the Westminster tradition. In the case of money Bills the opportunity must exist for all members of the Parliament, especially backbenchers, to consider the ramifications of the Bill and to distribute it in the community for third-party or expert analysis and advice.

Once again Parliament is faced with a Bill being rushed through to the debating stage within a week. That is absolutely absurd. The opposition does not yet know its position on the Bill; that is the whole point of asking for extra time.

Mr Stockdale interjected.

Mr BAKER - I know a lot more than you do about a lot of things, which is becoming clearer to the general community as time goes on and as this bungler tramples - -

The SPEAKER - Order! That is an unparliamentary expression.

Mr BAKER - The honourable the bungler - -

The SPEAKER - Order! Be careful.

Mr BAKER - I withdraw, Mr Speaker. In a short time the Treasurer has shown that he is one of the worst administrators in the government, and that is saying something. The fact that he has to rush legislation into Parliament and that he is not prepared and is too scared to give the opposition and anyone else who has a vested interest in money Bills the opportunity to rationally examine, analyse, discuss and debate this measure, which adds to the burden of the people, is a fair indication of his significant limitations.

The opposition opposes strongly any suggestion that only one week should be provided for analysis and consideration of a Bill that is as significant as this. Therefore, I move:

> That the words "one week" be omitted with the view of inserting in place thereof the words "two weeks".

Mr ROPER (Coburg) - It is significant that this new tax was not even thought of by the Treasurer when he brought down his mini-Budget a month or so ago.

The SPEAKER - Order! The honourable member for Coburg knows full well that the debate is very narrow on the question of time. If he strays from that I will rule him out of order.

Mr ROPER - This taxing measure was known about less than a month ago, and yet the Treasurer expects this House to ram through his mini-Budget afterthought in the space of one week!

In answer to a question yesterday about two major projects, the Domain tunnel and the Western bypass, the Treasurer said his department was analysing the funding of various projects. It is important for Parliament to know the results of that analysis before it passes this significant Bill. The Treasurer also suggested that although some people had their own chosen projects, that did not mean the projects would proceed. Before the Bill is debated the opposition is entitled to hear from the Treasurer a definite statement about the specific purpose of the legislation and the analysis that he says - -

The SPEAKER - Order! The honourable member for Coburg cannot canvass the issue as though this were a second-reading debate. He should relate his remarks to the question of time.

Mr ROPER - It is unrealistic to expect the analysis that was announced only yesterday to be completed and available for examination by the community in only one week. It is an abuse of the House for the government not only to introduce the mini-Budget and to guillotine debate on it but also to fail to mention this particular Bill and then try to ram it through in one week. Many questions relate specifically to the expenditure provisions for the Better Roads Victoria trust account, and those questions should be answered. The honourable member for Sunshine and I believe the consideration

of this matter requires an adjournment of longer than one week. The community should have the opportunity of considering a Bill that sets up a new trust fund, and one week is simply not enough time.

House divided on omission (Members in favour vote No):

Ayes, 56

Ashley,Mr	Maclellan, Mr
Bildstien,Mr	Maughan,Mr
Brown,Mr	Napthine, Dr
Clark,Mr	Paterson, Mr
Coleman,Mr	Perrin, Mr
Cooper,Mr	Perton, Mr
Davis,Mr	Pescott, Mr
Dean,Mr	Peulich, Mrs *(Teller)*
Doyle,Mr	Phillips,Mr
Elder, Mr	Plowman, Mr A.F.
Elliott, Mrs	Plowman, Mr S.J.
Finn,Mr	Reynolds, Mr
Gude,Mr	Richardson, Mr
Hayward,Mr	Rowe,Mr
Heffernan, Mr	Ryan,Mr
Henderson, Mrs	Smith, Mr E.R.
Hyams,Mr	Smith, Mr I.W.
Jasper, Mr	Spry, Mr
Jenkins, Mr	Steggall, Mr
John,Mr	Stockdale, Mr
Kilgour,Mr	Tanner,Mr
Leigh,Mr	Tehan,Mrs
Lupton, Mr *(Teller)*	Thompson, Mr
McArthur, Mr	Traynor,Mr
McGill,Mrs	Turner,Mr
McGrath, Mr J.F.	Wade,Mrs
McGrath, Mr W.D.	Weideman, Mr
Mclellan, Mr	Wells, Mr

Noes, 25

Andrianopoulos, Mr	Loney, Mr *(Teller)*
Baker,Mr	Marple, Ms (Teller)
Batchelor, Mr	Micallef,Mr
Coghill,Dr	Mildenhall, Mr
Cole,Mr	Pandazopoulos, Mr
Cunningham, Mr	Roper,Mr
Dollis, Mr	Sandon, Mr
Garbutt, Mrs	Seitz, Mr
Haermeyer, Mr	Sercombe, Mr
Hamilton,Mr	Sheehan,Mr
Kennan,Mr	Thomson,Mr
Kimer,Ms	Thwaites, Mr
Leighton, Mr	

Amendment negatived.

Motion agreed to and debate adjourned until Wednesday, 12 May.

STAMPS (AMENDMENT) BILL

Mr GUDE (Minister for Industry and Employment) - I declare this Bill to be an urgent Bill, and I move:

That this Bill be considered an urgent Bill.

Required number of members rose indicating approval of motion being put

House divided on motion:

Ayes, 57

Ashley, Mr	Maughan,Mr
Bildstien,Mr	Napthine, Dr
Brown,Mr	Paterson, Mr
Clark, Mr	Perrin, Mr
Coleman,Mr	Perton,Mr
Cooper,Mr	Pescott, Mr
Davis,Mr	Peulich, Mrs
Dean.Mr	Phillips, Mr
Doyle.Mr	Plowman, Mr A.F.
Elder, Mr	Plowman, Mr S.J.
Elliott, Mrs	Reynolds, Mr
Finn, Mr *(Teller)*	Richardson, Mr
Gude,Mr	Rowe,Mr
Hayward,Mr	Ryan,Mr
Heffernan, Mr	Smith, Mr E.R.
Henderson, Mrs	Smith, Mr I.W.
Hyams,Mr	Spry,Mr
Jasper, Mr	Steggall, Mr
Jenkins, Mr	Stockdale, Mr
John, Mr	Tanner, Mr
Kilgour,Mr	Tehan,Mrs
Leigh,Mr	Thompson, Mr
Lupton, Mr	Traynor,Mr
McArthur, Mr	Treasure, Mr
McGill,Mrs	Turner,Mr
McGrath, Mr J.P.	Wade,Mrs
McGrath, Mr W.D.	Weideman, Mr
Mcl..ellan,Mr	Wells, Mr *(Teller)*
Maclellan, Mr	

Noes, 25

Andrianopoulos, Mr	Loney,Mr
Baker,Mr	Marple,Ms
Batchelor, Mr	Micallef,Mr
Coghill, Dr	Mildenhall, Mr *(Teller)*
Cole,Mr	Pandazopoulos, Mr (Teller)
Cunningham, Mr	Roper,Mr
Dollis,Mr	Sandon,Mr
Garbutt, Mrs	Seitz, Mr

Haermeyer, Mr	Sercombe, Mr
Hamilton,Mr	Sheehan, Mr
Kennan, Mr	Thomson,Mr
Kimer,Ms	Thwaites, Mr
Leighton, Mr	

Motion agreed to.

Mr GUDE (Minister for Industry and Employment) - I move:

That the time allotted in connection with the Bill be as follows-

(a) for the second-reading stage of the Bill until 4.15 p.m.;and

(b) for the remaining stages of the Bill until 9.15 p.m.

Honourable members interjecting.

The SPEAKER - Order! Will the Minister please repeat the times detailed in his motion?

Mr GUDE - The motion is that the second-reading stage conclude at 4.15 p.m. today and the remaining stages conclude at 9.15 p.m. this day.

Motion agreed to.

Second reading

Debate resumed from 28 April; motion of Mr STOCKDALE (Treasurer).

Mr BAKER (Sunshine)-This Bill makes four amendments to the Stamps Act. The first is a minor amendment to clarify the exemptions available to motor vehicle retailers. The second is to insert the necessary provisions to allow for the imposition of stamp duty on compulsory third-party insurance. The third is to extend the time within which a taxpayer can apply for a refund of stamp duty following the termination of a lease and, finally, to remove outdated exemptions in respect of the Commonwealth Savings Bank.

I am advised that the government will move an amendment to ensure that it gains the benefit of the stamp duty payment in respect of the June premiums. The alternative to the amendment was that the Bill would have to be pushed through so that the Transport Accident Commission (TAC) would have sufficient time to include the stamp duty item on its premium invoices for the June liabilities which had to be sent out during May. The need for the amendment illustrates the haste with which the governrrent and the Treasurer are framing financial B.lls. It would be sensible to commence the process at the beginning of the new fin cial year and b have taken the June payment as an increased dividmd in much the same way as was proposed in the las: Budget of the previous government.

At present the effect of the stamp duty imposition is neutral on motorists in that it is being absorbed in the current premiun payment. The premium payment will now :onsist of $255 premium and 10 per cent stamp cuty of $25.50, making a total of $280.50. That gives the impression of a reduction in the premium level md allows some room for future increases in the pnmium.

I seek assurances from the Treasurer that this will not occur. I am adYised that the New South Wales government does r.ot charge stamp duty on compulsory third-party insurance but that other State governments do. The revenue from this measure is projected to be $5 million in the current financial year and S66.3 million in a full financial year. That is in addtion to the TAC's dividend payment of 92 i:lion in the current financial year and $74 m1lhon m 1993-94. It is understood that the revenue impact of the other amendments is negligible.

e way the Bill is being introduced is unnecessary. It 1s a pea and thimble, smoke and mirrors trick to avoid having to take up the propositions that were put by the previous government about using the cash bank-up in the TAC's accounts to bring the public finances inh> order.

When that scheme was first proposed, the Treasurer when oppositioJ\ led the charge to lampoon and decry 1t. Now, as he has done in so many other areas he has found it necessary to take up and sanc on hat were perfectly sensible options in dealing with the financial difficulties with which the State finds itself confronted. All he has done is to find some sly way of milking the motorist in another way. It was not necessary; it is complicated and messy. He could have made a demand for a one-off dividend payment that would have suited his purposes. He has not done that; he has tried to pretend that this is something else.

The amendment in the Bill is pathetic. There was no suggestion of the matter being handled in this way in the Treasurer's recent autumn statement, as it is so grandiosely called. I think I made the remark that the Treasurer's autumn statement will inevitably

and surely be followed by a winter of discontent for the ordinary citizen. This measure is another example of that.

The opposition will not object to the legislation in its substantive form but has grave doubts about amendments to be moved in this place at a late hour to prop up a Budget where once again the numbers have been wrong. The record is not looking good in a short period. We have had original estimates that did not work and then there were the October estimates that did not work. It is clear that the estimates of a month ago will not work. At a news conference yesterday the Treasurer said that the estimates will be out by $100 million to $200 million.

I counsel the Treasurer to adopt the policy I was taught in my disciplinary training, which I adopted in all portfolios I was responsible for - that is, to look for conservative numbers and ensure that a better flow to margin is built in instead of taking optimum numbers which are, in mathematical terms, six standard deviations away from the pessimistic.

By continually coming back to Parliament with these matters the Treasurer has shown that he does not understand that concept. In the six months of his unfortunate administration, the Treasurer has been back to Parliament umpteen times to correct his mistakes. He will be back here in a few months shifting the goal posts again. He is like the Melbourne Football Club that he supports: he still has not kicked a goal, even though he claims he is getting the State's finances back into shape.

The opposition will not oppose the legislation in its substantive form, and I will withhold my comments on the proposed House amendments.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 5 agreed to.

Clause 6

Mr STOCKDALE (Treasurer) - I move:

1. Clause 6, line 31, after "1993" insert", whether before or after the commencement of section 6 of the Stamps (Amendment) Act 1993,".

2. Clause 6, page 4, line 4, omit" "10" and insert "9.091".

3. Clause 6, page 4, lines 18 to 20, omit "an amount equal to 10 per centum of that amount" and insert-

"(A)an amount equal to 9.091 per centum of transport accident charges payable before 1 July 1993 and included in that return; and

(B) an amount equal to 10 per centum of transport accident charges payable on or after 1 July 1993 and included in that return.".

Mr ROPER (Coburg) - It is not only a courtesy but also the obligation of a Minister to explain amendments, particularly when they relate to rates.

Mr STOCKDALE (Treasurer) - I am delighted to explain the amendments. Amendment No. 1 will insert after "1993" the words", whether before or after the commencement of section 6 of the Stamps (Amendment) Act 1993,".

Clause 6 inserts a new subdivision which provides for the Transport Accident Commission to pay to the Comptroller of Stamps stamp duty of 10 per cent on all transport accident charges applicable to a motor vehicle under Part 7 of the Transport Accident Act 1986 and payable to the commission after 1 June 1993. It is important that the transitional arrangements will have effect regardless of whether the charges are levied before or after the commencement of the section. The first amendment clarifies that the substantive provisions will apply whether the charges are payable before or after the commencement of the section.

Amendment No. 2 quantifies the amount of duty and says that the duty is to be one-eleventh of the total amount - so the increment is 10 per cent. The expression has been changed to have that effect, whereas previously, by virtue of calculating off the higher base, it did not correctly express the amount.

Amendment No. 3 is relevant to the same matter. It imposes the charge at a rate of 10 per cent, which of course achieves uniformity between the rates of duty on other classes of general insurance and the duty introduced on third-party insurance, as a prelude to eventual privatisation. It removes what would otherwise be an anomaly, where the rate of duty would not be the same as the rate applicable to other classes of general insurance.

Amendments Nos 2 and 3 are complementary and propose that the duty should be one-eleventh, rather than 10 per cent of the charges.

Mr BAKER (Sunshine) - Notice of these amendments was ridiculously short. I am not concerned about the first two amendments, but I am concerned about amendment No. 3. The charge referred to in proposed section lllF(l)(b)(ii)(A) will be levied in the period leading up to the end of the financial year. What is the justification for that? How much money will that bring in? Why has this decision been made when the levying of a new tax would provide the opportunity of starting afresh at the beginning of the financial year?

Mr STOCKDALE (Treasurer) - As I explained in the autumn statement, the stamp duty anomaly is being rectified not from the beginning of the next financial year but from 1 June. That is reflected in the original version of the legislation, and that intent is not altered by amendment No. 3, which correctly expresses the proportionate relationship. In addition, the intended transitional arrangements have been simplified so that they do not cause administrative difficulties in the dispatch of notices to motorists.

When a charge on motorists is payable on and after 1 June but before 1 July, renewal notices, or notices of the liability for that levy, must be sent out some considerable time in advance of the due date so motorists are given advance warning and are in a position to pay by the due date to ensure continuity of insurance cover.

The Bill as drafted would have resulted in some difficulties in the timing of the dispatch of notices. To avoid inconveniencing motorists by either deferring the issue of notices until the legislation was passed or shortening the period between the receipt of the renewal notice by the motorist and the due date, the government decided to fix 1 July as the operative date.That means that during June the legislation will authorise the commission to deduct from the current premium a sum equivalent to the amount of stamp duty payable by the motorist. The commission will remit that sum to the Comptroller of Stamps and the motorist will then become liable to the commission for that sum.

From 1 June the premium rate will be adjusted; the stamp duty will be imposed literally as a stamp duty and will be reflected on the statement as additional to the premium rather than as a component of it. This will avoid inconveniencing motorists and is a distinct improvement on the original proposition.

Mr BAKER (Sunshine)-I am grateful for the Treasurer's comments and I indicate as delicately as possible that the logic of his response is a further indication of his obsession with accounting rather than taking in the wider economic ramifications of financial Bills.

The Treasurer adopts a juxtaposition in logic when he says that the amendments are a way of reducing inconvenience to motorists! If I remember correctly, motor vehicle sales are biennial: that is, they have two humps, like a camel, throughout the year. One needs only to look at the press advertisements for motor vehicle sales to realise that in June companies that operate on a financial year basis as opposed to a calendar year basis commence offering major discounts to clear stocks from their showrooms for taxation purposes.

The honourable member for Murray Valley, who has had far more practical experience in the motor industry than most other honourable members, understands that. At a time when many people are thinking of buying cars and when motor car traders want to make significant sales, the government is introducing a tax measure for the sake of picking up a few dollars for the till - a till that is not looking too good.

The provision will be a major disincentive to the purchase of motor vehicles and will produce an equal and opposite reaction. The revenue from the measure is overestimated. I note that the honourable member for Murray Valley is nodding his head in agreement; he understands my proposition. He knows, as I know, that the measure will be a major deterrent to the purchase of motor cars. It is unusual for me to speak on behalf of motor car traders but they have a problem, and they will be most concerned about the consequences of the measure. The recent monthly figures for registration of motor vehicles in Victoria were down 9.9 per cent from the previous month on a national average basis.

It confirms what I have been saying to the Treasurer and the Premier for some time: if they continue with the excessive, fanatical policy of sledging Victoria and talking down the economy for political reasons, the resurgence in consumer spending will not occur.

I know the Treasurer has been in the job for only six months and he is showing a limited but dull appreciation of the way Budgets move, but he should understand the basic principles of physics: for every action there is an equal and opposite reaction. Using the vernacular, if you catch a sleeping tiger by its tail, it will bite you. That is a better way to enunciate the principle for those who

have not studied physics. It is a pity the Treasurer has not studied physics because it would assist him in handling the State's financial problems in the future.

I ask the Treasurer to consider the consequences of the small-term gain-albeit with a Budget that he seems to have got wrong on three occasions already - and make it clean, and start by introducing the measure from the first day of the next financial year.

Mr STOCKDALE (Treasurer) - The honourable member for Sunshine is making it up as he goes along. His speech may have impressed him, but it did not impress anyone else. Motor car traders would not be impressed by his lack of knowledge of the Bill.

The Bill preserves the objective of even-handedness and uniformity of treatment. That is the point of the original provision and of the amendments. They maintain consistency through the transitional period by handling the administrative aspects more conveniently, but with a nil effect on motorists.

The honourable member must have had a lapse of concentration because his comments are directed more to the registration of new motor vehicles than to third-party insurance. The amendments are irrelevant to the sale of new motor vehicles. They will have a uniform impact on insurance at the time of registration, which inevitably occurs when the motor vehicle is transferred to the new owner.

The administrative difficulty arises not from registration of new vehicles but with existing registrations where there is a renewal notice to be sent out.

The amendment inserts into the Bill transitional arrangements that are far more satisfactory for the motorist. It confers no additional benefit on the government. The Bill does not impact on the cost of driving a mol'Or vehicle and in the long run the motorist will be 50 cents better off, which is neither here nor there.

The measure is designed to create a workable administrative arrangement - not in the interests of the government or the Transport Accident Commission - to ensure that motorists have the longest possible period of notice of renewal of their policy.

The honourable member's comments were confusing in relation to new motor vehicles and I am not sure what he was trying to get at, but I assure the Committee that the measure has no bearing on the registration of new vehicles and that changing the date from 1 June to 1 July would have no effect. If there were any anomaly, it would not be affected by changing the date.

Amendments agreed to; amended clause agreed to; clauses 7 and 8 agreed to.

Clause 9

Mr JASPER (Murray Valley) - I mention at the outset that my family has a GMH franchise at Rutherglen and has been involved in the motor car industry since 1929. The provisions of clause 9 will correct a major anomaly that has had a dramatic effect on the motor vehicle industry in this State - the imposition of stamp duty on the registration of the new vehicles and used cars used as demonstrators by licensed motor vehicle traders.

I remind the Committee that the car industry has always been one of the best indicators of the health of the economy. When the car industry is active and buoyant, economic development occurs. Over the past 10 years the car industry has been in the doldrums, which has been partly caused by the previous government's attacks on the industry. Clause 9 draws attention to the effects of those attacks, especially in recent years.

The honourable member for Sunshine mentioned the registration of motor vehicles. The reduction in motor vehicle sales in Victoria and across Australia has resulted from the desperate economic conditions facing this country. Motor vehicle sales declined in the 1980s. Although there was a rise in the latter part of the 1980s, another downturn occurred in the early 1990s, and that situation has not changed.

The Westpac-Melbourne Institute's index of economic activity shows that:

> Passenger and commercial vehicle sales rose in March 1993 relative to February 1993. This is to be expected because February is traditionally a slower sales month. Hence a more accurate figure is the year-to-date sales figure, which is not as prone to large fluctuations and individual monthly sales figures. Sales for the first quarter of 1993 are lower than for the same period in 1992, which was a poor year for motor vehicle sales. Forecasts of substantial car sales growth in 1993 have therefore failed to materialise so far. Although results

in Victoria and Australia were similar, Victoria marginally outperformed the nation as a whole.

The figures back up the statement made in the economic survey. The imposition on the motor vehicle industry of just one decision made by the previous government added to the difficulties being faced by the industry and, eventually, the difficulties facing the State of Victoria.

In passing I mention that statistics show that since 1982 employment vacancies for mechanics and repairers in the motor trade has dropped by 50 per cent, which is a marked decline in the number of people employed in the industry, especially in the trades. A contributing factor has been the actions taken by the government against the motor industry through the 1980s, especially the imposition of stamp duty on the registration of new and used motor vehicles for demonstration purposes.

Approximately three years ago the former Treasurer, now the honourable member for Coburg, was looking to raise revenue. He decided that motor vehicle dealers should pay stamp duty of 2.5 per cent on the retail prices of new motor vehicles and 4 per cent on the registration of used motor vehicles, even though those motor vehicles were registered for use as demonstration vehicles. Despite the representations that were made the former Treasurer was not willing to accept that the stamp duty would have an adverse effect on employment within the industry and on motor car sales. He failed to understand that vehicles used by motor vehicle dealerships and salespeople are their tools of trade and that they are used to sell vehicles.

Victorian Automobile Chamber of Commerce representatives had a series of discussions with the Minister in an attempt to have some vehicles exempted from the payment of stamp duty, but no resolution was reached. The former Treasurer took a dog-in-the-manger attitude and was not prepared to negotiate. That had an extremely dampening effect on the industry. Not only is the vehicle industry one of the largest employers in the State but also Victoria is the leading car industry State in Australia. The attack by the government on the grassroots of the industry led to many motor vehicle dealers reducing the number of salespeople they employed. They also reduced the number of vehicles they used as demonstration units. Some dealers reached the stage where they would not pay the duty because they did not believe it was correct. That was not the right attitude to take, but I can understand why they took it.

The current government has the interests of Victoria at heart. It recognises that economic development will come about only through private enterprise creating wealth and jobs.

If the government attacks the people who are the wealth generators, the State will not develop. The former government and the former Treasurer did not understand the effect their legislation would have on the motor industry. The former Treasurer was not prepared to assist an industry which is a key indicator of economic development and which needs to be encouraged for the good of the State.

I applaud the government for the provisions in clause 9. They will create a turnaround, albeit a slow one. It is disappointing that there was not a change of government at the Federal level; if there had been, Australia would have been up and moving by now. Clause 9 will allow motor vehicle dealers to register new and used vehicles for demonstrators without having to pay stamp duty. That will assist in increasing sales and profitability. Equally importantly, salesmen will be able to increase sales and earn more money in commissions.

I direct to the attention of the Minister discrepancies in stamp duty on vehicle sales. Firstly, Victoria has the highest level of stamp duty on new car sales of any State. Secondly, a discrepancy exists between the rate of stamp duty on new vehicle sales of 2.5 per cent and the rate on used vehicle sales of 4 per cent. I believe the Treasurer will take these anomalies on board and at the appropriate time will respond so that a more effective system will be put in place that will assist the motor vehicle industry generally. I strongly support this amendment to the Act

Clause agreed to; clause 10 agreed to.

Clause 11

Mr STOCKDALE (Treasurer) - I move:

4. Clause 11, line 10, after "vehicle" insert "in respect of a period beginning on or after 1 July 1993".

The amendment is an incident of the new transitional arrangements and ensures that the 10 per cent addition shown separately on the notice will commence operation from 1 July. The effect of the amendment is to facilitate the dispatch of notices by complementing the authorisation of a contribution from the premium until 30 June, but from 1 July for there to be a premium with a stamp duty separately shown as an addition. That will ensure that the stamp duty is not added to the full

premium prior to 30 June and so protects motorists against, in effect, paying twice before 1 July.

Mr BAKER (Sunshine) - Notwithstanding the Treasurer's response to my previous remarks, I make the point that taxation measures, especially new measures, must pass the test of simplicity. When the burden of taxation is falling on people they must understand in clear and simple terms what it is they are up for, when they have to pay and that, in some sense, it is even.

These provisions are a cack-handed, convoluted way of going about introducing a new tax measure for the sake of picking up a few extra miserable dollars to prop up a Budget that is not travelling too well at the end of the financial year. It would be far more effective, sensible and reasonable to bring it in all at once so that people understand it starts from day X and that from that day on everyone is treated reasonably.

Amendment agreed to; amended clause agreed to; clauses 12 and 13 agreed to.

Reported to House with amendments.

Passed remaining stages.

EVIDENCE (UNSWORN EVIDENCE) BILL

Second reading

Debate resumed from 18 March; motion of Mrs WADE (Attorney-General).

Mr COLE (Melbourne) - The Evidence (Unsworn Evidence) Bill has been on the Notice Paper since last year and is one of the few Bills introduced by the government that have not been rushed through as a matter of urgency.

The opposition opposes the Bill in toto. The Bill takes away from individuals a substantial and important right that currently exists in the criminal trial process. The opposition's decision to oppose the Bill comes after considerable deliberation; that is, aside from the fact that it has had many months to consider the Bill, the opposition has taken time to deliberate on whether the Bill should be supported.

The opposition has considered and deliberated on the nature of the right involved in this issue, on whether that right should be retained and on what the effect will be of abolishing the right. We question the need to abolish that right and will argue that there is only a perception that there is a problem with the right that currently exists for an accused to give unsworn evidence.

The issues are extremely difficult and come down to a question of balancing a long-standing existing right, one that is designed to protect accused persons, against the probity of the criminal trial process. In this context one must consider what constitutes a fair trial. I will attempt to do that in my speech.

As the Attorney-General would be aware, the current legislation and the High Court decisions on what constitutes a fair trial have given a new dimension to the whole issue, which I will attempt to examine later as best I can.

People's rights in society and specifically in the criminal justice system should not be organised without regard to the effect of changes; on the other hand members should not be troglodytes and simply oppose any change. While the Labor Party was in office it implemented considerable changes, as the Attorney-General would be aware. It set up the Law Reform Commission, which examined what changes should take place and reforms that should be implemented in society. It made substantial changes to fingerprinting law and to other aspects of the criminal justice system, and made substantial changes to the Evidence Act.

The right to give unsworn evidence should be retained. Going into the witness box or saying nothing is an all-or-nothing situation. To put the opposition's position simply, there must be an alternative: there should be something in between silence and being cross-examined. This is particularly so for the inarticulate, the intellectually disabled and the disadvantaged in general. For them going into the witness box is not an option; they do not have the capacity to do so. They therefore must choose the right to silence. To deprive them of the right to put their story, although without cross-examination, is wrong.

After due consideration and deliberation the opposition has come to the view that the right to give unsworn evidence is very important. In coming to this decision it is mindful that if this right is eliminated innocent people may well be convicted. That goes to the essence of our criminal trial system. Honourable members would all know people who could not go into the witness box and give evidence

for whatever reason. Such people have a right to silence, but that is not enough.

Let us consider the history of this provision. The Attorney-General made much of this in her second-reading speech, saying that unswom evidence is an anachronism because the right to make an unsworn statement was developed in the days when the accused could not give evidence at all. The retort of the opposition is to ask whether it is justified to take away a right because the original reason for it no longer exists. Clearly in any society things change.

The Upper House of Parliament is a good example of an anachronism. Originally membership of the Upper House was property based; members were not elected. They were put in the position to guard the community against reformists or radicals in the Lower House. The situation has changed. Members are now democratically elected, and that is how it should be.

Mrs Wade interjected.

Mr COLE - It does not these days, more's the pity. The Upper House in essence is still an anachronism, but it has changed. So too has the right to give unswom evidence. That right exists for a specific purpose. Many years ago now that right was changed and it now exists under a different set of circumstances.

Many other things are anachronisms: for example, the oath and the affirmation. I cannot see why somebody should swear an oath or make an affirmation. A person going into the witness box should be told by the judge, "Tell the truth". It is not too much to ask. If a person does not tell the truth and that is proved to be so, the person should be charged with perjury. Why should a person have to make such an oath or affirmation? It goes back to the days when one had to swear on the Bible. Things have changed. Now people can make an affirmation. In time it could be seen as unnecessary. It would be very short-sighted to say that because something no longer serves its original purpose it should not exist.

The opposition has adopted its view following considerable discussion. Unswom evidence and unsworn statements, as they were previously, have been considered on many occasions by the former Law Reform Commissioner, Tom Smith. In 1985 the Law Reform Commission rightly recommended that an unswom statement in a criminal trial be replaced by the right to give unsworn evidence with examination by the defence counsel. This was incorporated in the current legislation and this is what is being removed now.

The right to give unsworn evidence has been through many processes of review over many years, and it is still felt by most that it should be retained. Two judges of the Law Reform Commission dissented from the majority, so I am not suggesting that the view that the right should be retained is held unanimously within the community, but certainly the overwhelming result is that it ought to be retained.

This issue fits quite clearly into the rubric of what constitutes a fair trial. Many factors determine whether a trial is fair and they should be balanced against the need to establish the truth. Recently the High Court in the Dietrich decision decided that a judge can grant an adjournment or stay at his discretion if the outcome is likely to be unfair in that it forces the accused to be tried when unrepresented. That was a foundation decision and completes the circle of what constitutes fairness in a trial setting. The legal system has moved as far as saying that it is unfair for a person not to be legally represented. That is actually enshrined in the law by the High Court. We have moved a considerable distance towards what constitutes a fair trial.

Certain issues aside from that are sacrosanct. They include the jury system, the right to silence, the presumption of innocence, that the burden of proof lies with the prosecution and that guilt must be proven beyond a reasonable doubt. I hope the Attorney-General will agree that those principles are imperative for the effective operation of our justice system and for the retention of a fair and just society. Other issues such as the giving of unsworn evidence require deliberation but they do not go to the kernel of the legal system as do the matters listed above. For example, it is not quite in the same bracket as the requirement that guilt be proven beyond a reasonable doubt or the right of silence.

Many arguments have been put forward as to why the right to give unsworn evidence should be withdrawn from accused persons. I would like to go through some of the arguments against its retention. The first is the requirement to test all evidence by cross-examination. It is not unreasonable that evidence, whether given by way of defence by the accused or in the normal course of events, be tested.

Evidence may be given in the witness box or the witness may choose to be silent. If that is the case,

evidence cannot be tested because no evidence has been put forward. All evidence that the witness seeks to rely on - alibis or whatever other evidence - is subject to cross-examination by the prosecution, but that is not the case with unswom evidence. The story is put forward but is not subject to cross-examination. The witness has two alternatives: giving evidence or remaining silent.

There is some merit in that argument in terms of perceptions of fairness, certainly in some of the more difficult cases where victims have been badly affected by the alleged crime. In a sense there is almost a perception that the victim has to be cross-examined but the accused can give his statement and does not have to be cross-examined.

Another issue is the defendant's attack on the reputation of an innocent person without the risk of cross-examination, particularly in trials for rape and related offences. The defendant can present a statement without being cross-examined, and that fits into the first bracket I described.

It is argued that a defendant's counsel can cross-examine broadly to elicit useful material for the subsequent preparation of an unswom statement by the defendant. It is reasonable to suggest that that happens and that there are times when a great deal of work is put in to lengthy cross-examination to ensure that the best possible story is presented by the accused in an unswom statement.

Another issue is the opportunity to attack the credibility and reputations of innocent persons without fear of retaliation, and that is extremely important from the point of view of the accused. If the credibility of a witness is attacked without re-examination by his or her counsel the case can appear to be unfair. That situation may have a deleterious effect upon the victim because he or she cannot argue why his credibility should not be attacked or that what is being put forward is incorrect.

Another issue is the jury. Although the judge is obligated to explain the nature of an unswom statement to the jury, members of the jury may still be confused about the weight to be given to such evidence. That question causes a lot of problems. It is believed - in my opinion it is not correct - that too much weight is attached to a statement that, unlike the oral evidence of a witness, cannot be cross-examined.

It is also argued that the right to make an unswom statement is unnecessary because most people are legally represented, and the Attorney-General mentioned that in her second-reading speech. That is true, although I am not sure whether that will continue to be the case with the proposed changes to legal aid. The opposition hopes the changes will not adversely affect the current system and that the number of people represented by the Legal Aid Commission is not reduced.

Legal representation has aided and assisted the accused in a manner that was non-existent in the past. It could be argued that accused persons do not need the right to give W\swom evidence, but I dispute that contention because a person is still required to give evidence in the witness box or remain silent regardless of whether he is legally represented. The capacity to do something in between is desirable.

It is argued that judges can adequately protect the inarticulate and the disabled. I categorically reject that concept. The nervousness and other problems associated with the giving of evidence for those people far outweigh anything a judge wearing a wig and gown and sitting behind the bench could possibly assist with. It is true that judges and the legal system have come a long way towards ameliorating the overwhelming problems associated with the intimidating and oppressive atmosphere of the courtroom setting. The legal aid system has assisted in that regard but not to the point where it helps people who do not have the capacity to give evidence in the witness box who are therefore forced to exercise their right to remain silent.

Arguments of an administrative nature in support of the abolition of unswom statements will interest the Attorney-General. It is claimed that delays are caused by coW\sel extracting information for use in unswom statements. That may or may not occur; I am sure it does to some extent, but I do not believe it is a reason for crificing a specific right.

Of the arguments in favour of retaining the right to make unswom statements, two stand out. One is that it protects the rights of the inarticulate, the inexperienced and the innocent. Some people will not be able to go into the witness box and will have no option but to exercise their right to silence. It is unfair to take away the right of those people to give unswom evidence. After all, it is only a limited right and I do not see why it should be jettisoned.

This government has reacted in strange ways to many issues, and many of its substantial changes will be debated over the next couple of weeks. The government could be accused of a lot of things but never of moving slowly. It is said of conservatives that they keep things certain and do not change much, but that is the case no longer. When the rights of the people are taken away the situation becomes dangerous.

The second argument in favour of retaining unswoin statements is the question of what is gained by their abolition. It is always difficult to retain something that is abused. I am not suggesting that the giving of unsworn evidence is not being abused; however, that does not warrant its abolition. Just because people abuse the social security system does not mean it should be abolished. Just because the system to protect the innocent, the underprivileged and the intellectually disabled may be abused, it does not mean that that system should be abolished. Unfortunately, those who need protection most will lose if this legislation is passed; the people who abuse the system will not be affected.

What harm is being caused by unsworn statements? I have tried for six months to work out why this right should be abolished. There must be a belief within the government that guilty people are exercising their rights to give unsworn evidence instead of the right to silence and that the right to give unsworn evidence is resulting in numerous guilty people being found not guilty. Members of the government argue that it is not the innocent and inarticulate who use the unsworn statement but the hardened criminals. If society has different rules of evidence for hardened criminals and soft criminals judgments will be passed on individual cases before a person is found guilty, and that contradicts the assumption that a person is innocent until proven guilty.

The government has said that victims of crime suffer when defendants give unsworn evidence and are found not guilty. It is a terrible thing that there are victims of crime; no-one can argue about that. By definition a victim is someone who has suffered, but we should not base our system on the need to placate victims of crime.

The purpose of a trial is to find the truth. Many changes have been made to the way evidence can be given. Under a former conservative government the legislation was changed to allow the use of video material so that children could give evidence. The amendment to the corroboration rule for young children's evidence was also important. However the only evidence of the number of defendants who are acquitted after giving unsworn evidence is the statistics in a study undertaken by the Law Reform Commission which were obtained from the County and Supreme courts in March and May 1985.

Table 3 on page 39 shows that of those defendants who gave sworn evidence 36.8 per cent were acquitted and 59.9 per cent were convicted. Of those who gave unsworn evidence 37.1 per cent were acquitted and 60 per cent were convicted. Of those who remained silent 42.9 per cent were acquitted and 42.9 per cent were convicted. Because those statistics were taken from only 41 cases, the evidence is limited. But I believe they reflect the facts: there is no evidence to show that if defendants give sworn evidence a greater percentage will be convicted, because statistics show that 60 per cent of those who gave unsworn evidence were convicted and 59.9 per cent of those who gave sworn evidence were convicted. If it is suggested that too many guilty people are being acquitted, the answer is an unequivocal no.

Mr A. F. Plowman - How do you know?

Mr COLE - I have just finished describing the statistics on unsworn statements. The report says that 59.9 per cent those who made sworn statements were convicted and 60 per cent of those who made unsworn statements were convicted. Although those figures were produced from the results of only 41 cases, they are indicative of the situation because the government has provided no other evidence except that which is purely anecdotal and somewhat reactionary.

No evidence exists to suggest a number of guilty people have been found not guilty because they exercised the right to make unsworn statements. The Pegasus task force reported on reducing delays in criminal cases. I was reading the report during question time when the Attorney-General told the world what I was doing. She may be interested to know that I was preparing my speech right up until the moment I began it. The Pegasus task force gives even better statistical data on the criminal justice system.

When considering goals for the criminal justice system we must ensure that accused persons go through to prosecution; but that must be balanced against the rights of the accused and their victims. We must examine the numbers of people who are being found not guilty and guilty. We have to look

at those who are being brought to trial to discover whether they are being found not guilty because the system is not working. If no-one were found not guilty, we would possibly be living in a totalitarian State! I am sure the Attorney-General has read the Pegasus task force report chapter and verse. On page 6 it reports on the County Court in Melbourne:

> On average 110 cases are finalised each month in the County Court at Melbourne. About 5 per cent of proceedings are ended by the filing of a nolle prosequi and, in a further 4 per cent, the accused absconds and a bench warrant is issued.

We all know about that!

> As noted above, 78 per cent of accused who are arraigned plead guilty, while only 22 per cent plead not guilty. To put it in other terms, about 275 cases are tried to verdict each year (about one-half of trials end in acquittal). Another 930 end in a plea of guilty.

Of those 275 cases where verdicts were reached, 50 per cent - one-half - of defendants who pleaded not guilty were found not guilty. In other words, 12 per cent of all cases that went to court produced verdicts of not guilty, based on statistics that show that 78 per cent of accused persons pleaded guilty and 22 per cent pleaded not guilty. That is 12 per cent, including all the people who relied on unswom statements. Is that figure too high? I put it to the House that we do not have a big problem. Because the Bill will deny that right to accused persons, we may find the figure decreases from 12 per cent to 11 per cent. If that is what the government wants, let it say so. Does the government really believe it is undesirable that 12 per cent of all accused persons who go to court are found not guilty? Is that figure too high? If it is, the government should say so - but I do not know what we can do about it.

We must accept that at times guilty people will be found not guilty, but there is no evidence to suggest that that verdict results from the practice of using unswom evidence. I suggest that 11 per cent is an acceptable and, indeed, a desirable level for the number of people found not guilty from pleas. It should not necessarily be much higher, and certainly should be no lower. It demonstrates, when so many people plead guilty, that members of the Police Force and others are doing their jobs.

I shall not develop my argument at length because I think I have made my point.

Mr Cooper interjected.

Mr COLE - Do you want me to go on for another 2 hours?

Mr Cooper interjected.

Mr COLE - The honourable member for Momington may be interested to know about the 11 per cent statistic. That is what the debate is all about, because the aim of the Bill is to remove the right - and perhaps reduce the 11 per cent to either 10 or 9 per cent - of those who plead not guilty and who are later acquitted.

There is no point in removing that right because the removal will achieve nothing other than to make some people feel better about certain things. Enough reports have been presented about this situation and had the honourable member for Momington read the Law Reform Commission report and various other reports he would understand the concept.

Mr Cooper - I certainly have.

Mr COLE - Then I am surprised the honourable member is not supporting my position. The honourable member for Momington has preconceived ideas and probably has not read the Pegasus task force report and does not know about the latest statistics. That report was prepared by the Chief Justice of the Supreme Court, and Chief Judge Waldron of the County Court and a number of magistrates were on the task force. It is an authoritative statement about people who are found not guilty. I see no need to remove that right.

Finally, I direct attention to the submission made to Parliament by the all-powerful Scrutiny of Acts and Regulations Committee which expressed reservations about removing the right.

Mrs Wade interjected.

Mr COLE - It did not support it; it said something about removing the right.

Mrs Wade interjected.

Mr COLE - "Hitherto enjoyed" - that is a statement of fact. The committee was not being ambiguous, but stated the facts.

The Victorian Criminal Justice Coalition, under the pen of the convener, Father Peter Norden, states:

> There are many examples where the right to Atve unswom evidence in court reflected the need to protect the rights of persons who would be unfairly treated by the processes of the courtroom, in particular by a cross-examination of evidence which would follow should the evidence have been provided as sworn evidence.
>
> There are many examples where the right to give such unswom evidence has been abused by defence counsel in order to overly influence the jury's assessment of the evidence presented before it. There is no dispute that such situations need to be addressed, to prevent such practices continuing.
>
> This submission would propose an amendment to the Bill as it stands to allow the use of unswom statements only in clearly defined circumstances, where the accused was a person suffering from some form of mental impairment, such as intellectual disability, brain damage, senile dementia, or a classified mental illness.

One would have thought that the government would have considered that proposition. I do not support it because, as I have said, there is no substantive harm done by the existing right remaining.

Mr Cooper - Who said that?

Mr COLE - Father Peter Norden.

Mr Cooper - He is an authority, no doubt.

Mr Thwaites (to Mr Cooper) - No more than you.

Mr Cooper - I will tell you more later and that will take the smile off your face.

Mr COLE - I understand what the honourable member for Mornington is saying. The submission from the Victorian Criminal Justice Coalition is authorised by a broad range of interested people. It is suggesting that the government should at least look at the people affected. However, there is no particular problem because only 11 per cent of those who plead are later found to be not guilty. That percentage is not unacceptable. Even if it does not act, at least the government should consider making the facility available for those with some form of mental impairment.

Mr RYAN (Gippsland South) - I support the Bill. It is my belief that the right to give unsworn evidence in a criminal proceeding is an historical anachronism that no longer has any place in our society and should be removed.

It is relevant for the purpose of the debate to have regard to the historical origins of the right. It arose initially in England and in circumstances where prior to 1898 and the passage of the Criminal Evidence Act a person charged with a criminal offence was not entitled to give evidence on oath. He was able to make a statement about his position, but he could not give evidence on oath. According to the terminology at the time that person was "not a competent witness".

There was also concern at law about the concept of a person giving self-incriminating evidence. Those various concerns were melded into the position that applied prior to the passage of legislation in 1898. With the passage of the Criminal Evidence Act it was held that a person accused of a crime was permitted to give sworn evidence, although at the time of the passage of the Act the right to make an unsworn statement was retained; that position carried over into the Victorian law and it still applies now in the general sense.

At the moment the position in Victoria is that a person charged with a criminal offence is entitled to adopt one of a number of courses: that person can choose to remain silent; he can go into the witness box, give sworn evidence and be cross-examined; or he can give unsworn evidence.

Until 1986 such a person was entitled to make an unsworn statement but, as a result of amendments to the Evidence Act in 1986, the provision was qualified to the point where a person charged with a criminal offence is now able to give unsworn evidence. That is another example of, I suppose, the evolutionary aspect of the development of this concept.

Prior to 1986, in the era when an unsworn statement could be made, the process also went through developmental stages. As a practitioner in the sphere that we now have under discussion. I remember when the legislation had reached the point that it was permitted for counsel appearing on behalf of an accused to assist the accused in the preparation of an unsworn statement.

I well remember the situation where the unsworn statement of the accused made its way onto a word processing screen at the start of a trial; with the passage of the days of the trial it was modified as the evidence transpired and the statement ultimately

read by the accused person often took on a different form from that which had been contemplated on day one of the trial. In any event, in 1986 that position was remedied in part by the fact of unsworn evidence being brought into being.

The real issue that we are talking about is the issue of a fair trial; a person brought before a court is entitled to a fair trial. That is the issue under consideration. To look at it in terms of bald statistics in the manner the honourable member for Melbourne has done is not to deal with it on a proper basis. The guiding principle in a system of justice must be that a person charged with a criminal offence is entitled to a fair trial. That in turn leads to what comprises a fair trial. In reality the community's view about these issues evolves with the passage of time. The best example is the original English Criminal Evidence Act of 1898. In 1780 Sir John Fielding proposed that a regular police force be formed in England. That proposition was opposed by 12 of the 15 judges of the day. In 1836 when the right of counsel to appear on behalf of the accused charged with a felony was proposed, 12 of the judges of the day were opposed and one judge threatened to resign. It is interesting to contemplate the evolutionary aspect of the development of the law with the passage of time. Legislation reflects a community view, and the community at present is of the view that the right to give unsworn evidence must go.

The honourable member for Melbourne spoke about the rights currently enjoyed in the community and said that one must be careful about taking away a right that currently exists. I agree with his comments in that regard. The community, though, has already expressed its views about taking away rights which have long been enjoyed, such as civil and common-law rights. Governments of all persuasions have brutalised the common law over past decades in areas including rights under the Transport Accident Act. The right to take action on behalf of a person injured in an accident was substantially removed by the previous administration.

Provisions of the WorkCover legislation introduced by the government as a modification of that which was introduced under the guise of WorkCare by the previous government clearly impact upon the right to take proceedings at common law. Under criminal law a person shall remain innocent until proven guilty. Yet in a range of offences the community has taken the view that that onus of proof is to be reversed; for example in the case of the .05 per cent blood alcohol legislation taking a breathalyser test with the lll! of an instrument is presumed to bring about an accurate result unless the accused can prove the contrary.

We live in an environment where the police who wish to apprehend speeding motorists have available to them a range of devices in the form of radar traps, amphometers, police helicopters and speed cameras which are positioned to catch tired Parliamentarians returning home after a hard week in Parliament on Holy Thursday night. There are circumstances where a speed camera is positioned 200 yards down the hill but the motorist who is caught speeding will still be fined and must wear it unless he or she is able to establish that there is a problem with the device that made the record.

There are numerous examples where the community view about a given right which has long been in existence has to be modified. Such is the case in this instance.

Maintenance of a system of a fair trial is paramount. I cannot see why the removal of the right to give unsworn evidence is equated with damaging the concept of a fair trial. An accused person is entitled to remain silent if he or she so chooses, or is entitled to go into the witness box and give sworn evidence and be cross-examined.

The honourable member for Melbourne rightly and fairly raised the fact that those who are disadvantaged for a variety of reasons may not in the course of a criminal trial have the capacity to speak on their own behalf. I share the honourable member's concerns in that regard; they are intrinsic to the issues that must be protected if we are to maintain a fair criminal justice system. There is a process available within the existing system and within that which is proposed under the ambit of the legislation to enable that to happen.

Currently a judge in a criminal trial does not enter the arena as often as he might in circumstances where an accused has a right to give unswom evidence. The tendency is to stay out of the conduct of the trial and allow it to take its course. If the legislation is passed the judges in those circumstances should conduct a trial in such a way that they give protection to persons whom they perceive as being disadvantaged.

The Full Court is a second level of protection for those persons. There is an appellate system in place in the State, and if it is perceived that a person is disadvantaged by the conduct of a trial and that

person has been unfairly convicted he or she has the right of appeal to the Full Court. One should be mindful of the law as we propose it to apply rather than what has been the case in the past.

Unlike the position that applied when the Criminal Evidence Act of 1898 was passed, the majority of people who come before courts charged with criminal offences are legally represented. That representation removes many of the concerns that were present when the legislation was enacted. The view of the community is important for those who are involved in a trial, especially the victims. They perceive the situation as being that everybody else who gives evidence at a trial is subjected to cross-examination. The only exemption to that is the person accused of the offence in the first instance.

It is part of the firming up of the community view that the victims of criminal offences have an influence in bringing about change. It is the nature of giving unsworn evidence in itself that is the danger. Often a criminal trial is fought on nuances. Criminal trials are seldom fought on the basis of one story one way and one story the other way - black and white. For example, a lady who has been subjected to a rape goes into the witness box to give evidence which incorporates the fact that she had intercourse with the accused. The accused makes no denial of that fact. The issue then becomes who is to be believed as to the circumstances giving rise to the event.

The real danger in the concept of unsworn evidence is that whereas the victim of the crime has to go into the witness box and be cross-examined at length about her version of events and is exposed to cross-examination of her story, the same situation does not apply to the person who is accused of the crime. That individual can make all sorts of general statements and virtually has a free rein to say what he likes about the circumstances that gave rise to the offence. His evidence is not subject to any test to help the court or the jury decide which story to believe. The 1986 legislation introduced a provision allowing for a charge of perjury to be brought against a person giving unsworn evidence. I understand that no such charge has ever been laid in Victoria. Unsworn evidence is not subject to cross-examination and that means that the truth is not necessarily conveyed to the jury, which is the ultimate judge of the facts. That means one side of the evidence is subjected to testing and the other is not.

The right to give unsworn evidence has been criticised by a number of people. The right to give unsworn evidence has been removed in the United Kingdom, Canada, New Zealand, the Northern Territory, Western Australia, South Australia and Queensland. Inasmuch as one takes guidance from what has occurred in other States and other countries, it is fair that that process will lead to the abolition of the right to give unsworn evidence here. It is on that basis that the Bill should be supported.

Mr THWAITES (Albert Park) - The philosophy underlying the Bill appears in the second-reading speech. The government believes it is anomalous that a witness must give evidence that is subject to cross-examination but the accused does not have that same obligation.

The honourable member for Gippsland South said that the government's argument is based on the presumption that the accused person and the witness are in the same position and that their evidence should be treated in the same way. But the witness and the accused are not on an equal footing. The accused has much more to lose. The accused, who may be innocent, faces conviction, punishment and in most cases the deprivation of his or her liberty, so the accused is in an entirely different position from that of an ordinary witness. That is the reason for the golden rule of criminal law that the prosecution must prove its case beyond reasonable doubt. Obviously the honourable member for Gippsland South does not understand that rule and how it applies in criminal cases, because he said that the abolition of unsworn statements was necessary to enable juries to decide which of the two stories to believe.

That is not the basis on which criminal trials proceed or have proceeded for hundreds of years. Criminal trials do not proceed on the basis that the jury takes a story from the prosecution and a story from the accused, weighs them up and determines which is the right or more credible story. A criminal trial must proceed on the basis of the prosecution proving beyond reasonable doubt that the accused person is guilty. It is not for the accused person to prove his or her innocence.

A very good reason exists for that. The philosophy of civilised societies is that it is better for some guilty people to be acquitted than for an innocent person to be convicted, because imprisonment and punishment are such terrible things. Society says that an innocent person should not be subjected to that punishment - even though that has happened

before - so it is prepared to weigh the scales of justice in favour of the accused. It has never been an even balance. The government seems to want to destroy that golden rule of justice, and its move toward that is consistent with what it is doing in other legislation.

Whatever is happening in other jurisdictions, that view is inconsistent with the view of the High Court and with the views of legal practitioners. The High Court has recently reconfirmed the basic rule that it is for the prosecution to prove the accused guilty beyond reasonable doubt and that it is not for the accused to have to prove his or her case.

The honourable member for Melbourne referred to the lack of evidence justifying the changes proposed by the Bill. I will not rehash those statistics, but it is interesting that the Attorney-General and government members have not given any statistical evidence to justify this change. No statistical evidence has been presented comparing the percentage of convictions of those who give sworn evidence and those who give unsworn evidence - or even concerning those who remain silent.

The changes to the Evidence Act following the 1986 Law Reform Commission's report removed any abuses of the traditional method of making unsworn statements. Counsel for the accused must now lead the accused through the evidence, and that evidence must be relevant. The honourable member for Gippsland South again showed his ignorance of the criminal law when he said that there is no limit on what the accused can say in evidence. The accused is constrained under section 25 of the Evidence Act to give evidence that is relevant and is subject to the other rules of admissibility that apply to sworn evidence. The accused is also subject to perjury charges.

Mrs Wade interjected.

Mr THWAITES - The Minister should provide the House with the number of perjury charges that have been brought against people who have given sworn evidence. I believe there has been only one case, so that argument is completely without foundation. The reason that so few perjury charges have been laid may be that people who have given unsworn evidence have been found on later investigation not to have given perjured evidence. It is not usual for perjury charges to arise out of cross-examination. In most cases perjury charges arise out of information that the police receive later. The argument based on perjury is completely without foundation.

The next point I make is that the judge is required to instruct the jury prior to unsworn evidence being given that the evidence is not subject to cross-examination. Indeed, the judge again refers to this at the time of the charge to the jury. On two occasions the jury is made well aware that the evidence is unsworn and is not subject to cross-examination. In fact, the jury is told that in emphatic terms as a matter of practice. That is my experience and the advice I have received from legal practitioners who practise in the criminal law area.

The advice I have received from practitioners is that the jury weighs the unsworn evidence against the fact that other witnesses have given sworn evidence. The jury makes a decision as it always does on the facts presented before it.

In an article in the *Law Institute Journal* the Attorney-General talks of the difficulty a jury has in assessing the weight to be given to unsworn evidence. Juries always have to weigh up evidence and give it more or less credence, depending on their judgment of credibility. Clearly, the fact that it is not subject to cross-examination is a factor the jury takes into account.

On a number of occasions the Attorney-General has referred to the effect of unsworn evidence in rape cases. The opposition is concerned to ensure that there are no abuses of women generally and certainly not in the conduct of rape cases, but the legislation will not fix that problem. In fact, it does not deal with that issue. Legislation has previously been introduced to deal with what were acknowledged abuses of rape victims in criminal trials. Section 37A of the Evidence Act now severely limits the evidence which may be led in a rape case or the cross-examination that can be put to a rape victim complainant. General evidence as to the sexual behaviour of a complainant cannot be given. The situation may have occurred in the past where accused persons could make wild allegations against the complainant in an unsworn statement. That abuse has now been removed.

The unsworn statement given in the past was much less constrained than the unsworn evidence that can be given now. In the article in the *Law Institute Journal* of April 1992 the Attorney-General says that once the accused gives evidence the prosecution case is closed and there is no cross-examination of the accused and no opportunity to rebut the evidence.

She says that while there is a right for the prosecution to introduce evidence by way of rebuttal, as a matter of law it is not an automatic right.

Of course, the accused in giving unsworn evidence cannot give evidence that has not been put to the complainant. That is the rule in *Brown v. Dunne,* the well-known rule that the honourable member for Doncaster would be aware of whereby a witness, including the accused, cannot put in evidence an accusation that has not already been put to the complainant. It is not a situation where the prosecution has not had a chance of rebutting the evidence. The prosecution has had a chance to rebut the evidence because the complainant would have had it put to her, and it would have been raised during the running of the prosecution case. I am glad the honourable member for Gippsland South agrees, because I am dealing with the Attorney-General's claim in an article in the *Law Institute Journal.*

The issue of rebuttal is important because the Attorney-General claims it has not often occurred that the prosecution has rebutted the evidence given in an unsworn statement. In fact, the advice I have from numerous practitioners in the field is that if there were information put in unsworn evidence which was relevant to the case, and which the prosecution had not had a chance to rebut, the court would give the prosecution the right to reopen its case to rebut it.

The next point, particularly in relation to rape and sexual assault cases, according to the advice I have received from criminal law practitioners, is that loose statements against the prosecutrix are not generally made in rape cases for the principal reason that, if such allegations were made, it is likely the court would rule that character was in issue and that the prosecutor was therefore entitled to lead evidence of the accused's bad character and prior criminal convictions. That is a major reason why the accused will not raise wild allegations.

Finally, in sexual cases the abolition of unsworn evidence will not stop the vigorous or unfair cross-examination of rape victims. I refer the House to a minority report of Jocelynne Scutt in the 1985 Law Reform Commission report. Ms Scutt has a fine reputation among feminist groups. She has written many books on the subject and there is probably no-one in the community who has more concern than she has about these issues. She says:

> If the unsworn statement were abolished, it would not mean that a defendant would have to give evidence and be cross-examined. He could remain silent - whilst the woman victim continued to be harshly treated through cross-examination. Suggestions that the woman is lying, that she is "sexually loose" or promiscuous could continue to be made. Friends of the defendant could continue to be brought into court to make allegations about the woman's sexual character. The women's movement (and the general community) might be even more affronted if the defendant remains silent altogether, while the victim witness is questioned. The victim witness will be stringently cross-examined whether or not the defendant gives an uriswom statement, a sworn statement, or remains totally silent.

Jocelynne Scutt has impeccable feminist credentials and she says that the abolition of unsworn evidence will not lead to a better situation for female victims of crime who are called to give evidence.

The honourable member for Melbourne referred to disadvantaged defendants, so I shall not go through that issue in detail other than to refer again to the minority report of Jocelynne Scutt, who refers to the problems for some disadvantaged groups, including non-urbanised black Australians or disadvantaged groups of other backgrounds. She states:

> The question of whether the disadvantaged person is a victim or a defendant is not the only issue. The base issue is whether, coming from a disadvantaged group, the individual can be disproportionately dealt with by questioning and cross-examination. The cross-examination seems unfair because the person in the particular category, or with the particular background, is disproportionately susceptible to stringent cross-examination.

These are accused people who firstly may be innocent and secondly, if found guilty, may lose their freedom and face a long term of imprisonment. That is a risk which I am not prepared to take and which I do not believe the opposition is prepared to take.

Mr COOPER (Mornington) - The matters contained in the Bill are normally the prerogative of those members of Parliament who are lawyers; it is rare for members with no legal training to speak on such matters. However I have a special interest in the Bill, which is why I have decided to make a brief contribution.

I have listened with interest to the contributions made by the honourable members for Melbourne, Gippsland South and Albert Park because they are lawyers and so understand the law better than I do. If I make any factual errors when speaking about the law, minute though they may be, I hope I shall be forgiven. Any errors I make will not be deliberate but will arise simply because of my ignorance of the details of the law.

I bring to this debate a perspective that has not so far been raised, and that is the perspective of the ordinary person in the street. Although it may be slightly coloured by my experiences, I suggest my perspective is shared by the vast majority of people in this State.

Most people ask only one thing of the criminal justice system - that is, that justice be done. They do not ask for statistics; rather they ask that, where a person has been charged by the police and brought before the courts, evidence is advanced that will enable the right decision to be made. I am not particularly interested in whether 2, 3, 5, 15 or 20 per cent of guilty people get off; but I should like the system to be as good as it possibly can be.

The system is not perfect because, as the honourable member for Albert Park said, it is weighted against the prosecution and in favour of the defence. In every instance the prosecution is required to ensure that the evidence on which an accused person is convicted is true. If the prosecution cannot come up with that evidence, the person must be acquitted.

The defence also has a requirement to meet. The Law Reform Commission report of September 1985 states that in law the defence is required to be a minister of justice as well as a minister of defence. In other words, the defence is part of the justice system and is required to ensure as much as possible that people are not allowed to lie in court or to unfairly or unjustly get away with it - w h i c h is what appears to be happening at the moment. That is why the government is moving to ensure that people who are accused are not allowed to have too much weight placed on their side.

I rely for support on some decent names in the legal profession in this State and, indeed, in this country. I rely on statements made to the Law Reform Commission in 1985 by people such as Mr Justice Fullagar, Mr Justice Beach and Mr Justice Kaye, all of whom are strongly in favour of the abolition of unswom statements to courts. Page 8 of the report states:

> The unswom statement has been the subject of judicial criticism in a number of cases. Its use was strongly criticised by Mr Justice Fullagar in *R. v. Lane,* by Mr Justice Beach in R. v. Rodney Steven *Johnson* and by the Court of Criminal Appeal (Kaye, Fullagar and Beach JJ), in R. v. Robert Hugo Mackay. In R. v. McMillan the Full Court criticised lengthy and wide-ranging cross-examinations, which were followed by unswom statements -

where it says "unswom statements" one reads "unswom evidence" because the change was made in this State in 1986 -

> indicating that ultimately the Crown allegations were not, for the most part, contested.

Another well-known name in the legal profession in this State, a person who would not be criticised by any member of this House, is Mr Justice Gobbo. The report states:

> Mr Justice Gobbo and Mr Smith have come to the conclusion that a represented defendant standing trial in any court should not have an immunity from cross-examination if that defendant chooses to give evidence. The choices should be restricted to saying nothing, or giving sworn evidence.

That is the position I take and that is the position adopted in the Bill. I think that is also a position the community will support.

Page 17 of the Law Reform Commission report also states:

> The commission's invitation to judges of the Supreme Court to provide views and comments on unswom statements resulted in a substantial expression of support for ... the abolition of unswom statements.

The report then gives a sample of the views of judges who are unnamed. The first is from a County Court judge, who said:

> In my opinion the continuation of the option has a marked effect on the length of trials, both individually and collectively. The employment of an unswom statement expands defence cross-examination very substantially. Defence counsel appreciates the limited weight which can be attached to an unswom statement and accordingly seeks through cross-examination other evidence on which to rely.

The next is from a Supreme Court judge:

> Counsel know that they can chase any hare, create or attempt to create any false issue, because their client will not be cross xamined. If an accused is to give evidence, or it is thought during the Crown case that he may well give evidence, it is my belief that counsel are far more selective in the matters they pursue.

Two other examples are given but I do not want to take up the time of the House any longer.

I have had personal experience of unsworn evidence being given in a criminal trial. As I stood in the court I listened to a person lying, and I knew that that person's counsel also knew he was lying. I was interested to hear the honourable member for Melbourne quote the views of the Victorian Criminal Justice Coalition. Although he said it was not his view, the quotation he gave interested me because the author of that article was also a witness in the trial and also knew that the unsworn evidence given by the defendant was a lie. The author was Father Peter Norden. He did not come forward and suggest to the court that the unsworn evidence was a lie. In fact he supported the lie.

Given my background and the unfortunate circumstances in which I found myself in the late 1970s, I can take no other position than to say that unsworn evidence has no place in today's criminal justice system. There are too many examples known to people like me - ordinary people - of criminals getting away with their crimes because they have been allowed to stand up and deliberately lie to the court and convince a jury or a magistrate accordingly. I am sure that evidence can be provided by people with police backgrounds that will confirm what I have said.

People in the street are demanding that the justice system be simply what it claims to be: a system of justice. The community will demand that people who have committed crimes are brought before the justice system and, when convicted under rules that are fair and equitable, dealt with. That is not the situation that exists now in Victoria and that is what the government is trying to rectify.

I do not wish to make accusations against the honourable member for Melbourne for his opposition to the legislation on behalf of his party; I have regard for him and know the views that he expressed today were expressed because he truly believes in them. I take the contrary view, but would not heap abuse upon the honourable member for Melbourne for having views that are contrary to my own.

I say sincerely there is no doubt in my mind that the community wants this change. I am sure there is also no doubt in the minds of opposition members: they would know without any shadow of a doubt that the community is demanding that changes be made to the criminal justice system in this State. The community wants better protection from an enhanced Police Force; when people are apprehended, charged and brought before courts it wants them to be dealt with fairly; and it wants accused persons who are convicted to be given sentences that match their crimes.

I take great exception to the stance taken collectively by the opposition today on this matter. The opposition is out of touch with reality and with feelings in the community. If the opposition ever aspires to return to the government benches it will need to get in touch with the community on basic and essential issues like law and justice. Some of the things said by opposition members today indicate they are out of touch with the views of the community on this matter.

Mr LONEY (Geelong North) - I have one or two things in common with the honourable member for Momington. The first is a concern about speaking on this issue as a person who is not a member of the legal profession. Like the honourable member for Momington, I feel it is an awesome task to follow earlier speakers. I am not sure what collective noun describes them.

The SPEAKER - Order! It is best that you do not ask.

Mr LONEY - I refer to the gaggle of lawyers or stars of the bar who preceded us in the debate. I wish to contribute to the debate as an ordinary member of the public who has not followed the exalted path through law school. My only experience of the sort of court activity we are speaking about in this debate is the performance of jury service. I agree with the honourable member for Momington that the fundamental issues of justice are matters for examination and debate by people in the broader community and not just by lawyers.

This Bill is about the fundamentals of the criminal justice system that exists in this State. In particular, it is about the fundamental belief in a presumption of innocence until a person is proved guilty that underpins our legal system.

If this Bill were passed an existing right would be abolished. Action that proposes to abolish an

existing right should be taken only if a clear and comprehensive analysis is undertaken to underpin the need to abolish that right. Overwhelming evidence is needed to support such a change. The abolition of the right of an accused person to give unswom evidence is a fundamental change to our legal system.

Much of what has been said in the debate so far has centred around various reports of the Law Reform Commission of Victoria. The previous speaker relied heavily in support of his views on passages he quoted from the commission's *Report No.* 2 - *Unsworn Statements in Criminal Trials* published in September 1985. I do not question that the passages he quoted are contained in the report of the Law Reform Commission. However, the report also contains other things. Although one may have been led to believe otherwise, the Law Reform Commission recommended that the right to give unswom evidence be retained under certain conditions. As has been pointed out, those conditions were provided for in 1986.

Earlier speakers also said that eminent members of the legal profession support the abolition of the right to give unsworn evidence. I do not disagree with that assertion. This is a controversial issue both in legal circles and in the community generally and there will be people who favour both sides of the argument. There are also members of the legal profession whose reputations are beyond reproach who are in favour of retaining the right to give unswom evidence.

In an article by Bronwyn Naylor headed 'Vnsworn statements" that appeared in the *Law Institute Journal* of July 1985 the former Chief Justice of the Supreme Court of South Australia, Mr Justice Bray, is quoted as saying:

> ... all logic is against it and a good deal of experience is for it ... If the unswom statement does go and all accused persons who want to get their story before the jury are forced into the witness box I think that some guilty people who would otherwise be acquitted will be convicted and that is a good thing as far as it goes. But, I also think that some innocent people will be convicted who would otherwise be acquitted and in view of the traditional bias of the common law in favour of the accused that should have enormous weight.

Another lawyer who is as eminent and impartial as anyone mentioned by government members is the former Mr Justice McGarvie of the Supreme Court of Victoria.

In the same article in the *Law Institute Journal* it is said of Mr Justice McGarvie:

> ... has said that he considers that the unsworn statement can be the only realistic way that an accused person can combat police fabrication of a confession.

I suggest that former Justices McGarvie and Bray carry equal weight, are equally eminent in the legal profession and have as much integrity as anyone mentioned by government members. Honourable members should not accept that members of the legal profession have a unanimous view on this subject.

It seems to me that the case for change is based largely on the argument that the unsworn statement cannot by law be tested through cross-examination. The nub of the argument is that if the unsworn statement were to be tested by cross-examination it would suddenly fall apart and all people making unsworn statements would be convicted. This seems to be the line taken by government members.

I refer in particular to what the honourable member for Gippsland South said about no perjury charges being laid against people who have made unsworn statements. His manner betrayed more than a convincing argument; it betrayed his own biases. He said that he was surprised that no charges of perjury had been laid against persons who had made unsworn statements. Why would he be surprised?

It seems that the major element of surprise is based on a presumption that people make unswom statements only because they do not wish to tell the truth. That is simply not so. For a range of reasons people may prefer to give unsworn evidence rather than evidence on oath, and I would like to examine those reasons.

Some people give unsworn evidence for social or even cultural reasons. Some people in our community are at a disadvantage for a number of reasons if they go into the courts. Some groups would not be able to put their side of the story in court without running the risk of casting themselves in a poor light before the jury. The term "casting themselves in a poor light" is very important because, as has been pointed out by many people close to the legal profession, people should not be convicted because they are poor witnesses. They should be convicted only by due process through

the court and by a finding that they are guilty beyond reasonable doubt.

Some people would be in great danger if they did not have the advantage of giving unsworn evidence. Who are those people? In the main they are those groups in the community that for one reason or another are described as disadvantaged.

They may be disadvantaged in that their language skills may be less developed than those of other groups or they may not be overly familiar with English. Simply the use of an interpreter may disadvantage them. People who lack education to the point that they have difficulty coping with the court system could be disadvantaged, and so could those who are intellectually disabled.

All those groups for one reason or another may have some difficulty understanding questions and, more importantly, may find it difficult to express themselves in the best way possible.

It has also been pointed out in a number of places that the cultural background of the Australian Aborigine is a particular difficulty in the court. Aborigines before the court often have difficulty not answering in the affirmative to a person in a position of authority. That is referred to in the same report of the Law Reform Commission quoted by the honourable member for Momington.

The report also refers to people who may be well enough to stand trial but suffer from illness or accident injuries which still affect them.

There is also the group of people who for one reason or another react poorly under the stress of cross-examination and trial. They may exhibit nervousness in their replies or physical symptoms of nervousness, perhaps undue twitching or sweating, which may lead a jury to reflect poorly on their evidence even their behaviour may not necessarily be a reflection of guilt. Such people could well be innocent.

Mr Justice Bray wrote the following:

> The inquiry may imperceptibly shift from the question, '1s the accused guilty?" to the question, '1s the accused credible?" These are not the same questions.

The shift in emphasis in our legal system from a person having to be proven guilty beyond reasonable doubt to a person being proven not to be a credible witness is very important. It is an important and valid reason why the right to give unsworn evidence should not be taken away without some reasonable evidence to suggest that the right is being abused.

The central myth surrounding unsworn evidence is that huge numbers of guilty people have avoided conviction through making unsworn statements - they have been acquitted and walked out of the courts when they should have been locked up. The figures put forward by the honourable member for Melbourne and others put the lie to that myth. That is simply not occurring.

They quoted 1985-86 figures. I shall go back further to 1981 when the Law Reform Commission presented evidence that people giving unsworn evidence were less likely to escape conviction than those giving sworn evidence. Figures from 1978 suggest that 36 per cent of people giving sworn evidence were acquitted while only 20 per cent of people giving unsworn evidence were acquitted. So at that time fewer people who gave unsworn evidence were acquitted than those who gave sworn evidence.

I can go further by looking at the overall figures on those acquitted who gave unsworn evidence. If it is assumed that all who gave unsworn evidence and were acquitted were guilty - and that is a fairly large assumption - -

Mr Perton interjected.

The SPEAKER - Order! The honourable member for Doncaster will stop interjecting. If he wants to speak on the Bill I will call him at the appropriate time.

Mr LONEY - I agree with the honourable member for Doncaster. It is an absurd proposition. But if the assumption is made, less than 4 per cent of people before courts were found not guilty through the process of giving unsworn evidence. Those figures simply do not give adequate support to the removal of a right which is firmly based on the fundamental principles of our legal system.

In conclusion, I suggest to the Attorney-General that other paths could have been followed if unsworn evidence is of concern to her. She could have looked at reforms which would have made unsworn evidence further subject to the rules of evidence or perhaps vetting by the trial judge. The right to make unsworn statements could have been reduced rather than abolished so that it would be available only in

certain circumstances upon application to the judge. That could be seen as part of the reform process.

A better path for the Attorney-General to follow in reforming this area would be to refer the Bill to the Parliamentary Law Reform Committee.

Mr Perton intetjected.

Mr LONEY - It is not as powerful as the Scrutiny of Acts and Regulations Committee but it is nonetheless an important committee of this Parliament. That path could have been followed prior to the introduction of a Bill of this nature. For those reasons I join with the other members of the opposition in opposing the Bill.

Mr TRAYNOR (Ballarat East) - I will approach the debate from the other side of the tracks. I have listened intently to the contributions of the honourable members for Melbourne, Albert Park and Gippsland South; they are all solicitors, and their contributions were very good. Like the honourable member for Momington, I come from a different background. Before becoming a member of Parliament I was a policeman of some 26 years experience. I worked under judges' rules, which were in force to ensure the fair running of a trial, particularly in the presentation of oral or written evidence to the court.

For a long time I have been concerned about victims of and witnesses to violent crimes, including the young, the elderly and the frail, and the female victims of depraved sexual attacks who must give sworn evidence in courts and who are subject to rigorous cross-examination by highly skilled barristers. The accused does not have to enter the witness box to give evidence. On many occasions I have seen the accused sitting at the back of the court taking numerous notes.

The honourable member for Melbourne knows well that in police and legal circles the unsworn statement is known as cowards' castle. It is often a web to weave fairy tales into fact, and some of the fairy stories would make the efforts of Hans Christian Andersen look amateurish. Unsworn evidence is simply a licence to lie. A Crown prosecutor once said that when an accused gave unswom evidence in most cases he told lies. There is an urgent need to review the situation.

I shall refer to a statement by the then Attorney-General, the present Leader of the Opposition, who is reported in the *Herald Sun* of 18May 1991:

> The Attorney-General, Mr Kennan, has promised a review of allowing defendants in criminal trials to give evidence without being cross-examined - if he believes such a review is warranted.
>
> Mr Kennan has said he will seek the opinion of the "appropriate people, including the police and the Director of Public Prosecutions".
>
> He says that if the view is that giving unswom evidence should be reconsidered, he would refer the matter to the Victorian Law Reform Commission.
>
> Senior police said yesterday they were eager for unswom evidence to be scrapped.
>
> "We want the matter re-examined as quickly as possible," said Assistant Commissioner (Crime) Bob Falconer.
>
> Senior police have argued that justice is not served by allowing accused people to make, before a jury, statements that cannot be cross-examined.
>
> 'We want a system which is equal for all," Mr Falconer said.
>
> "Unswom evidence would be the greatest bone of contention in the system.
>
> "All witnesses should be on equal footing and all evidence should be tested through cross-examination."

At least three respected judges have made comments about unsworn evidence. I shall quote from an article headed, "A question of criminal justice" which also appeared in the *Herald Sun* of 18 May 1991:

> At least three respected Victorian Supreme Court judges have expressed concern over the practice.
>
> Justices Beach, Gobbo and Marks have queried the value of evidence which cannot be cross-examined.
>
> Justice Barry Beach has long argued the accused should not be allowed to give unsworn evidence.
>
> "Cross-examination is probably the best test yet devised to assess the truth of a person's statement and to deter lying."

I mentioned earlier that I was extremely concerned about some of the evidence that was given by defendants, and a particular case comes to mind. The offence took place at Lal Lal Falls, a picnic ground some 20 kilometres out of Ballarat. A young nurse and her boyfriend camped overnight at the falls. They were woken at about 2 a.m. by 14 motorcyclists from the Road Rebels motorcycle gang. Without being crude about it - I will try to be conservative - the motorcyclists went into the tent, grabbed the nurse and raped her. They then spread her legs apart and put the motorbike lights on her; she was belted and then had to perform sexual acts on several of the members of the motorcycle gang. Part of the initiation ceremony of the gang was for new members to urinate on the girl.

I was involved in the investigation of that crime. The 14 members of the gang were arrested but only three were charged with the rape. Unfortunately I could not find a female police officer to take the initial statement but I wanted to get some information about the assault from her fairly quickly. The trauma that girl went through trying to relate to me what had happened in the rape and the displays she had to put on was horrific. She gave that evidence to me; she had to repeat it at the committal hearing and then had to stand in the witness box of the Ballarat County Court and be cross-examined vigorously by three barristers, one representing each of the accused. On three occasions she had to go through the trauma of outlining everything that happened. She ended up having psychiatric treatment.

While the trial was going on the three accused, who were defended by barristers on X dollars a day, sat at the back of the court and were given sheets of foolscap and pens so they could take notes while they listened to the evidence of the girl and other witnesses. At no stage were the accused ordered to stand in the witness box and give evidence.

As I said, I do not come from a legal background and I have listened intently to what the honourable members for Albert Park, Melbourne and Gippsland South have said. My greatest concern is for ordinary people who have to go through the trauma of relating what has been done to them when the accused person does not have to answer for anything.

Much has been said recently about referendums, whether they be for council amalgamations, forming a republic or whatever. If a referendum were held on this issue tomorrow I have no doubt that 90 per cent of the people would say the system must be fair for everybody.

I speak from my experience as a policeman; I have witnessed this situation for 26 years and I am gravely concerned about ordinary people not getting a fair go. I support the Bill. It is about time the government introduced legislation that protected everybody.

Government Members - Hear, hear!

Mr E. R. SMITH (Glen Waverley) - In 1825, Jeremy Bentham, the great English law reformer, commented on the right to make an unsworn statement without the risk of being questioned by a prosecutor or judge. He said:

> If all criminals of every class had assembled, and framed a system after their own wishes, is not this rule the very first which they would have established for their security?

In 1590 in the case of *R. v. Udal* it was found that it was necessary only for a person to swear that he did not commit the crime to be let off. After that the courts went to the other extreme of stopping all accused from making any statement. It was not until 1833 that the courts restored to an accused person the right to make a statement. In Victoria today, the accused has four choices: he may stand mute; he may give sworn evidence; he may give unswom evidence; or he may make an unsworn statement. An unsworn statement is permitted when the accused is unrepresented. As honourable members are aware, the Legal Aid Commission now provides the representation that the disadvantaged and the inarticulate require to defend themselves.

The main reasons for the retention of unswom evidence are fairness to the accused and a desire to make the prosecution prove its case beyond reasonable doubt. In 1986 the principal Act was amended and a trial judge was allowed more discretion in the admission of facts. Accused persons faced the possibility of being charged with perjury if they made untrue statements while giving unsworn evidence.

As has been forcibly put by the lawyers on the government side and by the previous speaker, the honourable member for Ballarat East, people do not believe they are getting a fair go. The giving of unsworn evidence does not allow either the accused to be cross-examined or the Crown prosecutor to

comment on the failure of the accused to give sworn evidence.

The system provides a haven for the accused to attack the prosecution's case and the evidence of witnesses without fear of counterattack. It is time we took on board the precedents set in other jurisdictions similar to our own. Unsworn statements are hangovers from the past when an accused was not permitted to give evidence. Unsworn statements were abolished in England in 1983; in Canada in 1893, 100 years before; in New Zealand in 1966; in Queensland in 1975; in South Australia in 1983; in Western Australia in 1976; and in the Northern Territory in 1984.

All those jurisdictions share common law traditions with Victoria. Given the abolition of the death penalty and the provision of counsel at public expense for needy persons committed for trial, the entrenching of the right to give unsworn evidence is anomalous, because its sole purpose appears to be to assist accused persons to escape conviction. The use of unsworn evidence in the Walsh Street trial is still fresh in the minds of honourable members, as is the use of an unsworn statement by Lionel Murphy in his second trial, which resulted in his acquittal. I believe unsworn statements should be abolished.

Like the honourable member for Ballarat East, I remember when the former Attorney-General, now the Leader of the Opposition, promised to refer the matter of unsworn statements to the Law Reform Commission because it was a hot political issue. He was forced into that position much against his will. Now the House has the opportunity to remove this anomaly and to give the victims of crime - those who ought to be paramount in the legal system - the opportunity of seeing justice done. An enormous amount of trauma is suffered by the victims of crime, police witnesses and, in particular, witnesses such as those described by the honourable member for Ballarat East. They are the most compelling reasons why the Bill should be supported by those on both sides of the House.

I am surprised that the honourable member for Melbourne, who is usually fair, has argued as he has. Because he often sees unsworn statements being used against the victims of crime, I cannot understand how he can continue to support such an anachronism. It is timely that the new government has introduced this measure, and I wish the Bill a speedy passage.

Mr PERTON (Doncaster) - This has been an extraordinarily thoughtful debate, one to which members on both sides of the House have made excellent contributions. The debate is about the pursuit of justice. The opposition has been seeking justice for the accused while government members have been seeking justice not only for the accused but also for the community in general. In particular, government members have been seeking justice for the victims of crime, who in many cases must relive the horrific circumstances of the crimes that have been committed against them when they are giving evidence.

The justification for the abolition of unsworn statements is that the system has been abused. The original purpose of unsworn statements was to protect an unsophisticated witness from being badgered or browbeaten by a clever and powerful counsel. The honourable member for Albert Park spoke about his experiences, and the honourable member for Ballarat East gave a thoughtful contribution based on his experience. During my time as a barrister I have browbeaten witnesses, and I have not always seen them given a fair deal by judges. I know people have made admissions - -

Mr Micallef interjected.

Mr PERTON - The interjection by the honourable member for Springvale shows that he is a pathetic man who is unable to make a thoughtful contribution to the debate. We are talking about truth; and as the honourable member for Melbourne said, in many cases people giving sworn evidence perjure themselves. One of the reasons why perjury actions are not brought in this State is that perjury is difficult to prove; and as a matter of public poli c y, it is difficult to re-run the litigation.

The legislation puts defendants on the same footing as victims, witnesses for the prosecution and members of the general commwlity. That procedure is proper in the case of most defendants because the unsworn statement has been used and abused by sophisticated defendants represented by sophisticated barristers.

I do not know the particulars of the case referred to by the honourable member for Ballarat East, but it probably was a case of people who were well capable of giving sworn evidence and who were well represented but who chose not to do so as a matter of tactics so as to give themselves a procedural advantage.

The Scrutiny of Acts and Regulations Committee has examined this Bill. The committee accepted the statement made by the Attorney-General-namely, that the primary purpose of the legislation is to put everyone on the same basis and to eliminate the abuses of the legislation. During its investigations the committee received evidence at a public hearing that led many committee members to investigate the matter further.

I ask the Attorney-General to investigate the circumstances of people who are genuinely unsophisticated and who are perhaps in some danger of being browbeaten by barristers. Examples were given to the committee of people who have a very low intellect or a very low IQ who, on many occasions, will not be capable of thinking about the consequences of their answers: they may say yes when they mean no. So, too, certain ethnic groups in our community will experience difficulties because of their cultures. Without being racist, I point out that one example given to the committee was of the Aboriginal community where a person is more likely to answer yes than no to a question from someone in authority. The committee is concerned about the people who are unsophisticated and those who are culturally more inclined to answer yes to an authority.

I ask the Attorney-General to monitor the operation of the legislation in the courts and if for instance it appears that some injustices occur whereby judges are not capable of ensuring a fair trial in every case, because of the abolition specified in the Bill or that certain groups are being disadvantaged as a result of the legislation, to review the situation and take action to ensure that justice is being done. The purpose of the legislation is to ensure a fair go for the whole community. The coalition parties are anxious not to cause an injustice to anyone.

The motives behind the contributions by the honourable members for Albert Park and Melbourne are that justice should be done; and government members have spoken in this debate on behalf of justice. Working together as a community and a Parliament I hope we can have a better system of justice as a result of this legislation and an ongoing monitoring of its operation by the Attorney-General and her department.

Mrs WADE (Attorney-General) - I thank all honourable members who have contributed to the debate, particularly those with no legal background; they added a lot to the matters under consideration. In opening the opposition's case the honourable member for Melbourne said the opposition would oppose the Bill but he added that it had given considerable consideration to the decision behind the Bill and had some concern about the issues involved. He counselled me when he said he hoped the government had given careful thought to the legislation. The government had this legislation under consideration when in opposition and made a decision which it announced well before the last State election.

The government is not alone in its decision. A number of honourable members on this side referred to eminent persons who have supported the repeal of the right to give unsworn evidence or make an unsworn statement. We are not alone because a number of other States and countries including the United Kingdom and Canada have removed the right to give unsworn evidence or an unsworn statement. Canada gave away that right as long ago as the 1890s when the right of an accused to give sworn evidence was introduced there.

When searching through the United Kingdom debates when the right to give sworn evidence was introduced, I noted that the issue of abolishing unsworn evidence was not mentioned. Perhaps it was an oversight. That may have also been the situation in Australia.

A number of opposition speakers suggested that the whole basis for the Bill was a desire of the government to obtain more convictions. As honourable members on this side have said, we do not want people to avoid convictions only because their evidence has not been properly tested in court. The desire for convictions is not the major reason for the legislation. The Bill is part of the government's desire to restore public confidence in the criminal justice system.

As I have said, the contributions to the debate by non-lawyers were particularly important. The honourable members for Mornington, Ballarat East and Glen Waverley expressed the concerns of the community about the present situation and the fact that they do not feel a fair go is being given in our courts when it comes to giving evidence. The example given by the honourable member for Ballarat East was most compelling. It is not an isolated example. It is similar to a number of stories I have heard, particularly from rape victims, about their experiences in having to give evidence repeatedly and being cross-examined for many days

on end only to hear the accused finally give unsworn evidence.

Whatever one may think about that, such legislation has an impact on the confidence of members of the public, victims and their families and friends.

The honourable members for Melbourne and Doncaster, and a number of other honourable members, referred to the proposals put to the Scrutiny of Acts and Regulations Committee by representatives of the Court Network and the Victorian Criminal Justice Coalition. The justice coalition believes the right to give unsworn evidence or make unsworn statements should remain for those suffering from mental impairment as well as those who are unrepresented through no fault of their own. The Court Network felt the right should remain for those who have a low I Q who are disabled, impaired, or who are suffering from brain damage.

I have sought advice on such concerns from officers of my department. They have advised me that such matters should be dealt with independent of the right to give unsworn evidence. If people are so incapacitated that they are not in a position to give evidence - sworn or otherwise - the right to give unsworn evidence is irrelevant. Those people whose incapacities do not interfere with their right to give unsworn evidence should be in the same position as those who choose to give evidence before a court. Also, a judge has the power to determine how any cross-examination occurs and to place any limits on questions put to an accused.

So far as those who are unrepresented are concerned, generally people are represented in court proceedings and, notwithstanding the difficulties associated with legal aid, that situation will continue in Victoria. Nevertheless, the issues raised are important. I am prepared to give an undertaking that the new legislation will be carefully monitored and, if there is need for change after the enactment of the Bill, it will be examined by the government in the appropriate way - whether by amending the Evidence Act or doing something else to deal with the people affected.

I thank honourable members for taking part in the debate.

Motion agreed to.

Read second time.

Passed remaining stages.

SUBORDINATE LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from 18 March; motion of Mr KENNETT (Premier).

Mr COLE (Melbourne) - The opposition does not object to the Bill. The citation of Statutory Rule No. 7(1)(c) is somewhat informal but I am not worried about it.

Mrs WADE (Attorney-General) - I thank the honourable member for Melbourne for his contribution to the short debate on the Bill.

Motion agreed to.

Read second time.

Passed remaining stages.

COMMERCIAL ARBITRATION (AMENDMENT) BILL

Message from Council relating to amendments considered.

Council's amendments:

1. Clause 2, omit this clause.
2. Clause 5, after line 16, insert -

   "(1) In section 4(1) of the Principal Act, for the definition of "the Court" substitute -

   ""the Court" means the Supreme Court or, if the amount in dispute is within the jurisdiction of the County Court, the County Court."'.
3. Clause 9, line 24, omit "omit" and insert "for".
4. Clause 9, line 26, after "umpire" insert 'substitute "or requiring a person so to attend" '.
5. Insert the following New Clause to follow clause 1:

   "AA. Commencement

   (1) Section 1 and this section come into operation on the day on which this Act receives the Royal Assent.

   (2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.

(3) If a provision referred to in sub-section (2) does not come into operation before 31 December 1993, it comes into operation on that date.".

6. Insert the following new clause to follow clause 22:

'BB. Amendment of Legal Profession Practice Act 1958

In section 104(6) of the Legal Profession Practice Act 1958, for "the Supreme Court and the Supreme Court" substitute "a court that has jurisdiction in relation to the arbitration and that court".'.

7. Long title, after "1984" insert "and the Legal Profession Practice Act 1958".

The SPEAKER - Order! The legislation is required to be passed by an absolute majority pursuant to section 85(5)(c) of the Constitution Act 1975.

Mrs WADE (Attorney-General) - I move:

That the amendments be agreed to.

There are several different grounds for the amendments made by the Legislative Council. The first major amendment is amendment No. 2, which picks up a matter that was raised with the government after the Bill was introduced; the case of an arbitration that is referred back to the court for a decision about costs. There was no ability to have those costs determined on the County Court scale; they would have been determined on the Supreme Court scale. That was considered to be unsatisfactory. The amendment allows the dispute to be dealt with within the jurisdiction of the County Court.

Amendment No. 5 addresses an issue that was raised by the Scrutiny of Acts and Regulations Committee about the commencement of the legislation. It makes the position of commencement clear to meet the concerns of the committee. I do not believe other matters should be brought to the attention of the House.

The DEPUTY SPEAKER - Order! I am of the opinion that the amendments to the Bill are required to be passed by an absolute majority. As there is not an absolute majority of the members of the House present, I ask the Clerk to ring the bells.

Bells rung.

Required number of members having assembled in Chamber:

Motion agreed to by absolute majority.

VOCATIONAL EDUCATION AND TRAINING (COLLEGE EMPLOYMENT) BILL

Message from Council relating to amendments considered.

Council's amendments:

1. Clause 5, page 3, lines 11 to 13, omit proposed section 6A(2)(b) of the Principal Act.

2. Clause 5, page 3, line 14, omit "(c)" and insert "(b)".

3. Clause 5, page 3, line 17, omit "(d)" and insert "(c)".

4. Clause 7, omit sub-clause (3).

5. Clause 9, lines 6 and 7, omit "31 (except section 31(£) and (g)), 31(2) (to the extent that it relates to section 31(1)(£) and (g))".

6. Clause 10, lines 21 to 23, omit proposed section 34A(2) of the Principal Act.

7. Clause 10, line 24, omit "(3)" and insert "(2)".

8. Clause 10, line 27, omit "(4)" and insert "(3)".

9. Clause 10, page 6, line 1, omit "(5)" and insert "(4)".

10. Clause 10, page 6, line 5, omit "(4)" and insert "(3)".

11. Clause 10, page 6, line 6, omit "(6)" and insert "(5)".

12. Clause 10, page 6, line 18, after "notification" insert "and after considering the council's proposal".

13. Clause 10, page 6, line 26, before "Schedule" insert "(I)".

14. Clause 10, page 6, line 29, after this line insert -

"(2) A council may determine terms and conditions of employment of persons employed under section 34A to the extent that those terms and conditions are not determined or agreed in accordance with Schedule 2.

(3) A provision determined under sub-section (2) is of no effect to the extent that it provides a term and condition of employment that is less favourable to an employee than a term or condition to which he or she was entitled under section 19, 20 or 21 of the Vocational Education and Training (College Employment) Act 1993.".

15. Clause 19, omit sub-clause (3) and insert -

"(3) A person to whom sub-section (2) applies who, on 1 July 1993, was absent on leave and who does not return to duty to the TAFE college or university where the person is taken to be employed by sub-section (2) within 3 months after that period of leave ends must be taken to have resigned from employment with that college or university on the date that period ends unless the person is on further leave granted by the council of that college or university.

(4) A person who is taken to have resigned from his or her employment under sub-section (3) may, within 3 months after that deemed resignation, apply in writing to the council of the college or the university to be re-instated in his or her employment. If the council directs the person to be re-instated in his or her employment, the person must be treated as not having ceased to be employed."

16. Clause 23, line 21, after this line insert -

"(3) The power to make an Order under sub-section (1) is subject to the Order being disallowed by Parliament.

(4) Sections 5, 6 and 6A of the Subordinate Legislation Act 1962 apply to an Order under sub-section (1) as if it were a statutory rule within the meaning of that Act.

(5) A reference in section 5(1) of the Subordinate Legislation Act 1962 to the publication of notice of the making of a statutory rule must be read for the purposes of this section as a reference to the publication of the Order.".

17. Clause 24, line 24, omit "this Act" and insert "sections 19, 20, 21 and 23".

Amendments agreed to on motion of Mr HAYWARD (Minister for Education).

BUSINESS OF THE HOUSE

Mrs WADE (Attorney-General) - I move:

That the consideration of remaining business be postponed.

Mr ROPER (Coburg) - I move:

That all the words after "remaining" be omitted with the view of inserting in place thereof the words "Orders of the Day, Government Business and General Business, Notices of Motion, Nos 1 to 43 inclusive be postponed until later this day.".

I draw the attention of the House to the need for a review of the way this House conducts its business. What has occurred today, yesterday and last Thursday and Friday are good examples why this House should consider the motion of which I have given notice, so its resolution can be dispatched to the Standing Orders Committee for consideration.

Mr STOCKDALE (Treasurer) - On a point of order, Mr Deputy Speaker, the honourable member for Coburg has embarked on a speech in support of his amendment without it having been established whether the motion is properly before the Chair. Will you deal with this matter so that it is handled properly?

The DEPUTY SPEAKER - Order! The Chair does not uphold the point of order. I am prepared to hear the honourable member for Coburg at this stage.

Mr ROPER (Coburg) - I want the House to have the opportunity of debating Notice of Motion No. 44 standing in my name so that the Standing Orders Committee can review the way this place deals with government and related business.

Today a Bill was guillotined and the House is now being asked to finish its business at 6.30 p.m. Yesterday the government guillotined debate on the Parliamentary Appropriation Bills, and if the time of the Parliament had been organised properly those Bills could have been considered properly. The government also guillotined the debate on the Board of Studies Bill, on which many honourable members of both sides of the House wanted to speak. In the end many of them had to speak on clause 1 during the Committee stage, which prevented adequate consideration of other clauses.

Rather than postponing remaining business as the Attorney-General has suggested and then proceeding to the debate on the motion for the adjournment of the sitting, the House should take the opportunity of a comparatively early conclusion of the day's business to deal with my motion, which addresses the need for substantial changes in the way this place is run.

The Standing Orders Committee has considered this important matter, and if my amendment is agreed to and Notice of Motion No. 44 is discussed, the operations of this Parliament could be reconsidered by the committee before the spring sessional period.

Dr COGHILL (Werribee) - The amendment proposed by the honourable member for Coburg fits neatly with the initiative proposed by the Premier a few days ago. The Premier suggested that this House should examine the way Federal Parliament organises its business, which is much better than the practice of the Victorian Parliament.

Although the Premier may have misunderstood what happens in each House of the Federal Parliament, he took an initiative that could potentially benefit all members of this House. The government should support the amendment moved by the honourable member for Coburg.

The Standing Orders Committee of the 51st Parliament had done a considerable amount of preparatory work on this matter. In July last year it issued an options paper which canvassed the mechanisms used in a number of other jurisdictions and suggested a particular model that could be used in the Victorian Parliament. There is an opportunity to build on the experience of the 51st Parliament and for this House to join with other Parliaments in Australia and around the world to program its business in a more reasonable fashion to avoid the absurdities of short debates with extraordinarily long sittings. Last Thursday's sitting went all through the night and finished on Friday morning.

The only way for this matter to be addressed properly is through the Standing Orders Committee. That is the mechanism through which the rules and procedures are customarily dealt with in the Parliaments from which we take our guidance, including the House of Commons.

The government has the opportunity to support this amendment and debate the motion standing in the name of the honourable member for Coburg so this House can function in a more sensible way. That would be to the advantage of all honourable members and would give them some certainty about when particular debates would commence. If a Bill is before this House that is crucially important to the viability of a particular business, it is in the interests of that business to hear the debate.

The SPEAKER - Order! The time has come to interrupt the debate.

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

Dr COGHILL - The basis of the amendment moved by the honourable member for Coburg was considered by the Standing Orders Committee of the previous Parliament, of which you, Mr Speaker, and I were members for some time. In mid-1992 that committee published an options paper on the orderly programming of business before the House, which was circulated to Assembly members of the 51st Parliament. The opportunity was provided and the Leaders of the House of the respective parties were invited to meet with the committee to discuss the proposals that were included in the options paper. As you will recall, Mr Speaker, the options included the systems operating in the House of Representatives and the Senate of the Federal Parliament, to which the Premier implicitly referred in his comments on the Appropriation Bills, as reported at page 142 of *Daily Hansard* of 29 April. For whatever reason, the Liberal Party did not respond to the invitation to meet with the Standing Orders Committee to discuss the options, and it is not for me to canvass the reasons why the Leader of the House did not meet with the committee.

Parliament, as an institution, has already progressed a long way in dealing with the programming of its business so that it can be more orderly for the benefit of members and the public and for effective decision making.

By supporting the amendment the House has the opportunity of showing bipartisan support for the Premier's comments that the House should consider procedures such as those used in the Federal Parliament. It would similarly show respect for the Chair because, as the House is well aware, Mr Speaker has indicated a continuing commibnent to reform of the procedures and proceedings of the House, and it is entirely appropriate for the House to confirm its respect for your office and your chairmanship of the Standing Orders Committee, Mr Speaker, by referring the matter to the committee for consideration and report. I am sure the committee could submit a report that would be available for debate during the spring sessional period.

The case for accepting the amendment is overwhelming, and I urge the House to support it.

The SPEAKER - Order! The Attorney-General has moved that further business be postponed, to which the honourable member for Coburg has moved an amendment that certain words be omitted and that other words be substituted. The question is that the words proposed to be omitted stand part of the motion. Those wishing to support the amendment should vote no.

House divided on omission (Members in favour vote No):

Ayes, 52

Ashley, Mr	McLellan,Mr
Bildstien, Mr	Maclellan, Mr
Brown,Mr	Maughan,Mr
Clark, Mr	Napthine, Dr
Coleman,Mr	Paterson, Mr
Cooper, Mr	Perrin, Mr
Davis, Mr	Perton, Mr
Dean,Mr	Pescott, Mr
Doyle,Mr	Peulich,Mrs
Elder, Mr	Phillips,Mr
Elliott, Mrs	Plowman, Mr A.F.
Finn, Mr	Reynolds, Mr
Gude,Mr	Rowe,Mr
Hayward,Mr	Ryan,Mr
Heffernan, Mr	Smith, Mr E.R.
Henderson, Mrs	Smith, Mr I.W.
Hyams, Mr	Spry, Mr *(Teller)*
Jenkins, Mr	Stockdale, Mr
John, Mr	Tanner, Mr
Kennett, Mr	Tehan, Mrs
Kilgour, Mr	Traynor, Mr
Leigh, Mr	Treasure, Mr
McArthur, Mr *(Teller)*	Tumer,Mr
McGill,Mrs	Wade,Mrs
McGrath, Mr J.F.	Weideman, Mr
McGrath, Mr W.D.	Wells,Mr

Noes, 25

Andrianopoulos, Mr	Marple, Ms
Baker, Mr	Micallef,Mr
Batchelor, Mr	Mildenhall, Mr
Coghill, Dr	Pandazopoulos, Mr
Cole,Mr	Roper, Mr
Cunningham, Mr	Sandon, Mr
Dollis,Mr	Seitz, Mr
Garbutt, Mrs	Sercombe, Mr
Haenneyer, Mr (Teller)	Sheehan,Mr
Hamilton,Mr	Thomson,Mr
Kennan, Mr	Thwaites, Mr
Leighton, Mr	Vaughan, Dr *(Teller)*
Loney, Mr	

Amendment negatived.

Motion agreed to.

ADJOURNMENT

Mr GUDE (Minister for Industry and Employment) - I move:

That the House do now adjourn.

School principals

Mr KENNAN (Leader of the Opposition) - I direct to the attention of the Minister for Education what I describe as the super-authoritarian attitude being visited on schools by the Minister including, as was discussed at the principals conference at the weekend, the Ministry's sending cars to collect principals who have made comments critical of the government and to bring them in to head office for a dressing-down.

It is the sort of thing one would expect to have happened in Czechoslovakia in the 1950s or the 1960s: it is like arresting dissidents during the school day, sending a car out for them and taking them into the Department of Education. It has happened to at least five principals. The atmosphere of fear and intolerance that is created by what is effectively an absolutely authoritarian regime seeking to crack down on dissidents is extraordinary in a society that until 3 October 1992 had the hallmarks of a democracy.

Another school has been asked to forward to the Department of Education all newsletters the school council has sent out since 3 October 1992 so that they can be vetted. I have a newspaper report about what is quite properly described as a gag on schools in the style of an Eastern European 1960s crackdown by thought police. The Department of Education has ordered principals to play down problems in schools when speaking with parents. Indeed, the spokesman for the Minister seems to have admitted that this program exists by saying that schools have been reminded of their professional responsibilities. It is being said that the professional responsibilities referred to involve principals and teachers not making any criticism of government policy, including criticism of cuts in school funding.

This situation is completely unacceptable. There is no doubt there is a real atmosphere of fear in schools. When one visits schools one observes that principals are frightened of speaking out.

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

Public transport in Baimsdale region

Mr TREASURE (Gippsland East) - I raise a matter for the attention of the Minister for Public Transport. In view of changes made in the Bairnsdale-Traralgon rail service, will the Minister make available details of who has won the tender to

transport passengers by coach between Sale and Baimsdale and Baimsdale and Traralgon? It is important for the Baimsdale region that a local company win the tender. Will the Minister therefore advise whether a local company is likely to be the successful tenderer? Has the Minister seen the press release issued by the City of Baimsdale advocating harassment of the successful tenderer for the bus service?

Kennington Primary School

Mr SANDON (Carrum) - I direct to the attention of the Minister for Education an important issue concerning the education of deaf children. I am disappointed the Minister is not present. The current staffing situation - -

Honourable members interjecting.

The SPEAKER - Order! Will the honourable member please resume his seat? Stop the clock. The level of interjection and conversation is far too high. I ask honourable members to be seated and to remain silent.

Mr SANDON - I direct the attention of the Minister for Education to the staffing situation at Kennington Primary School, which has a facility for the Bendigo Hearing Impaired Unit. The Kennington Primary School facility has eight deaf students enrolled in five different years, ranging from preparatory school to years 5 to 6. Each of these grades requires a full-time support service of signing interpreters.

The facility is currently staffed by 2.3 teachers of the deaf, a signing interpreter who is employed for 16 hours a week and an integration aide who is employed for 20 hours a week for one student with severe disabilities in addition to hearing loss. The total time the students are in class with no interpreters is 43.5 hours a week. Not surprisingly, the lack of interpreters has had an impact on the quality of education programs, particularly at the preparatory level, where the length of time students can attend school has been compromised.

The Kennington Primary School facility is the only facility of its kind outside the metropolitan area. It draws students from a large catchment area. Families have moved to Bendigo or travel long distances to enable their children to attend the school. It is absolutely imperative that at least another full-time teacher for the deaf be appointed and that there be an increase in interpreter time equivalent to a full-time interpreter position so that the students can enjoy what is the normal situation for many - that is, having someone there when they get to school to teach them and to interact with them to ensure that they are given what is their right, a decent education.

Burglar alarms

Mr TANNER (Caulfield) - I ask the Minister for Natural Resources to direct to the attention of the Minister for Conservation and Environment in the other place a matter of great concern to many people in the metropolitan area - electronic burglar alarms. As honourable members will be aware, many electronic alarms have been installed in houses across Melbourne. They have been installed because of the threat of break-ins. One feature of life in Melbourne today is the fear that after we leave our homes they will be broken into and robbed. My concern about these electronic alarms is that because they are sometimes of very poor quality they are likely to go off at any time, causing great annoyance to many people in the vicinity.

That is prevalent in my electorate of Caulfield, particularly in the summer months when people leave their windows open in the evenings. Whether it is because of atmospheric conditions or poor quality, the alarms annoy many people in the neighbourhood. I understand that formerly a regulation could be enforced by the Environment Protection Authority.

If the alarms emitted their sound for more than 10 minutes, the police were empowered to close them off. I can understand the natural reticence of police to break into people's homes and tum off the alarms. Obviously because of this reticence the previous government allowed the regulation to lapse.

I ask the government to consider the situation. U such a regulation cannot be reintroduced requiring alarms to be turned off after 10 minutes, perhaps some controls at the point of sale or some requirement that alarms reach a certain standard can be implemented so that they are unlikely to be faulty and will turn off after 10 minutes.

The matter would have to be considered at a national level to prevent alarms being brought in from other States sold here. I ask the Minister for Natural Resources to take up the matter with his colleague to determine whether some action can be taken to prevent that nuisance.

Education cuts

Mrs GARBUTT (Bundoora) - I make the observation that although the first member to speak on the adjournment debate raised a matter with the Minister for Education some 10 to 15 minutes ago, the Minister has still not come into the House. He is obviously hiding and is not prepared to come out and respond.

I direct to the attention of the Minister for Education a school in my electorate, which I will not name in view of the comments made by the Leader of the Opposition. I have a letter from a teacher at the school detailing the destruction of the excellent State education system that existed before this government started cutting teacher numbers.

Staff numbers at the school in question have been reduced from 54.8 to 50.6. Although that does not seem like a large cut, it has resulted in a significant reduction in the programs provided, which I will detail.

The school no longer has a student welfare coordinator. Periods for the teaching of English as a second language and career studies have been cut from 22 to 11, a cut of 50 per cent. Two year 11 subjects have been dropped - and they were not additional or optional extras. Year 11 music and German classes are now held concurrently, so obviously students cannot study both.

Practical classes sizes have increased to 20, and the allowance for staff with positions of responsibility has been cut. The teacher goes on to comment about the effects on morale and says the impact of last year's cuts is incalculable. The knowledge that more is to follow is having a serious effect on the profession. The teacher says it is extremely difficult to maintain professionalism when the employer shows such total disregard for employees. The teacher believes the unwillingness of the government to consult teacher unions and school communities can be interpreted only as contempt for teachers, parents and students in the State school system.

If the government believes that is the way to provide leadership and get the best from teachers and students it is sadly mistaken. The current government cuts, which have not been outlined in any detail, will only add to the decline of what was an excellent State education system.

Tungamah Primary School

Mr JASPER (Murray Valley) - I direct the attention of the Minister for Finance to representations I have received from the chairman of the Tungamah Primary School council about retaining the house adjoining the school, which is currently occupied by the school principal.

Honourable members will be aware that during the late 1970s and early 1980s there was a major change in the emphasis of the provision of housing in country areas for specific government employees. In the late 1970s and 1980s only a small amount of rent was paid and the houses were not maintained to a high standard. With a change of policy, the rent was raised to a more reasonable level and the houses were better maintained.

In the mid-1980s the previous government decided to sell a large number of the houses believing they were excess to requirements. Consequently many government employees in country areas have been renting or buying their own homes and there is no longer the same requirement for government houses to be provided.

I put it to the Minister that houses need to be retained in specific instances, particularly in smaller country areas where the houses are utilised by people such as the principal of the Tungamah Primary School. He plays an important and valuable role in the community as well as being an excellent principal of that school.

I seek an assurance from the Minister that in the review currently being undertaken he will take account of where houses can be retained and where assistance can be given to provide accommodation. In many instances houses in some of the bigger centres may not be required. There should be a balance. I suggest that the Minister consider the representations I have made about the school house at Tungamah, particularly the concerns expressed by the school council and its chairman.

Tubbut Primary School

Mr HAMILTON (Morwell) - I direct to the attention of the Minister for Education the Tubbut Primary School, which is located on the Bonang-Gelantipy Road in the high country in East Gippsland. The school council president described the school as having the most difficult access in Victoria.

The school council raises three matters for the attention of the Minister. Over the years it has had trouble attracting teachers. Currently two teachers have applied for positions at the school on the understanding that they would share the house owned by the Government Employee Housing Authority. Because there is no alternative housing in that part of the world it is critical that that house is rented to them. The school council is concerned about the rumours it has heard; rumours are always dangerous, especially those that turn out to be true. The school has 22 enrolments - the number may reach 25 next year - so it is entitled to two teachers. It has had problems attracting teachers and is concerned that its entitlement may be reduced.

Special attention has been paid to remote schools but, because of the difficulty of access to the school area and because of the cuts to funding for replacement teachers, the school is concerned that in the event of one or both teachers being absent it will have even more difficulty in obtaining replacements. The president of the school council says:

> Our community strongly supports our school and would like to take this opportunity to extend an invitation to you -

the school invites the Minister or any other member -

> to visit us at your earliest convenience to discuss these matters further.

Rural zoning

Mr McARTHUR (Monbulk) - I direct to the attention of the Minister for Planning a sad tale that concerns a family who live in Monbulk and who have suffered from a comedy of errors. In deference to the incompetence of some, I will not use names.

On 27 March 1992 the family wrote to the shire asking for clarification about the zoning of the property. On 28 April 1992 they received a response from the shire that said the property was zoned rural (landscape living 2). As a result of that advice, later that year the property was advertised for sale. The section 32 statement accompanying the sale documentation disclosed that the property was zoned rural (landscape living 2). A sale was successfully negotiated and settlement is due on 7May, 1993.

After successful negotiations, the purchasers of the property sought advice from the shire about the zoning of the property. The shire advised him that the property was zoned as public open space - a shock to everyone involved!

Problems have been caused by that zoning because the purchasers are now unwilling to continue with the purchase. The vendors have been advised by the Department of Conservation and Natural Resources that it has no interest in the property and had never intended to buy it. Regardless of the implications of any sale, the property should be rezoned because a serious planning mistake has been made. Someone has inadvertently rezoned the property or has incorrectly advised the owners about the zoning.

A number of innocent parties are involved. Property sales hang on the successful transfer of this property; the purchasers are selling another property and the vendors are buying another property. I ask the Minister to investigate the problem so that the property sales I have detailed are not hampered by a local government oversight.

Primary school for Mill Park North

Mr ANDRIANOPOULOS (Mill Park) - The matter I direct to the attention of the Minister for Education, which is causing residents of Mill Park much concern, is the need for a new primary school in Mill Park North to overcome crowding at Mill Park Heights Primary School.

Honourable members will be aware that basic education is a fundamental government service, particularly for kids in the outer suburban areas of Melbourne that are expanding quickly, thereby leading to massive overcrowding in schools unless appropriate planning is implemented. I have complained about that previously. The former government planned to build a primary school in the Mill Park area, for which it budgeted last September.

A Government Member - Where was the money for it?

Mr ANDRIANOPOULOS - The money was there. The money must be allocated because every kid must have a basic education, and that will not happen if children find themselves in a school with more than 1100 students.

Mr Micallef - How many?

Mr ANDRIANOPOULOS - The projected figure for the Mill Park Heights Primary School is

1141 students. The school took 251 students in 1992; in 1993 that figure jumped to 390 students. The projected growth rate at the school is 150 students a year, and one need only apply year 2 arithmetic to work out that in five years that school will have more than 1000 students - unless this dithering Minister starts listening.

Honourable members interjecting.

The SPEAKER - Order! The honourable member for Mill Park is as entitled as anyone else to put a point of view to this House, and I intend to see that he has that opportunity. The honourable member for Mill Park, without interruption.

Mr ANDRIANOPOULOS - Thank you for that protection, Mr Speaker. It is the responsibility of the Minister to make decisions and to listen to appropriate advice from his officials so that the intolerable situation that is likely to occur in the near future in Mill Park will be avoided. He can do that simply by giving a commitment to the people who build homes in the area and who are trying to make a go of it in the outer suburbs that they will not be deprived by the government of the most fundamental of rights - to send their children to primary school.

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

Public safety

Mr E. R. SMITH (Glen Waverley) - In the absence of the Minister for Police and Emergency Services I direct a matter to the attention of the Leader of the House. In the past week many people have contacted me about the unfair treatment meted out to the Attorney-General, especially on television programs earlier this week. I shall quote one letter I received today from Mrs Valerie Roberts of 47 Chapman Boulevard, Glen Waverley. She says:

> I just watched Channel 9 news. I am appalled, and I grieve, that no thought for the victims of crime was expressed by any of the persons who spoke against the proposed legislation, and I give as an example the representative of the Council for Civil Liberties.
>
> Please convey to our Attorney-General that she has the support of many, many women. I have spoken to friends over the past few weeks - -

The SPEAKER - Order! Will the honourable member explain how that relates to government administration?

Mr E. R. SMITH - As I continue with the letter, Mr Speaker, you will understand that the people who are writing to me want not only to congratulate the Attorney-General but to urge her not in any way to be distracted from the legislation that she is introducing. The letter continues:

> Jan Wade has my entire support.

I have also received representations tonight from a Neighbourhood Watch meeting held last night by areas G47 and G48, which was attended by 15 to 20 people. They unanimously supported the Attorney-General's move towards increased sentences, although one person expressed concern at possible indefinite sentences. A letter is being sent to the Attorney-General or the Premier expressing people's support for action to help the victims of crime rather than the criminals.

I hope the Leader of the House will encourage the Attorney-General to retain the momentum of her reforms and not be sidetracked, because she represents the victims of crime and all people concerned with public safety.

Taylors Lakes Secondary College

Mr SEITZ (Keilor) - I direct to the attention of the Minister for Education the problem of the Taylors Lakes Secondary School developing a curriculum because stage 3 of that school has not been constructed. It is a new school, and with an increasing student population stage 3 must go ahead. If it does not, it will create problems in the school community. Stage 3 was to include a bus parking zone for the safety of the children and the local community.

The parents want to know if they should enrol their children at a school that has not been completed because at present it is unable to provide the full curriculum for their children. Will the Minister advise me, the school community or the City of Keilor if and when stage 3 will be commenced?

Responses

Mr HAYWARD (Minister for Education) - I am delighted that the opposition is taking such an interest in education.

Honourable members interjecting.

The SPEAKER - Order! In awarding the accolade to the Minister for Education I did not give him licence to upset the House.

Mr HAYWARD - I have never heard such rubbish.

Mr Baker interjected.

The SPEAKER - Order! Does the honourable member for Sunshine want to take on the Chair?

Mr Baker - No.

Mr HAYWARD - Principals have a right and a responsibility to speak out on educational matters in their communities. They are in a privileged position and have great influence over the young people in their schools, but when they start to become involved in political comment they are entering troubled waters. Principals have no right to engage in political controversy.

What the Leader of the Opposition said about the principals conference at the weekend was absolute rubbish! I have spoken with the Victorian Principals Federation and have reached an agreement on this matter. Principals are not censored when they speak on educational matters, but they should not exploit their position for political purposes. Only a small number of principals actually cross that line.

The honourable member for Carrum referred to the services for hearing-impaired students at Bendigo. This government has a proud record of providing assistance for disabled students and it has increased funding for them. It has employed another 100 integration aides and has considerably increased support services for students with disabilities, including those with hearing problems. This government has given higher priority and more support to disabled students than the previous Labor government did.

The honourable member for Bundoora referred to staffing levels in a school in her area but failed to name the school. If she is really interested in helping, she should name the school. Perhaps she does not know, or perhaps she has made up the story.

Honourable members interjecting.

The SPEAKER - Order! The House will adjourn shortly and I cannot let it degenerate in this fashion. I ask all honourable members to cooperate with the Chair.

Mr HAYWARD - How can the honourable member for Bundoora possibly represent her electorate if she refuses to name the school?

The student-teacher ratio in Victorian schools is very generous, particularly when compared with the ratios in other States. If the school the honourable member for Bundoora mentioned is having difficulty managing its curriculum, the government is happy to help, but only if she names the school. There is no need to cut programs in the way she has described. The school must be experiencing certain problems and the government is more than happy to help that school, if indeed such a school exists. The government cannot accept anything she says unless she is prepared to name the school. This is a strange opposition indeed. The honourable member for Bundoora has chosen a strange way to represent her electorate.

The honourable member for Morwell, for whom I have great personal respect - he should not be compared with some other members who do not have any interest in representing their electorates - directed to my attention questions concerning a remote school, as he described it, in his electorate. I shall be happy to look at the matters that he raised because I am sure he raised them with a genuine concern and was not trying to score political points or abuse the debate on the motion for the adjournment of the sitting. The adjournment debate should be used to raise matters of interest to one's community. How can that occur when some honourable members talk about phantom schools and phantom teachers? I shall take up the matters concerning accommodation and staffing arrangements.

The honourable member for Mill Park had the audacity to raise the question of a new primary school in his electorate. It is not only Mill Park that is suffering from the lack of a primary school; many areas of Victoria do not have primary schools because the Labor Party when in government did not make proper provision for the financing of schools throughout Victoria. What's more, it made countless commitments exceeding $40 million for which it made no financial provision.

The honourable member talks about a new primary school in Mill Park. The government led the local community to believe it would soon have a new

primary school, but did it provide a dollar towards the planning of that school? Not one!

Honourable members interjecting.

The SPEAKER - Order! The Minister, without assistance!

Mr HAYWARD - Suburb after suburb does not have a primary school or, indeed, a secondary school. Hundreds of schools throughout Victoria are in an unsatisfactory condition because when in government the mob on the other side of the Chamber made no provision for schools. A recent survey indicates that to bring Victorian schools to the required standard would require $600 million.

Honourable Members - How much?

Mr HAYWARD - Approximately $600 million, because for year after year the former government made no provision for either maintenance or new schools.

The honourable member for Keilor referred to the completion of Taylors Lakes Secondary College. My department has had discussions with the principal of that college - again no proper provision was made by the Labor government for its completion. It is disgraceful that the former government left that school half completed. Although the principal has said that when stage 3 is completed it will have excess accommodation, the government will complete the college. The matter is under constant review. As soon as the department has sufficient money it will complete the project. The only reason it has not been completed is that the mob on the other side of the Chamber sabotaged the education budget by making commitments when it did not have any money. The opposition is a disgrace because it has done enormous damage to education programs in Victoria.

Mr BROWN (Minister for Public Transport) - I respond to a serious matter raised by my colleague the honourable member for Gippsland East. He raised with me the outcome of the tender process - which has now dosed - for transport changes in the area he represents. The process includes the rest of the State of Victoria, because on 6 January the government announced a tender process for nine country rail lines, the outcome of which was made known last Friday. For the honourable member's area it means that trains will continue to run to Sale but will be replaced with modem luxury road coaches beyond Sale.

The Labor Party is distraught about the outcome of the rationalisation of the entire public transport system over the past six months because it is being done by agreement with the unions. Rather than nine country rail services being completely replaced, by agreement with the unions, four will be retained and operated by V/Line at international best practice. That means the number of staff required to run the service will drop dramatically.

Two firms will soon undertake the operation of two rail services in Victoria. They will be the first privately operated rail passenger services in this nation in living memory. That leaves three others. The changes that were announced last Friday were the outcome of every matter being considered, including a deputation I received from councillors in the area concerned. The tender process, the agreements with the unions and everything that was possible to achieve were discussed. Most of the services will be retained and will be operated by V/Line on the same routes. I have no doubt that with the changes I have announced the standard of service will be good.

That being said, I can understand that an individual or an organisation may wish to take a rational and, it is always to be hoped, a lawful stand. However, the City of Bairnsdale is advocating something that is certainly not rational and is effectively inciting its community to border on being unlawful. A press release has been issued by - I assume it is a Mr - A. R. Moore, the Chief Executive Officer of the City of Baimsdale. It states in part:

> The council has called a public protest rally -

that rally is for tomorrow, 6 May -

> It is anticipated that concerned residents of East Gippsland will consider taking more forceful measures to back up their case for retention of rail services, including-

the House should take note because this is from supposedly representative councillors -

> harassment of the coach operator to be awarded the tender for services between Bairnsdale and Sale.

Honourable Members - Shame!

Mr BROWN - Colleagues from all sides of the House are interjecting. It is a shame. For any council to put that forward as a possible outcome of a public meeting is an outrage. That is a direct quote:

... harassment of the coach operator to be awarded the tender for services between Bairnsdale and Sale.

The bottom line of the tender process is that the government expects a local operator will take over the service.

An Honourable Member - It is incitement to riot.

Mr BROWN - I would not classify it as inciting a riot, but it is inciting civil disobedience. I question whether it borders on being unlawful and whether the council is prepared to suffer the consequences of the actions it is inciting its community to take. In fact, after more than 20 years in public life I do not recall a rural council advocating anything that even bordered on this sort of totally unreasonable and unacceptable behaviour.

I know that at least two of the City of Bairnsdale councillors are reasonable people. I call on all councillors of the City of Bairnsdale to dissociate themselves from this outrageous statement that binds the entire council. The statement is a press release from the council, so all councillors are tarred with the same brush of inciting civil disobedience.

The City of Bairnsdale councillors are supposed to be community leaders; they are supposed to set a good example and to set community standards, yet the action of the council in issuing this statement has the opposite effect.

The City of Bairnsdale was given a good hearing. The vast majority of the points it raised were considered on merit and deliberated upon as part of the final decision-making process. That also applies to representations from the other eight areas of rural and regional Victoria.

Only 2 per cent of residents in the Bairnsdale community use the existing rail service. In other words, 98 per cent of the people in that community do not use the service regularly. To date my office has received a number of telephone calls and two letters supporting the changes. Those telephone calls and letters of support came from people who have been paying through the nose for years because of government mismanagement and its propping up of inefficient services.

The changes the government announced last week will save the Bairnsdale community $3 million a year. Its rail service is currently losing $5.6 million a year - the people in that area and the taxpayers of Victoria are footing the Bill for a decade of Labor mismanagement. The changes that were announced will reduce that loss to $2.6 million a year, a not insignificant reduction, but still a large amount of money. The changes to the nine rail services that were announced last Friday will collectively save the taxpayers of Victoria $30 million a year.

The City of Bairnsdale seems to think all it needs to do is call a protest meeting to have the announced changes overturned - that is what the Labor Party is putting around in rural Victoria. The councillors of the City of Bairnsdale should not be sucked in by the Labor Party.

I make it crystal clear that there will be no change from last Friday's announcement by the government: four lines will remain V/Line operations; two lines will be operated by private enterprise; and on three rail services trains will be replaced by modern, luxury road coaches. I speak from personal knowledge when I say that those coaches will provide an excellent service to the communities involved.

When I met with representatives of the City of Bairnsdale I undertook to consult with them. I also made an offer to representatives of the other affected areas that the government is prepared to talk to them about timetables for the introduction of the changes. As a result of the changes I announced last Friday, more services will be provided to the area. That being said, I am prepared to allow representatives to talk to the Public Transport Corporation to consider what the government thinks are the best timetables for their areas and to have direct input to them. I also said representatives could have input on the location of stops in their local communities and councils could suggest where bus stops would be best located to serve communities.

I assure the community that local members - each and every one of them - worked hard and forcibly presented community views to government. Those views were taken into account, as they were in the other areas concerned. I well recall the number of times my door was opened to the honourable member for Mildura and others. The honourable member for Mildura forcibly made the point that he, along with members representing the Gippsland area, wanted to know what the changes might be. These changes were announced last Friday.

When I met with council representatives, I asked how many of them had come by train. My

recollection is that none of the representatives in that deputation, which came to save the trains, travelled by train.

Honourable Members - How many?

Mr BROWN - Not one, from memory. There were many people in that deputation but none of them came by train. I have met a large number of deputations, so if I am wrong in saying that not one of the representatives travelled by train and it turns out that one travelled by train, I shall certainly retract that statement. When I put it to them that surely if they were coming to save their trains it would be prudent to travel on them, they all had excuses. Some said they were going to other places afterwards. That is one of the problems in rural Victoria. People do not use the services, yet they say the services should be retained.

In conclusion, I reiterate that the government will not tolerate the successful contractor - to use the words of the council - being harassed. The government will stand by the contractor to ensure that he can proceed with his proper, lawful and rightful business of servicing the community and supplying that service to the government under contract - not just for the immediate future but for years to come.

My home town has been serviced by road coaches for 16 years. They provide an excellent service. We have had a 100 per cent increase in patronage, and I live in the biggest town in South Gippsland. Not only will Baimsdale not die; Baimsdale will go from strength to strength. The community has been well served by its local members and has generally been well served by its council until now.

The SPEAKER - Order! I call the honourable member for Yan Yean to order.

Mr BROWN - The councillors concerned should consider what I put to them today. Again I make it clear that they should dissociate themselves from the statement of their chief executive officer.

Mr COLEMAN (Minister for Natural Resources) - The honourable member for Caulfield raised something with which we have all had experience: faulty electronic burglar alarms that ring incessantly without there seeming to be any process for their being attended to by the police or anyone else. The point made by the honourable member was that the previous government allowed the regulation governing burglar alarms to lapse. There is now no regulatory control mechanism in place.

The other point made by the honourable member for Caulfield was that a point of sale control should be negotiated at the Federal level so that Australian manufacturing conditions are uniform and, more importantly, so that a mechanism is put in place for the automatic release of the alarms after a period of operation.

As the Minister for Conservation and Environment is responsible for the Environment Protection Authority, I will direct the matter to him and have him correspond directly with the honourable member for Caulfield.

Mr I. W. SMITH (Minister for Finance) - The honourable member for Murray Valley is concerned about the Government Employee Housing Authority and the review the government has commenced. He asked me to put some balance into the decision-making process. Quite uncharacteristically the honourable member is seeking to have the balance tipped in favour of the retention of the house at the Tungamah Primary School.

The honourable member can be advised that the review process follows on a process started by the previous government, under which it announced that this financial year it would sell 700 of the 2800 houses for the approximate price of $20 million. It forgot that most of those properties do not have titles, have not been surveyed and are not marketable. Characteristically that did not seem to worry the opposition.

Honourable members might be interested to know that when it was in government the opposition did not know how many houses it had. It was not until the coalition government began this review that it discovered that there were 200 more houses than the previous government thought there were. The houses are being examined with a view to making sure that taxpayers have the most cost-effective houses possible in remote locations where private enterprise cannot provide accommodation for essential services personnel.

Honourable members might be interested to know that that review will lead to a downsizing from the 2800 houses now owned by the Government Employee Housing Authority to somewhere in the vicinity of 300 or 400, which will be a core of houses to cater for remote locations.

In view of the representations made by the honourable member for Murray Valley and his earnest request for the balance to be tipped in favour of Tungamah Primary School, I shall make sure that that matter receives appropriate consideration.

Mr GUDE (Minister for Industry and Employment) - The honourable member for Monbulk, in his usual caring way, raised zoning arrangements. When one listens to the remarks he made - and I will not repeat them - one realises that this case obviously involves the most bizarre circumstances one could contemplate.

I will most certainly refer the matter to the Minister for Planning, who I am sure will take steps to ameliorate the problem being confronted by the honourable member's constituents.

The honourable member for Glen Waverley raised for the attention of the Minister for Police and Emergency Services a matter of public safety that I would have thought was of major concern to the community. On a Channel 9 program recently an attack was made on the Attorney-General as a consequence of her commibnent to victims of crime, which is a sad indicbnent of the people who cast that aspersion. For the first time we have an Attorney-General who has a real commitment to ensuring that victims of crime receive a greater level of consideration in the sentencing process. The punishment should fit the crime, and the time to be done should be the time that is served!

I assure the honourable member that the Attorney-General does not need encouragement. But I shall offer that to her, if it is necessary, to ensure that women in the community are considered by the government in the sentencing process. It is interesting that one honourable member has already received a letter of support from a lady who is obviously being affected by the changes that are being made by the Attorney-General.

The strong support from Neighbourhood Watch disbicts G47 and G48 ought send a clear message to every honourable member that the community of Victoria is sick and tired of being plundered and pillaged by criminals - w h o seek to take advantage of women in particular - w h o are then put through a revolving-door process established by the former government. The game is up for criminals so far as the Kennett government and the Attorney-General are concerned. We believe the punishment should fit the crime and sentences should be fully served.

Motion agreed to.

House adjourned 9.17 p.m.

Thursday, 6 May 1993

The SPEAKER (Hon. J. E. Delzoppo) took the chair at 12.5 p.m. and read the prayer.

ABSENCE OF MINISTER FOR ENERGY AND MINERALS

The SPEAKER - Order! I advise the House that the Minister for Energy and Minerals will be absent from the House today due to government business in Canberra. The Leader of the House will manage matters relating to the energy and minerals portfolio.

GOVERNOR'S SPEECH

Address-in-Reply

The SPEAKER - Order! I have the honour to report that, as directed by the House, earlier this day, accompanied by honourable members, I waited upon His Excellency the Governor and presented to him the Address of the Legislative Assembly, agreed to on 8 April last, in reply to His Excellency's speech on the opening of Parliament. His Excellency was pleased to make the following reply:

Mr SPEAKER AND HONOURABLE MEMBERS OF THE LEGISLATNE ASSEMBLY:

In the name and on behalf of Her Majesty the Queen I thank you for your expressions of loyalty to Our Most Gracious Sovereign contained in the Address you have just presented to me.

I fully rely on your wisdom in deliberating upon the important measures to be brought under your consideration, and I earnestly hope that the results of your labours will be conducive to the advancement and prosperity of this State.

PETITIONS

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

Institute of Educational Administration

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

Receive the humble petition of the undersigned citizens of Victoria which relates to the Institute of Educational Administration.

Your petitioners therefore request that the House take action to ensure that the Institute of Educational Administration continues to provide high quality residential training programs and other activities to improve the administrative ability of persons in positions of leadership in the field of education, persons aspiring to such positions and other persons interested in educational administration, as required by the Institute of Educational Administration Act 1980.

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

By Mr Loney (48 signatures)

Coode Island chemical storage facility

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

The humble petition of the undersigned citizens of the State of Victoria sheweth that the proposed transfer of the Coode Island chemical storage facility to Point Wilson, in the Shire of Corio, is not in the public interest and is strongly opposed by the inhabitants of the surrounding areas.

Your petitioners therefore pray that the relevant authorities reject the proposed transfer.

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

By Mr Loney (133 signatures)

Laid on table.

HEALTH COMPUTING SERVICES VICTORIA LTD

Mrs TEHAN (Minister for Health) presented report of Health Computing Services Victoria Ltd for year 1991-92.

Laid on table.

PAPERS

Laid on table by Clerk:

Council of Adult Education - Report for the year 1992.

Health Department - Report for the year 1991-92.

Statutory Rules under the following Acts:

Melbourne and Metropolitan Board of Works Act 1958 - S R No. 65

Estate Agents Act 1980-SR No. 64

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Business Franchise (Petroleum Products) (Amendment) Bill

Racing (Amendment) Bill

ADJOURNMENT

Mr GUDE {Minister for Industry and Employment) - I move:

Ibat the House, at its rising, adjourn until tomorrow, at lOa.m.

Motion agreed to.

ETHNIC AFFAIRS COMMISSION BILL

Mr GUDE {Minister for Industry and Employment) - I declare that this Bill is an urgent Bill, and I move:

Ibat this Bill be considered an urgent Bill.

Required number of members rose indicating approval of motion being puL

House divided on motion:

Ayes, 54

Aahley,Mr	McGrath, Mr W.D.
Bildstien, Mr	McLellan,Mr
Brown,Mr	Maclellan, Mr
Clark.Mr	McNamara, Mr
Coleman,Mr	Maughan,Mr
Cooper,Mr	Napthine, Dr
Davis,Mr	Pateraon, Mr
Dean,Mr	Perrin,Mr
Doyle,Mr	Pescott,Mr
Elliott,Mn	Peulich, Mrs
Finn,Mr	Phillips, Mr
Gude,Mr	Plowman, Mr A.F.
Hayward,Mr	Reynolds, Mr
Heffernan, Mr	Ryan,Mr
Henderson, Mn	Smith, Mr E.R.
Honeywood, Mr	Smith, Mr 1W.
Hyams,Mr	Spry,Mr
Jasper,Mr	Steggall,Mr
Jenkins, Mr	Tanner,Mr
John, Mr	Tehan, Mrs
Kennett,Mr	Thompson, Mr
Kilgour,Mr	Traynor, Mr *(Ttlltr)*
Leigh,Mr	Treasure, Mr
Lupton, Mr	Turner, Mr *(Ttller)*
McArthur, Mr	Wade,Mrs
McGill,Mrs	Weideman, Mr
McGrath, Mr J.P.	Wells, Mr

Noes, 23

Andrianopoulos, Mr	Loney,Mr
Batchelor, Mr	Marple, Ms *(Ttlltr)*
Coghill,Dr	Micallef,Mr
Cole,Mr	Mildenhall, Mr
Cunningham, Mr	Pandazopoulos, Mr
Dollis,Mr	Roper, Mr
Garbutt, Mrs	Seitz,Mr
Haenneyer, Mr	Sercombe, Mr
Hamilton,Mr	Thomson,Mr
Kennan,Mr	Thwaites, Mr *(Ttller)*
Kimer,Ms	Vaughan, Dr
Leighton, Mr	

Motion agreed to.

Mr GUDE (Minister for Industry and Employment) - I move:

Ibat the time allotted for the remaining stages of the Bill be until 4.30 p.m. this day.

Mr ANDRIANOPOULOS (Mill Park) - On the question of time, Mr Speaker, the motion is an insult to the ethnic communities of Victoria. This Bill is likely to be the only one to be introduced by the Premier, in his portfolio as the Minister for Ethnic Affairs, for quite some time - if not for the entire term of this Parliament. Justice will not be done if the government allows only 3 hours for the House to debate this important Bill.

The opposition has no fewer than 11 honourable members who wish to contribute to the debate; all represent electorates with large numbers of migrants or people from non-English speaking backgrounds. Their constituents expect them to defend their rights against the excesses of the government, as contained in the Bill. A deprivation of the right of honourable members to contribute to the debate is a deprivation of the fundamental democracy on which Parliament is built.

Honourable members opposite should defend this Bill today but, because of the motion to restrict time, I can only conclude that the Bill is indefensible and

that the government does not wish it to be subjected to Parliamentary scrutiny. For that reason, I move:

> That the expression "4.30 p.m." be omitted with the view of inserting in place thereof the expression "6p.m.".

The amendment is not unreasonable. If accepted it will give at least three more opposition speakers the opportunity to put the views of ethnic communities. The government has mismanaged the business of the House. Over the past few weeks it has repeatedly moved the guillotine motion and restricted debate. The opposition is not responsible for that. The government is at fault and should have planned its business better. The Ethnic Affairs Commission Bill is an important Bill and more time should be allowed to debate it. The government should show some commonsense and accept the extra hour and a half for debate.

Mr KENNETT (Minister for Ethnic Affairs) - We have listened with great interest to the honourable member for Mill Park making his maiden speech on the question of time. It is hypocritical of him to claim that the government has moved the guillotine because it has lost control of the work of this place.

Clearly over the past few weeks the Labor Party has filibustered and has denied not only members of the opposition but members of the government the opportunity to speak on a range of issues. There are only two weeks of this sessional period left, and debate on certain legislation must be completed. If the honourable member for Mill Park had done his homework with the ethnic communities properly, he would understand that this is a simple Bill. One does not have to be a Rhodes scholar to understand its ramifications. It is not legislation that allows a general omnibus debate on ethnic affairs per se; it allows honourable members to address only the fundamental provisions of the Bill. The debate is not a talkfest. The opposition would better serve the community it claims to represent in a vigorous debate than waste the opportunity for debate by talking about time. It is a simple Bill and even slow learners in the socialist left should have no trouble coming to grips with it.

The government will not agree to the honourable member's amendment; it is unnecessary. This is another example of the opposition daily proving itself to be increasingly irrelevant and unable to address the issues. The opposition has not learnt that the best contribution to a Bill is not necessarily the longest. The amendment should be rejected immediately to enable opposition members to make valid contributions to improving the administration of ethnic affairs in Victoria.

Mr DOLLIS (Richmond) - On the question of time, Mr Speaker, the opposition agrees with the Premier that this is a simple Bill and when debate takes place the opposition will discuss its simplicity. The request for an extra hour and a half to debate the Bill is based on the wish of honourable members to contribute to the debate.

I remind the Premier of what he is reported at page 1101 of *Hansard* as having said on 14 October 1982 when speaking on behalf of the opposition on the question of time:

> It is probably the only proposed legislation that will come before this House which will directly involve the ethnic community and, therefore, it is extremely important for members of the ethnic community and welfare.

His point was that the 1982 Ethnic Affairs Commission Bill was paramount legislation to guide the ethnic community. The same applies to this Bill. To deny opposition members the opportunity to contribute to the debate and represent their constituents is not only an arrogant approach to government business but a way of saying to the ethnic communities and people throughout Victoria that their elected representatives are not allowed to represent them.

I remind the Premier that the government should have managed the business of the House better last Tuesday and Wednesday. At 6 p.m. yesterday the House ran out of business; the Premier and the Leader of the House basically packed up. As a result of the mismanagement of this place the opposition is not allowed to discuss the Bill for a further hour and a half. The Premier should rearrange the business of the day to allow appropriate debate to take place on this Bill, and the Leader of the House should rearrange his appointments. Last Tuesday and Wednesday were wasted.

Honourable members interjecting.

The SPEAKER - Order! The Chair will not tolerate such a barrage of interjections.

Mr HONEYWOOD (Warrandyte) - On the question of time, Mr Speaker, when the Barley Marketing Bill was being debated 12 opposition members spoke for 30 minutes each and today the

opposition has 11 members who want to contribute to this Bill. During debate on the Barley Marketing Bill the honourable member for Altona spoke for half an hour about her father being a horse trainer. That had nothing to do with the Barley Marketing Bill. Now the opposition is outraged that it does not have sufficient time to debate the Ethnic Affairs Commission Bill.

As the Premier pointed out, it is the opposition that has wasted the time of the House and prevented the maximum number of speakers contributing to debate on particular Bills. If the opposition cared about the ethnic communities it would have given priority to debating this legislation rather than filibustering on the Barley Marketing Bill. City members had no interest in barley, wheat or rye but spoke for half an hour on the Bill.

The SPEAKER - Order! The honourable member on the question of time.

Mr HONEYWOOD - The opposition is deliberately wasting time on important legislation. The ethnic communities should be aware that the opposition is at fault, not the government. The opposition has had ample time to consult with the lobby groups. The former Leader of the Opposition, the honourable member for Williamstown, months ago leaked a supposed Cabinet submission on this Bill and opposition members have known about it for some time. The honourable member for Richmond agrees that it is a simple Bill; all it does is introduce a system of administration the previous government wanted to introduce three years ago.

The SPEAKER - Order! The honourable member cannot canvass the content of the Bill.

Mr HONEYWOOD - It is a simple Bill and does not require lengthy debate. The government has allowed for 3 hours of debate, which is more than adequate. It is amazing that the opposition is complaining that it has only 11 speakers on this Bill compared with 12 on the Barley Marketing Bill and claims it is outrageous that there is not enough time, despite the fact that exhaustive consultation has taken place on this Bill.

Mr COOPER (Mornington) - In the past six months I have sat through innumerable debates on the question of time led by the honourable member for Coburg. On this occasion, however, the debate on the question of time is being led by the fledgling shadow Minister for Ethnic Affairs. The opposition was hypocritical last week when it occupied the time of this House for hours and called for divisions on Bills that it supported. The speech notes prepared for opposition members by people outside Parliament were passed from one member to another. Each opposition member made virtually the same speech word for word in an attempt to delay the operations of Parliament. Now the opposition is bleating again, but the government is sick and tired of its delaying tactics. The government will ensure that it gets its legislative program through despite the disruptive tactics of the opposition.

If opposition members believe they have been hard done by, they should look into the nearest mirror to see who is guilty. Since last October the opposition has set out to disrupt the legislative program of the government. The government and the people of Victoria have had enough of the opposition. The government was elected to put through a legislative program, and it will put it through.

If the opposition shows some commonsense the government may not have to force the issue as it is doing now. The opposition has forced the government into this position, and the government has responded to the challenge. One thing the opposition can be sure of is that the government will win.

Mr PERTON (Doncaster) - The community expects Parliament to be relevant, to think clearly and to sit sensible hours. In opposing the motion the honourable members for Mill Park and Richmond are showing how irrelevant and out of touch they are with community demands and expectations.

This is a simple Bill. It will set up a new structure for ethnic affairs in Victoria, which means the government will be able to deliver better services and represent ethnic communities properly.

Mr Dollis - On the question of time.

Mr PERTON - The honourable member for Richmond interjects and continues to waste the time of the government, Parliament and ethnic communities. The honourable member for Mill Park should have worked out that he could have easily used the time allotted by the Leader of the House to debate the Bill to properly represent the interests of the community he claims to represent. Instead, like his colleague the honourable member for Richmond, who continues to interject, he has chosen to waste the time of the House by launching into a ridiculous debate on whether the opposition needs more than 3 hours to debate this Bill. The community expects

opposition members to debate any Bill concisely and properly, but it appears that all opposition members want to do is waste time.

Last week Parliament sat for ridiculous hours. Almost 26 hours in one sitting is absurd; it is damaging to the health of honourable members and staff and it damages the reputation of this House. What did opposition members do last week? They wasted time on the Barley Marketing Bill, the Casino Control (Amendment) Bill and the Gaming Machine Control (Amendment) Bill. The average contribution to a debate in this House should not take half an hour. If an honourable member puts his arguments concisely and properly, he should be able to do it in 10 or 15 minutes. To allot 3 hours for debate on a simple restructuring Bill is sound and proper thinking.

At the last election the people of Victoria rejected the Labor Party. The agenda of the government involves change for the benefit of the community and the implementation of policies on which it won the election. The opposition seems to have taken into its head the idea that it needs to filibuster on every matter. Opposition members cannot make concise and relevant contributions to debate. Their opposition to the time limits for this debate shows their lack of relevance, and it will help extend the time they are in opposition.

Mr LEIGH (Mordialloc) - What has been happening in this House in the past few weeks and since the State election is an absolute outrage. When the coalition parties were in opposition they allowed almost 75 per cent of legislation to pass without dispute. The coalition worked with the former government in the interests of Victoria.

Since the State election the opposition has been bitter because the people rejected it. As a result the honourable member for Coburg has proudly said, even as late as this morning in the *Herald Sun*, that the opposition is playing some wonderful sort of game with the House. The government has been forced into declaring urgent a number of Bills because the opposition does not want to work with the government. That is unfortunate because the opposition represents approximately 34 per cent of the people of this State and it has a role to play. The opposition should work with the government in the interests of the community. The government would then not need to move motions like this to declare Bills urgent.

I do not like the House sitting for 26 hours, and I am sure no other honourable member does. I am also sure that people in the community think politicians are insane when that happens. Last week the opposition broke the time arrangements that had been set between the opposition and the government; it deliberately set out to disrupt the business of this House. It is not capable of keeping its word. The government does not like moving motions like this, and the Leader of the House is upset that he must take this action because it is not in the interests of the Parliament to guillotine debate on Bill after Bill. It does not allow both sides of the House to make significant contributions because changes to legislation require a free flow of information from one side of the Chamber to the other - a shadow Minister may raise a point that would improve a Bill. That has happened in previous Parliaments and will happen during the life of this Parliament.

The government is being forced to guillotine debate on a comparatively simple Bill because the opposition does not want to participate in proper debate. My wife is sick of my spending 26 hours on end in this place!

Honourable members interjecting.

The SPEAKER - Order! The honourable member for Mordialloc, without assistance.

Mr LEIGH - These problems do not assist either side of the Chamber. The government has been lenient with the opposition but, even though the Leader of the Government acts in good faith, the honourable member for Coburg is not willing to keep commitments.

The opposition wants to play games and does not want to cooperate with the government in running Victoria. The honourable member for Mornington said prior to the election that the Australian Labor Party was guilty, and it is still guilty, because it does not want to be part of rebuilding Victoria.

Mr PERRIN (Bulleen) - I refer to some issues that have not previously been raised. During the life of this Parliament the opposition has called many points of order on the question of time rather than debating legislation. The government is acting responsibly, but the opposition is irresponsible and is acting in a disgraceful manner. I have been a member of this place for a long time but I have never before seen an opposition use the delaying tactics that have been used in the past few weeks.

Yesterday the House debated all the Bills listed on the Notice Paper. That is the first time that has happened in the eight years I have been a member of this place, yet the honourable member for Richmond has the audacity to say the Ethnic Affairs Commission Bill should have been debated last night. The honourable member for Richmond does not understand Standing Orders. That was a ridiculous suggestion.

Dr Coghill interjected.

The SPEAKER - Order! I have the unusual task of cautioning the honourable member for Werribee.

Mr PERRIN - The opposition does not understand Standing Orders. The Bill could not have been debated last night because it was not listed on the Notice Paper for debate. If the government had tried to bring forward debate on the Bill, opposition members would have said the government was not allowing sufficient time to consider it.

The guillotine motion has been moved because today and tomorrow the House has to debate and finalise the 14 Bills listed on the Notice Paper. The opposition has shown that it will filibuster for as long as it can. It has as much time as it needs to debate a simple Bill.

The honourable member for Mill Park believes if the debate is extended for an hour and a half all will be well. That is nonsense. The opposition will not ensure that each of its speakers on the Bill speaks for a short period. I am sure each member of the opposition who speaks on the Bill will speak for as long as possible. The honourable member for Mill Park will make a long speech, which will preclude many honourable members on his side of the Chamber from participating in the debate.

I should have liked to participate in the debate on this measure, but I will put aside my rights to speak because of the pressure of time. Opposition members will filibuster and make repetitive speeches because they are not really interested in the legislation. There is no reason why debate cannot be finalised during the period suggested in the motion moved by the Leader of the House.

Mr E. R. SMITH (Glen Waverley) - If the opposition were serious about allotting sufficient time for each member to speak on the Bill, it would have arranged for its Leader to ask the Leader of the House to consider allocating reasonable and equal time for the debate. The opposition has 27 members, so each could speak for 4 minutes on this Bill. During this session the House has heard from three members of the opposition who never uttered a word during the last two Parliaments. They made no contribution to debate in this Chamber then, yet they are grabbing time to make speeches of little substance now.

If honourable members were serious about reform they would request their respective Leaders to examine the allocation of time for speeches. In most Houses of Parliament, including the Legislative Council, members are not allocated a specific time for debate and they normally do not speak for inordinately long periods. A member whom I believe to be the best speaker in this place told me that it takes him 10 minutes to speak about the substance of any Bill and he then says the same things twice more in a slightly different form to complete his half hour allocation. The House of Commons has 652 members and its members may speak on specific Bills for an allotted time. If a member goes beyond that period the Speaker puts his or her name in a black book and that member is not called again for some months, so honourable members soon realise that they should not be repetitive.

The SPEAKER - Order! The Chair finds the honourable member's speech fascinating, but I ask him to come back to the question of time allotted for debate on the Bill.

Mr E. R. SMITH - Every time the Chamber debates the issue of time the same arguments are put by the leader of business for the opposition. It is a simple Bill that should be finalised in a short time. The opposition should allocate 4 minutes to each of its members.

On the question of time, the Leader of the House will seriously consider any proposal by the opposition about the proper allocation of time for debate on Bills. If opposition members were to suggest that all 27 of them should each have 6 minutes to speak, the government would match that; but it is humbug for them to come in here and continually claim they are not getting a fair go. Their speeches on time have no substance. As the honourable member for Caulfield said, their speeches on time are nothing but tedious repetition that drive everybody up the wall. It is about time opposition members woke up to themselves.

Mr BILDSTIEN (Mildura) - After listening intently to the contributions of honourable members

on the question of time I feel compelled to make a few comments in support of the motion moved by the Leader of the House and against the amendment moved by the honourable member for Mill Park.

Mr Speaker, I ask you to consider a number of points - firstly, the time that has been wasted by opposition members on Bills considered by the House in recent weeks. Those opposition members who are shedding crocodile tears about the time allocated for debate on this Bill have been the worst offenders. Only a week ago the honourable member for Richmond filibustered and wasted time in an appalling way.

Mr Dollis - On which Bill?

Mr BILDSTIEN - The honourable member knows precisely which Bill. Another example is the Barley Marketing Bill, a simple Bill that one would have expected to proceed through this place in an hour or two. Instead, one opposition member after another commented in an inane way on a subject about which they had no knowledge. Perhaps the honourable member for Morwell was the only speaker--

Mr LEIGHTON (Preston) - Mr Speaker, on the point of relevancy, the honourable member for Mildura has not yet addressed the question of the time allotted for debate on the Bill. I ask you to direct him to either address the matter or sit down.

Mr BILDSTIEN (Mildura) - On the point of order, Mr Speaker, it is because of the honourable member for Preston that so much time has been wasted.

The SPEAKER - Order! The honourable member should address the point of order!

Mr BILDSTIEN - He is responsible for much of the time wasting in the House during the past few weeks. The honourable member for Preston wasted about 8 hours by discussing the time allocated for debate on the shop trading Bill. He sat there like a Cheshire cat with a big smirk on his face every time he was able to get another opposition member on his or her feet to waste more time. He thought it was a big joke that this place was sitting hour after hour, and it was appalling - -

The SPEAKER - Order! The honourable member will resume his seat. A point of order has been raised about the relevance of the honourable member for Mildura's speech. At this stage he is developing a case about why the proceedings of the House are going the way they are, and I do not uphold the point of order. The honourable member for Mildura, on the question of time.

Mr BILDSTIEN - Thank you, Mr Speaker. On the question of time, the honourable member for Preston's actions are an example of why we oppose the motion moved by the honourable member for Mill Park. All members of the opposition did during an 8-hour debate on the question of the time allocated to a previous Bill was to repeat two or three lines. The honourable member for Preston sent a small prepared speech to the honourable member for Coburg, who raced around whistling up members to come in to the House, read from the prepared speech and ensure that the debate went on hour after hour so that the House could not proceed with its legislative program.

It was only six months ago that the Labor government was thrown out of office by the people of Victoria, who overwhelmingly rejected its policies. That outcome is evident in this House: 27 opposition members to 61 government members. The government has a mandate to proceed with the legislative reforms that were put to the people of Victoria prior to the election on 3 October, and that is what we are doing.

Mr Dollis interjected.

The SPEAKER - Order! I caution the honourable member for Richmond. He may not continually interject across the table. I ask him to restrain his impetuosity and to cease the histrionics.

Mr BILDSTIEN - The Bill introduced by the Premier in his capacity as the Minister for Ethnic Affairs is simple. It has been canvassed widely in the ethnic community. The honourable member for Mill Park can sit there with a shock-horror look on his face, but he knows that the government consults with those affected by proposed legislation. When Bills were introduced by the previous government it was left to the then opposition to circulate them to the community. If that had not been done, no-one in the community would have known what was being proposed in this place because the previous government did not consult.

The Bill has been widely canvassed among those it affects. Indeed, the commission appointed by the former government has gone extensively through the Bill. When considering the question of time, Mr Speaker, you should be aware that the ethnic

communities know about the provisions of the Bill. The honourable members for Mill Park and Richmond are doing nothing but filibustering and delaying the progress of the House in dealing with the Bills listed on the Notice Paper.

Like the honourable member for Mordialloc I do not enjoy sitting in this place for 26 hours at a time. That affects our ealth and, in keeping us away from our wives and families, puts pressure on us all. We have been forced to sit long hours because otherwise we would be accused by the opposition of ramming Bills through this place. We would prefer to deal with our legislative program in an orderly and rational manner and with all honourable members having the opportunity of joining in the debate.

Ms Kirner interjected.

Mr BILDSTIEN - T h e honourable member for Williamstown interjects that I should speak on the question of time. She was out on the front steps yesterday, and the crowd was chanting, "We want Joan! We want Joan!".

The SPEAKER - Order! The honourable member is out of order.

Mr BILDSTIEN - They did not want her six months ago!

The SPEAKER - Order! If the honourable member defies the Chair by continuing in that vein, I will name him. The honourable member, on the question of time.

Mr BILDSTIEN - One has only to recall what happened yesterday, when a number of citizens were out on the front steps of this place protesting about the government's actions. Yet yesterday the opposition introduced a motion to discuss who should be appointed to the Prime Minister's Republic Advisory Committee. The opposition is clearly irrelevant and out of touch with the issues affecting the State. It is out to do one thing, which is to prevent the duly-elected government proceeding with the legislative reforms it put to the people on 3 October. The honourable members for Mill Park and Richmond and their opposition colleagues have done nothing but waste time. The motion proposed by the Leader of the House is most reasonable. Even now we have .two and a half hours within which to debate the second-reading and other stages of the Bill.

This is a simple Bill that has been well canvassed among members of the ethnic community. I sent to the Sunraysia Ethnic Communities Council, which is in my electorate, a copy of the Bill and sought its comments. The council was obviously most pleased with it because I received no feedback. I am happy to support the motion moved by the Leader of the House.

House divided on omission (Members in favour vote No):

Ayes,55

Ashley, Mr *(Teller)*	Maclellan, Mr
Bildstien, Mr	McNamara, Mr
Brown,Mr	Maughan,Mr
Clark, Mr	Napthine, Dr
Coleman, Mr	Paterson, Mr
Cooper, Mr	Perrin, Mr
Davis, Mr	Perton, Mr
Dean, Mr *(Teller)*	Pescott, Mr
Doyle,Mr	Peulich, Mrs
Elder, Mr	Phillips, Mr
Elliott, Mrs	Plowman, Mr A.F.
Finn,Mr	Reynolds, Mr
Gude,Mr	Richardson, Mr
Hayward, Mr	Ryan, Mr
Henderson, Mrs	Smith, Mr E.R.
Honeywood, Mr	Smith, Mr I.W.
Hyams,Mr	Spry,Mr
Jasper, Mr	Steggall, Mr
Jenkins, Mr	Tanner, Mr
John, Mr	Tehan, Mrs
Kilgour,Mr	Thompson, Mr
Leigh, Mr	Traynor,Mr
Lupton, Mr	Treasure, Mr
McArthur, Mr	Tumer,Mr
Mc:Gill,Mrs	Wade,Mrs
Mc:Grath, Mr J.F.	Weideman, Mr
Mc:Grath, Mr W.D.	Wells,Mr
McLellan,Mr	

Noes, 25

Andrianopoulos, Mr	Marple,Ms
Baker,Mr	Micallef, Mr
Batchelor, Mr	Mildenhall, Mr *(Teller)*
Coghill,Dr	Pandazopoulos, Mr
Cunningham, Mr *(Teller)*	Roper, Mr
Dollis,Mr	Sandon, Mr
Garbutt, Mrs	Seitz,Mr
Haenneyer, Mr	Sercombe, Mr
Hamilton,Mr	Sheehan, Mr
Kennan,Mr	Thomson,Mr
Kimer,Ms	Thwaites, Mr
Leighton, Mr	Vaughan, Dr
Loney,Mr	

Amendment negatived.

Motion agreed to.

Sitting suspended 1.9 p.m. until 2.4 p.m.

QUESTIONS WITHOUT NOTICE

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Mr KENNAN (Leader of the Opposition) - I refer the Minister for Industry and Employment to correspondence between the Australian Industrial Relations Commission and the government last week concerning the Minister's comments about the political composition of the commission. I also refer to the Minister a further explanation given on his behalf to the commission this morning, and I ask: does the Minister stand by his comments of last week regarding political appointments to the Australian Industrial Relations Commission?

Mr GUDE (Minister for Industry and Employment) - The answer is that I stand by the remarks I made and I stand by the correspondence I forwarded to the Australian Industrial Relations Commission.

VICTORIAN COMMISSION OF AUDIT REPORT

Mr JENKINS (Ballarat West) - Will the Premier inform the House of the specific measures the government will take in response to the release today of the report of the Victorian Commission of Audit?

Mr KENNETT (Premier) - I trust that later today I shall be able to table the report in this House so that all honourable members in this place and, ultimately, honourable members in the other place will have access to the document.

Last Thursday the commissioners delivered a copy of their report to me and to the Treasurer, and we spent last weekend reading the two volumes.

An honourable member interjected.

Mr KENNETT - We spent the weekend reading the two volumes. The first volume deals with financial matters. The second volume carefully and closely examines the way the government is run. I place on record the government's appreciation of the work done by the commission and its staff, which is drawn from both the Victorian public sector and the Commonwealth Public Service.

The commission's findings obviously bear out the need for a continuing program in Victoria to ensure that the financial base of the State is brought under control as quickly as possible. The commission has also made a range of recommendations, particularly in respect of education and transport, that indicate that the government could go further than it announced it would go in the programs it outlined in October 1992 and April of this year.

Following an examination of those recommendations, and bearing in mind what the government has already done, I inform the House that everything the government has done has been directed to addressing the legacy it inherited from the previous government and to putting together a sustainable mix of economic measures through the raising of taxes and charges on individuals and families while at the same time both exempting business from those measures, to increase employment, and driving down government expenditure. It has not been easy. N(H)ne argues that it has been. The government has been doing the right thing in the long-term interests of Victoria.

It is important, Mr Speaker, for me to put on record that much of what the government has achieved to date has been achieved with the cooperation of the vast majority of Victorians, including a vast majority of Victorian public sector employees. Those employees have responded magnificently to change and to the need for change. The government does not, therefore, intend that there should be another round of major cost cutting or tax increases.

The next significant issue we must address, as honourable members know and as is reflected in the Victorian Commission of Audit report, is the question of public sector superannuation, which has unfunded liabilities of $19 billion.

Mr Baker - It is $17.7 billion in the report.

Mr KENNETT - It was $17.7 billion to 30 June 1992. Unfortunately, the only thing that is not standing still is time. That figure has grown, as the shadow Treasurer himself may be prepared to admit. It is important that all members of Parliament, people employed in the service of the government and as many members of the public as

possible understand what is contained in the findings of the Victorian Commission of Audit.

Prior to the October 1992 election I indicated that the government would set up an audit to act and report independently and that by 30 June of this year the findings of that audit would be circulated to every household in Victoria. That will be completed by 30June.

I have no doubt Victoria is now well on the way to recovery. There is a great deal of anecdotal evidence about a restoration of economic activity and confidence and pride in the State. As part of that there is a need to inform the community that the steps the government took in October last year and April this year will not be repeated in accordance with the more stringent findings of the Victorian Commission of Audit. There will not be another round of cost cutting in that sense. The government will continue to drive forward, putting in place those changes already outlined, but there will not be another round of tax increases for the community of Victoria.

Mr Thomson - Are you going overseas again?

Mr KENNETT - The honourable member for Pascoe Vale asks whether we are going overseas and tells us to tell the community about that. What has happened to the economy of Victoria over the past eight or nine years is the result of the sheer managerial incompetence, lack of political will and courage, lack of commitment and lack of ability on the part of the former government to sell Victoria around the world. Yesterday the Deputy Premier, the honourable member for Warrandyte and I travelled to Sydney to start trying to rebuild the bridges.

An honourable member interjected.

Mr KENNETT - It was not in the afternoon. Opposition members have to think about that. What a bright mob!

We went to Sydney to start repairing the damage caused by eight years of neglect. Eight years ago Victoria attracted 51 per cent of Japanese tourists; today it attracts 16 per cent. In eight years the Labor Party totally negated and ignored the strengths of Victoria.

Yes, the government will market and sell this State. I assure the opposition that now that the first phase is almost complete, with the superannuation announcement to be made at some stage in the noMoo-distant future, the government can proudly start to market Victoria and its assets to secure existing jobs and create new jobs. The honourable member for Hawthorn and I will visit China and Vietnam in two weeks time. I will quite unashamedly travel to market and sell this State. I will seek out those areas where there is the opportunity to attract investment and thereby create employment in Victoria.

Honourable members interjecting.

Mr KENNETT - The interjections from opposition members are a clear indication of their lack of appreciation of the need to market and sell Victoria. The government will no longer stand still because of the policies and activities of those opposite. If they do not want to travel, so be it. Parliament, through the Commonwealth Parliamentary Association, has awarded the opposition two trips overseas. If opposition members do not want to take them, I will happily save the money. If opposition members do not want to travel, the government will use that money and they can sit where they deserve to sit - with their heads on their knees in disgrace because of what they have done over the past 10 years.

PUBLIC SECTOR SUPERANNUATION

Mr SANDON (Carrum) - I refer the Minister for Education to his comments in the House on Tuesday when he denied that school councils had been told they must meet increased employer contributions to superannuation and pay 105 per cent of pension payments for non-teaching staff. In light of those comments can he explain why Greensborough Secondary College has been sent an account for $2597 for pension payments on behalf of a canteen worker employed at the school from 1977 to 1989?

Mr HAYWARD (Minister for Education) - I make it very clear that neither I nor, so far as I know, any member of my department - and I have checked it carefully - has told schools what the honourable member has alleged we have told schools. I also make it quite clear that it is not my intention that schools will pay the retrospective aspect of superannuation. I will try to put this extremely complex matter into perspective - there is a great file on the matter. It refers to a superannuation group - -

An honourable member interjected.

Mr HAYWARD - That is not so. Without the assistance of the opposition, I make it quite clear--

An honourable member interjected.

The SPEAKER - Order! It is impossible to conduct question time with a barrage of questions across the table. I ask the three members of the opposition sitting at the table to remain silent - and that goes for the rest of the House!

An honourable member interjected.

The SPEAKER - Order! Is someone defying the Chair? If I knew who it was, I would name him.

Mr HAYWARD - It is not my intention nor that of the government that schools be required to pay the retrospective aspect of superannuation to which the honourable member refers arising out of the difficulties of the superannuation group known as the State Employees Retirement Benefits Board, or SERBB.

TUBERCULOSIS

Mrs HENDERSON (Geelong) - Will the Minister for Health inform the House of the steps are being taken to ensure that the rate of tuberculosis infection is not on the increase in Victoria?

Mrs TEHAN (Minister for Health) - The honourable member's question is pertinent. I will tell the House what preventive health measures have been taken to counter the incidence of tuberculosis in Victoria. Some concerns would have been raised in the community in recent times with the announcement that two cases of tuberculosis have been found in Melbourne at a Telecom Australia plant. Among the 114 employees at the Telecom plant there have been two confirmed cases of TB, but the Department of Health and Community Services has acted promptly to ensure that they are isolated, and there is no indication of an outbreak.

Twelve people in close contact with one of the infected women have been tested. Three showed positive results to the first skin test but none of them has TB. The second woman was found to be infected in April. The whole factory was then tested. Some 50 showed positive reactions, and of the 9 who showed a strong positive reaction 7 do not have TB and 2 others are yet to undergo further testing. The other 41 who showed some reaction will be X-rayed.

Most important is the incidence of the disease across Victoria. The number of cases has fallen dramatically. In 1980, 408 cases of tuberculosis were reported. In 1992 that number had fallen to 266. Like many diseases, tuberculosis affects high-risk groups. The homeless can be said to be a high-risk group, but screen testing in 1992 showed only 4 cases in the high-risk group compared with 22 in 1980.

So I am pleased to be able to advise the House that across Victoria the number of cases of tuberculosis has fallen dramatically. Two cases have been identified recently, but the protocols established by the National Health and Medical Research Council were quickly put in place by the Department of Health and Community Services, and there is no reason for any public concern. There is, of course, reason for ongoing vigilance, and Parliament and Victoria are fortunate that the public health sector of the health department is capable of responding so quickly. I reiterate that while we must remain vigilant, there is no need for undue public concern.

PUBLIC SECTOR SUPERANNUATION

Mr BAKER (Sunshine) - Does the Minister for Finance accept the findings of the Victorian Commission of Audit concerning the unfunded liabilities of public sector superannuation schemes and the further analysis that suggests that unfunded liabilities will peak in 2013 and not 2023 as claimed in his options paper? Is that news to the Minister; if not, how long has he been aware of it?

Mr I. W. SMITH (Minister for Finance) - As the Premier said in an earlier answer, the figures in the report of the Victorian Audit Commission are taken up to the end of last financial year.

Mr Baker - The year 2013!

Mr I. W. SMITH - The figures for unfunded liabilities were accurate for the end of last financial year. The fact that everyone has worked for another year means that an additional amount of unfunded liabilities of $1.125 billion has accrued.

The government has always said that public sector unfunded superannuation liabilities will be around $19 billion as at the end of this financial year. If the honourable member likes to do his additions and take into account the other public sector schemes, such as the local government scheme and the City of

Melbourne scheme, he will find that public sector unfunded superannuation liabilities will exceed $19 billion as at 30 June this year. That figure is consistent with the figure reported by the audit commission.

Different factors are used for calculating the projections, depending entirely upon what percentage rises are allowed for inflation, wage increases, interest and other earnings by the various funds and what discount rates are to be used. The honourable member for Sunshine, with all his experience and intelligence, will be well aware that one can come up with a range of projections. The audit commission's report encompasses a range of projections and nothing the government has said conflicts with the contents of the audit report or of the reports of the various public sector superannuation schemes.

The end result is to clearly demonstrate, even to the honourable member for Sunshine, the magnitude of the problem. The Labor Party in government failed to address the problem, even though many attempts were made to do so. The Rowe committee report made a series of recommendations all of which were neglected by the opposition when it was in government. The former Treasurer, the now retired Mr Jolly, put before the Labor government recommendations that it totally ignored and rejected. The former Labor government went on to plunder 50 per cent of members' contributions to pay for the fact that it was not itself prepared to face the emerging costs. As a result the liability has been increased by $1.5 billion.

Honourable members interjected.

Mr I. W. SMITH - As the opposition well knows, superannuation costs represented 3.6 per cent of the Budget in 1982; they now take up virtually 9 per cent of Budget outlays. If nothing is done to arrest the growth in costs, by the end of the decade at least 12 per cent of Budget revenue will be required to meet emerging costs. That is a shocking indictment of the administration of the past 10 years. The Labor Party in government failed to address this problem, so this government must address it, otherwise we will have rapidly escalating taxation or a rapid reduction in services or both. It is unsustainable to have superannuation liabilities escalating at a rate greater than the rate of inflation.

There is nothing inconsistent in what the government has been saying and what appears in the audit commission report. The report reinforces the problems this government has been pointing out to the community that were brought about by the failures of the previous government.

KINDERGARTEN EMPLOYMENT CONTRACTS

Mr TRAYNOR (Ballarat East) - Will the Minister for Community Services inform the House of the greater flexibility available for kindergartens under the Employee Relations Act?

Mr JOHN (Minister for Community Services) - I thank the honourable member for Ballarat East for his question and pay tribute to his great commitment to the kindergarten system in this State. This government values the contributions made by the kindergarten teachers and parents who run the committees of management of Victoria's kindergarten system. All honourable members would agree that Victoria has the best kindergarten system in Australia.

I reiterate the firm government policy of guaranteeing one year's kindergarten for all children. The government has not simply maintained funding for kindergartens in Victoria, it has increased it. In the difficult economic times caused by the recklessness and financial ineptitude of the previous government the coalition has still been able to increase funding for kindergartens from $62 million to $64 million.

Victoria has 1200 kindergartens, 800 of which are members of Kindergarten Parents Victoria (KPV) and 400 of which are run by local government. The government is proud that it has increased not only the number of kindergartens but also the number of places available. Furthermore, the government is proud of the fact that it has maintained the funding for kindergartens in the growth corridors in areas such as Cranbourne, Berwick and Werribee. Only yesterday I was at Cranboume where I had the pleasure of opening an excellent kindergarten/child-care centre. Traditionally kindergartens have been run on four sessions of two and a half hours a week. Most people who have young children would agree that there is a need for greater flexibility and more affordable child-care. More women have returned to the work force as a result of economic and other conditions or simply to pursue their careers. The need for greater flexibility and diversity is paramount in the child-care and kindergarten systems.

The needs of people are different throughout the State. The needs in the inner suburbs of Melbourne are different to those in country areas such as the one I represent. After massive consultation between me and officers of my deparbnent, the KPV and the Kindergarten Teachers Association of Victoria I have arranged for the circulation of a model employment agreement to all kindergartens in the State. The bottom line is that the kindergarten committees of management can sign the agreement or use it as a model for individual agreements with negotiated differences. That is another illustration of the government's commibnent to the children of Victoria and to the kindergarten sector.

OCCUPATIONAL HEALTH AND SAFETY ACT

Mr MICALLEF (Springvale) - Will the Minister for Industry Services inform the House whether he is considering a submission from the Victorian Employers Chamber of Commerce and Industry and other industry employer groups on amendments to the Occupational Health and Safety Act? Will he inform the House whether he intends changing the existing system of occupational health and safety, which last night he acknowledged was the best in Australia?

Mr PESCOTI (Minister for Industry Services) - Last night I was in the television studio where the *7.30 Report* was being produced when I was asked whether a question that journalists had framed had been asked of me that day, and I said it had not. I was also asked whether a second question had been asked of me, and I said that it also had not. If the honourable member has time, he will be able to ask the other question.

Because of the paucity of talent on the opposition benches the honourable member for Springvale has had to get some help from the producers of the 7.30 *Report,* who in tum had some help from a person who formerly worked in the Occupational Health and Safety Commission. That person, who left the commission and is now lecturing at Holmesglen TAFE, went to the Occupational Health and Safety Commission from a firm of solicitors called Maurice Blackbum and Co.

This important question is based on a trifecta. The question attempts to suggest that the government is dancing to the tune of the employer organisations and that it intends watering down the Occupational Health and Safety Act. I have already answered this question on the *7.30 Report.* I was able to explain that the government has no intention of watering down the main provisions of the Act.

Honourable members interjecting.

Mr PESCOIT - I did not have time.

Mr Kennan interjected.

The SPEAKER - Order! The Leader of the Opposition is out of order. The Minister can answer only one question at a time.

Mr PESCOIT - I was able to explain that a number of employer associations visit me from time to time to make suggestions about the way the Act should be reviewed. I was unable to explain on the *7.30 Report* - I did not have time - that I have also received representations from the trade union movement. In fact last week I received a letter from Mr Halfpenny asking whether he could come and talk with me about the provisions of the Occupational Health and Safety Act. I will be speaking to Mr Halfpenny and other representatives from the Trades Hall Council in the next few weeks.

I have received other representations about provisions that may be amended. We will take those submissions on board and we will review them. We intend to look seriously at some of them, but others we will not accept. We do not intend to water down the basic provisions of the Act, which have served the State well during the past eight years.

VICTORIAN COMMISSION OF AUDIT

Mr KENNETT (Premier) presented report of Victorian Commission of Audit of May 1993.

Laid on table.

ETHNIC AFFAIRS COMMISSION BILL

Second reading

Debate resumed from 22 April; motion of **Mr KENNETT** (Premier).

Mr ANDRIANOPOULOS (Mill Park) - The Ethnic Affairs Commission Bill is important. It is probably the only Bill of its type the government will introduce during the sessional period. It is interesting to note the exercise the government undertook this morning when it guillotined the second-reading debate. That will be beyond the

understanding of most people in this State but will particularly offend the ethnic community.

This morning we saw a bizarre attempt by the Premier, in his capacity as Minister for Ethnic Affairs, to prevent debate on the Bill by having eight government members speak on the question of time. The amendment to the guillotine motion was not unreasonable. The Premier has now gone about some other business. He did not come back for the division on his own Bill, which shows the contempt with which he treats ethnic affairs in this State. Again he has abandoned the Bill to another Minister, and it is highly unlikely he will return during the second-reading debate.

The Bill repeals the Ethnic Affairs Commission Act 1982, abolishes the current Ethnic Affairs Commission and sacks the commissioners.

Mr Honeywood interjected.

Mr ANDRIANOPOULOS - If the Parliamentary Secretary to the Minister for Ethnic Affairs had read the Bill he would know that. The Bill purports to set up a new Ethnic Affairs Commission but those who have read the Bill know that all it does is set up an advisory committee. I remind the House that an advisory committee does not require legislative support. The Bill is designed to hoodwink Victorian ethnic communities into thinking that the government is serious about ethnic affairs and that Victoria will continue to have an Ethnic Affairs Commission.

It is my view and that of ethnic communities that the Bill dilutes the objectives and makes inefficient the functions of the Ethnic Affairs Commission. The Bill will reduce the autonomy and independence of the commission in a way never experienced by any other public body. More importantly, it strips the commission of all resources by reducing the position of chairperson to a part-time position. The opposition does not support the Bill, because it proposes to end the Ethnic Affairs Commission as we know it. Therefore, I move:

> That all the words after "That" be omitted with the view of inserting in place thereof the words "this Bill be withdrawn and redrafted to provide for the appointment and payment of - (a) a full-time chairperson and deputy chairperson; and (b) such officers and employees as are necessary for the proper functioning of the commission.".

Honourable members should understand how the Ethnic Affairs Commission was established and why the opposition feels so strongly about protecting its integrity, independence and resources. It is important that the government offer Victorian ethnic communities the full range of services they require.

The House will be aware of the dramatic changes that took place not only in Victoria but throughout Australia as a result of immigration in the 1950s and 1960s. During that period there was no special recognition of the specific problems facing migrants in settling into this country. I notice the honourable member for Bentleigh is nodding in agreement.

Mrs Peulich interjected.

Mr ANDRIANOPOULOS - I am sure the honourable member will recall, as I do, coming to Australia as part of that immigration program and feeling the frustration of being taught in classes of more than 50 children, and perhaps, as in my case, of being taught by another student because no teachers with special skills or English as a second language qualifications were available in those days. I have that grassroots involvement in ethnic affairs. My family, together with other families who came to Australia during that period, experienced that sort of frustration. They had very little English and were offered jobs as labourers or factory workers with little support other than from those who came early enough, or were lucky enough, to have received assisted passage.

In those days it was not considered important for migrants to have access to language classes or programs for learning English on the job, and most of them were in repetitious jobs or working in factories where they could not speak to or hear anyone else above the noise emanating from the machinery in their workplaces.

There was perhaps not the same need for health services as there is today because most migrants had to undergo thorough medical examinations before being accepted as immigrants to this country. Unless we were superfit we were not allowed into the country.

Mrs Peulich - You're no superman - that's for sure!

Mr ANDRIANOPOULOS - I am certainly not a superman, but I can express an opinion about immigration as well as anyone else.

An interesting development in the 1960s and 1970s was that as ethnic communities settled down they started demanding more of the services provided by governments, particularly after the promotion of multiculturalism and the participation of ethnic communities in Australian society and culture that took place in the 1970s.

The former Liberal government led by Sir Rupert Hamer, as he later became, recognised that specific problems could be addressed only by a Ministry with a special interest in ethnic affairs. In 1976 Sir Rupert established the first State Ministry of immigration and ethnic affairs. Sir Rupert was obviously a man of vision, a man who could acknowledge problems and a man who still has some vision today, unlike most members of the Liberal Party. It is a pity that yesterday the Liberal Party did not see fit to support the opposition's motion to appoint Sir Rupert Hamer to the Republic Advisory Committee.

Mr Finn - What has that got to do with ethnic affairs?

Mr ANDRIANOPOULOS - It is related, because Sir Rupert is a man of vision and a man of culture. His appointment was rejected by the Liberal Party yesterday and the Bill is another example of its rejection of his ideas.

Honourable members interjecting.

The ACTING SPEAKER (Mr E. R. Smith) - Order! The House will come to order.

Mr ANDRIANOPOULOS - In the 1970s, for the first time, migrants began to participate in political life. At the same time as the immigration and ethnic affairs Ministry was established people such as Peter Spyker, Theo Sidiropoulos and Giovanni Sgro - -

Mr Reynolds - They were not all Greeks, were they?

Mr ANDRIANOPOULOS - No, they were not all Greeks.

The ACTING SPEAKER - Order! The honourable member will address his remarks through the Chair. He does not require any assistance from the Minister at the table.

Mr ANDRIANOPOULOS - Those gentlemen were pioneers in pushing for the rights of ethnic people in this State. I admit that all three of them were members of the opposition in the late 1970s or early 1980s. Together with the shadow Minister of Immigration and Ethnic Affairs, the late Jack Ginifer, another great champion of and protagonist in the fight for migrants' rights, they devised some revolutionary policies on how to address those problems when the Labor Party came to office.

Mr Honeywood - To benefit the trade unions!

Mr ANDRIANOPOULOS - That is a typical comment from the Parliamentary secretary. He obviously has no understanding of ethnic affairs.

Mrs Peulich - You don't have a monopoly, either.

The ACTING SPEAKER - Order! There is too much interjection from both sides of the House. The Chair will not tolerate further interjections.

Mr ANDRIANOPOULOS - Thank you for that protection and guidance, Mr Acting Speaker. People of that calibre developed some quite revolutionary policies, central to which was the establishment of the Ethnic Affairs Commission. The original intention of its establishment was that members of ethnic communities representing a broad cross-section of ethnic people would be appointed to the commission, which would be directly responsible to the Minister for Ethnic Affairs. The commission would then be in a position to best advise the Minister on relevant services and programs, and its advice would be important not only to the Minister for Ethnic Affairs but to all Ministers, because migrants affect or are affected by every government department in some way.

Earlier I mentioned my beef, if you like, about English not being taught as a second language in schools and the lack of specialised services for the teaching of English to children who migrate to Australia. The Australian Labor Party policy in the early 1980s had support across the board from every ethnic organisation in Victoria. As part of its consultative process in 1982 the Cain government undertook to introduce a Bill to establish the Ethnic Affairs Commission; it sent copies of that Bill to 700 organisations throughout Victoria. Not one single organisation objected to that legislation and the vast majority supported it - the complete opposite to what has happened with this Bill! I notice the Parliamentary secretary, the honourable member for Warrandyte, smirking because he knows the Bill has not been sent to any ethnic group in Victoria.

In the debate this morning on the question of time allowed for debate on the Bill I was amazed when a number of honourable members, including the honourable member for Mildura, said the Bill has the support of ethnic groups in Victoria. They must be living in cuckoo-land! Not one person from the ethnic communities to whom I have spoken supports the Bill.

Although this Bill brings about the demise of the present commission, it is important that I place on record some of the achievements of the Ethnic Affairs Commission. I cannot list them all because debate can continue only until 4.30 p.m! The fundamental principle that governed the Ethnic Affairs Commission in the 10 years of its existence can be found in the objects listed in section 13 of the Act:

(a) to achieve full participation of ethnic groups in the community in the social, economic, cultural and political life of the community;

(b) to ensure access of ethnic groups to services made available by governmental or other bodies;

(c) to ensure that all ethnic groups in the community can retain and express their social identity and cultural inheritance;

(d) to promote cooperation between bodies concerned with ethnic affairs;

(e) to promote unity of ethnic groups in the community; and

(f) to promote a better understanding of ethnic groups within the community.

The activities of the commission during the past 10 years have been successful in that it has gone much of the way towards meeting the goals set for it, whether it be in the area of occupational health and safety, accident compensation, health, community services or education. The commission has successfully convinced government departments to establish specialised units with expertise to understand the problems of the ethnic communities and to structure certain departmental operations in accordance with the requirements of those communities.

Every honourable member will be aware that the commission has been at the forefront of promoting multiculturalism and an understanding of the requirements of ethnic communities. I am pleased that the honourable member for Warrandyte is nodding his head, because there is unanimity in the community about the achievements of the commission. I recall some successful conferences conducted by the Ethnic Affairs Commission. I well remember the Greek and Italian conferences conducted in conjunction with the appropriate communities; they were most successful not only in promoting multiculturalism but in establishing trade links between the nations.

Programs instituted by the commission include the introduction of parents into decision making at school council levels. Many parents in electorates like mine have great difficulty because of language problems and are somewhat reluctant to become involved in the education of their children - even though all parents, including parents in ethnic communities, wish to participate in such matters.

The commission has operated programs in English and other languages to make parents familiar with the operations of school councils. It has conducted programs relevant to the provision of community services and health services, and it has made resources available for programs specifically designed for the special needs of ethnic communities. One that readily comes to mind is the recent Department of Health and Community Services program that investigated the special health needs of migrants - it even specifically touched on why there appear to be varying degrees of longevity between those from southern Mediterranean areas and those from other European districts.

The commission has worked to improve services in government departments and has established local government advisory committees. It has worked with private enterprise in attempting to make local government services readily available and relevant to local communities. I well recall a study undertaken by the commission about workers in places like the Ford Motor Company of Australia Ltd plant who have few skills other than labouring, at which they have worked for many years. It examined how those workers have been affected by advances in technology. Although the report was produced in 1988 it is still relevant because technological change continues to put unskilled workers out of work.

The English-on-the-job program is second to none in the world and is a result of the efforts of a dedicated Ethnic Affairs Commission - -

Mr Dollis - Thank you.

Mr ANDRIANOPOULOS - I have been remiss in not earlier placing on record the contribution made by the honourable member for Richmond. As

many honourable members know, between 1982 and 1988, before his election Parliament, the honourable member worked in the office of the Minister for Ethnic Affairs and, although he has been subjected to vicious attacks from time to time in this p l a c e - -

Mr Hamilton - All undeserved.

Mr ANDRIANOPOULOS - H e has been attacked particularly by people like the honourable member for Forest Hill. He was the dynamo in the Minister's office that drove ethnic affairs and the commission throughout that decade.

Basically the Bill jeopardises all the achievements of the Ethnic Affairs Commission during the past 10 years. It attempts to modify the commission in such a way that it renders it useless. It strips it of its independence and of its resources, and in the future it will achieve virtually nothing.

The Bill removes any provision of resources for the commission. The commission may not have resources to pay for someone to take minutes of meetings. I see the Parliamentary secretary smiling; I know when he makes his contribution to the debate he will tell the House about the ethnic affairs unit in the Department of the Premier and Cabinet. The commission will be under the control and direction of the Minister. Until 1 October last year the commission had the resources for a full-time chairman, a deputy chairman and a secretary. The Bill not only reduces the membership of the commission from 13 to 7 members, but provides for at best a part-time chairman.

Mr Honeywood interjected.

Mr ANDRIANOPOULOS - I have read the Bill. The Parliamentary secretary should understand what is contained in it. Clause 4 purports to contain the same words as the principal Act, with the exception that it inserts the word "promote".

Mr Honeywood - What is the difference?

Mr ANDRIANOPOULOS - It is a fundamental difference. The Act allowed the commission to fully participate in and to provide access to mainstream services to the ethnic communities. The Bill waters that down; it requires the commission only to promote ideals. A part-time chairman and commission will occasionally issue press releases saying, "You are important to us. We want you to be involved". There is no requirement on the commission to have a goal other than the issuing of press releases from time to time.

I turn to clause 5 headed "Functions of the Commission". The clause would have been drafted by bureaucrats, much to the chagrin of the Parliamentary secretary. The functions of the commission have been made so general that it is not accountable for anything. As a bare minimum, specific requirements should be placed on the commission to achieve its objectives. If the objectives are watered down there is no need to have a requirement on the commission to achieve its objectives.

Clause 6 makes it abundantly clear that:

> The Commission must comply with any directions given to it in writing by the Minister.

Under the principal Act the commission had some autonomy to initiate matters and report to the Minister. That function has been omitted from the Bill. If the government had not guillotined the debate I would have proposed an amendment that would have introduced a clause to give the commission some autonomy to initiate matters itself.

Under clause 10 the commission cannot hold a meeting without the approval of the Minister. That is extraordinary! The clause allows for six meetings a year. Clause 10(2) allows the commission to hold meetings only upon the authority of the Minister. The Parliamentary secretary may argue that clause 10(3) allows the commission to hold a meeting within 3 days if more than half the members request a meeting. What commission would go against the wishes of its Minister or would have the gall to conduct such meetings if it were aware that the Minister did not want it to hold meetings? Clause 10 more than any other clause illustrates the degree of independence of the commission: there is none.

Under clause 8 the commission will have at best a part-time chairman and may have a part-time deputy chairman, although that is not spelt out. No doubt the deputy chairman will hold only an honorary position and be paid a meeting allowance or whatever form of payment the government chooses for attending meetings.

Clause 12 illustrates that the government is not serious about delegation because it is worded in such a way as to provide that the commission will meet from time to time and:

may delegate any of its functions to a sub-committee of its members or to any of its members.

Most likely that will be the chairman, who at best would be described as a political appointment. There is speculation about who will be appointed. I do not wish to mention names, but it is common knowledge that the failed candidate for Northcote was not the only candidate; other prominent candidates defeated at the last election are now being touted to fill the position of chairman.

I have been astounded at the amount of correspondence I have received in relation to ethnic affairs, particularly from the elderly and aged groups. Although the Bill is not directly responsible for the abolition of the ethnic affairs grants program — the last mini-Budget was responsible for that — it removes from the commission its ability to advise the government and the Minister on how best to use funds specifically earmarked for ethnic affairs.

I have received much correspondence on this matter, and it increased when people heard about the Bill. Ethnic groups have not been consulted about the Bill, and none of the organisations that have written to me support the changes. For example, the Ethnic Communities Council of Victoria, to name only one, this week delivered a submission to the Premier expressing its concern about the Bill. The government did not give the council time to consider the changes the Bill will make and did not consult with it when the Bill was drafted.

Mr Honeywood interjected.

Mr ANDRIANOPOULOS — The Parliamentary secretary may say that he gave the council a copy of the Bill two months ago, but the 31 March submission to the Premier — a copy of which was provided to the opposition — said the government should not proceed with the Bill until the council had seen a copy of it. To the best of my knowledge the council has not received a copy of the Bill from the Premier's office.

An Honourable Member — Did you send them one?

Mr ANDRIANOPOULOS — I certainly did. As a responsible shadow Minister I attempted to circulate the Bill as widely as possible. Ethnic communities want more time to go through the Bill and to discuss it with their committees of management. They have not been given that opportunity. The Ethnic Communities Council of Victoria, which represents some 90 bodies and more than 50 different ethnic groups, had this to say about the Bill:

1. The Ethnic Affairs Commission Act 1992 should be amended and not repealed, the intention being to strengthen the commission.
2. That the ethnic affairs unit within the Premier's department should be part of a restructured commission.
3. That the Ethnic Affairs Commission should be adequately funded to enable it and its staff to achieve its objectives.
4. That the objective and functions of the commission both under the 1982 Act and the Bill should be revived and extended ...
5. That extensive community consultation should be undertaken prior to the passage of the Bill through Parliament.
6. That should the government persist with its intention to restrict the role of the new commission to that of an advisory council, then it should repeal the present Ethnic Affairs Commission Act and withdraw the Bill. The advisory council does not require legislative support.

That is hardly a ringing endorsement of the government's legislation.

Mrs Peulich interjected.

The ACTING SPEAKER — Order! The honourable member for Bentleigh will get her turn when the honourable member for Mill Park has finished.

Mr ANDRIANOPOULOS — I will endeavour to give the honourable member for Bentleigh an opportunity to speak, but I expect the Parliamentary secretary, the honourable member for Warrandyte, will jump up before her and she will be denied her opportunity to speak. This morning she voted to guillotine the debate and has, therefore, deprived herself of the opportunity to debate the Bill.

This Bill is an insult to ethnic communities in Victoria. It does not support ethnic groups, and I shall treat it with the contempt it deserves. The opposition will vote against the Bill, but the government will use its numbers to push the measure through. I warn the government that when this Bill is better understood by ethnic communities they will once again desert the Liberal Party in droves, just like they have done on previous occasions because of the contemptuous way it treats ethnic communities.

Mr HONEYWOOD (Warrandyte) — I am disappointed that in Victoria ethnic affairs, unlike the situation in the Commonwealth and some other States, lacks bipartisan support. The honourable member for Mill Park did not mention the contribution of the Honourable Jeff Kennett, the current Premier, to ethnic affairs in Victoria.

Honourable members interjecting.

Mr HONEYWOOD — Opposition members laugh about a person who has probably done more for promoting multiculturalism in this State than anyone else. If members opposite listened to their so-called constituent ethnic communities they would realise that Jeff Kennett, as the ethnic affairs Minister in the Hamer and Thompson governments, shadow Minister during the years of the former government and Minister again in this government, has done more in the past 10 years than the socialist-left faction of the Labor Party to promote multiculturalism in Victoria.

I wrote two speeches for today: one in the genuine hope that the opposition would support this Bill and another in case it decided to abuse this matter for political purposes. Honourable members opposite probably know which speech they will hear.

The speech of the honourable member for Mill Park contained many inaccuracies. I refer to his claim that the Bill is an attack on the independence of the Ethnic Affairs Commission. What independence? Every chairman of the commission for the 10 years of Labor administration was a card-carrying member of the socialist-left faction of the Labor Party. Every deputy chairman was also a card-carrying member of the Labor Party.

Mr DOLLIS (Richmond) — On a point of order, Mr Speaker, I forgave the honourable member for Warrandyte when he referred earlier to the relationship between the current Premier and Jack Ginifer.

The SPEAKER — Order! What is your point of order?

Mr DOLLIS — The Parliamentary secretary should withdraw his accusation about the former chairmen of the Ethnic Affairs Commission. For his information the second last chairman of the Ethnic Affairs Commission was previously appointed by the Liberal government to the former Institute of Multicultural Affairs.

The SPEAKER — Order! There is no point of order. If the honourable member for Richmond wishes to rebut what the honourable member for Warrandyte says in debate, he is at liberty to do so.

Mr HONEYWOOD (Warrandyte) — Every Deputy Chairman of the Ethnic Affairs Commission was a card-carrying member of the socialist left faction of the Australian Labor Party.

Mr Micallef — They don't have cards.

Mr HONEYWOOD — Perhaps it's just a handshake. The honourable member for Richmond was the de facto Minister for Ethnic Affairs from 1982 to 1988 because the then Minister, the Honourable Peter Spyker, was also the Minister for Consumer Affairs and did not have sufficient time to give to the ethnic affairs portfolio. The administration of ethnic affairs was left to one Demetri Dollis prior to his becoming a member of Parliament. He spent most of his time looking after his friends by installing them in positions in the so-called neutral Public Service. We all know who some of his friends are. This was done to build up support in the Labor Party for his own nomination to represent it in State Parliament and to ensure that socialist left members had influence among ethnic communities. He used the funding program for political purposes and I shall come to that later.

For example, excessive funding was given to the Australian Yugoslav Welfare Society. Approximately $207 000 was given as a grant to none other than Lewis and Vera Kent. Lewis Kent was a former Labor Party representative for the Federal seat of Hotham. Vera Kent, his wife, was one of the so-called neutral part-time commissioners appointed to the Ethnic Affairs Commission. Other ethnic communities such as the Croatians, the Bosnians and the Serbians — and there are thousands of them who never supported Yugoslavia — say that they received hardly any funding for 10 years from the former Labor government.

The coalition government has now obtained the files so it is able to reveal what so far has been kept quiet. What a scandal that $206 750 of taxpayers' money was given for the greater glorification of Lewis and Vera Kent.

Mr MICALLEF (Springvale) — On a point of order, Mr Speaker, what is the relevance of the contribution of the honourable member for Warrandyte? The honourable member should

indicate whether a grant was given to an organisation or to individuals.

The SPEAKER — Order! There is no point of order. If the honourable member for Springvale wants to rebut anything that the honourable member for Warrandyte says during the course of the debate, he may do so.

Mr MICALLEF — On a further point of order, Mr Speaker, if something is said that is not true it should be withdrawn.

The SPEAKER — Order! If remarks are unparliamentary, impugn somebody unnecessarily or are offensive they can be withdrawn, but in the cut and thrust of debate, members can make statements about a range of issues. The Chair is concerned only with whether those remarks are relevant.

The lead speaker for the opposition covered many issues during the debate, as is the custom, and the lead speaker for the government has the same opportunity.

Mr HONEYWOOD (Warrandyte) — I understand why members of the opposition want to curtail the time that I have to speak: they do not want the community to know ethnic affairs was the plaything of the socialist left for 10 years. In his maiden speech on 2 November 1988 the honourable member for Richmond said:

> These policies will include close cooperation with the trade union movement ... An effective Labor government will always have close links with trade unions, and I intend to play my part to ensure that that happens.

In acting as the de facto Minister for Ethnic Affairs the honourable member did his job.

I refer now to ethnic affairs grants and I remind honourable members that many ethnic communities, particularly the Serbian, Bosnian and Croatian communities, did not receive any funding for 10 years. The Australian Railways Union received $19 000; the Australian Telecommunications Employees Association, only $3500; the Clothing and Allied Trades Union of Australia, $7825; the Federated Liquor and Allied Industries Employees Union of Australia, $37 500; the Trade Union Information and Resource Centre — it did not want to dispatch too much information — received $4000; the Trade Union Migrant Workers Centre, $76 000; the Victorian Trades Hall Council, $61 929; the Federated Confectioners Association of Australia — it is associated with people from Libya — received $5000; the Union of Australia Turkish Workers — it is interesting to hear what Turkish people say about the Honourable Andrew Theophanous, a member of Federal Parliament — —

Mr Dollis — He received one of the largest Labor votes in Australia.

Mr HONEYWOOD — He did not receive any votes from the Turkish community. The Union of Australia Turkish Workers received $15 000. It is interesting that only one ethno-specific trade union group received a grant of $15 000. The Hospital Employees Federation No. 1 Branch — an extremely "right-wing group" — received $15 000.

These grants were made while migrant groups were being starved of funding; while migrant communities wanted to build nursing homes to look after their sick and disabled and wanted access to programs for English as a second language. During a period of 10 years the trade union movement received $244 754 as ethnic grants! It is not only incredible; it is an indictment of the so-called neutrality and bipartisanship of the opposition when it was the government of Victoria.

Even as recently as the 1991-92 grants program, under the senior citizens-aged workers grant, the only ethno-specific association on a geographical basis to receive a substantial grant was the Williamstown Italian Social Club, which received $20 000. To receive that amount it was told to hold a function so that the then Premier, the honourable member for Williamstown, could personally give the cheque to the association. If a special ceremony were not held, it would not receive funding. It is interesting that on so-called neutral criteria, the largest grant to any ethno-specific, geographically-based association went to an association in the electorate of the former Premier! The anecdotal evidence about that event is very interesting!

I am not surprised that the honourable member for Mill Park said that this government should:

> ... force the commission to achieve its objectives.

"Force" is the operative word, because that is exactly what the Labor opposition has done. It has forced its members to claim that the government is diluting the functions of the Ethnic Affairs Commission; but

it has completely ignored how ethnic affairs has been administered over the past three years. Back then, the previous government appointed another card-carrying member as general manager of the bureaucratic wing. He operated under the auspices of the Office of Ethnic Affairs and turned the so-called independent commission into an advisory body and a rubber stamp.

Honourable members interjecting.

Mr HONEYWOOD — Mr Speaker, I am having difficulty speaking with the level of interjection across the table.

The SPEAKER — Order! The level of interjection across the table is too high. I ask honourable members to remain silent.

Mr HONEYWOOD — Thank you, Mr Speaker. I have a memorandum from the current chairman of the commission, who was appointed by the Labor government and who has been kept on by the government. In the memorandum he states;

> To my knowledge, the Ethnic Affairs Commission never investigated or instigated any substantive ethnic affairs matter without the prior knowledge and approval of the Minister.

That makes a sham of the accusation by the honourable member for Mill Park about what the government is doing in introducing the Bill. He goes on:

> Indeed, there were always doubts as to whether the Ethnic Affairs Commission had such powers.

Mr ANDRIANOPOULOS (Mill Park) — On a point of order, Mr Speaker, I ask that the honourable member table the document he is quoting.

The SPEAKER — Order! Is the honourable member prepared to table the document?

Mr HONEYWOOD (Warrandyte) — I am more than happy to do so. In fact I would rather have it incorporated in *Hansard*.

The SPEAKER — Order! That cannot be done without the prior knowledge of the Speaker.

Mr HONEYWOOD — The memorandum continues:

> The Ethnic Affairs Commission Act 1982 states that the commission is to act "subject to the direction of the Minister" — —

In other words the Labor opposition is accusing us of doing exactly what it did under its own legislation when in government. If opposition members have not read their own Act, that relates to section 14(a). The memorandum continues:

> and that the committees it establishes require "the approval of the Minister".

Again I ask opposition members to read section 17(1):

> The investigations into the functions of government agencies, to which the Act refers in section 15, are themselves subject to "the approval of the Minister"; the agreements with other departments (section 12) are also subject "to the consent of the Minister administering that department".

In other words, all the things opposition members have accused us of introducing are contained in their own Act:

> The chairman of the commission, being also the chief executive officer, maintained the normal powers of the head of a department until January 1992. With the establishment of MEMCA, the commission was stripped of departmental status and a separate department was created: the Office of Ethnic Affairs. The Act was not amended ...

We must ask why. The honourable member for Richmond apparently did not have the courage to bring before this House an amendment to the former government's own legislation, which it ignored for three years. But this government has the courage to put the necessary amendments in train.

The previous government turned a blind eye to the situation for the last three years it was in office, as a result of which the chairman it appointed has now written a memorandum accusing it of abusing its own legislation and not properly representing the Ethnic Affairs Commission.

The memorandum then states that "the Act was not amended, although the salary and conditions were reviewed". It also says:

> Under the changes, the commission was in control of its initiatives and of a budget of about $20 000.

The honourable member for Mill Park said the government had stripped the commission of resources. According to the chairman, the commission received only $20 000 from the previous government. If I could use the word "hypocrite", I would. Although I cannot use the word because it is unparliamentary, its use would be singularly appropriate to describe the sham of so-called neutrality that is practised in ethnic affairs by honourable members opposite.

The Office of Ethnic Affairs had a budget of $20 000 but had no power to determine the agenda and the priorities of the office. The chairman finishes his memorandum by saying:

> I shall be pleased to give clarifications.
> Franco Schiavoni, Chairman.

For 10 years the previous government made a sham of ethnic affairs. The use of ethnic affairs as a political tool led to the formation of a group known as the Local Government and Ethnic Affairs Ministerial Advisory Council (LEMAC). A member of the socialist left network, now the honourable member for Thomastown, required support from his friends to win the seat of Thomastown in a by-election, so LEMAC was formed and was sent off to do a pilot study on the delivery of ethnic services to local government. After being appointed by a socialist left Minister, LEMAC officers trotted out to the Whittlesea council, which is the main council in the electorate of Thomastown.

At the time the Whittlesea council was a socialist-left, Labor-dominated council. What is called an intra-factional problem then occurred in this State. The Whittlesea council said it was not interested in having a pilot study done on the delivery of ethnic services. Nevertheless LEMAC was forced to do that pilot study because a report had to be issued to assist the honourable member for Thomastown win the by-election.

The government is trying to allow the commission to do what the previous government would not let it do — operate at arm's length from government. The Bill provides for the appointment of a full-time or part-time chairperson. The amendment moved by the honourable member for Mill Park, which provides for the appointment and payment of a full-time chairperson and a full-time deputy chairperson, is a sham, because a full-time deputy chairperson is not required.

The only reason the previous government appointed full-time deputy chairpersons was that under its own Act, which it ignored during its last three years in office, the commission was charged with responsibility for the delivery of interpreting and translating services, grants and so on. In practice, as we have heard from the current chairman, who was appointed by the Labor government, the commission was not allowed to carry out its responsibilities. Why do you need a full-time deputy chair if that person is not allowed to do the job that the Act requires him or her to do? There was no need for a full-time deputy chair; therefore the amendment proposed by the honourable member for Mill Park is a sham.

In his memorandum the current chairman has already told us that he received only $20 000 to fund his commission's activities. Although ethnic affairs has been practised on a bipartisan basis, for the past six months honourable members opposite have been deliberately trying to score points by running off to ethnic media outlets that are sympathetic to their cause, saying that the government has abolished the Ethnic Affairs Commission.

Within six months of coming to power in 1982 the former government had sacked every non-ALP commissioner.

Mr Dollis — There were no commissioners!

Mr HONEYWOOD — Go and speak to Victor Borg. Mr Borg was a commissioner who was conned. He was put in place in the early 1980s by the previous government. He is now chairman of the Ethnic Communities Council of Victoria. The council made the submission the honourable member from Mill Park quoted from earlier. Mr Borg resigned as a commissioner of the Labor Party's Ethnic Affairs Commission in 1986 because he believed the commission had become a disgrace and was a rubber stamp. His reasons for resigning were not minuted. His letter of resignation to the then Minister is not on the file. However, Mr Borg will be the first to say that he resigned as a commissioner from the so-called Ethnic Affairs Commission because it had become a rubber stamp. That goes to show what a sham ethnic affairs was when administered under the previous government.

The honourable member for Sandringham intends to go point-by-point through the functions of the government's Bill and to compare it with the existing legislation. There is little difference between

the functions of the proposed commission as set out in the Bill and what the current commission does.

The government has had extensive consultations with the Ethnic Communities Council of Victoria on the legislation and has received a submission from it. Mr Borg was given a briefing on the Bill some months ago. It is unfortunate that in the proposed functions of the commission contained in its submission the council has overlooked the proposed main power of the commission, clause 5 (e), namely:

> to maintain and further develop harmonious community relations between all relevant groups ...

The council's submission therefore is defective because it does not address the full intent of the Bill.

The Bill provides for a minimum of 7 and a maximum of 10 part-time commissioners — the honourable member for Mill Park chose to speak only about the lowest possible number of members — and for a full-time chairperson. The Bill represents a change in philosophy. Rather than having a factionalised political machine running a political agenda and trying to con the ethnic communities in Victoria into accepting its own philosophy and designs, the government will require the mainstream government departments that are charged with ethnic service delivery to adopt a greater role in looking after their clients from non-English speaking backgrounds.

Mr Mildenhall — It does not say that in the Bill!

Mr HONEYWOOD — If the honourable member for Footscray bothered to read the government's policy, which was issued prior to the October 1992 election, he would realise that one of the key platforms in that policy was a three-pronged system of administration rather than a political machine jumping up and down at government departments in an ineffective way.

The government wants departments to ensure they deliver services to their clients from ethnic backgrounds, not only through a mechanism of an interdepartmental committee, made up of politicians and senior public servants, but also through a system of annual reporting and other mechanisms. The Bill represents a change in philosophy.

It is a sham and a disgrace for the honourable member for Mill Park to stand on his political soapbox and try to score political points from what used to be a bipartisan policy. I hope the next speaker, the honourable member for Richmond, who was the de facto Minister for Ethnic Affairs in the former government, will refer to the spirit of bipartisanship which until today existed in Victoria, but which the opposition in its desperate grab for a headline deserted in favour of political point-scoring.

Mr DOLLIS (Richmond) — The Honourable Jack Ginifer, a former member of this House, as a result of illness, unfortunately was robbed of an opportunity of serving in this House following the election of the Labor government in the early 1980s. The honourable member for Warrandyte, the Parliamentary Secretary to the Minister for Ethnic Affairs, displayed his ignorance when he referred to Jack Ginifer as just another former trade unionist, because he did not see Jack Ginifer working with the Premier in both opposition and government.

Mr HONEYWOOD (Warrandyte) — On a point of order, Mr Speaker, I did not mention the Honourable Jack Ginifer once in my speech. If the honourable member for Richmond wants to score political points he should come back to the truth. Mr Ginifer was not mentioned once in my speech.

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

Mr DOLLIS (Richmond) — That illustrates the pathetic nature of the previous contribution. It is true that the current Premier has over a long period contributed to ethnic affairs in Victoria and that his commitment to ethnic affairs is unquestioned and well recognised. It is also true that, because of the misconnection between his brain and his mouth, his comments often create unnecessary division. However, the opposition pays tribute to the work in ethnic affairs of the Premier, the former Minister and former Leader of the Opposition.

It has been said that extensive consultation has taken place in respect of the Bill. "Extensive consultation" means consulting not only in theory but in practice with ethnic communities.

In 1982 the Ethnic Affairs Commission Bill was introduced by the former government. Following a review, a report entitled *Access and Equity — the Development of Victoria's Ethnic Affairs Policy* was produced. That review report was a public document open to scrutiny, constructive criticism and comment. The review was carried out over a period of 13 weeks. More than 200 ethnic-based organisations, representing some 500 affiliated groups from all regions of the State, 40 municipal

councils, 25 government Ministries and departments, 36 trade unions and many other community-based organisations and persons, responded to the review. Hundreds of individuals and organisations were consulted about a change to the legislation. A copy of the Bill was provided to all those groups, and papers of review were commissioned. One was produced by the Victoria Welcome Group. Needless to say, when this review was mentioned to the Parliamentary secretary he was not even aware of it simply because consultation exists only in the minds of those opposite. The former government produced the facts in black and white, in a documented form that can stand up to scrutiny and basically answer the question of time.

Let us consider the reviews the previous government conducted. The first was conducted by the Victoria Welcome Group, which was coordinated by the then Ministry. Its task was to welcome new arrivals and provide them with information on services available. The second was a review and analysis of the grants programs of the Ministry. The third was a review of the cross-cultural awareness courses. The fourth was a review of the community relations unit. The fifth was a briefing paper on interpreter and translation services.

There was a community survey and migrant worker discussion. The survey methodology, a survey questionnaire, a summary of government policy and statistics from the survey were distributed. Also there were meetings with community workers and people from non-English-speaking backgrounds. A number of specialist background papers were commissioned: the first on consultations with migrant women; the second on ethnic health services in Victoria; the third on mental health and ethnic services; the fourth on migrant services and occupational health; the fifth on State welfare services; the sixth on the access of migrants to Victoria's education system; the seventh on the review of industrial English programs, which led to the program English on the job; the eighth on the communications policy of the Ethnic Affairs Commission; and the ninth on the documentation and information role of the Ethnic Affairs Commission. The former government also provided a duty statement on divisional directors. All of that information was for public consumption.

Government members may have disagreements on questions of policy, but disagreements must be open to public scrutiny and reviewed by those affected, namely, community groups. That is why I say the consultation of the previous government can stand up to scrutiny and should be compared with that of the current government. The documentation shows that the current government has consulted little. The only example of consultation that can be found is some discussions that have taken place between the Parliamentary secretary and the Ethnic Communities Council of Victoria. As the honourable member for Mill Park indicated, the report by the Ethnic Communities Council obviously does not support the government's approach — its way forward.

Let us examine Australia's history to see why ethnic affairs plays such an important role in Victoria and Australia generally. I do not intend to spend 28 minutes vilifying anyone inside or outside the House, as did the Parliamentary secretary. I intend to indicate why governments must be careful and must pay attention to this area. I will give an historic account of ethnic affairs.

Australia is a land of migrants and has been receiving immigrants since British settlement. Our history is that since the second world war the migration program has brought about substantial changes to the composition of our population. Honourable members would know that after the end of the second world war — —

Mr HONEYWOOD (Warrandyte) — On a point of order, Mr Speaker, the honourable member for Richmond has been quoting for some time from extensive notes. Is he willing to table those notes as he required me to do when I made my contribution?

The SPEAKER — Order! There is no point of order. The honourable member for Richmond may use notes to aid him in his speech. I believe he is not reading his speech and he is in order.

Mr DOLLIS (Richmond) — They are my handwritten notes.

The SPEAKER — Order! The honourable member does not have to table notes.

Mr DOLLIS — To give substance to the debate I shall continue with this historical account. At the end of the second world war Australia faced a number of challenges. It was felt that for defence purposes alone Australia needed a significant increase to its population of 7.5 million. Also our population was ageing because during the 1920s and

1930s there had been a dramatic fall in the number of births from 135 000 to 110 000.

After the second world war there was a need for reconstruction, to replace capital stock, to revive the flow of consumer goods, to replace imports and to develop a strong manufacturing industry. It was therefore believed in 1947 that Australia had to "populate or perish"; they were the only alternatives. A massive migration program was born out of that belief.

A failure to understand the historical perspective of and motives for the mass migration program often contributes — and I suggest the Parliamentary secretary take note of this — to antimigrant and at some times racist attitudes. I also remind honourable members opposite that during that time migrants were expected to assimilate. Through the 1950s, 1960s and even early 1970s the Australian government totally neglected to provide services of relevance to a multicultural society. Migrants effectively faced either assimilation or experiencing continuing disadvantage. The Minister would know how disadvantaged many ethnic groups were in accessing services offered by government organisations and departments.

As I mentioned earlier, Australia's economic expansion, especially in the manufacturing area, changed the early intentions of the mass migration program. Originally it was anticipated that 9 out of 10 migrants would be British, something that proved impossible given that the United Kingdom had a labour problem similar to that of Australia. Therefore there had to be a change to the early intentions for the migration program.

Australia had to move from a policy of assimilation to one of multiculturalism because the nature of the migration program meant that the composition of our society was beginning to change. It was finally recognised that Australia could not prosper if it continued down the impoverished path of assimilation. Thus the early 1970s brought the acceptance of our country's cultural diversity.

For the information of the Parliamentary secretary I point out the bipartisan approach taken by both the Whitlam and Fraser governments. They made a great contribution to this debate and to the development of multiculturalism in Australia, Whitlam through the appointment of Al Grassby as Minister. Honourable members would know of Al Grassby's commitment to multiculturalism. Gough Whitlam was personally committed to change and to the promotion of Australia's cultural diversity.

For those ignorant enough not to know, I point out that Malcolm Fraser's contribution was made through the appointment of Frank Galbally to head an inquiry into post-arrival services. Malcolm Fraser also contributed through the appointment of Petro Georgiou to his personal office and as the first Director of the Institute of Multicultural Affairs. I pay tribute to Whitlam, Fraser, Grassby and Georgiou for making Australia a truly multicultural society.

If the honourable member wants to talk about a bipartisan approach, let me put it into some historical perspective so he is aware of the contributions made by the former Minister for Immigration and Ethnic Affairs, the late honourable Jack Ginifer, and the current Minister, the Premier, both of whom have spent considerable time on this area. However, I suspect that the friendship and the camaraderie the Premier has developed with the ethnic community irrespective of political differences is something not shared by the honourable member for Warrandyte. I expected the speech of the Parliamentary Secretary for Ethnic Affairs to show his affinity for ethnic affairs in Victoria; I expected him to analyse the government's contribution and indicate the direction to be taken over the next three years. However, his speech was full of vitriol and was extremely disappointing. That is why it is important to point out the historical bipartisan approach that has been adopted. The Parliamentary secretary needs to understand that many individuals have worked extremely hard in this area. He also needs to understand that if Australia is to be an example to the rest of the world of a society that has been able to integrate more than 140 groups — —

Mrs Peulich — In the order of 97 per cent are unemployed!

Mr DOLLIS — I suggest to the honourable member for Bentleigh that she go back to the history books to research the contributions made by individuals in creating a society that is as tolerant as is humanly possible given its incredible diversity. I hope this government will continue the contribution former governments have made to ethnic affairs in the past.

The honourable member for Warrandyte listed a litany of complaints, which did little to enhance his reputation. Honourable members will be

disappointed when they read his contribution in *Hansard* because they would have expected a statesperson-like speech. I expected the honourable member to rise above the petty, pathetic politics he displayed. He should have assisted the debate by informing the House how ethnic affairs will develop in this State.

The shadow Minister for Ethnic Affairs indicated to the House that he is willing to give the government a chance, not only through this debate but also through his reasoned amendment and amendments to be proposed during the Committee stage to correct a misinterpretation made by the government. I praise the Premier's commitment to ethnic affairs, but I wonder about the advice he is receiving!

I want to set the record straight about the consultation that has allegedly taken place and about the criticisms of the Bill. Ethnic affairs is an area that will always face criticism, but that criticism must be made in an open, honest and fair way; it must take place in a climate where the government is prepared to produce its policies openly so they are available to anyone wishing to study and scrutinise them.

Unless there is an honest, straightforward critique of policies we will never be able to contribute to the development of Australia's multicultural society and make certain that its diversity becomes its strength. It is that very diversity that is Australia's strength. The multitude of cultures that provide strength to Australian society are those cultures the shadow Minister for Ethnic Affairs wanted included in the consultation. What did the honourable member for Mill Park say? He asked whether those people would be allowed to contribute to a debate that should have substance and that should produce a structure better than the previous one.

Legislation is supposed to be changed in order to improve it. This is a simple piece of legislation; it is so simple that it leaves nothing to the imagination. The Bill contains no vision for the future and, as I said earlier, I wonder about the advice the Premier has received. The Premier's record is obvious, but I wonder sometimes about those around him.

What does the Bill mean to Victorians as we face the year 2000? The rhetoric in this House and across Australia is that Australia's economic future lies within the Asia-Pacific rim. Politicians across the political spectrum are developing the relevant policies that will see the cultural, linguistic and economic connections between this country and State and that region. The Bill contains nothing to comfort Victoria about its future.

Parliament has been given no evidence about the programs the government wants to develop. I expected the Parliamentary secretary to outline the government's vision for language services, on-the-job English, education in a multicultural society, racism and combating racial vilification, migrant women, youth from non-English speaking backgrounds and a multitude of programs that run across the spectrum of government.

Was any such vision given? The government says it wants to correct the record of the previous government, but to do that it must match that record not in rhetoric but in realistic programs that it delivers to the people of Victoria. It is the fundamental delivery of services that breaks down inequalities and continues to provide us with a weapon to continue to build a tolerant and united society.

It is not easy to integrate 140-odd ethnic groups, a multitude of cultures and languages into one cohesive society called Australia. The work that has been done and that needs to be done is of paramount importance. If Australia is to avoid the experiences of overseas countries — even English-speaking countries such as the United States of America and the United Kingdom — we must know how this Bill will ensure that society continues to develop and enhance the lives of people within its ethnic communities and how it will utilise their future contributions.

For many reasons Australia will continue to have a migration program. How will we deal with the migrants who have been in this country for more than 30 years and whose needs have changed? How will we deal with the newly arrived migrants? Honourable members opposite will know that immigration programs change because of international pressures, and as a result, populations begin to change. Those who come to this wonderful country today are culturally, ethnically and linguistically different from those who came in the early 1950s and 1960s as factory fodder for the developing manufacturing industry. Migrants now come from more mixed origins because Australia's needs are different.

Nothing in the contribution made by the honourable member for Warrandyte showed a sense of vision; it was a disappointing contribution. It is important to place on record the issues that must be addressed,

irrespective of the party in government, irrespective of who is the Minister, and irrespective of what political ideology the government espouses. I hope the Minister's response will contain a sense of vision, because it is most important that a clear signal is given to members of the community from both non-English speaking and English speaking backgrounds about the legislative measures that will assist in the development of our society.

Although the Bill is simple, it does not reveal what the government intends to do. The second-reading debate provides the opportunity for the government to outline the programs that will assist the ethnic community. The shadow Minister for Ethnic Affairs, the honourable member for Mill Park, outlined some of the concerns expressed by the ethnic communities about the legislation — and he moved a reasoned amendment so that the clauses could be examined in the Committee stage. The honourable member also foreshadowed amendments that were the result of extensive consultations with those communities. However the Bill will not be amended, regardless of the contribution made by the ethnic communities and the criticisms made of the government.

At the end of the day the House, Parliament and the Minister must all contribute to the development of our society. We can ensure stability by continuing the policy of integration by maintaining fair-mindedness and by fighting bigotry and racism. That will ensure that all people, irrespective of their linguistic, cultural or racial backgrounds, are able to participate in the affairs of the State and are not manipulated.

Those from non-English speaking backgrounds are twice disadvantaged. I was hoping to hear something from the government about those people from non-English speaking backgrounds who have lived this State for a long time and those who have only recently migrated. There are distinct differences between those groups. Some people have spent a lifetime developing a positive way forward in ethnic affairs. Much hard work needs to be done, but at the end of the day a bankrupt political party without any substance will fail.

The government has the opportunity of supporting the reasoned amendment. The honourable member for Mill Park wanted to move to the Committee stage, but the House has been denied that opportunity. For that, the government stands condemned.

Mr THOMPSON (Sandringham) — Firstly, I shall relate my remarks to the contribution made by the honourable member for Richmond. He referred in glowing terms to his party's review. Although the government is aware of the administrative review, it reminds the opposition that the legislation is basically a continuation of the evolution of administration in ethnic affairs that has been occurring since 1982. It also puts into perspective the way in which the Labor Party administered ethnic affairs during the past three years. No ethnic community has expressed any concern about the Bill to the government or to the Ethnic Affairs Commission.

The honourable member for Richmond made a comment about factory-fodder. My wife's family arrived on Station Pier 25 years ago and later worked in the factories of Richmond and Clayton. Comparisons have been made between the migrants of today and the migrants of 10 years ago who worked in factories. At least in those days they had the opportunity of working. Home ownership statistics show that 10 years ago 92 per cent of Italian migrants owned their own homes and 88 per cent of Greeks owned their own homes. Because of the administration of this State during the decade of Labor government those home ownership levels have not increased. Rather, many of the people who came to this country are returning to their homelands — or they are sending their children back. When I door-knocked in my electorate prior to the State election I was staggered to find that a large number of migrants were sending their children back to Greece or Argentina because of the lack of employment opportunities in Victoria.

The view of the former Premier, Henry Bolte, was, "Give a person a job and the opportunity of buying his or her own home and he or she has the prospect of building a worthwhile life in this nation". In 1983 a French magazine rated Australia as the best country in the world in which to live. That was due to a number of factors such as our natural heritage and the legal and Parliamentary system that inherited from Britain. It was also due to the magnificent contribution made by migrant communities over many years.

As a solicitor I had the opportunity of working with 30 to 40 different ethnic groups from the Middle East, South America, Asia and Europe, and I was always impressed with their capacity to make their way in the Australian community without any government assistance. I was impressed by many ethnic community organisations that took the

opportunity to incorporate under the legislation relating to the incorporation of associations. They have shown leadership and have advanced using their own resources rather than relying on the government.

A couple of weeks ago I had the opportunity of attending a function addressed by the Turkish Consul-General. He said, "A friend on the left and a friend on the right, let us work together and the community unite". I am in favour of a bipartisan approach to a number of these issues.

I turn now to provisions of both the Ethnic Affairs Commission Act and the Bill. Clause 4 of the Bill sets out the objectives of the commission, which are to promote the full participation of Victoria's ethnic groups in community life; access to services; maintenance of cultural inheritance; cooperation between bodies concerned with ethnic affairs; unity among ethnic groups; and the promotion of a better understanding of ethnic groups within the wider community. They are worthy objectives.

Section 14 of the 1982 Act provides that it is the function of the commission:

(a) to act subject to the direction of the Minister;

That provision is replicated in clause 6 of the Bill. Subsection (b) states:

> to investigate, report and make recommendations to the Minister on any aspect of ethnic affairs referred to it by the Minister.

That is identical with clause 5(a). Subsection 14(c) states:

> to consult with and advise other government departments and instrumentalities ...

Part of that work will be subsumed by the interdepartmental committee. Subsection 14(d) provides:

> to advise the Minister on the most effective use of funds available for promoting the interests of ethnic groups.

That role will be taken over as an administrative matter within the Ethnic Affairs Unit and the interdepartmental committee. The Act continues:

(e) to undertake research into and compile information on the needs of different ethnic groups.

That is covered by clause 5(b), which provides for the commission to investigate, report and make recommendations to the Minister on any aspect of ethnic affairs referred to it by the Minister.

Section 14(f) of the Act provides that it is a function of the commission:

> to advise the Minister on the development of immigration policies.

As this complex area involves a number of different government departments, it is more appropriate that it be conducted by the government in consultation with the Commonwealth. It is not necessary for that provision to be a focus of the Act. Section 14(g) provides for the commission:

> to co-ordinate the introduction of special translation and interpreter services into departments and statutory bodies.

In recent years significant improvements have been made in providing migrants with access to translation and interpreter services. On many occasions as a lawyer I have been aware of the need for migrants to have access to interpreters when visiting doctors or becoming involved in the judicial process. It is important that those needs be met so that health and legal services can be appropriately provided to ethnic communities.

Section 14(h) requires the commission:

> to consult with and involve other bodies and persons in —
>
> (i) meeting the needs of ethnic groups; and
>
> (ii) promoting the interests of ethnic groups.

That function is covered by clause 5(d), which provides for the new commission to consult with relevant bodies and individuals to determine the needs of ethnic groups. Section 14(i) provides for the commission:

> to arrange and co-ordinate meetings, discussions, seminars and conferences with respect to ethnic affairs.

That role is redundant; it is covered by clause 5(d). Section 14(k) requires the commission:

> to report and make recommendations to the Equal Opportunity Board on all matters affecting the equal opportunity of all residents of Victoria.

The provision has a very narrow focus. It is the role and function of the commission to report all matters of interest to the Office of the Commissioner for

Equal Opportunity, the Office of Women's Affairs within the Department of Justice, the Office of the Public Service Commissioner and other bodies.

The redefined role of the commission basically splits its functions into a range of achievable objectives, not ones that are superfluous and redundant. It might be said, in the words of Mark Mitchell, alias Con the Fruiterer, that if the Bill were to be summarised in one word, the word would be "b-e-e-e-w-d-i-f-u-l"! In more Parliamentary language, the focus of the proposed legislation is logical, well constructed and well founded.

I commend the Bill to the House.

Dr VAUGHAN (Clayton) — As no member of the government has done so, I pay tribute to the many individuals who have served on the Ethnic Affairs Commission over the past decade. On behalf of the people and the Parliament of Victoria, I thank them for their contribution to the life of this State and community.

One may ask how a debate on ethnic affairs in our society should be conducted. I suggest to the honourable member for Warrandyte that it should be conducted without hyperbole, abuse or exaggeration, and with a good deal of tolerance, understanding and consideration. Those qualities were absent from his contribution to the debate today. In contrast, the speech of the honourable member for Sandringham was without hyperbole, abuse or exaggeration — except for the volume of one particular word.

It is disappointing that the debate has been truncated by the government; except for the contributions of opposition speakers and the honourable member for Sandringham, the debate has not engaged the important issues, which is surprising. I express surprise that the Parliamentary Secretary to the Premier, who appears to have a large role in the ethnic affairs area, failed to address the significant issues in the debate. The honourable member was preoccupied with abuse and hyperbole. His performance gave the House a taste of what should not be said in a debate of this nature.

Over the past 10 years the Ethnic Affairs Commission has served the people of Victoria well. The Act requires review and amendment — and I am sure there is bipartisan agreement on that — but the Bill goes halfway toward the abolition of the Ethnic Affairs Commission. It is a halfway house to abolition. Although the honourable member for Warrandyte shakes his head, that is a fact. Over the past six months the government has displayed an insensitivity to ethnic affairs. In the past the Premier had a better record, although one that he occasionally blemished. In recent times he has taken little interest in his ethnic affairs responsibilities: I understand he has not even bothered to meet with the ethnic affairs commissioners since he has been in government. For the past six months the Premier has failed to discuss any ethnic affairs issues with members of the commission. If that is not true, I am sure the Premier will rebut it by interjection; unfortunately, it appears that it is true. If that is an indication of the interest in ethnic affairs of the Premier and of the government he leads in 1993, it is a very sorry position.

Some years ago the Premier displayed a great interest in ethnic affairs and was an active opposition spokesman for some time. If my memory serves me correctly, the Premier was the Minister responsible for ethnic affairs in the dying days of the Hamer and Thompson governments. I would have expected better of the Premier. I am disappointed with his performance over the past six months. As there is little time remaining, I shall conclude my contribution and hope the Premier will also participate in the debate.

Mr KENNETT (Minister for Ethnic Affairs) — I thank all honourable members for their contributions. I have listened to the debate and I have a great deal to add in response to some of the most spurious points raised — —

The SPEAKER — Order! According to the resolution of the House the time allotted for debate has expired. The question is:

> That the words proposed to be omitted stand part of the question.

House divided on omission (Members in favour vote No):

Ayes, 57

Ashley, Mr	McNamara, Mr
Bildstien, Mr	Maughan, Mr
Brown, Mr	Napthine, Dr
Clark, Mr	Paterson, Mr
Coleman, Mr	Perrin, Mr
Cooper, Mr	Perton, Mr
Davis, Mr	Pescott, Mr
Dean, Mr	Peulich, Mrs
Doyle, Mr	Phillips, Mr
Elder, Mr	Plowman, Mr A.F.

Elliott, Mrs
Finn, Mr
Gude, Mr
Hayward, Mr
Henderson, Mrs
Honeywood, Mr
Hyams, Mr
Jasper, Mr
Jenkins, Mr
Kennett, Mr
Kilgour, Mr
Leigh, Mr
Lupton, Mr (*Teller*)
McArthur, Mr
McGill, Mrs
McGrath, Mr J.F.
McGrath, Mr W.D.
McLellan, Mr
Maclellan, Mr
Reynolds, Mr
Richardson, Mr
Rowe, Mr (*Teller*)
Ryan, Mr
Smith, Mr E.R.
Smith, Mr I.W.
Spry, Mr
Steggall, Mr
Stockdale, Mr
Tanner, Mr
Tehan, Mrs
Thompson, Mr
Traynor, Mr
Treasure, Mr
Turner, Mr
Wade, Mrs
Weideman, Mr
Wells, Mr

Noes, 26

Andrianopoulos, Mr
Baker, Mr
Batchelor, Mr
Coghill, Dr
Cole, Mr
Cunningham, Mr
Dollis, Mr
Garbutt, Mrs
Haermeyer, Mr
Hamilton, Mr
Kennan, Mr
Kirner, Ms
Leighton, Mr
Loney, Mr (*Teller*)
Marple, Ms
Micallef, Mr
Mildenhall, Mr
Pandazopoulos, Mr (*Teller*)
Roper, Mr
Sandon, Mr
Seitz, Mr
Sercombe, Mr
Sheehan, Mr
Thomson, Mr
Thwaites, Mr
Vaughan, Dr

Amendment negatived.

Motion agreed to.

Read second time.

Passed remaining stages.

TERTIARY EDUCATION BILL

Mr GUDE (Minister for Industry and Employment) — I declare this Bill to be an urgent Bill, and I move:

That this Bill be considered an urgent Bill.

Required number of members rose indicating approval of motion being put.

House divided on motion:

Ayes, 57

Ashley, Mr
Bildstien, Mr
Brown, Mr
Clark, Mr
Coleman, Mr
Cooper, Mr
Davis, Mr
Dean, Mr
Doyle, Mr
Elder, Mr
Elliott, Mrs
Finn, Mr
Gude, Mr
Hayward, Mr
Henderson, Mrs (*Teller*)
Honeywood, Mr
Hyams, Mr (*Teller*)
Jasper, Mr
Jenkins, Mr
Kennett, Mr
Kilgour, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McGill, Mrs
McGrath, Mr J.F.
McGrath, Mr W.D.
McLellan, Mr
Maclellan, Mr
McNamara, Mr
Maughan, Mr
Napthine, Dr
Paterson, Mr
Perrin, Mr
Perton, Mr
Pescott, Mr
Peulich, Mrs
Phillips, Mr
Plowman, Mr A.F.
Reynolds, Mr
Richardson, Mr
Rowe, Mr
Ryan, Mr
Smith, Mr E.R.
Smith, Mr I.W.
Spry, Mr
Steggall, Mr
Stockdale, Mr
Tanner, Mr
Tehan, Mrs
Thompson, Mr
Traynor, Mr
Treasure, Mr
Turner, Mr
Wade, Mrs
Weideman, Mr
Wells, Mr

Noes, 26

Andrianopoulos, Mr
Baker, Mr
Batchelor, Mr
Coghill, Dr
Cole, Mr
Cunningham, Mr
Dollis, Mr
Garbutt, Mrs
Haermeyer, Mr (*Teller*)
Hamilton, Mr
Kennan, Mr
Kirner, Ms
Leighton, Mr
Loney, Mr
Marple, Ms
Micallef, Mr
Mildenhall, Mr (*Teller*)
Pandazopoulos, Mr
Roper, Mr
Sandon, Mr
Seitz, Mr
Sercombe, Mr
Sheehan, Mr
Thomson, Mr
Thwaites, Mr
Vaughan, Dr

Motion agreed to.

Mr GUDE (Minister for Industry and Employment) — I move:

That the time allotted in connection with the Bill be as follows —

(a) for the second-reading stage of the Bill until 6.00 p.m. this day; and

(b) for the remaining stages of the Bill until 10.30 p.m. this day.

Motion agreed to.

Second reading

Debate resumed from 22 April; motion of Mr HAYWARD (Minister for Education).

Mr HAMILTON (Morwell) — The opposition opposes this Bill on a number of grounds — although one of them will be alleviated by a proposed government amendment. Although the opposition does not oppose the direction of the Bill — that is, to coordinate and organise tertiary education in Victoria — it does oppose the way in which that will be done. The opposition is concerned about the provision that will allow for the creation of a university without the approval of the Parliament. It is also concerned about guidelines that are to be published some time after the legislation is enacted. It is dangerous to accept at face value some of the things that are to be explained by guidelines at a later date.

The Bill proposes to repeal the Post-Secondary Education Act 1978 and will abolish the Victorian Post-Secondary Education Commission and replace it with an advisory council to the Minister. Since its creation in 1978 VPSEC has had a chequered history. When Lindsay Thompson introduced the Post-Secondary Education Act the then honourable member for Shepparton, Mr Ross-Edwards quipped in an interjection:

> The government will not cut out any country institution, will it?

Mr Thompson to his credit responded:

> That is a good point. The government is fully committed to the maintenance of decentralised post-secondary institutions.

I hope the government stands by that commitment because for those who live in and represent country areas tertiary institutions are a critical part of the fabric of country Victoria.

Post-secondary education is a complex area and is becoming more complex. The reason for the introduction of VPSEC in 1978 was to coordinate the post-secondary education system. Since 1978 massive changes have occurred in post-secondary education, and anyone who is interested in education should hope they continue.

In 1978 Victoria had only 4 universities and 23 colleges of advanced education. In 1992, following the 1991 Dawkins report, Victoria now has seven universities, the Ballarat University College and a few campuses of Catholic universities. The number of tertiary institutions has decreased but the number of students has increased from 94 000 in 1978 to 168 000 in 1992. No doubt that number is growing and is likely to grow for many years to come. In 1978 Victoria had 170 000 TAFE students, and that has increased in 1992 to 228 000. The total number of people involved in initial and continuing education is almost 650 000.

A large proportion of post-secondary students are adult and further education students; that is one reason why this is a complex issue. Many people are returning to education via the further education sector to obtain and learn good study habits before entering university.

The links between different post-secondary education sectors has been tackled by successive governments. In his speech introducing the Post-Secondary Education Act in 1978 Mr Thompson referred to the necessity for links between various post-secondary education sectors. That has still not been fully coordinated in 1993. It is the challenge to the government and the Minister to ensure that satisfactory links exist between the various sectors of post-secondary education.

I am pleased that in his second-reading speech the Minister recognised the work of VPSEC, under the chairmanship of Dr Graham Allen from 1978 to 1986 and Dr Ron Cullen from 1986. Ever since its inception, a great deal of controversy surrounded VPSEC and its audacity to attempt to interfere with the complete autonomy and operations of Victorian universities! As an independent statutory authority, VPSEC caused a great deal of angst for universities, particularly for the University of Melbourne. The University of Melbourne has always been protective of its position and autonomy. From its first day, VPSEC ran into a number of problems as it tried to fulfil its charter of getting post-secondary education in Victoria together.

At the time some people said that the situation was similar to the position today with the reduction in Federal funding. An *Age* editorial of 17 March 1978 referring to the proposal to establish the Victorian Post-Secondary Education Commission said that the future of universities should be examined closely, especially following the Partridge report — a committee established to examine post-secondary

education structures — but that report was waylaid by the university lobby which said, "Hands off the universities".

The Partridge committee report on rationalisation of post-secondary institutions said that underemployed teachers and the physical resources of colleges of advanced education should be used to support technical and further education (TAFE) programs. Even in those days there was tripartite agreement and concern about the coordination of colleges of adult education (CAEs), which were in their infancy, and the TAFE sector.

In an article in the *Sun* of 19 April 1978 Barry MacFadyen states:

> Under the legislation the Universities of Victoria, State colleges and the colleges of the Victorian Institute of Colleges — —

the umbrella organisation for colleges of advanced education —

> will be required to submit new courses to the post-secondary commission for approval.
>
> The same restrictions would apply to institutions conducting technical, and further education courses.

So there were concerns about the planning required to provide skilled labour for industry. Those concerns still exist and, because of the growth in the education field, they are more critical now than they used to be.

An article in the *Age* of 25 April 1978, a week after the passage of the Bill by the Legislative Assembly, reports on what the then Labor Party education spokesman, the Honourable Robert Fordham, said. As a former Minister of Education, Mr Fordham made a significant contribution to education in Victoria. The article states:

> ... as a general principle the Opposition favoured all areas of post-secondary education being treated equally.

It is hoped the government will address that requirement. An education hierarchy has existed for as long as I can remember.

In many ways CAEs, which evolved from senior technical colleges, offered an important alternative for students involved in tertiary education because they offered a range of higher education courses. Their demise was inevitable, because during the 1960s and 1970s when the education sector grew rapidly, university staff began to have a real impact in colleges and there was a difficulty in funding CAEs to undertake research; there was a significant difference in the way courses were funded. It was thought that CAEs would provide alternative qualifications for students without the requirement of additional expense that occurs with universities for the funding of research programs. Indeed, the colleges were never funded to undertake research in the same way as were universities. The opportunity arose to provide the impetus for applied research, so it was important that CAEs were allowed to develop independently.

Following the Dawkins report all CAEs were amalgamated with major universities, except for the Ballarat University College, and the Bill addresses the problems of that college. That raises issues that should be debated at length and I know the Minister will not attempt to solve the problems associated with the college too quickly, although he has undertaken to examine the issue as soon as the Bill becomes an Act.

An *Age* editorial of 25 April 1978, under the headline "The education muddle", contains a pertinent paragraph that raises important issues:

> Education should be tailored to reality — but that reality is not a narrow one where all that matters is the attempt to provide manpower. Education is about life as well as earning a living. It is certainly too important a matter to be dealt with in a piece of legislation.

That is still true today. Even though there is strong emphasis on the economic issues, which should not be underestimated, education is far more than training people for a job. Post-secondary institutions can prepare people by teaching them, but actual job training will take place in the workplace and can never be done adequately by a tertiary institution or a TAFE college. Training is often out of date as soon as the person leaves the institution; more importantly, the nature of work is changing so quickly that institutions will never produce graduates who are trained for industry and commerce. Education prepares people for training in the course of their employment, but gaining employment is only one aspect of a person's life. In many ways a more important aspect in living a satisfactory and rewarding life is what people do when they are not at their workplace.

Given the amount of so-called leisure time that our community enjoys it is critical that in all sectors of

education, primary, secondary and post-secondary, people are trained to productively and creatively use their time when they are not in paid work. The challenge facing our society is to develop an education system that will allow people to feel they can contribute, albeit not in traditional employment areas.

Tertiary education can play an important part because universities have traditionally instilled in their students a belief in the acquisition of knowledge for knowledge's sake. There is something basic about the belief that one never finishes learning. Making more opportunities available to allow people to learn for learning's sake is a worthwhile human endeavour.

I shall leave the philosophy and go back to the Bill. It was not too long after the formation of the Victorian Post-Secondary Education Commission in 1978 that controversy arose. For example, an article in the *Age* of September 1980 said:

> The Victorian Post-Secondary Education Commission, like all other State Education planning bodies, —

Australia has never had a common post-secondary education planning body. There has always been a variety, and even when the Bill is passed there will still be a variety, of planning bodies. The article continues by saying that the commission:

> is in the invidious position of making recommendations on how to spread less Federal money for education, and for being a handy scapegoat for the State government when its decisions are unpopular.

To my mind that was one of the strengths of VPSEC. If I were the Minister I would appreciate the assistance of an independent authority such as VPSEC, which could be at arm's length from and make recommendations to government. Historically governments have not always taken notice of recommendations such as those — but there is always somebody to blame. In times of reducing funds it is nice for State governments to be able to say that the Federal government is cutting funds for State education.

That is one of the important aspects of the proposed post-secondary education advisory council. The opposition believes it is important for the government to have an independent statutory advisory commission that has some status in our community and some status in law so that it can give independent advice and make recommendations to the government. The article continues:

> The education industry ... was rife with rumours, scandals, accusations and cloak-and-dagger politics.

That seemed to be because of the rationalisation of teacher training policies. The article then states:

> Whether this is as a result of paranoia about Federal policies of limited growth, mainly in technical education —

Back in 1980 the Federal government in its "wisdom" cut back on technical education, and the community became concerned about what was happening in post-secondary education. I remember that the Federal government was looking at cutting out engineering courses at the Preston CAE, the Caulfield institute and the Gippsland institute, where I worked. That was the flavour of the month back in 1980, and in hindsight it seems terribly short-sighted. One would have thought the bureaucrats in Canberra would have given better planning advice, but they did not.

The article then talks about the three main personalities involved in post-secondary education planning in Victoria at that time. One was Mr Alan Hunt, who by then had replaced Lindsay Thompson as the Minister of Education. By then Lindsay Thompson was Premier, so he had been not so much tossed aside as pushed up. The three were Alan Hunt, the Minister of Education, Dr Graham Allan, the chairman of the commission, and Dr Jim Watson, the deputy chairman. They became caught up in the saga surrounding VPSEC. The article continues:

> Formerly the Minister was advised on all aspects of educational policy by the director-general of the education department, Dr Shears.

No-one with experience in tertiary education will ever forget Laurie Shears and the contribution he made. I shall never forget the time Professor Fredericks of the School of Education at Melbourne University and I had a debate. I was on the receiving end for most of it because I criticised one of Laurie Shears's articles on education. He had a lot to say and I did not always agree with his educational direction — I was probably not the only one.

This important Bill is a little like Michael J. Fox in *Back to the Future*. Back before 1978 there was only one Minister to deal with — I was going to say manipulate, but I would not dare say that because

that never happens! Peter Kirby, the Secretary to the Department of Education, now has the same role that Laurie Shears had. I have the greatest respect for Peter Kirby. He is an outstanding person who has made a non-partisan contribution to all the State and Federal areas he has worked in over the years. What is needed is an independent statutory authority with its own offices and staff so that it can operate independently and set up its own committees.

In the Bill one should read "bureaucrat" for "Minister", because one of the weaknesses in the Westminster system is that the buck stops with the Minister. In reality a Minister relies on the advice he gets from his senior bureaucrats; if he does not get the right advice, he is the one who gets into trouble. Taking into account the security of the bureaucracy, there is certainly some advantage in placing responsibility for the decisions that are made back into the hands of the bureaucrats because often a Minister receives poor advice. That happens for a number of reasons. No-one is infallible. No Minister is, as we are all too well aware, and certainly no bureaucrat is infallible.

The major problem the opposition has with the Bill has nothing to do with its purpose or functions but with the way it is structured: the Bill places reliance directly on a single bureaucrat — we hope the bureaucrat is surrounded by competent officers.

The abolition of the Victorian Post-Secondary Education Commission will remove the arms-length relationship that has existed between an independent organisation and the education bureaucracy. The commission came in for a lot of criticism, perhaps because it did a good job, and many people will smile to themselves at its demise. It provided an important, independent avenue of advice, which will be missed in the future. It may have been better to have restructured VPSEC and provided it with the wider powers proposed in the Bill so that it could continue to do its job.

The effect of this legislation is to say that an independent body cannot do the job as well as an advisory council, and that the Minister cannot get advice from the independent body that is as good as the advice he will receive from the secretary and staff of the department.

In referring to criticism of VPSEC, I am reminded of another point I wish to make about the Bill. In the past there has been a great deal of criticism about a lack of consultation by VPSEC and about planning proposals from staff associations, the Federation of College Academics and the university staff associations. The Federation of Australian University Staff Associations (FAUSA) attacked the commission for being inaccessible, secretive and divisive. That criticism was levelled by staff associations of universities and colleges of advanced education.

I believe similar criticisms will be levelled in the future by the same organisations. By no stretch of the imagination could anyone criticise FAUSA or the Council of Academics Staff Association of being radical, left-wing organisations. Those organisations have acted professionally throughout their existence; yet they will have no opportunity through this legislation to have input into the planning of tertiary education and, in the case of other areas covered by the content of the Bill, people at the workface will have no formal input into the planning process. The opposition believes the Minister should take on board their concerns and provide some avenue for input into planning by the staff associations and people working in the post-secondary sector.

The opposition notes that in an article published in the *Age* of 9 September 1980, Mr Tony Lamb, who was the executive officer of the Victorian Institute of Colleges Staff Association Council and who went on to become a Federal member of Parliament, is reported as saying at that time:

> We are amazed at their requests not to be quoted —

he was speaking about informal meetings with part-time commissioners —

> when most of what they say is common knowledge or of little consequence.

Even back in 1980 there was much criticism of VPSEC by organisations that had a genuine and real need to have input into the post-secondary education sector.

Further on in the same article the then Minister, the Honourable Alan Hunt, is reported as saying:

> they ought to provide information to enable the public to scrutinise and comment on basic assumptions, put them up to the fierce light of day."

Mr Hunt was speaking about the operations of VPSEC.

There is no doubt that the wisdom of Mr Hunt's comments at that time are equally true today. There is no doubt that the recommendations and determinations that will be made by the new advisory council should be held up to the fierce light of day. We are speaking about a sector of education that has a high profile and, when planning for the future is being undertaken, it should be subject to the fiercest scrutiny possible.

An ability should exist after the proposed legislation has become law for recommendations that will go to the Minister to be held up to the fiercest scrutiny possible. No-one will provide fiercer scrutiny than academics and people who work daily in educational institutions. It is not apparent from the Bill that there will be an opportunity for that scrutiny.

One could be paranoid about the Bill and imagine that all planning and decision making could take place behind the closed door of the Minister's office with only the Minister and Peter Kirby, the Secretary to the Department of Education, privy to what was happening. Two heads may be better than one, but whatever is being decided upon must be subject to scrutiny. The Australian community is very interested in the scrutiny of decision making at university level and probably now at all levels of education. For example, commentary was made today on the recommendations of the body that is examining a national curriculum for Australia. There has been fierce commentary on the proposed mathematics and chemistry curriculums. That is healthy for education.

Eventually governments do have to make decisions, but the opportunity for discussion, input and constructive criticism and scrutiny should be provided when those decisions are being made. Education is far too important to be left in the hands of one or two people. One would think, from his actions, that the Minister would like to have a buffer between the Minister and some of the proposals that have been made.

The controversy concerning VPSEC flared up in January 1982 when the then deputy chairman of the commission, Dr Jim Watson, got into serious trouble for criticising the commission. The then Minister for Education, the Honourable Alan Hunt, delivered the final blow to Dr Watson, who was sacked by the Governor in Council. Dr Watson had always been a controversial figure in the commission, and in some ways he provided a foil for the then chairman of the commission, Dr Graham Allen, because he was not afraid to criticise the commission and the way it operated.

Dr Watson had commented on the failure of the commission to carry out its task. Dr Watson said the amalgamation problems at what were then the Frankston State College and the Caulfield Institute of Technology could have been resolved by proper negotiation. The commission had to take a lot of the blame. Accusations were made that the Victorian Post-Secondary Education Commission was acting a little like a cart out of control and had not been able to carry out its job.

In those days the organisation was handling pretty sensitive issues such as the amalgamation of the teachers colleges with colleges of advanced education. Frankston State College and the Caulfield Institute of Technology became the Chisholm Institute of Technology and have now been amalgamated with Monash University. A number of amalgamations took place at that time.

Dr Watson was sacked for criticising his own organisation. In those days it would have been seen as the exercise of healthy academic freedom for a university staff member to criticise the organisation. I suspect that not too many staff at the University of Melbourne would criticise Dr David Penington today for some of his directions; that remains to be seen. People should be able make criticisms in the tertiary education area without fear or favour, but Jim Watson was sacked. There is no doubt in my mind that Alan Hunt was the sort of education Minister who would act severely and quickly if someone stepped out of line. The following was said of Dr Watson in an article in the *Age* of 21 January 1982:

> In the report he described gross incompetence and negligence on the part of VPSEC, and blames the commission for the disastrous turmoil the teachers' colleges of Victoria have been thrown into in the past 18 months.

The commission endeavoured to deal with a delicate amalgamation. Members need only look at what happened when the government attempted to amalgamate local councils to realise how sensitive amalgamations are — politically sensitive, too. Amalgamations are always of concern.

The Bill allows the Minister to amalgamate institutions, if he so desires, without reference to anybody other than Peter Kirby or his advisory council. That is politically unwise. At least VPSEC

could get the blame for any problems — and there will always be problems with amalgamations or the removal of an institution — but now there will be political trouble.

One can imagine what would happen if it was intended to close down the country campus of a newly expanded university. Country communities would be outraged. There would be all sorts of protests, and rightly so. There is an inherent fear of amalgamation.

I know that concern was expressed in my own community when the Gippsland Institute of Advanced Education was amalgamated with Monash University. The amalgamation has been completed, so Gippsland campus has no independent status. There is some concern that, as that campus provides a full range of tertiary education courses, Monash might see Gippsland as an appendage it could do without.

In light of dwindling funds, Monash University says it cannot afford to have that "expensive" college in Gippsland and that it will be closed down so that funds can be directed towards Melbourne. There is no shortage of students, so Monash University would not need to worry about whether students would come from Gippsland to Melbourne to gain a tertiary education. The fear of the closure of the Gippsland campus has always existed.

There is a perception that country Victoria has always been done short in tertiary education opportunities. People, particularly professional people, will tend not to want to live in provincial areas of Victoria if tertiary education opportunities are not available for their children.

It is critical that we have some control over what campuses may be closed or opened by universities. As we understand the legislation — I do not mean to be derogatory and I say this with the greatest respect — it gives the Minister the opportunity to do some great pork-barrelling. The current Minister says he will not do that, but future Ministers may not have such high integrity and may be tempted to create institutions in the country or in any part of Victoria — for example, in the eastern suburbs of Melbourne — providing university-type courses, being a university in everything but name, a Clayton's university, the university you have when you are not having a university.

The legislation leaves open the opportunity to create such institutions for political rather than educational purposes. The opposition has some concerns about this, and I have no doubt that if government members were in opposition they would have similar concerns about the opportunity the legislation provides for pork-barrelling in creating new post-secondary institutions.

The education argument can be taken back to 1982 when the Australian Labor Party, then in opposition, pledged in an article in the *Australian* on Wednesday, 10 March to overhaul VPSEC. The ALP said that obviously VPSEC was receiving much criticism and was not doing its job, so when it got into government it would overhaul VPSEC. The then government overhauled VPSEC, but it continued to create problems for the tertiary education sector, although by and large it was supported by the colleges of advanced education; certainly it was not well liked by universities.

The lambasting of VPSEC continued through the 1980s and into the early 1990s, and in the *Australian* of 10 April 1991 there was the banner headline, "Victorian tertiary heads lambast advisory body". Leading the charge on the advisory body — VPSEC — was the Vice-Chancellor of Melbourne University, Professor Penington, who said he believed it was a cumbersome bureaucracy which interfered with what he was doing.

He said that VPSEC required data from State universities and colleges which duplicated a lot of what universities had to provide to the Federal government. He said that it was a cumbersome bureaucracy and a fairly costly operation, estimated at $15 million. As Professor Penington is sometimes wont to do, he exaggerated to make his point. There was a reply that indicated that VPSEC ran on an allocation of only $1.8 million from the State Budget. Interference by anyone was resented by Melbourne University. I spent almost 20 years as a student at that university.

To the credit of the government, under the Bill the Minister is able to require Melbourne University — indeed, any one of the other six universities — to provide figures and other information. The relevant clause in the Bill states that the Minister will be able to require any information he thinks desirable. So it appears that there will still be the opportunity for the post-secondary sector to be scrutinised. The opposition applauds that provision. It is critical.

I do not have any problem with getting into an argument with Professor Penington because there are not too many radical left wing vice-chancellors

these days. Although I do not know whether Professor Penington accurately fits that description, it is something that needs to be noted. Professor Penington goes on to say in the same article:

> "It does not necessarily have to be an independent authority. It can be an office within the Ministry for the coordination of higher education such as New South Wales has, which is a very cost-effective way of handling it.

If one wanted to be cynical one could say it looks like Professor Penington has got his way; he has got rid of the Victorian Post-Secondary Education Commission and has ended up with a Bill that will create what he wants — although I bet you pounds to peanuts that he does not like the authority the Bill gives the Minister.

Certainly there have been accusations about the operations of VPSEC, which has always been a thorn in the side of Melbourne University. Professor Penington has never been one of the great supporters of VPSEC over the years; in fact he was a major critic. It seems to me Melbourne University has become a more overtly political institution than it was back in the days of Professor Caro, the former vice-chancellor, who used to be a great teacher of physics and who made few overt comments.

Universities have become more and more political as they have been financially squeezed by the Federal government and as the Federal government has attempted to tell them what to teach and when to teach it. The universities do not like that!

In some ways I agree with the universities; there is an argument for teaching classical Greek as well as the modern subjects. The problem is that people have seen education as the panacea to all the problems facing the community. Indeed universities should be providing training for people to go into industry, but universities would argue that over the years they have successfully both provided a basic, sound education and properly prepared students for jobs.

Cuts in Federal government funding have altered the focus of universities, and the amalgamation of the colleges of advanced education will put more pressure on them, which is a real problem. I shall quote the view expressed by Professor Skilbeck when he was the vice-chancellor of Deakin University:

> "My view is that Victorian higher education needs a coordinating or regulatory body".

The opposition agrees with that statement. The Bill is deficient in that it does not provide for a coordinating and regulatory body. By the very nature of the Bill those functions are taken on board by the Minister, and that is where a major problem exists.

In 1991 the government continued to address the coordination that is required through all the major sectors of higher education or post-secondary education. On 5 August 1991 following a speech in the Legislative Council, the then Minister for Higher Education, the Honourable Barry Pullen, issued a press release announcing the establishment of the Office of Higher Education. Within the Ministry of Education as it was then known was the State Training Board, the Board of Adult, Community and Further Education and VPSEC. The then Minister decided to put the boards together and create the Office of Higher Education to improve coordination and organisation.

That was the proper direction to take. The Department of Education currently has to deal with the State Training Board, which has provided an outstanding service in alternative industrial training in this State. It must also deal with the Adult, Community and Further Education Board. Those boards are critical to post-secondary education in Victoria. The Victorian Post-Secondary Education Commission will no longer exist. The Bill provided an opportunity of creating an independent statutory authority which could have provided coordination across a complicated, large and growing sector. However, that difficult task will be taken on by Peter Kirby and some extremely competent officers who will assist him. That is only part of the solution to the problems facing the coordination of tertiary education.

The opposition has some problems with the provisions in the Bill dealing with the creation of universities, whether they be real or Clayton's universities. Creating universities without the scrutiny of Parliament sets a precedent. A university has never been created without the approval and scrutiny of both Houses of this Parliament.

The opposition believes it is a serious problem that institutions providing university-type courses and university accredited courses can be created without the scrutiny of Parliament. The way Parliament has controlled and organised universities within the

State is important, and the opposition is concerned about the provisions in the Bill.

Only one private university has been established in this country and that is the Bond University, which has been a dismal failure — heaven knows why! I guess it says something about market forces, but I do not believe in market forces. The university was doomed from its inception because it had to compete with Sydney and Melbourne universities. As honourable members are aware, there is a status and pecking order covering universities. Honourable members can all recall that when Monash University was established Melbourne University was always the first preference of students. Monash University moved from the bottom when La Trobe University was established. In the last decade Monash has developed a reputation of its own and is now equal in status to Melbourne University.

The creation of private universities puts unnecessary pressures on tertiary education in this State. Given the history of Bond University one wonders whether there has been a great demand for places there.

Some might say that economists rule the world, but look at the mess they have made. The world was not in a mess until the economists took over! Universities have tended to produce economics and commerce graduate clones. We need a diversity of thought in the economics taught at universities and colleges of advanced education. Economics should be more practical. The commerce courses at the universities of Melbourne, Monash, New South Wales, New England, Queensland and Western Australia produce the same brand of economists. No wonder there is a sickness in economics; the discipline is inbred! We need graduates who have studied diverse subjects so that those who enter the bureaucracies at both State and Federal level have different views of the world.

Although clause 8 contains the power to acquire land, it makes no distinction between private and public universities. The compulsory acquisition of land is always a difficult issue. I hope the government does not intend to compulsorily acquire land for private universities. Planning is vital, because compulsory acquisition is difficult even when it is done on behalf of the community. Those concerns may well be discussed when the Minister makes his response on the clause. The opposition is concerned about the loose drafting of the Bill.

The Bill provides for the endorsement of courses of study for overseas students, many of whom pay fees. That is one the biggest growth areas in tertiary education. There has been a great deal of controversy and argument about and criticism of the number of overseas students in our universities because the community is concerned about the shortage of places for Australian students. The Federal government has made it clear that it expects the universities and TAFE colleges to take overseas fee-paying students, but the community believes those places should be taken up by Australian students.

One of the real challenges for the government is to balance the need for financial viability with the needs of the marketplace. I ask the Minister to inform the House how he will endorse courses of study. There are 15 matters that the Minister may take into account, which include financial planning, marketing, use of agents, contracts, student housing, student welfare services, class sizes — that is a topical issue that was never a major concern until university lecture halls were overflowing — student contact hours, curriculum and so forth. The Minister may have regard to any or all of those factors; some are critical, some are not. Whether we take in overseas students or allocate more places to Australian students, those factors are critical to the operation of any institution and the same set of criteria should be applied. I suspect those sorts of criteria should be used in primary and secondary schools.

Some safeguards are included, but the wording of the Bill is so loose that one has no idea of how the Minister will go about implementing them. More importantly, there does not seem to be any provision for the outside scrutiny of the decisions that will be made. They may be made in camera, but that is not the way to operate, especially in the tertiary education sector.

The Bill will allow overseas universities to set up campuses in Victoria. Two or three years ago the Tasman Institute wanted to set up a university, but it went on to greater or lesser things — depending on which view one takes! There is the possibility that we may move into a dollar-driven education system. If Oxford or Cambridge want to open up a university in Australia, the needs of our society should be considered. It should not be a matter of someone seeing a market opportunity. The opposition would object if the education system was driven by the dollar. Everyone associated with education has a caring nature.

The SPEAKER — Order! The time allotted for the second-reading stage of the Bill has now expired. The question is:

That this Bill be now read a second time.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr DOYLE (Malvern) — The purpose of the Tertiary Education Bill is to provide a context for good education in Victoria, by enabling the promotion, development and coordination of tertiary education and training. I intend to split those two terms, tertiary education and training, because in recent years they have become blurred. By "tertiary education" I mean universities and what they do and by "training" I mean TAFE colleges and what they do. I echo the comments of the honourable member for Morwell, who bemoaned the demise of the old councils of adult education. I heartily endorse his condemnation of the loss of the CAEs.

The value of the TAFE and university sectors is that each makes different contributions to pathways for those who wish to move into post-secondary education. The Bill provides a spectrum of educational opportunities for people. It addresses how we can best provide post-secondary education opportunities for all those who wish to pursue it.

The Bill is an important step in a new era, an era that will help government, universities and the TAFE educational system to work cooperatively, not competitively, to offer a coherent range of post-secondary educational programs. That is required specifically in Victoria in what has been called higher education. We must recognise the strong need for diversity in our system to allow institutions to pursue their different missions. I want them all to be proud of what they offer. The last thing Victoria needs is a proliferation of law schools or 50 institutions all trying to excel in fundamental research.

Mr Hamilton — Especially law schools!

Mr DOYLE — It may interest the honourable member to know that over the past five years the number of law schools in Australia has doubled. I am not sure whether that moves education forwards or backwards!

The name TAFE, with its notion of technical training, is something of a misnomer. It conjures up pictures of 19th century factories, of huge factory floors with vast machines and people scurrying around them. TAFE is about business courses and service training as much as anything else, particularly for the hospitality industry. I would define TAFE as being vocational education and training. The honourable member for Morwell probably agrees with me that this sector has been neglected for far too long. We must not sell it short. The Bill will assist in tailoring vocational education so that it is more suited to preparing young people for their roles in society and work.

It is interesting to compare vocational education in Australia with what is happening overseas. It is often said that Japan, one of our major trading partners, is a dynamo in the world economy. Most vocational training in that country is undertaken within industry; but that is not the way we are heading. I should like Australia to head down the path Germany has taken, which has dual system, with responsibility for training vested in industry and in a system of vocational education centres. Places in those centres are highly sought after. They provide pathways for the most able young people in German society. The vocational education centres are highly competitive with the university sector.

I hope the Victorian TAFE sector becomes a complementary and equally valid destination as the university sector, especially for school leavers. That is where the work that has been done, which will be encouraged by this Bill, on articulation and credit transfer, will pay dividends. I pay tribute to VPSEC for its work on credit transfers. Provision will be made for the direct transition of young people from school to TAFE to higher education.

Mr Hamilton interjected.

Mr DOYLE — I do not suggest by any means that TAFE should be just a feeder system for universities. I am referring to the links that should exist between systems. In Victoria we are encouraging those links between universities and TAFE colleges. A number of pilot projects under way will lead to continuing arrangements of benefit to students who wish to build on their TAFE qualifications for advanced

study. The Victorian government has allocated $4 million for those projects in Victoria's universities.

Recently Towers Perrin researched the educational systems of Germany, France, Hong Kong and Singapore. A common feature discovered in those countries was a highly differentiated upper secondary school system of streams catering for university-type education, vocational education and technical education. In Australia, and particularly in Victoria, we have lost that sense of differentiation. We have lost that sense of purpose as to what each sector does. What happened to those purposes? Universities must not be assumed to be places for mass education. The Federal Labor government treated universities as if they were all the same and as if all students had the same aspirations. They do not. The community and students have varying needs, and because of the ideology of the Federal Labor government, the different potential of students has not been well met.

In the 1980s vocational education in Victoria was neglected by the Federal government, as it focused on higher education and tried to offer university education to all, regardless of whether students needed it, wanted it or were suited to it. A revamp of technical training is happening now — and it is welcomed — but I sound a note of caution. There is a rush from the Australian National Training Authority, under the auspices of Laurie Carmichael, to consider competency-based education and training (CBET) as a solution to the educational problems in all sectors. It is not. Competency-based education and training is being hailed as an answer to the problems of the vocational sector, the post-secondary sector and universities. When people try to question that proposition, they are called elitist, or accused of turning back the clock. Worse still, if you do not agree with competency-based training across all sectors, it assumed that you are opposed to the redevelopment and expansion of the training sector.

I believe the concepts of competency-based education and training are significant and worthwhile and they certainly have an important place in training, but they are not a cure for all our educational ills. Competency-based training would be inappropriate for occupations that depend on changing knowledge and changing skill bases. The educational aim of the competency movement is to teach workplace skills, which means defined terms and observable and measurable outcomes. Its objective is laudable and excellent because that type of training seeks to improve our industrial efficiency and assist in our international competitiveness. We all welcome that. I caution against getting onto the bandwagon of CBET, especially when it is offered as a cure-all for all educational sectors.

If we are to adequately prepare students in any educational sector for their future we must never forget that education is a process and not an outcome. The process of education cannot be prescribed by an approach which focuses solely on outcomes, on the detailed prescriptive snapshots of supposed workplace performance. Competency-based education and training focuses only on outcomes, and downgrades the importance of things like knowledge for its own sake, the development of character and the development of imagination. It downgrades the importance of intangible intellectual goods. You cannot observe or measure those attributes.

Mr Hamilton — You definitely can't measure them.

Mr DOYLE — We need to promote our TAFE courses. They are the courses that will meet modern vocational education requirements and lead to interesting and rewarding employment.

This government is in the course of simplifying the process for students who wish to apply to either the university or TAFE sector. That is to be welcomed. A common admission process is being developed, and I hope that through such a process we will raise the value and stature of TAFE courses; but we need to remember, as I have already said, that universities and the TAFE sector are not doing the same thing.

What do universities do? Universities pursue excellence. They must not be satisfied with minimum standards of competence, and that is where the TAFE and university roles are different. I suggest the argument about competence versus the intangible intellectual goods argument, competence versus excellence, could be read about in the most recent publication of the Institute of Public Affairs, the *IPA Review*. I know the honourable member for Morwell will run to that publication to see what Professor David Penington says, and I recommend it to him. I acknowledge David Penington as a valuable and valued touchstone of my thinking on the tertiary sector. I am sure that will go down well with the honourable member for Morwell!

Universities pursue knowledge and provide an environment where young people can be extended to their full potential. They develop talented young

people to lead us forward as a nation into a changing future.

It is interesting to read what the former Prime Minister, Sir Robert Menzies, said in 1939, because he made that point well. In *The Place of a University in the Modern Community*, Sir Robert Menzies said:

> Democracy demands leaders and leadership. It demands leaders who will not be afraid to tell the people that they are wrong and endeavour to persuade and guide them.

Australia needs young people who are able to move with changing times, to move to the cutting edge of knowledge and technology. Through our universities and leading academics we have access to that cutting edge.

Professor Ron Johnston of the Sydney University Centre for Innovation and International Competitiveness has looked at what happens in Japan. In that country new knowledge is responsible for about 50 per cent of annual economic growth; further, 25 per cent of the value of world trade comes from new technologies through research and development.

What happens in Australia, in Victoria? The Institute of Engineers of Australia has recently found in a survey that Australia is falling further and further behind the leading high technology countries. It is interesting to consider the contribution of Australian universities. In 1992 it is estimated that between 5 and 15 companies were spin-offs from the activities of Australian universities. Universities must be in a position to contribute more in that way if we are to compete with countries like Japan, where 50 per cent of annual economic growth is generated by new knowledge.

I return to the spectrum of opportunities I described when talking about universities and TAFE. I shall talk a little about the clever country myth that has become so current. A destructive line of thinking has run something like this: if you were better educated — that is, with a degree — you would get a better job and therefore earn more money; if you graduated you would have a higher income and the productivity and economic wellbeing of the country would be enhanced. That has proven not to be so, as unemployed graduates in our community will tell you.

The massive expansion in the later years of education caused by that sort of thinking has had two effects on our system: firstly, a preoccupation with equity and an emphasis on a single undifferentiated path for all, so that the pattern of expansion eclipsed the importance of vocational training; secondly, the exclusive focus on expansion and equity by way of access has masked concerns about serious deficiencies in basic literacy and numeracy skills in students leaving school, thereby threatening the quality of university education.

There is a traditional distinction between higher education and training for specific occupations. We should be careful before we abandon that distinction. TAFE delivers training for the performance needs of the workplace. University is about preparing people for a changing future and about training people who are prepared to challenge present practices. According to one of the oldest definitions, it is about the pursuit of truth.

The education-training dichotomy has been under attack in recent years, not least by the Finn committee. There is some justification for that attack if academics have no understanding of the world of work, but those criticisms cannot deny the fundamental difference between theoretical and practical forms of knowledge. There will never be a truly seamless way to join those two worlds, so we must acknowledge that distinction and recognise the importance of both.

Therefore, we need to understand the natures of higher education and training and recognise the importance of opportunities that this Bill offers in higher education, in training and in the overlap between those sectors. We need traditional universities and we need strong vocational training sectors like TAFE.

In the end the experience of individual students is what counts in either TAFE or university. That will determine their personal futures and, collectively, the TAFE and university sectors will give Victoria the educated men and women needed to take advantage of the social, cultural and economic changes that characterise our society.

Mr LONEY (Geelong North) — In recent times it seems as though I have developed the practice of following the contributions on education Bills by the honourable member for Malvern. When he began I thought he may have stolen some of my speech notes, because I also had noted that one of the most fundamental things about post-secondary education — about which I have some concern and about which the honourable member for Malvern

was also expressing concern — is that we should not go down a pathway which increasingly tends to treat university education and the provision of TAFE education as somehow the same and which turns TAFE colleges into universities of another form.

I strongly agree with the honourable member for Malvern that that is not the way to go with post-secondary education. At present there are two quite distinct systems in place, and we should be working towards keeping them distinct and separate. It is also important to add that in keeping them separate we are not implying that one is superior to the other. That fact is most important and should be noted by all honourable members. They are different pathways — not superior or inferior, but simply different.

Therefore, as has been expressed previously, the purposes of the Bill are to provide for the better promotion, development and coordination of post-secondary education in Victoria — a laudable aim. To take it further, in his second-reading speech the Minister said this would involve a greater capacity for cooperative planning between the education system, other arms of government, community providers and the private sector. We see that as a positive step and something that we should be working towards. They are worthwhile aims which the opposition should have no problems in supporting.

The shadow Minister referred to the differentiation between the two systems and the Minister's power to accredit university status and courses to different post-secondary education bodies. The Minister should not have direct power to accredit university status in the way envisaged in the Bill; it should be kept at arm's length and administered by some form of accreditation body.

In his second-reading speech the Minister referred to post-secondary education as playing a fundamental role in Victoria's social and economic development, especially in provincial and rural areas. The situation in provincial and rural areas is different from that in the Melbourne metropolitan area. One of the differences is in achieving diversity. We should not try to turn each of our institutions into a clone of the other; we do not wish to see the same courses replicated in each institution. Diversity in country and provincial areas raises different questions. How, with limited access, does one achieve the necessary diversity, and how does one set up post-secondary education in country areas so that students do not have to come to Melbourne to gain access to courses that offer that diversity? They are important post-secondary education issues in provincial and rural Victoria.

During the whole of its existence I had the privilege of serving on the Barwon South-Western Region Technical and Further Education Board. I was disappointed when the board was abolished because I believed it was playing an important role in addressing precise needs in provincial and rural areas. The task of the board was to examine ways in which post-secondary education should be provided from Geelong to the South Australian border.

I see that the Chairman of Committees is glancing at me; he would be aware of the region about which I am speaking. The board came to grips with the matter and developed a number of plans. When it was abolished it had developed specific plans for the area. An attempt was made to balance the competing issues of how to resource country areas sufficiently without waste and unnecessary duplication while providing diversity of education to students within those areas.

The problem was exacerbated in the electorate of the honourable member for Warrnambool with the provision of post-secondary education through the Warrnambool College of TAFE, which had to provide effective education not only in the Portland area, which had special needs because of the Alcoa smelter, but also in the Horsham area and the so-called "green triangle" area of the State.

I was a member of the board, and we had to examine how to provide the diversity necessary for those communities while not wasting resources by unnecessary duplication. We set about implementing a 10-year plan at the request of the office of the TAFE board. Unfortunately at the time we delivered the plan the board threw the process into chaos because it did not expect anyone to complete a plan and did not know what to do with it. The plan was short lived because regional boards were wound up.

I hope the planning that was carried out may be fed into the system that the Minister is now setting up. That relates to one of the other points the Minister refers to in his second-reading speech — linkages with other bodies. Linkages are relevant to areas such as my electorate, where, in the City of Geelong, there is a long-established college of TAFE and one of the newer universities, Deakin University. Those two bodies have linked well because Deakin

University was developed from the Gordon College of TAFE. Some of the early courses at the Gordon were transferred to Deakin University. When I was at the Gordon College of TAFE the course I was studying was, on the formation of Deakin University, transferred across and I became in effect one of the first students and one of the first graduates of the university.

The linkages that were set up by the transfer of schools were important and allowed contact between the two bodies, which was a cooperative contact that worked to the benefit of both institutions. It is important in rural areas that competing bodies cooperate. We must always maintain the linkages on the basis that both of the systems involved play important and equal roles in serving the community.

Recently there has been an amalgamation of educational institutions in the Warrnambool area, with the Warrnambool College of TAFE becoming part of Deakin University. The provision of university education has been taken further into the Barwon south-western region and will be of benefit to students. These issues are important for rural and provincial Victoria, and the Barwon south-western region has been better served than other parts of Victoria, which have not had the opportunity of developing the linkages about which I spoke.

Sitting suspended 6.30 p.m. until 8.4 p.m.

Mr LONEY — Prior to the suspension of the sitting I was discussing the need to ensure that some form of comprehensive post-secondary education is available in rural and provincial areas so that students in those areas are not forced to travel to the metropolitan area for their post-secondary education. That leads me to discuss part of the Bill which may in some way work against the provision of comprehensive post-secondary services in rural Victoria. The Bill has the capacity to centralise the provision of resources by placing them in the hands of the Minister rather than in the hands of the communities that are affected. Honourable members who represent provincial and rural areas should be concerned about that provision.

As the shadow Minister has said, it may be an unfounded concern and this Minister may not use it, but the Bill still contains that power. There are more ways of achieving a rational and satisfactory provision of post-secondary education throughout rural Victoria than through centralisation. As I said earlier, regional TAFE boards worked well in determining what resources had priority in rural Victoria.

I hope the Minister considers the needs of areas such as Geelong, which are very different from the metropolitan area. He will have the power to declare university functions in different areas without coming to Parliament. That could mean that the major universities, which are located in the metropolitan area and which have more clout than the institutions that are scattered throughout rural Victoria, will have more influence on the Minister, and that will work against the interests of rural institutions. The Minister will need to reassure those who live outside the metropolitan area that they will be treated fairly.

The Victorian Post-Secondary Education Commission has been criticised, but at least it was able to carry out its functions adequately. In addition, Parliament was able to debate any decision to create a university and decide what resources would be provided to post-secondary education institutions.

I am also concerned that technical and further education will be misrepresented. Honourable members must remember that TAFE is not simply a mechanism for providing vocational training; it has a much wider role in the community. Vocational skills are a central function, but they are not the only function of TAFE colleges, which play an important role in the community, particularly in provincial and rural communities, because they enrich personal skills, encourage a return to studies and provide access and equity, which is an important function. I am proud to highlight the former Labor government's achievements in access and equity.

I hope the Minister will take up the points I have made, particularly regarding rural and provincial areas.

Mr KILGOUR (Shepparton) — Because of the increasing number of students staying on at high school and moving into tertiary and higher education institutions, important requirements have emerged during the past few years. Even though many people are unable to find employment, new jobs are being developed and many people need to develop their skills by undertaking tertiary and higher education courses. Since 1978 when the principal Act came into being, many changes have taken place in tertiary education. The Minister for Education understands that the government must provide a better tertiary education system that meets

the needs of the community. The Bill will facilitate the government's aim of better promotion, development and coordination within the post-secondary education system.

The Bill abolishes the Victorian Post-Secondary Education Commission and establishes the Tertiary Education and Training Advisory Council to advise the Minister on tertiary and higher education. Over the past few years higher education has changed significantly to keep pace with changes in technology. Institutions have sometimes changed direction to ensure that they cover areas that industry requires and cope with the modern technological society.

The tertiary education structure was entirely different in 1978 when the principal Act was enacted. There were 4 universities and 23 colleges of advanced education. Approximately 94 000 students were enrolled in universities and advanced education colleges and 170 000 in technical and further education. We now have seven universities and 168 000 students enrolled in higher education programs. Victoria has 30 TAFE colleges catering for 228 000 students. Many more students are enrolled in further education programs in TAFE and in programs offered by community providers. The total number of students involved is almost 650 000.

The advisory council, which is essential to advise the Minister on the future direction of tertiary education, will comprise independent people with expertise in a range of areas. Further support committees may be established, if required, to cover areas such as the accreditation of courses of study, particularly with further education programs. The Bill allows the Minister to obtain information from institutions as required so that he can monitor the effectiveness of tertiary education courses.

The electorate of Shepparton does not have sufficient post-secondary institutions because past planners did not understand the needs of regional population centres. The Victorian College of Agriculture and Horticulture at Dookie is an excellent institution, the principal of which is Peter Ryan. A few weeks ago I had the pleasure of attending a graduation ceremony at that college. Many graduates of Dookie are now leaders of agriculture throughout Victoria and Australia. The college also has a school of nursing and, even though its funding has been reduced, the school will provide positions for nurses to train in the future.

I congratulate the Minister for Tertiary Education and Training, the Honourable Haddon Storey, on ensuring that the needs of the Victorian College of Agriculture and Horticulture are being addressed. The Minister has formed a committee that will report to him on the need for tertiary education in the Goulburn Valley. Unfortunately, although many students commence their courses at the TAFE college of Shepparton, they have to go to Bendigo or Melbourne to complete their courses. Hundreds of students leave Shepparton each year to complete courses elsewhere, and many would benefit by staying at home.

The honourable member for Morwell may smile: Churchill has a fine institution and the children from the Latrobe Valley do not have to leave home to gain qualifications. Many parents in Shepparton are faced with the extra cost of many thousands of dollars because their children have to leave home to gain further education. I support two children who are attending tertiary education courses away from home. It is a hardship that the parents of students in Melbourne do not face. The Goulburn Valley requires many more university places to stop the exodus of young people from Shepparton, so it is hoped that the advisory council will ensure the proper planning of tertiary education places throughout Victoria.

The Bill provides safeguards for students, because it ensures that there is a check on the quality of institutions. That is vitally important as Australia moves into the next century, because Victorian graduates will play an important role in society. The Minister will be empowered to endorse courses after proper consultation and after taking account of the financial planning of an organisation and the marketing and promotion of courses within the area.

Students' grievances will be examined, as will the requirement for student housing. Welfare services for students, the monitoring of student attendance, the selection procedures for students, the classes those facilities will offer, the type of premises that will be provided and the qualifications of staff are all important.

The Bill also provides a refreshing approach to tertiary education. Through planning and coordination it will change the structure and operation of post-secondary education and will take the sector into the next century. The Bill provides the legislative framework for cooperation among the various education sectors and will ensure that one sector does not work against another. The Bill will

bring together the various arms of government, community providers, the private sector and the school education system.

I congratulate the Minister for introducing the Bill. I am sure that with its passage tertiary and higher education in this State will become second to none.

Dr VAUGHAN (Clayton) — The main purpose of the Bill is to provide for the better promotion, development and coordination of post-secondary education in Victoria. It is time to review the Post-Secondary Education Act. Enormous changes have been made to the landscape of tertiary education both in the State and across the rest of the country, and a legislative instrument is needed to take cognisance of all those changes.

It is time to review not only the principal Act but also the role of State governments in tertiary education. Since the 1960s the funding of tertiary education has been the responsibility of the national government. The decision to fund tertiary education was made as a consequence of an initiative taken during the Menzies era, a time in Australian politics that honourable members opposite would reflect on as one of great glory. Although it was a time when many national issues were neglected, one issue which was addressed under the Menzies government in the 1960s and about which Liberal members can be proud was tertiary education.

The decisions that resulted from the recommendations of the 1963 Martin committee report on education were a turning point in the provision of tertiary education in Australia. It is now time to recognise that the promotion, development and coordination of tertiary education is a national responsibility. It is anachronistic and silly to have State governments legislating on tertiary institutions. Where is the national vision in that? Where is the accountability in that? Where is the commonsense in that?

Mr Doyle interjected.

Dr VAUGHAN — To pick up the interjection from the honourable member for Malvern, local structures would be needed to facilitate participation in decision making, formulation of policy, planning and coordination, but it is not necessary or even desirable that State governments be involved. That should be the clear responsibility of the national government. I do not understand why that was not a consequence of the 1963 Martin committee report, because it was a natural corollary of the recommendations.

I do not wish to see the promotion, development and coordination of tertiary education treated as a Ministerial plaything. I do not want to see an education Minister in any State — I am not personalising my remarks by singling out the Minister for Education, who is at the table — placed in a situation where he or she can inflict upon the people his or her prejudices or ideologies of tertiary education. I am concerned that the Bill has the potential to bring that about. I am also concerned that the Bill will concentrate too much power in the hands of the Minister. All the decisions to be made need to be finely balanced, but the balance in the Bill is wrong. I shall address that matter nearer to the conclusion of my remarks.

In general universities in this State behave like medieval principalities. They war among themselves, they make alliances among themselves and they constantly jostle for advantage. They play politics in the tertiary sector, and they play it hard. If one thinks politics in State Parliament is rough, one should have a look at the tertiary scene! I need mention only the name of Professor Penington to prove my point. Vice-chancellors wield great power but they are only nominally accountable for the exercise of that power. If the Minister has not discovered that in the past six months — perhaps it is the Minister in the other place, the Minister for Tertiary Education and Training, rather than the Minister in this Chamber who has had the blowtorch applied to his belly — it is a discovery he will soon make. The more the Minister nominated in the Bill wants to accumulate power over tertiary education, the more that Minister will feel the vice-chancellors' blowtorch.

Mr Doyle interjected.

Dr VAUGHAN — I shall pick up another interjection of the honourable member for Malvern. The decisions affecting tertiary education in Victoria that have been made in the 20 years I have been a keen observer have not always been made on rational grounds. Many of the decisions and experiments in tertiary education over the past couple of decades have been ill considered.

Perhaps I should go farther back than 20 years, to the Victorian Institute of Colleges and various other strange educational creatures that were created by legislation passed by this House. Many poor decisions have been made in tertiary education

during my adult life. But in the past few years some excellent decisions have been made in this area. I say that without bias, of course, and with personal satisfaction in some of the results that have been achieved. Problems have been experienced in making appropriate quality decisions in respect of tertiary education in this State.

Mr Perton — Mr Chairman, I direct to your attention the state of the Committee.

Quorum formed.

Dr VAUGHAN — Before the interruption I was saying that the proposed legislation seems to be capable of making the decision-making process in tertiary education in Victoria worse rather than better. I have a concern that the structure is inappropriate.

Clause 1 is also concerned with the promotion of tertiary education in Victoria. One of the great achievements of the post-secondary education sector in Victoria during the 1980s was the steps that were taken towards cross-accreditation in post-secondary education. We have seen cooperation between technical and further education colleges, universities and other providers of tertiary education. I am keen to see cross-accreditation expanded as a concept; it is the way of the future.

Cross-accreditation is an important ingredient in achieving the clever country status to which reference was made by an earlier speaker in this debate. It can provide a path by which a person who begins as an unskilled worker on the factory floor can proceed through an apprenticeship, certificate, diploma, degree and on from there, with a credit at each stage for the education provided.

Cross-accreditation is not a new concept. I experienced the benefits of cross-accreditation when I entered university through the back door. At 15 years of age, after completing my secondary education to intermediate level, I entered the senior technical school system — —

Mr Hamilton — That's great!

Dr VAUGHAN — I attended Gordon Institute of Technology.

Mr Hamilton — That is not so great!

Dr VAUGHAN — It was probably called Gordon Technical College at some stage. If I recall correctly, Mr Chairman, you are also an old boy of that institution. I then went on to the Royal Melbourne Institute of Technology, as it then was, one of the fine technical institutions in Victoria. It was only then that I went to university, where I needed to complete only the second half of a degree, having received due credit for the experience I had gained in the senior technical system. That path, which was open in the 1960s and 1970s in science and engineering, should be expanded across a range of courses and career paths. That is a very positive development and I wish to see it continue.

Today the doors of universities open wider than they did a decade ago, and much wider than they did two decades ago. That positive trend in tertiary education is also apparent elsewhere in the country and provides greater opportunities for people to acquire further education.

I suggest to the Minister that the proposed legislation would have been much better if it had gone through the Parliamentary committee system prior to being processed through this House. We in the Victorian Parliament do not use Parliamentary committees as well as we — —

Mr Perton — Why do you think you have the Chairman of Committees here?

The CHAIRMAN Mr J. F. McGrath) — Order! The honourable member for Doncaster is out of order and out of his place.

Dr VAUGHAN — This Parliament does not use Select Committees as well or as often as it might. Important Bills would benefit greatly from the detailed scrutiny of a Parliamentary committee. There is not, however, an existing joint investigatory committee to which I would wish to refer the Bill. Even following the changes that have occurred in the committee system over the past six months the Parliament is left without a committee that really has — —

Mr Perton interjected.

The CHAIRMAN — Order! The honourable member for Doncaster is out of his place and out of order.

Dr VAUGHAN — The lack of a suitable committee to which a Bill such as this could be referred is a clear deficiency in the joint investigatory committee structure of this Parliament.

In suggesting that the Bill would benefit from detailed scrutiny, I am really referring to scrutiny of a Select Committee of this House. That is the model that deserves consideration by the government. In the early months of its term in office the government has pushed legislation through Parliament with great haste. Once the government, Cabinet and individual Ministers gain more experience and, perhaps, more maturity, I hope they will be prepared to consider the greater use of the Parliamentary committee system and, in particular, Select Committees of this House to review proposed legislation before it is processed through the House.

The Bill before the House addresses important issues. I am greatly concerned that the proposed legislation does not maintain that certain fine balance and places too much potential for misuse of power in the hands of the Minister of the day. In that context, it is ill considered.

In conclusion, I go back to my earlier point that tertiary education has been recognised since the early 1960s as being a national responsibility. It is time that we left it to the national government to put in place structures to administer, coordinate, promote and develop post-secondary education across Australia.

Clause agreed to; clauses 2 to 5 agreed to.

Clause 6

Mr HAYWARD (Minister for Education) — I move:

1. Clause 6, page 5, line 12, after "(3)" insert "and must publish any guidelines that are issued in the Government Gazette."

The amendment is self-explanatory. It makes provision for the publication of guidelines through the *Government Gazette*. It was suggested by the Scrutiny of Acts and Regulations Committee.

Mr HAMILTON (Morwell) — The opposition's concern is with the phrase "all or any". All criteria from subparagraphs (a) to (q) are significant. The wording of the amendment still indicates that the Minister may not have to take into account any of those criteria but also may not need to publish all guidelines. There is still a lack of continuity. I trust that the sense of the amendment moved by the Minister is that he will publish all guidelines issued in relation to any of the criteria named in clause 6(3). Perhaps the Minister would like to comment on that. The amendment seems to suggest that the Minister does not have to publish all guidelines, only the ones he puts in or considers appropriate.

Mr HAYWARD (Minister for Education) — It is my understanding that the Minister for Tertiary Education and Training intends that any and all guidelines be published in the *Government Gazette*.

Amendment agreed to.

Mr HAYWARD (Minister for Education) — I move:

2. Clause 6, page 5, line 32, omit "a reasonable fee for" and insert "any fee prescribed for investigating".

This is also self-explanatory, and again it was recommended by the Scrutiny of Acts and Regulations Committee. It simply changes the phrase "a reasonable fee for" to "any fee prescribed for investigating".

Mr HAMILTON (Morwell) — The opposition supports the amendment. The prescribed fee could be significant given that the Minister may need to appoint a body. I do not think any members would expect that the Minister will be doing all those things on his own. The amendment is significant and the opposition agrees with it.

Mr PERTON (Doncaster) — I thank the Minister for Education for moving the amendment. At this point I indicate that the Honourable Haddon Storey, the responsible Minister in the other place, has been very cooperative. I commend him on the full set of amendments.

This amendment maintains the supremacy of Parliament. I pay tribute to the Minister for expeditiously making the changes recommended.

Amendment agreed to; amended clause agreed to; clauses 7 to 9 agreed to.

Clause 10

The CHAIRMAN — Order! I understand that if the honourable member for Morwell loses his first amendment he will also lose amendments Nos 2 and 3. The honourable member for Morwell may like to canvass amendments Nos 1, 2 and 3. I further advise the honourable member that he will also lose amendments Nos 2 to 6 if he loses the first one.

Mr HAMILTON (Morwell) — I move:

1. Clause 10, line 11, omit "(1)".

One must always be optimistic. The amendments that have been circulated in my name, Nos 1 to 6, all relate to the concern of the opposition that it is possible under the legislation for an institution that can award university degrees to be created without the approval of the Parliament, which is a significant departure from what has happened in the history of this State at least. It would be most undesirable for that to occur, given the importance and significance of higher education, especially university education.

In some ways this departure could be seen to downgrade the importance of universities. I am a little surprised that there has not been more jumping up and down from people such as Professor Penington, who has a great sense of the value of the University of Melbourne. One could say he guards its reputation jealously. He would say that it would be somewhat degrading to the university sector if he were not able to ensure that any college or institution offering a higher degree or any university accredited course could be ordained without the approval of Parliament.

The supremacy of Parliament should be guarded jealously. It should be guarded just as jealously as tertiary education or any other matter which is of significance to the people of Victoria.

Mr HAYWARD (Minister for Education) — I thank the honourable member for Morwell for his comments, which are consistent with those in his speech in the second-reading debate. I am advised that the government does not share the concern of the honourable member for Morwell but understands it. I also advise the Committee that the Chairman of the Scrutiny of Acts and Regulations Committee has told me that the committee has considered the matter.

The Minister in another place has authorised me to say that he will consider the matter while the Bill is between Houses. The government clearly understands the point made by the honourable member, although it does not share his concern. Nevertheless the Minister will consider the matter while the Bill is between Houses.

Mr PERTON (Doncaster) — I congratulate the Minister on his understanding of the concerns of the honourable member for Morwell, but I am surprised at the terms of the amendment moved by the honourable member. Instead of suggesting a better drafted amendment that would recognise the role of Parliament in these sorts of decisions, he has chosen to take a destructive attitude — that is, to eliminate all subclauses after subclause (2). That seems very odd indeed when one considers subclause (3).

Subclause (3) deals with what the Minister must have regard to — matters that are in the interests of the community. For example, certain elements of the courses of an institution established in a foreign country must be recognised by the Minister. What surprises me is that the attitude of the honourable member for Morwell seems to be that if, for instance, Oxford, Cambridge or a distinguished American university choose to offer a course of studies in Victoria the government ought not to countenance such a course. I urge him to withdraw the amendment and to take the matter up with the Minister between Houses.

Mr HAMILTON (Morwell) — The honourable member has almost confirmed my long-held belief that I have yet to meet an intelligent lawyer! The purpose of the amendment is to bring the university sector under the scrutiny of Parliament, which the opposition does not believe is unreasonable.

All members should learn that in drafting amendments one sometimes needs to take the advice of other people who are better qualified on such matters so that it is done correctly. The intention of the amendment is quite clear. No surreptitious motive is involved. Indeed, we have been given the best advice available in this place in attending to the wording and structure of these amendments. The honourable member for Doncaster should realise that there are wiser people than he in the workings of the Parliament, as indicated by his impromptu remarks.

Mr PERTON (Doncaster) — What I find extremely odd about the comments just made by the honourable member for Morwell is that his views on what he is trying to achieve are inconsistent. If the member is confused about what he is trying to do, the amendment may not reflect his intention. The amendment stands as a condemnation of the honourable member, and it is no defence to say that someone else got it wrong and it is not his fault.

Amendment negatived.

Mr HAYWARD (Minister for Education) — I move:

3. Clause 10, page 9, line 3, after "(3)" insert "and must publish any guidelines that are issued in the *Government Gazette*".

4. Clause 10, page 9, line 17 omit "a reasonable fee for" and insert "any fee prescribed for investigating".

The amendments are similar to amendments Nos 2 and 3, so they do not require further comment. The amendments have been recommended by the Scrutiny of Acts and Regulations Committee.

Amendments agreed to; amended clause agreed to.

Clause 11

Mr HAYWARD (Minister for Education) — I move:

5. Clause 11, page 11, line 15, after "(4)" insert "and must publish any guidelines that are issued in the *Government Gazette*".

6. Clause 11, page 11, line 33, omit "a reasonable fee for" and insert "any fee prescribed for investigating".

The amendments are necessary for the reasons I have already outlined.

Mr HAMILTON (Morwell) — The opposition supports the intent of the amendments. However, the Bill does not seem to include a requirement for reporting and accountability. Although I am pleased that amendment No. 5 requires that any guidelines must be published in the *Government Gazette*, the legislation would be improved if the Minister were required to report to Parliament on the activities covered by the Bill.

Amendments agreed to; amended clause agreed to; clause 12 agreed to.

Clause 13

Mr HAYWARD (Minister for Education) — I move:

7. Clause 13, line 10, omit "Division" and insert "Part".

The amendment corrects an obvious error.

Amendment agreed to; amended clause agreed to.

Clause 14

Mr HAYWARD (Minister for Education) — I move:

8. Clause 14, line 33, omit "been consulted about" and insert "consented to".

Once again, this amendment corrects a simple error. The wrong phrase was used.

Amendment agreed to; amended clause agreed to.

Clause 15

Mr HAYWARD (Minister for Education) — I move:

9. Clause 15, page 14, line 6, omit "been consulted about" and insert "consented to".

Amendment agreed to; amended clause agreed to; clauses 16 to 19 agreed to.

Clause 20

Mr HAMILTON (Morwell) — Clause 20 refers to the continuation of the Ballarat University College, which is currently an enigma in that it is the one college of advanced education that was not swallowed up in the recent amalgamations. It will be a challenge to the Minister and his advisory council to work through what will be an important decision. I have spoken to members of the student union, the administration and the academic staff of the college, and they are all agreed on the desire for the college to become an academic university.

The concern I have is coloured somewhat by the history of the creation of universities. I am mature enough to remember the creation of Monash University and its interesting early days when it was seen by the community — not by academics — as second rate compared with the University of Melbourne, which has turned out so many wonderful students in its day. Monash University suffered until La Trobe University was established, and La Trobe then suffered in the same way until the establishment of Deakin University. The new kid on the block syndrome has been in force with the pecking order of universities.

Through amalgamations universities have grown to massive proportions, but Ballarat University College is different. It appears that universities have accepted the adage that big is beautiful. I do not subscribe to that. The decision to grant Ballarat University college university status will be the fulfilment of a promise to the people of Ballarat made by a former Premier of Victoria, Sir Henry Bolte. The Bill creates an opportunity to fulfil that promise to the fair city of Ballarat. The question of the Bendigo College of Advanced Education then being used as a bargaining tool must be considered; it may not be the happiest marriage and it may open a can of worms. All honourable members will watch closely the Minister's consideration of the application for university status. I hope the

considerations will be made public so that the people who are interested in the decision will be able to contribute to the arguments. They should at least be allowed to be close observers of the long-term future of Ballarat University College.

Mr HAYWARD (Minister for Education) — I thank the honourable member for Morwell for his comments, and I confirm that the Bill provides for the continuation of Ballarat University College in the same manner as it currently operates under the Post-Secondary Education Act.

Clause agreed to; clause 21 agreed to.

Clause 22

Mr HAYWARD (Minister for Education) — I move:

10. Clause 22, line 16, before "The" insert "(1)".

11. Clause 22, line 17, omit "any" and insert "prescribing fees and generally prescribing any other".

12. Clause 22, line 19, after this line insert the following sub-clause —

"(2) A power conferred by sub-section (1) to make regulations providing for fees may be exercised by prescribing different fees for different classes of applications or investigations.".

Clause 22 provides a general power to make regulations for matters dealt with under the Bill but does not provide a specific power to establish fees to cover the costs and investigations. The amendments provide the necessary power. Because the cost of investigating applications could vary significantly with the nature of the matter being considered and the circumstances of the application, the clause makes provision for different classes of applications or investigations.

Amendments agreed to; amended clause agreed to; clauses 23 to 34 agreed to; schedules agreed to.

Reported to House with amendments.

Report adopted.

Third reading

Mr HAYWARD (Minister for Education) — I move:

That this Bill be now read a third time.

House divided on motion:

*Ayes, 57**

Ashley, Mr	Maclellan, Mr
Bildstien, Mr	McNamara, Mr
Brown, Mr	Maughan, Mr
Clark, Mr	Napthine, Dr
Coleman, Mr	Paterson, Mr
Cooper, Mr	Perrin, Mr
Davis, Mr	Perton, Mr
Dean, Mr	Pescott, Mr
Doyle, Mr	Peulich, Mrs
Elder, Mr	Phillips, Mr
Elliott, Mrs	Plowman, Mr A.F.
Finn, Mr	Reynolds, Mr
Gude, Mr	Richardson, Mr
Hayward, Mr	Rowe, Mr
Heffernan, Mr	Ryan, Mr
Henderson, Mrs	Smith, Mr E.R.
Honeywood, Mr	Smith, Mr I.W.
Jasper, Mr	Steggall, Mr
Jenkins, Mr	Stockdale, Mr
John, Mr	Tanner, Mr
Kennett, Mr	Tehan, Mrs
Kilgour, Mr	Thompson, Mr
Leigh, Mr	Traynor, Mr
Lupton, Mr	Treasure, Mr
McArthur, Mr	Turner, Mr
McGill, Mrs (*Teller*)	Wade, Mrs
McGrath, Mr J.F.	Weideman, Mr
McGrath, Mr W.D.	Wells, Mr
McLellan, Mr	

Noes, 22

Andrianopoulos, Mr	Marple, Ms
Baker, Mr	Micallef, Mr
Batchelor, Mr	Mildenhall, Mr
Cunningham, Mr	Pandazopoulos, Mr (*Teller*)
Dollis, Mr	Sandon, Mr
Garbutt, Mrs	Seitz, Mr
Haermeyer, Mr	Sercombe, Mr
Hamilton, Mr	Sheehan, Mr
Kirner, Ms	Thomson, Mr
Leighton, Mr	Thwaites, Mr
Loney, Mr (*Teller*)	Vaughan, Dr

**Division list subsequently amended (Mr Hyams (Teller) inserted).*

Motion agreed to.

Read third time.

CLUB KENO BILL

Second reading

Mr STOCKDALE (Treasurer) — I move:

That this Bill be now read a second time.

In my *Restoring Victoria's Finances* statement presented to Parliament on 6 April I announced the intention for club keno to be introduced from 1 July 1993.

The Bill provides the necessary legislative framework for club keno, including provisions for the authorisation of participants, the engagement of a registered company auditor to carry out such audits as are necessary and for the Auditor-General to have power to audit the required financial statements, levies and payments, and regulation-making powers.

Club keno is similar to the existing keno game but with draws to take place at frequent intervals and results immediately available at outlets on video monitors. Club keno outlets will be restricted to venues that are licensed for the operation of gaming machines under the Gaming Machine Control Act. Both the Totalizator Agency Board and Tattersalls will be able to offer club keno.

The return to players will be 75 per cent of investments, which matches the returns in New South Wales and South Australia where club keno is already in place.

Under the legislation, Tattersalls and the TAB will be authorised to operate the club keno system. The terms and conditions of the commercial arrangements between participants will require the approval of the Minister.

The government will receive duty of between 20 and 21 per cent of club keno investments according to turnover and will share in the profits made by the participants on the same basis as currently applies in respect of Tattersall consultations.

The net gain to gambling revenue from the introduction of club keno is estimated to be $4 million in 1993-94.

This initiative is consistent with developments in other States and is complementary to the operation and development of gaming machine venues in Victoria.

I commend the Bill to the House.

Debate adjourned on motion of Mr MILDENHALL (Footscray).

Debate adjourned until Thursday, 13 May.

TATTERSALL CONSULTATIONS (REPORTING) BILL

Second reading

Mr STOCKDALE (Treasurer) — I move:

That this Bill be now read a second time.

The purpose of the Bill is to require Tattersall Sweep Consultation to table its annual financial statements in Parliament and exempt a certain class of business from the 10 cent ticket levy.

The initiative for the tabling requirement originated with the Auditor-General, following an audit that he conducted of Tattersall's operations in May 1991. The Auditor-General considered that the tabling of Tattersall's annual financial statements in Parliament was desirable in light of the significant contribution that Tattersall makes to government revenues, which totalled $300.2 million in net terms in 1991-92, and because of the much expanded role that Tattersall will have in the future through the operation of electronic gaming machines.

Ms Kirner interjected.

Mr STOCKDALE — I don't know whether she says yes or no; she never gets asked!

Ms MARPLE (Altona) — On a point of order, Mr Speaker, many members in the Chamber are trivialising a serious subject. I ask the Treasurer to withdraw his remark about yes and no.

The SPEAKER — Order! The honourable member for Altona would assist the Chair if she were more specific in her request.

Ms Kirner — Try the judge's comments!

Ms MARPLE — The Treasurer should withdraw his remark about the judge's statements on whether women say yes or no.

The SPEAKER — Order! The honourable member for Altona finds the Treasurer's remark offensive. I ask him to withdraw.

Mr STOCKDALE (Treasurer) — I certainly withdraw it, Mr Speaker.

The Auditor-General was of the view that the tabling requirement was necessary in the interests of greater public accountability and to allow for full public scrutiny of Tattersall's financial statements. The government fully concurs with the views of the Auditor-General in this matter.

This is in no sense a reflection on the manner in which Tattersall's has conducted its operations to date; it simply ensures a degree of accountability and public scrutiny commensurate with the public interest in Tattersall's operations.

Honourable members will be aware that a 10 cent ticket levy has applied to certain Tattersall games since 1 December 1992. It was the government's intention that the levy would only apply to tickets sold in Victoria. Unfortunately, an accredited representative of Tattersall's, a Mr John Hycenko, the principal of a business called "The Mail Service", has inadvertently become subject to the levy notwithstanding the fact that his customers are resident outside Victoria.

The anomaly arises from the unique nature of Mr Hycenko's business. Mr Hycenko is based in Melbourne, but has exclusive rights to sell Tattersall products on Christmas Island, Norfolk Island and the Cook Islands. Mr Hycenko's overseas business operates as follows: players on the islands place orders through local sub-agents; moneys collected from players are transferred electronically from the islands to Mr Hycenko's bank account in Melbourne; the tickets are issued to Mr Hycenko for and on behalf of the players on the islands; and where there is a winner, Mr Hycenko collects the prize and remits it to the player.

At present the tickets are subject to the levy because they are issued in Victoria notwithstanding the fact that the ultimate customer lives outside Victoria. The purpose of the amendment is to remove this anomaly.

It should be noted that under separate accreditation, Mr Hycenko is also permitted to sell tickets in Victoria. Of course, his Victorian sales will continue to be subject to the levy.

I commend the Bill to the House.

Debate adjourned on motion of Mr BAKER (Sunshine).

Debate adjourned until Thursday, 13 May.

POLICE REGULATION (DISCIPLINE) BILL

Mr GUDE (Minister for Industry and Employment) — I declare this Bill to be an urgent Bill, and I move:

That this Bill be considered an urgent Bill.

Required number of members rose indicating approval of motion being put.

House divided on motion:

Ayes, 57

Ashley, Mr	Maclellan, Mr
Bildstien, Mr	McNamara, Mr
Brown, Mr	Maughan, Mr
Clark, Mr	Napthine, Dr
Coleman, Mr	Paterson, Mr
Cooper, Mr	Perrin, Mr
Davis, Mr	Perton, Mr
Dean, Mr	Pescott, Mr
Doyle, Mr	Peulich, Mrs
Elder, Mr	Phillips, Mr
Elliott, Mrs	Plowman, Mr A.F.
Finn, Mr	Reynolds, Mr
Gude, Mr	Richardson, Mr
Hayward, Mr	Rowe, Mr
Heffernan, Mr	Ryan, Mr (*Teller*)
Henderson, Mrs	Smith, Mr E.R.
Honeywood, Mr	Smith, Mr I.W.
Hyams, Mr	Steggall, Mr
Jasper, Mr	Stockdale, Mr
John, Mr	Tanner, Mr
Kennett, Mr	Tehan, Mrs
Kilgour, Mr	Thompson, Mr
Leigh, Mr	Traynor, Mr
Lupton, Mr (*Teller*)	Treasure, Mr
McArthur, Mr	Turner, Mr
McGill, Mrs	Wade, Mrs
McGrath, Mr J.F.	Weideman, Mr
McGrath, Mr W.D.	Wells, Mr
McLellan, Mr	

Noes, 22

Andrianopoulos, Mr (*Teller*)	Marple, Ms(*Teller*)
Baker, Mr	Micallef, Mr
Batchelor, Mr	Mildenhall, Mr
Cunningham, Mr	Pandazopoulos, Mr
Dollis, Mr	Sandon, Mr
Garbutt, Mrs	Seitz, Mr
Haermeyer, Mr	Sercombe, Mr
Hamilton, Mr	Sheehan, Mr
Kirner, Ms	Thomson, Mr

Leighton, Mr	Thwaites, Mr
Loney, Mr	Vaughan, Dr

Motion agreed to.

Mr GUDE (Minister for Industry and Employment) — I move:

That the time allotted for the remaining stages of the Bill be until 1 a.m. tomorrow.

Mr SERCOMBE (Niddrie) — I move:

That all the words and expressions after the word "That" be omitted with the view of inserting in place thereof the following words and expressions —

the time allotted in connection with the Bill be as follows —

(a) for the second-reading stage of the Bill from 4 p.m. until 6 p.m. on Tuesday 11 May; and

(b) for the remaining stages of the Bill until 12 midnight Tuesday 11 May.

Honourable members interjecting.

The SPEAKER — Order! This unseemly behaviour will not be tolerated by the Chair.

Mr SERCOMBE — On Monday the Scrutiny of Acts and Regulations Committee has scheduled a meeting to consider the Bill, which has caused considerable controversy in the Police Force. It has also arranged to take evidence from the Chief Commissioner of Police and the Victoria Police Association.

It would be discourteous of the government not to allow the committee, which has a majority of government members, sufficient time to consider the Bill and to carry out the functions that Parliament has given it to enable it to report to the Parliament.

You will readily observe, Mr Speaker, that my amendment proposes that the second reading of the Bill be debated on Tuesday next. The opposition is not seeking to delay the consideration of the Bill unduly. The government should take the committee system seriously and allow the committee to hear the witnesses who will appear before it.

Mr McNAMARA (Minister for Police and Emergency Services) — Debate on the Bill has been now adjourned for two weeks, and all honourable members and the public generally knew the timetable. The Bill has been listed on the Notice Paper for debate to be resumed today. Everyone has had ample notice, including the Parliamentary committee and other interested bodies. The government has a timetable that has been clearly set out by the Leader of the House and it intends to proceed according to that timetable.

House divided on omission (Members in favour vote No):

Ayes, 58

Ashley, Mr	McLellan, Mr
Bildstien, Mr	Maclellan, Mr
Brown, Mr	McNamara, Mr
Clark, Mr	Maughan, Mr
Coleman, Mr	Napthine, Dr
Cooper, Mr	Paterson, Mr
Davis, Mr	Perrin, Mr
Dean, Mr	Perton, Mr
Doyle, Mr	Pescott, Mr
Elder, Mr	Peulich, Mrs
Elliott, Mrs	Phillips, Mr
Finn, Mr	Plowman, Mr A.F.
Gude, Mr	Reynolds, Mr
Hayward, Mr	Richardson, Mr
Heffernan, Mr	Rowe, Mr (*Teller*)
Henderson, Mrs	Ryan, Mr
Honeywood, Mr	Smith, Mr E.R.
Hyams, Mr	Smith, Mr I.W.
Jasper, Mr	Steggall, Mr
Jenkins, Mr	Stockdale, Mr
John, Mr	Tanner, Mr
Kennett, Mr	Tehan, Mrs
Kilgour, Mr	Thompson, Mr
Leigh, Mr	Traynor, Mr (*Teller*)
Lupton, Mr	Treasure, Mr
McArthur, Mr	Turner, Mr
McGill, Mrs	Wade, Mrs
McGrath, Mr J.F.	Weideman, Mr
McGrath, Mr W.D.	Wells, Mr

Noes, 22

Andrianopoulos, Mr (*Teller*)	Marple, Ms (*Teller*)
Baker, Mr	Micallef, Mr
Batchelor, Mr	Mildenhall, Mr
Cunningham, Mr	Pandazopoulos, Mr
Dollis, Mr	Sandon, Mr
Garbutt, Mrs	Seitz, Mr
Haermeyer, Mr	Sercombe, Mr
Hamilton, Mr	Sheehan, Mr
Kirner, Ms	Thomson, Mr
Leighton, Mr	Thwaites, Mr
Loney, Mr	Vaughan, Dr

Amendment negatived.

Motion agreed to.

Second reading

Debate resumed from 22 April; motion of Mr McNAMARA (Minister for Police and Emergency Services)

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

Mr SERCOMBE (Niddrie) — This is the second set of amendments to the Police Regulation Act that the government has brought forward in less than six months. Like the earlier amendments, these amendments are strongly opposed by most officers of the Victoria Police.

Mr Rowe — Not true.

Mr SERCOMBE — What does the honourable member for Cranbourne think 3000 police officers were doing the other day? The vast majority of Victorian police officers strenuously oppose this legislation. Their vigorous objection to these amendments was expressed at a recent meeting of nearly 3000 officers, which is an indication of how out of touch the government is with the people involved in policing this State.

The previous amendments were aimed primarily at the establishment of the Police Board. Apparently no-one, least of all its members, really understands what that Police Board is doing six months after its creation. The opposition wants police to have the legislative background to enable it to operate a modern, efficient community Police Force and to consult with the force and react to its concerns.

On 27 April the Police Association of Victoria held a meeting at which the Minister for Finance made an appearance to speak about superannuation. He apparently was as evasive on that question at that meeting as he is in this place. Judging by the television footage of the event, he bored the meeting senseless as large numbers of police officers were shown leaving during his address. Victorian police attach great importance to their superannuation, and that meeting showed that their principal concerns relate to this legislation.

I shall read the resolutions carried at that meeting of members of the Victoria Police, because they succinctly indicate the views of the police and the opposition regarding the legislation. The first resolution is:

> (i) That the Police Association, in supporting the concept that the chief commissioner should be able to effectively command the Victoria Police Force, holds firm to the view that there must be a binding appeal right to a totally independent body.
>
> (ii) That the association take immediate steps to ensure our members are not treated as second-class citizens by being denied proper processes of natural justice;
>
> (iii) That the association is instructed to pursue the proper processes of natural justice and a binding appeal right to an independent body for its members, having the functions of that independent body enshrined in legislation.

The second resolution is:

> That the meeting instructs the association to directly approach the Federal industrial relations Minister to intervene and ensure that the Police Regulation (Discipline) Bill 1993 conforms with the Australian government's commitment on 26 February 1993 to ensure that all employees terminated have access to an independent and binding appeal body pursuant to International Labour Organisation Convention 158.

Article 8, Division C of the United Nations Convention provides:

> 1. A worker who considers that his employment has been unjustifiably terminated shall be entitled to appeal against that termination to an impartial body, such as a court, labour tribunal, arbitration commission or arbitrator.

The legislation conflicts with the commitment of the Australian government to having those powers extend to all members of the Australian community.

The third resolution is:

> The membership of the Police Association demands that the government remove the proposed new section 129A, Supreme Court — Limitation of Jurisdictions from the Police Regulation (Discipline) Bill as it denies our members the basic rights available to other Victorians.

The fourth resolution is:

> That the granting of absolute discipline powers to the chief commissioner is a gross threat to the integrity of every member of the Victoria Police Force. This

> meeting urges the chief commissioner and the government to delay the implementation of new disciplinary measures until there has been an independent judicial inquiry into the needs for, and effects of, any increase in the chief commissioner's powers.

Those resolutions make abundantly clear why the government ought to defer the legislation. At the very least, it should defer passage of the Bill to enable the Scrutiny of Acts and Regulations Committee to examine it. It would also show courtesy to the Chief Commissioner of Police and members of the Police Association of Victoria, who will meet on Monday next with the Parliamentary committee. The Minister should adjourn the Bill at the end of the second- reading stage.

The Bill repeals sections 69 to 86 of the Police Regulation Act, which refer to the Police Service Board, and substitutes new sections 87 to 91 relating to the Police Discipline Board. A new system of police discipline is proposed, but the fundamental flaw in the proposal, as indicated by the resolutions of the Police Association, is that police officers will have no right of appeal on disciplinary matters, including appeals against dismissal.

The Bill establishes a Police Review Commission that will undertake to review decisions of the chief commissioner in relation to disciplinary matters. The key verb is "review", because the chief commissioner is not bound by the findings of the commission. This compares with the proposed powers of the commission to hear and determine appeals concerning promotions and transfers.

As the Police Association has said in correspondence to the Minister, despite comments to the contrary, in the case of a conviction or sentence on a disciplinary matter the Victoria Police will be the only Police Force in Australia without a right of appeal to an independent body whose decision is binding. The Australian Federal Police, the New South Wales police, the South Australian police, the Western Australian police and the Northern Territory police all have this right. The Queensland Police Force has a more complex system with different categories for misconduct and official misconduct, that is, for less serious and more serious offences. Some furphies have been put about that these provisions would bring the Victoria Police into line with police practice elsewhere. That is not correct.

The Minister for Police and Emergency Services noted in his second-reading speech that, under the current provisions of the Act, he can refer any matter relating to police to the Police Board, presently chaired by Sir John Young. The Minister states:

> That could include, for example, the effectiveness of the police disciplinary system.

Earlier drafts of government amendments, which presumably went before the coalition Bill committee, proposed a review of the decisions of the chief commissioner being undertaken by the Police Board. Those earlier drafts have since disappeared. I suppose it reflects the fact that Sir John Young and his board may not know what their functions are, but at least they are wise enough not to go down the rabbit warren proposed by the Minister, who was silly to propose the amendments in the first place. Unfortunately, the Minister has said that he will not delay the introduction of the government's amendments to allow them to be scrutinised further. It is an indication of the government's lack of clarity.

The deeply held fears of policemen and policewomen regarding police powers do not relate just to some abstract notion of due process and natural justice. They are fundamental principles of our legal system and are extremely important for police morale and attitude. The community rightly expects police officers, in executing their duties with the public, to carry out those duties with due process. The public are entitled to expect police officers to be held to account according to due process. It is unreasonable, unfair and against community expectations that police officers should not be entitled to due process in relation to claims made against them.

Former police officers, such as the honourable members for Bendigo West and Ballarat East, well know that in criminal investigations their actions can be subject to misinterpretation, especially given by the types of people with whom they are dealing. It is common for malicious evidence to be led against police officers; and unless they have a right of judicial review of their actions, serious injustices may be done.

This is not an abstract notion. I shall refer briefly to cases that have come before the Police Service Board over the past few years where the careers of policemen and policewomen would have been shattered if the disciplinary provisions proposed in the Bill had been in force when those cases were dealt with.

In 1988 the Police Service Board, under the chairmanship of Judge Shillito, heard an appeal from Senior Constable Ramsay and Senior Constable Richardson. Although I shall not go through the details of the case, suffice it to say that Senior Constable Ramsay of St Kilda appeared before the Police Discipline Board charged that in 1987, contrary to regulations, he did without good and sufficient cause arrest a person for an offence of being drunk, that contrary to regulations he used unnecessary violence on a prisoner and that contrary to regulations he acted in a manner likely to bring discredit on the reputation of the force.

Senior Constable Ramsay pleaded not guilty but was dismissed from the force in 1987. His colleague was summarily found guilty on two of the charges and fined $1000. In giving his reasons for the appeal decision the judge said:

> The onus of establishing the guilt of the member is on the respondent but the standard of proof required is not that which applies in criminal proceedings. It is sufficient if the respondent satisfies the board that the offence has been committed on the standard of proof which is required in proceedings before administrative tribunals generally.
>
> In other words, in these appeals this board, when considering whether it has been satisfied that any appellant was guilty of committing a particular disciplinary offence, should adopt the approach that the degree of satisfaction which it needs to feel before recording a conviction is proportional to its recognition of the gravity of the misconduct alleged and/or the gravity of the consequences which may be reasonably expected to flow from a conviction for it.
>
> In this respect there is little doubt that the misconduct alleged against the appellants in connection with the first two charges at least is both grave and serious; so much so that it is extremely doubtful whether either could be regarded as suitable to be retained as a member of the Victoria Police Force if found guilty either as a principal or as an accessory.

The wash-up was that the Police Service Board found that the charges were not sustained and upheld the appeal. Those police officers had their careers shattered; and they would have remained shattered if the Bill had applied at the time.

That is not an isolated case. In 1988 the Police Service Board, under the chairmanship of Judge Shillito, heard a case involving Senior Constable Robinson and Constable Farrant. Without going into too much detail, the policeman and policewoman were charged before the Police Discipline Board that at Glen Waverley in March 1987, contrary to regulation No. 402(a), they acted in a manner likely to bring discredit on the reputation of the force, in that without good or proper cause each was a party to the consumption of a substance known as cannabis. Apparently the suggestion was that cannabis was being smoked at the Police Academy.

At the conclusion of the evidence the Police Discipline Board found those charges proven. Those two police officers were under a cloud. Nonetheless, after the application of those principles that I referred to earlier the two police officers were exonerated on the basis that the evidence was not sufficient. The proof required was a lesser burden of proof than is required in a criminal case. Judge Shillito said:

> Let there be no mistake if a member of the Victoria Police Force is found to have illegally used a prohibited drug — particularly on police premises of the type in question — then the board regards misconduct of this sort as being extremely serious indeed; not only because it is a criminal offence in itself but because the consequences of its discovery would have an extremely damaging effect on the reputation of the force as a whole and lower it in the estimation of the community generally.
>
> The board regards it as extremely doubtful as to whether such an offender ought ordinarily be allowed to continue to remain a member of the force.

Had they applied in that situation, the provisions the Minister is now trying to foist on the force would have destroyed the careers of young officers without their having the right of judicial appeal. As I said before, we are talking not about abstract principles of due process and natural justice but about the real lives and careers of people in the Victoria Police. Those officers would not still be in the force if the principles the Minister is trying to introduce had been in effect.

The cases keep rolling in. In July 1990 the Police Service Board, under the chairmanship of Judge Walsh, heard an appeal from a Sergeant Tanner who was attached to the Benalla CIB — no doubt the Minister, being an active local member, would know Sergeant Tanner. If the provisions of the Bill had applied in 1990, Sergeant Tanner would not now be a member of the Police Force. Sergeant Tanner appealed against a compulsory transfer to the Force Reserve:

> The transfer of the appellant from the CIB at Benalla to the Force Reserve was published in the *Police Gazette* ... as a transfer by direction.

It is not relevant to the points I am making to go through the allegations made against Sergeant Tanner, except to say that they related to criminal investigations and that he was compulsorily transferred to the Force Reserve for disciplinary reasons. The board gave lengthy reasons for the decision — some 57 pages — and stated in conclusion:

> ... the board is affirmatively satisfied that the evidence available to the chief commissioner, when properly analysed, did not afford reasonable grounds in this case for the transfer of the appellant to the Force Reserve.
>
> The board is accordingly satisfied that the chief commissioner was misinformed as to the facts upon which his decision was based and was not informed of facts and circumstances which bore particularly on the exercise of his discretion. The board has accordingly reached the unanimous conclusion that the discretion of the chief commissioner has miscarried in this case and must be set aside.

Those comments are powerful expressions of judicial views. They are not abstract expressions but strong criticisms of the process and the way in which policemen and policewomen have been treated. They clearly underline the injustices that would be done if that type of judicial review process were not available.

Last week a report of the Deputy Ombudsman (Police Complaints) was tabled in Parliament. It concerns the alleged suppression of police investigations, police intelligence and other matters relating to investigations into the Victorian Economic Development Corporation. The Deputy Ombudsman is critical in that report of the way the Police Force conducts investigations, particularly in matters involving sensitive intelligence considerations. The Deputy Ombudsman's report shows that it is unsatisfactory for the government to proceed to give the police command an unfettered right in discipline and, in particular, an unfettered right to dismiss.

There undoubtedly could be circumstances where, as a matter of general principle and without reference to any specific case, a police officer could exploit the current system. However, it is fundamental in our legal system that an innocent person is entitled to protection even if that protection may at times make life easier for persons who are guilty. Given our system of justice, it seems unreasonable to say that because from time to time some police officers may not do the right thing and ought not to be in the force the protection now available to police officers should be thrown out.

The opposition does not present that argument as an abstract principle but in the context that a lack of protection will lead to the destruction of the careers of officers. A number of police officers to whom I have referred in this debate would not now be in the Police Force if past governments had proceeded along the path the current government is suggesting.

There are a number of specific provisions in the Bill that cause the opposition concern as matters of principle. Proposed new sections 75 and 84 exclude barristers and solicitors from representing police officers who are charged with breaches of discipline. Proposed new sections 76(2) and 77(2) provide the potential for police officers to face punitive awards against them of compensation or costs. As the Police Association of Victoria points out, under those proposed new sections, significant amounts in costs or compensation could be awarded against police officers in relation to motor vehicle accidents. There is grave potential for an injustice to be done in those circumstances.

There is certainly a capacity for a grave injustice to be done to police officers facing charges that could lead to dismissal in not having an opportunity of being legally represented in proceedings where provisions of the Evidence Act may apply, particularly the provisions dealing with the taking of evidence on oath and the production of documents. In respect of those sorts of rights, which the police now have, it would be appropriate for the proposed legislation to be reviewed by the Scrutiny of Acts and Regulations Committee of this Parliament.

I was a moment ago beginning to develop the theme of the way in which inquiries and hearings under the Bill will work. The Bill quite specifically states in proposed new section 75(3)c) that such inquiries and hearings are not bound by the rules of evidence but that an inquiry may inform itself in any way it sees fit, yet proposed new section 75(4) provides that sections 14, 15, 16 and 21A of the Evidence Act do apply.

The rules of natural justice provide that persons should be given an adequate opportunity of presenting a case to an unbiased authority. The Bill

creates potential problems in relation to the basic textbook definitions of natural justice. The Bill does not indicate any standard of proof that is required in disciplinary matters, including dismissal. As I indicated, the inability of the police to be legally represented is of particular concern.

The opposition is also concerned about the disparity between the time provided in the Bill for the charging process and the time police officers may have to respond when an issue requires detailed examination. Because of the limited time available, I do not wish to explore this issue too deeply. However, under proposed new section 71(4) action taken, for example by the chief commissioner in suspending an officer after an officer has been charged, remains in force until the charge has been finally determined. In the absence of protection an unreasonable period could elapse. On the other hand, under proposed new section 72(1)(e) the charge must specify the time within which a member must make a statement when charged. Members of the force need to be protected in this respect so that they have reasonable time in which to obtain advice about the matters on which they have been charged.

A range of other procedural matters ought to be clarified. For example, does a police officer have rights with respect to possible self-incrimination when dealing with proposed disciplinary procedures? It ought to be made clear that a member who has been interviewed in relation to criminal matters should not be the subject of a disciplinary interview if the substance of that interview relates to the same circumstances. In that circumstance, the right should be enshrined in legislation — I cannot find any appropriate provision in this Bill — for the member to have the criminal charges dealt with before the disciplinary matters are dealt with.

The Minister has had delivered to him by the Police Association of Victorian an extensive letter detailing a range of extremely important matters with respect to the legislation. In view of the limited time available, I do not propose to go through all those matters in detail. They are matters of fundamental importance in the context of natural justice being extended to police officers. If the Minister persists with legislation that denies appeal rights to police officers, those matters will need to be more thoroughly and systematically examined to ensure that fundamental liberties are preserved for police officers facing serious disciplinary procedures.

Clause 5 is of concern to the opposition. It proposes to amend section 4(2) of the principal Act by substituting for the words "Police Service Board" the word "Minister" in a context where the provision in the principal Act provides that no person shall be appointed deputy commissioner or assistant commissioner unless he is a member of the force or unless the Police Service Board reports that there is no member of the force who is fit to be appointed to that office.

That provision seems to create further opportunities for political patronage in the Police Force, following as it does the last set of amendments to the legislation before Christmas which basically put all commissioned rank officers on contracts of up to five years, making their appointments of limited tenure. The provision is a further fundamentally undesirable step towards involving a Minister — the current Minister will not be Minister for long — in the Police Force.

The great strength of the Victoria Police Force — the reason it is regarded with considerable respect throughout the Victorian community and is more highly regarded than the police forces of a number of other Australian States that I could name — is that over recent times it has been significantly free of corruption and clearly has not been susceptible to political interference and patronage. We are concerned that the amendment made by clause 5 goes further in the direction of political interference and is a most negative step.

In summary, the opposition sees the Police Regulation (Discipline) Bill as bad legislation. It ought not to be proceeded with any further at this point. The Minister ought to take note of the extraordinarily strong — almost unprecedented — expressions of opposition that have arisen across the ranks of the Victoria Police Force on this matter. The Minister ought to find an opportunity this evening not to proceed with the Bill and to refer it to a Parliamentary committee for scrutiny.

Opposition members would be most pleased to cooperate with the government in looking at ways in which the police disciplinary system can be overhauled and improved. They are not saying for one moment that there is not room for improvement within the police disciplinary system; they are not saying that on occasions the process is not unduly cumbersome; but they are saying that there are fundamental principles at stake which will affect the careers and the integrity of policemen and women. The government would be doing the community a

significant service by placing the Bill on hold and enabling further consideration of the matters involved.

Mr E. R. SMITH (Glen Waverley) — I am very pleased that at long last the Police Regulation (Discipline) Bill is before the Parliament, and within six months of the election of the Kennett government; it is part of the government's plank for better law and order within Victoria.

First I thank the coalition's police services committee for the incredible amount of work that has gone into the Bill and for advising the Minister for Police and Emergency Services on the right balance to be achieved in the Bill. I hope some members of the committee will be able to contribute to the debate tonight. I am pleased with the way the debate has been organised, and I thank the honourable member for Niddrie for his cooperation.

The proposal embodied in the Bill was initiated by police command — not just by the present Chief Commissioner of Police, Mr Comrie, but also by his predecessors Mr Glare and Mr Miller. The legislation gives the chief commissioner — the chief executive, if you like — the right to run his force as he wants to, as would any executive of a company with 12 000 employees.

The measure introduced by the Bill is necessary, particularly in view of the other powers to be introduced by the Parliament; I foreshadow that they will include the right to take names and addresses and fingerprints and carry out DNA sampling. The Police Regulation (Discipline) Bill is a means of balancing those extra powers given to the police.

The government believes it is very important that the chief commissioner have the right to discipline effectively, even in some cases to the extent of dismissal, with a fair review process built into the system. Already the chief commissioner has such powers over Public Service employees, protective services officers, reservists and trainees under his command. The legislation is only a logical progression, giving the chief commissioner the same powers but in regard to an extended group.

While the chief commissioner still holds responsibility for the performance of and standards held by officers, he has only limited disciplinary powers, so largely the disciplinary system is outside his control. The measures in the Bill will substantially balance those new powers to be given to the police very soon. The measures only put the chief commissioner in the same position as any other chief executive.

The proposals in the Bill are supported by the Neesham inquiry into the Police Force, which is fairly significant as it is one of the most important inquiries to be held in recent years. As far as possible the government will look to the recommendations of the inquiry as a guide as it progresses through its first, second and third terms of government.

The Bill establishes a review process through the Police Review Commission to conduct reviews or appeals against actions of the chief commissioner. In other words, it is proposed that the commission will have the same role as the Ombudsman. Drawing all powers into the one commission will streamline hearings and reduce costs. The commission will hear the aggrieved party and may recommend to the chief commissioner certain actions that could reduce the penalty, or may suggest that the penalty be put aside. The chief commissioner must, within 14 days, either vary or confirm the recommendations and report his findings to the Minister, the Police Review Commission and the member concerned.

The government has almost reached full agreement with the Police Association of Victoria, but we still do not have its 100 per cent support. We would like to have this but there is continuing pressure from the association on the matter of review boards. In the main the government is supported in this aim, which six months ago would have seemed an impossible situation to arrive at. No doubt this change has been assisted by editorials of 6 April in both the *Herald Sun* and the *Age*. The editorial in the *Herald Sun* suggests that it is reasonable that the chief commissioner be given the rights contained in the Bill. It states:

> This seems reasonable. It would enable the force to dump an unsuitable officer promptly while protecting the individual officer's rights.

To get that sort of support from the *Herald Sun* is extremely important. For the *Age* to say completely independently on the same day that the measures contained were "neither draconian nor unreasonable" is the kind of community support the government is looking for. The last paragraph states:

> In the meantime, the association should withdraw its threat of industrial action.

That is an endorsement of the government's law and order policy, and one which the opposition should take seriously because having both those influential newspapers on side is a great measure of support for the Bill. The Bill gives the Chief Commissioner of Police the right to fire, reprimand, issue good behaviour bonds, impose fines, reduce the rank or seniority of an officer and transfer an officer. They are all rights the community would expect any normal chief executive to have.

The Bill replaces the Police Discipline Board and the Police Service Board. I sought from the Victoria Police Force a few statistics that I thought would be appropriate for the House to consider. During the past two years the Police Discipline Board has not dismissed a single member from the force for a disciplinary offence. During the same two-year period the Police Service Board has dismissed two members who were sentenced to terms of imprisonment by the Magistrates Court. It is unreasonable that the Chief Commissioner of Police cannot do that and save all the time that is spent dealing with such issues.

Mr Kennan — What about the grand jury?

The DEPUTY SPEAKER — Order! The Leader of the Opposition is out of order.

Mr E. R. SMITH — The chief commissioner has no power to refuse a member's resignation other than to insist on the maximum notice, which is three months. In other words, he cannot even stop a person resigning by giving that person a dishonourable discharge. That is a basic right the community would expect the chief commissioner to have, but he is not permitted to exercise that right.

Some 42 members of the Victoria Police Force have been committed for trial on indictable offences and have been suspended without pay. Of those offences, 22 — 55 per cent — are pending. Of the 19 cases that have been heard, 13 officers — 68 per cent — were found guilty. Of those 13, 10 resigned — so before the board could take any action the officers solved the problems — one was dismissed, one retired on the ground of ill health and one was successful on appeal. Those statistics show that the amount of work the two boards undertake and the influence they have on the force is minimal to say the least. The measures in the Bill replace boards that have to date not given the State the value for money it requires.

I shall cite two examples of how ineffective the boards are. In a recent case a young constable blew the whistle on two sergeants he knew had taken part in a raid and later decided that they would share the profits of the raid between themselves. The constable knew of a tape from an answering service that captured the conversation between the sergeants, so he blew the whistle. The Internal Investigations Department took the constable's statement and the answering service tape, and the officers were duly charged. When the case was taken to court, due to clever lawyers, such as the Leader of the Opposition, the self-appointed QC — —

Mr KENNAN (Leader of the Opposition) — On a point of order, Mr Deputy Speaker, I find that remark offensive and ask that it be withdrawn.

The DEPUTY SPEAKER — Order! The Leader of the Opposition finds a particular remark offensive and I ask the honourable member for Glen Waverley to withdraw it. I also remind him that those sorts of remarks provoke interjections across the Chamber, which may not be in the best interests of harmony in the House.

Mr E. R. SMITH (Glen Waverley) — I withdraw. The clever lawyers were able to argue in court that the tape was inadmissible. The judge then had no option but to dismiss the case. The Police Discipline Board then considered the case. Because its legal framework is the same as the courts, it also found the tape to be inadmissible; it was knocked out of court and the board had no option but to knock it out also. As a result of the case against the policemen being thrown out of court and dismissed by the disciplinary board, the two officers were able to return to their duties. The young constable who blew the whistle had so much pressure put on him as a result of the case that he was pushed out of the force and is no longer a serving member.

The second example is a case of a corrupt policeman who was using standover tactics against a criminal and whose telephone conversations were recorded. The tape was taken to court and found to be inadmissible. The same process I outlined earlier ensued, and because of the legalistic set-up of the Police Discipline Board, the officer was reinstated.

They are horrifying cases which show that, even when he has the necessary evidence, the Chief Commissioner of Police does not have the right to do what any other chief executive of a large organisation would be able to do. It is only through the measures the government is introducing tonight

that the chief commissioner will be able to run the force effectively.

The stringent powers the Bill gives the chief commissioner will allow him to balance the use of the new powers the police will be given to take names and addresses, fingerprints, DNA samples and so on. The chief commissioner will have the ability to deal with problems that result from the conduct of police when dealing with the public. They may not involve criminal offences , but young police officers may develop attitudes that the public find unacceptable.

The Bill gives the chief commissioner power to remove an officer after he or she has been warned a number of times about his or her behaviour not being in the best interest of the Police Force or if he or she breaches the normal code of conduct that is expected by the public. The chief commissioner will be able to weed out those individuals; and when the first one or two are dismissed the word will get around and those with similar attitudes will smarten themselves up. There will be grave difficulties if the chief commissioner is not given that right.

The honourable member for Niddrie referred to the calibre of the Police Service Board. We are pleased with the way in which the board has operated since it was established early this year. The board is currently investigating promotion procedures. The issue was referred to the board by the chief commissioner because it was raised with him a number of times when he and the Minister were touring the country earlier this year. The honourable member for Niddrie was wrong when he suggested that the Victoria Police Association put contrary views about the role of the Police Service Board and the amendments that were foreshadowed by the Minister. I cannot understand the logic in the honourable member's argument. He was wrong and I totally deny what he said.

The Chief Commissioner of Police has been most anxious to have this power. It will add to the standing not only of the chief commissioner but also of the Victoria Police Force.

I wish the Bill a speedy passage.

Mr COLE (Melbourne) — It is disappointing that the Bill has been brought on for debate at this ungodly hour of the night. The government obviously decided that it should be debated now because the Victoria Police Association is in Canberra lobbying the Federal Minister and others in the Treasury about superannuation. Perhaps the government thought that would prevent criticism of what is an obnoxious Bill. If the Bill goes into Committee I foreshadow that I will move 15 amendments to this obnoxious Bill in support of the members of the Police Force.

I am not a person who usually defends the Police Force, although I have a keen interest in it. My father was a policeman, and my father-in-law was a policeman for about 19 years until he was involved in a car accident during a high speed car chase, after which he was bought out of the force. He has since passed away. My mother-in-law is a member of the police widows association. She regularly attends its functions, and aside from her attendance at the Catholic Church, it is her major social activity. It causes her much embarrassment that I represent the Melbourne electorate and that I occasionally make speeches about the Police Force, but we will not worry too much about that. She will be extremely happy to hear that there is talk of adding to the police superannuation scheme entitlements and that, as a result, her entitlement will be affected.

Under the Labor government an extremely good superannuation scheme was introduced, which was well overdue. I am digressing from the Bill, but those are important issues that need to be raised when one gets an opportunity to score a political point. However, my mother-in-law was a beneficiary of the superannuation scheme in place before the Labor government introduced the amended scheme. She now gets about $25 a week!

The DEPUTY SPEAKER — Order! Is the honourable member for Melbourne making only a passing reference?

Mr COLE — I am, Mr Deputy Speaker. I should add that my brother was a service policeman in the Air Force for more than 20 years; and my good friend, my cousin, is also a policeman. I considered that I should establish my family credentials. It is a bit like the Minister going to a St Patrick's Day celebration — he does his best to establish that he is Irish and supports St Patrick, but actually he is a conservative and supports the Queen.

Despite my history and my involvement with the Police Force, I have been known to be a little critical of the Police Force's excessive exercise of its powers on the odd occasion — for example, the occasional assassination in Flemington, when a couple of boys were blown away; you wait for the Coroner's inquiry! But on this occasion the Victoria Police

Association has an extremely good case. The actions of the government and the chief commissioner are premature, unnecessary, unfair and undesirable.

We must consider the nature of the Police Force. It should be able to exercise its considerable power to carry out the provisions of Acts and regulations with a degree of independence. In the normal course of events members of the Police Force should not be brought to account by a superior officer for the way in which they charge suspected persons.

We expect a lot from the Police Force. In the short time the coalition government has been in office it has carried out some incredible acts. If the Minister had any sense of propriety or timing he would wait until another time to introduce the Bill.

Mr Rowe — Why?

Mr COLE — If you hang about, you'll find out, Mr Ex-policeman — perhaps if you were still a policeman you would not be supporting the Bill!

A great deal of turmoil and catastrophe has occurred since the coalition government came to power because of its desire, rightly or wrongly, to make substantial changes. Those actions have caused even those who normally are reasonably conservative and supportive of the government — namely, members of the Police Force — to distance themselves from it.

Recently two major changes have caused dismay and concern among members of the Police Force. The first is the government's amendments to the WorkCare, now WorkCover, legislation. One cannot discount the impact the changing of WorkCover definitions has had on the Police Force. Employees are now required to prove that their injuries were totally sustained at work. It will be more difficult for police officers to prove that they have suffered stress at work. Aside from the obvious physical dangers associated with being a police officer, such as being shot or involved in car accidents, as my father-in-law was, stress is the biggest single factor leading to police officers making WorkCover claims. Changing the definitions of injuries in that way — in form if not in substance — has led to great turmoil in the Police Force.

The Minister may believe I have been critical of the police tonight, but over the past two months a number of police officers have telephoned me expressing concern about the Bill and the hopelessness of the Minister they now have compared with the former Minister; they have also complained about the WorkCover issue. Police officers fear that the stress they experience in their jobs will not be recognised because its effects are too difficult to prove.

The second issue to which I alluded earlier concerns situations like that of my mother-in-law — she is on a widow's superannuation benefit. The former Labor government, with the support of the conservative parties — perhaps they were inveigled into supporting it — introduced a particular superannuation scheme to cater for the nature of the job and to improve the morale of the Police Force. My impression from anecdotal evidence from officers who have contacted me is that they are worried about the superannuation issue. I shall not go into it in depth, Mr Deputy Speaker, but I could speak for half on hour on the subject.

Mr ROWE (Cranbourne) — On a point of order, Mr Deputy Speaker, the House is debating the Police Regulation (Discipline) Bill, not a superannuation Bill, an emergency services Bill or the honourable member's family tree or history. For the past 10 minutes the honourable member has not made one comment on the Bill. I ask you to direct him to relate his remarks to the Bill.

Mr COLE (Melbourne) — On the point of order, Mr Deputy Speaker, the honourable member for Cranbourne may not have been listening, but the point I am trying to make is that the Bill ought to be delayed. At present the police have to deal with two other major issues, and this one should be postponed until another time. I am attempting to explain why the power the Bill gives to the Chief Commissioner of Police ought to be delayed until another time. Superannuation and WorkCover are important issues. I accept that my family history is not necessarily relevant, but it gives substance to my claims.

The DEPUTY SPEAKER — Order! Although I do not uphold the point of order at this time, I remind the honourable member for Melbourne that the House is debating the Police Regulation (Discipline) Bill. Although the honourable member has established some concerns about superannuation and WorkCover, he has spent sufficient time on them and should now return to the Bill.

Mr COLE — In spite of the comments of the honourable member for Cranbourne, I did refer to the independence of the Police Force. If we have a system where a police officer can be dismissed summarily — which despite what the chief

commissioner and the Minister say is what is proposed in the Bill — it questions in a rudimentary fashion the very nature of the independence of police officers.

I entered the debate not having heard what the shadow Minister for Police and Emergency Services said, so if I am repetitive I apologise. However, significant points must be made about the Bill. The first and foremost is that the Police Association and members of the Police Force oppose the Bill. They do not want it, they do not believe it is necessary and, from the telephone calls I have received, many officers are expressing sincere doubts about what is going on.

If honourable members were to have the opportunity of debating the Bill in Committee I would have gone through most of the clauses with a fine toothcomb, picked out the numerous typographical errors and moved substantial amendments to improve the Bill and the position of the Victoria Police Force. If the opposition has the opportunity, it will move the amendments in the Upper House.

The opposition is not suggesting that a crook police officer who has been found guilty of an offence should not be drummed out of the Police Force. No-one argues against that. However, if it has not been proved at the disciplinary board and the appeal board that an officer's conduct is prejudicial to the Police Force, or even constitutes an offence, that officer should not be dismissed.

Mr McNamara — Does the chief commissioner need more power?

Mr COLE — No, he does not need more power.

Mr McNamara — Are you sure?

Mr COLE — Absolutely. The opposition accepts that when the new Chief Commissioner of Police was imported by the Minister for Police and Emergency Services it was an unequivocally political appointment. The person for the job was John Frame. He had earned the right to be appointed to that position. John Frame was no friend or enemy of the Labor Party. He was a policeman who did his job for 30 years. This Minister, for whatever reason — we think it was political — chose to appoint Assistant Commissioner Comrie from the Queensland Police Force. That is not to say that Neil Comrie is not capable of filling the role. There is no suggestion of that, but when one looks at it — —

Mr McNAMARA (Minister for Police and Emergency Services) — On a point of order, Mr Deputy Speaker, I ask the honourable member for Melbourne to rephrase his comments because he has just made an outrageous statement about the Chief Commissioner of Police. There is no evidence that the appointment of the chief commissioner was in any way political. I wouldn't know what his politics are.

Mr Cole — Why didn't you appoint John Frame?

Mr McNAMARA — We appoint a person on merit.

The DEPUTY SPEAKER — Order! I have heard enough. The Deputy Premier has made a personal explanation, he has not raised a point of order. If he found the remarks offensive, that is a different story.

Mr McNAMARA — I would like a withdrawal.

Mr Cole — I won't withdraw. It's not a point of order; it's a statement of fact!

Mr SERCOMBE (Niddrie) — On the point of order, Mr Deputy Speaker, the honourable member for Melbourne is not reflecting on the chief commissioner; he is reflecting on the Minister's administration. If the honourable member for Melbourne is allowed to develop his point it will become clear that his criticism is of the Minister, not Mr Comrie.

The DEPUTY SPEAKER — Order! Given that the Deputy Leader of the Opposition said the comments of the honourable member for Melbourne were directed at the Minister, and the Minister finds them offensive, I ask him to withdraw.

Mr KENNAN (Leader of the Opposition) — On the point of order, Mr Deputy Speaker, it was not unparliamentary — —

The DEPUTY SPEAKER — Order! On the same point of order?

Mr KENNAN — Yes. The language was not unparliamentary; it was not a reference to the Minister as a person but a reference to the fact that the Minister is a politician and the appointment was made by the executive government of the day. Therefore, it was a political appointment.

That simply does not fall into the category of remarks that reflect on a member. It would be

different if the honourable member were to say that the Minister is a cowboy, a buffoon or a failed real estate agent — that would be out of order. But we are not saying that. If we made those comments, they would have to be withdrawn. But the comment that was made does not fall into that category.

Dr NAPTHINE (Portland) — On the point of order, Mr Deputy Speaker, Standing Order No. 108 is quite clear:

> No member shall use offensive or unbecoming words in reference to any member of the House and all imputations of improper motives and all personal reflections on members shall be deemed disorderly.

For the honourable member for Melbourne to suggest that the appointment of the police commissioner was a political appointment is contrary to the Standing Orders. It imputes improper motives and represents an attack on the Minister, who is clearly within his rights under the Standing Orders to ask for the imputation to be withdrawn. Mr Deputy Speaker, you have asked the honourable member to withdraw and he should do so.

The DEPUTY SPEAKER — Order! The Chair can deal only with the point of order before it, which is that the Deputy Premier finds the words offensive and has asked for them to be withdrawn. The Deputy Leader of the Opposition said the remarks were directed to the Minister and not to the chief commissioner and under those circumstances the Chair has no alternative but to ask the honourable member for Melbourne to withdraw.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The Chair has asked the honourable member for Melbourne to withdraw.

Mr COLE (Melbourne) — I can't withdraw.

Dr Napthine — Throw him out!

Mr COLE — I am not withdrawing. I wished to make the comment.

Mr McNamara interjected.

Mr COLE — That is all I am saying — he should have appointed John Frame.

Mr Kennan (to Mr McNamara) — One could say it was a sunny day, and you would find that offensive and ask for it to be withdrawn!

Honourable Members — Withdraw!

The DEPUTY SPEAKER — Order! I repeat: the Minister for Police and Emergency Services found the comments to be offensive, but the honourable member for Melbourne argues that he did not mean them that way. I remind the House that the Deputy Leader of the Opposition said the comments were directed towards the Minister.

However, I will ask the honourable member for Melbourne to continue his speech and to bear in mind Standing Order No. 108 in relation to casting aspersions on honourable members.

Mr COLE — I shall not recap. I say only that we do not have any problem with the fact that Chief Commissioner Comrie has been appointed, but we believe former Assistant Commissioner Frame should have been appointed. We will leave it to others to discuss the motives for the appointment. It is unfortunate and inappropriate that the former assistant commissioner was not appointed, but I will not risk offending the Minister by questioning his motives for appointing Mr Comrie.

Having said that, I point out that Chief Commissioner Comrie wants summary dismissal powers. The chief commissioner was the investigator in the incident concerning Sergeant Tanner. Because it was thought that Sergeant Tanner was feeding information to and working with drug dealers, he was sent to Force Reserve and was left there as though he had been sent to Siberia. Nothing happened to him.

Finally, the matter was forced to the board for review. When the matter was heard, the judge decided there was no evidence whatsoever to support the proposition that Sergeant Tanner was doing anything wrong. Although his life was almost destroyed, he was saved and sent back to Benalla to carry on his duties as a sergeant.

The original decision was damning, more is the pity. The new chief commissioner was required to prove that Sergeant Tanner acted in a manner that warranted his dismissal from the Police Force, but that did not happen.

In memorandums to the Police Force the chief commissioner argued that, because extensive

investigative procedures are required to prove guilt, this type of case has cost the government a lot of money. Heaven forbid that you should have to prove somebody is guilty beyond reasonable doubt!

Sergeant Tanner was found not guilty. However, according to the legislation now proposed by the Minister — legislation the chief commissioner wants — Sergeant Tanner would have been drummed out of the Police Force. The review judge was critical of then Assistant Inspector Comrie, who now wants the power of summary dismissal.

It is the Sergeant Tanners of this world whom the opposition seeks rightly or wrongly to defend. There is no logical, coherent or jurisprudential reason why Sergeant Tanner, along with every other copper in the Police Force, should not have a right of appeal against a dismissal decision made by a chief commissioner.

We are not putting some bodgie, self-righteous view about referring the matter to a half-baked committee with a suggestion that perhaps the accused should be exonerated from the alleged offences and that dismissal should apply after a mere referral — we say the government should introduce a proper procedure.

The chief commissioner can at no time be omnipotent when dealing with a force of some 10 400 members. The Bill empower him to sack members of the force, but there should be some capacity to review the decisions of the chief commissioner.

The opposition is also concerned about other provisions of the Bill. Proposed new section 84(1) in clause 10 provides that a police officer who is the subject of an inquiry may be represented by any person other than a barrister or solicitor. The opposition believes that because a charge may have such a deleterious impact on his or her life a police officer should have the right to choose to be represented by a lawyer. I cannot see why a police officer cannot have legal representation. That matter is important to the Victoria Police Association.

Although the association has not necessarily worked in conjunction with the Labor Party in the past, it has informed the opposition of many concerns it has about the Bill. Proposed new section 71(2) in clause 10 should be amended to provide that the chief commissioner must not charge an officer without first giving him full written details of the alleged breach. A set period should elapse before any hearing takes place. An officer should at least be allowed to give a written explanation of the matters. Proposed new section 74 states:

> The Chief Commissioner may authorise any member of the force or any person appointed or employed...

It should be amended to read:

> The Chief Commissioner may authorise any member of the force at the rank of Chief Superintendent or above or any person appointed or employed under the **Public Sector Management Act 1992** to charge a member or to inquire into and determine a charge under section 73.

The Bill deals with serious matters that should not be delegated to any member of the force. Substantial amendments should be made to the Bill.

Mr TRAYNOR (Ballarat East) — In recent years issues have been raised that require the police to be more accountable for their actions in the public arena. The public in general is more aware of and inquisitive about its rights and appropriate police practices. Apart from the basic principles of the charter of the Victoria Police to protect life and property, the public is entitled to safety and security from a disciplined organisation.

More than any other organisation, the Police Force must have high standards of fairness and integrity. The new Chief Commissioner of Police, Mr Comrie, has expressed a desire to streamline police discipline and have the necessary powers to carry out his duties, including the power to dismiss.

As the honourable member for Glen Waverley said, the power he requires is no more than a chief executive officer has in a large private enterprise company. The chief commissioner is the chief executive of a large organisation of some 12 000 members and should have the same right as any chief executive of a private company to hire or fire.

At some stage the chief commissioner will be required to make decisions on disciplinary matters, and anyone who bends the rules or runs off the rails, regardless of whether it is to the detriment of the organisation or the individual, should be disciplined by the chief commissioner.

The Victoria Police Association has expressed concern about the proposed changes in the Bill, but it has nothing to fear; Mr Comrie is not asking for anything other than a high standard in the Police

Force. The public should support the stance taken by Mr Comrie.

Editorials in the *Herald Sun* and *Age* of 6 April refer to concerns expressed by people about the powers of the chief commissioner. Mr Comrie wants to speed up the resolution of matters once charges have been dealt with by the courts. The current delays in hearing disciplinary matters are of concern. On his recent trip to the country the chief commissioner was advised of matters that had been hanging over the heads of police officers for up to 15 months.

The chief commissioner wants a system that administers timely discipline to members of the force and restores public confidence. There is a need to abolish the current legalistic and costly adversary system and to have matters dealt with promptly in an administrative forum. Currently a member could be convicted of a major offence involving corruption and be sentenced to a long gaol term, but the chief commissioner cannot dismiss that member.

Some members have been convicted in the courts on charges of dishonesty, but when the matters were heard by the Police Service Board the members were reinstated and sent back to the districts where they committed the offences.

Honourable members interjecting.

The SPEAKER — Order! The level of interjections across the table is too high. The interjections may not be very loud but they are penetrating. I ask honourable members to listen in silence.

Mr TRAYNOR — Another example is that of a country officer against whom complaints were made regarding his relationships with girls between the ages of 10 and 12 years. It took two and a half years to get him before the disciplinary board, and he resigned on the date on which an application for an adjournment was unsuccessful. Within two months of his resignation he was charged with sexual offences against a young girl.

The current system has inherent problems of lengthy delays and significant costs. In the case of one senior constable it cost the department $67 000 to appeal against compulsory transfer.

Prior to 1946 when the Police Discipline Board was established the Chief Commissioner of Police had the power to dismiss members from the force. Things have changed dramatically and today those powers need to be reinstated. The 1985 Neesham Committee of Inquiry supported the move, and found that confidence in the Police Force is influenced by the public perception of how police powers are exercised and how complaints are investigated and the credibility of police disciplinary mechanisms.

Police forces around the world give their chief commissioners the right to hire and fire. In 1960 the Chicago police department introduced a similar system to the one the chief commissioner wants to introduce in Victoria. Chicago was rocked by the Summerdale scandal in which some of its officers were found to be involved in a burglary ring.

We have all seen the Rodney King incident on television. Commissioner Gates and officers Powell, Koon and Baseno were stood down without pay, and officer Wind, a probationary constable, was sacked without pay after that incident. At least with this disciplinary system those officers would not be stood down.

Mr Cole interjected.

The SPEAKER — Order! The honourable member for Melbourne is not assisting the debate one bit. There should be no chitchat across the Chamber.

Mr TRAYNOR — I spent 26 years in the Police Force and I have witnessed some similar incidents. If the Police Force is to command respect and be accountable, these measures should be in place so the police commissioner can exercise his right to hire, fire and discipline his officers. I support the Bill.

Mr THWAITES (Albert Park) — The House should not be dealing with this Bill tonight. The Police Association of Victoria wants to make representations to the Scrutiny of Acts and Regulations Committee, thereby making representation to this Parliament, but the government has denied it that opportunity because the Bill must be debated and passed tonight. During the 10 years of the former Labor government members of the coalition parties repeatedly said that the former government should have taken more notice of what the police were saying, yet the first thing the coalition government does is establish a Police Board and abolish the fair system of discipline that existed in the Police Force without giving the police a say in the matter.

What will the backbench members of the government say to their local police officers who come to them and say, "Well, we've got some objections to this legislation. We wanted to put them to Parliament and to the appropriate committee, but you wouldn't give us the chance".

Mr Kennan interjected.

Mr THWAITES — It seems pathetic! What is the great urgency for this Bill? No great crisis exists in Victoria Police that demands that this Bill be put through tonight, nor is there any great evidence of widespread corruption within the Police Force.

Mr Traynor interjected.

Mr THWAITES — The honourable member for Ballarat East thinks that because one police officer is found to be corrupt, the whole Police Force is corrupt. The Victoria Police is one of the best in Australia, and in the world. No evidence exists of widespread corruption in the Victoria Police, nor that its disciplinary procedures are faulty. Indeed, those procedures have been working well since the 1940s.

Mr Kennan interjected.

Mr THWAITES — That seems to be the bottom line. The government has abolished the Accident Compensation Tribunal, the Industrial Relations Commission of Victoria and, in this Bill, wants to abolish the Supreme Court's jurisdiction in this area and any legal representation of these cases. Why is the government so scared of independent scrutiny of these matters? What does the government have against the Supreme Court? What does it have against lawyers? What does the government have against the Police Service Board and the disciplinary board of the Police Force, which is made up of magistrates?

This Bill is unfair to police officers who may be subject to disciplinary charges. Not all officers who face disciplinary charges are guilty. The attitude among some members of the government is that everyone is guilty until proven innocent, but other government members are aware that some police officers who are subject to disciplinary hearings are not guilty, even though they are charged. I am concerned about those people. They are the people that I hope members of the government are concerned about and want to give a fair go.

Government members who have been in the Police Force will be aware of the wild allegations that are made against police and that, in some circumstances, elements within the Police Force are particularly enthusiastic about investigating those allegations and laying charges. This Bill will not protect police officers who have been unfairly charged.

The consequences for a police officer who is unfairly charged and who is found guilty of disciplinary offences are serious. The first thing a police officer loses is his or her reputation, and for many police officers that is probably the most serious consequence of all. If a police officer is found guilty and his or her reputation is smeared, it does not mean that an appeal is available. So a police officer such as the honourable member for Ballarat East could have a charge laid against him, have that charge determined by another police officer — not even by the Chief Commissioner of Police — and then be reprimanded or fined, say, $300 or $400. A story could be published in the local press and spread around the police organisations and the local Liberal Party branch that that police officer has been found guilty of a disciplinary charge. The police officer would have no chance of an appeal. That is totally unfair.

The opposition does not want to protect corrupt or guilty police officers. It is concerned about innocent police officers who have been wrongly found to have breached discipline and who have been reprimanded and had their reputations destroyed and for whom no appeal mechanism is available.

The government is putting disciplinary procedures in the hands of not only the police commissioner but also any person that the police commissioner authorises to conduct an inquiry. That person could be a police officer or a public servant. A police officer could be subject to the scrutiny of a public servant who has no experience, skill or knowledge of police conduct or of the way a trial should be conducted, and the public servant could then find that police officer guilty. That is what the government wants.

Mr Kennan — The honourable member for Ballarat East wants that.

Mr THWAITES — It seems he does.

The SPEAKER — Order! Will the honourable member for Albert Park resume his seat? Some time in the past week or so the question was raised with

the Chair about how far members could go before the Chair took action. Without being too pointed, I believe several members tonight are coming very close to that point. I intend saying no more.

Mr THWAITES — The government is putting discipline in the hands of the Chief Commissioner of Police. I am not critical of the police commissioner. The problem is that the legislation will apply in the future and to any future incumbent of the chief commissioner's position. Unfortunately, some police commissioners in other States have been found to be corrupt. Indeed, senior police officers, not just in Queensland but in other States such as New South Wales, have been found to be corrupt. The legislation does not provide checks and balances on those corrupt police officers. That is a serious concern.

The other point raised in support of the legislation is that it is said that it merely puts the chief commissioner in the same position as the chief executive officer of a business or a government department. Of course there are real distinctions between the Police Force and an ordinary business or a government department. Firstly, police officers are susceptible to charges that they have done something wrong. Police officers are dealing with criminals, undercover agents, drugs, bribery and various other matters in their work all the time. As a result police officers often find themselves wrongly accused of crime or wrongdoing. That does not apply to the same extent to ordinary businesses or Public Service organisations.

The second distinction relates to the point I made earlier: that there is an element within the Police Force that is corrupt. In other States the corrupt police element has used its ability to make allegations of wrongdoing against other police officers as a way of stopping whistleblowing police officers. A good demonstration of that occurred in Queensland where a police officer who blew the whistle on other senior officers was charged with an offence. That was a good way of silencing her. A similar thing occurred in New South Wales where an officer approached senior officers and blew the whistle, but those senior officers were corrupt themselves and the whistleblowing officer — that honest officer — was charged with an offence. That is another distinction between the police and people in ordinary employment, because that situation does not apply in ordinary employment.

Another distinction between members of the Police Force and people in ordinary employment is that among members of the Police Force there are elements who are overly enthusiastic in the way they carry out their investigations. They have a belief in a person's possible guilt and are determined to find the person guilty regardless of the truth of the case. A good example of that is the Blackburn case in New South Wales, where Mr Blackburn, a former senior police officer, was believed to have committed a serious offence. An inquiry found that a whole branch of the New South Wales police had been so enthusiastic in its pursuit of Mr Blackburn that police officers had lost their perception of the rights and wrongs of the matter and had the former police officer charged with the offence although they had no proper justification for doing so. Again, that situation does not apply to people in ordinary employment.

The next point is that sometimes police investigators get it wrong. The honourable member for Melbourne referred to this possibility among his other references. He referred to his numerous relatives in the Police Force — Constable Cole! The honourable member referred to a case where the investigators got it very wrong and a police officer's reputation was besmirched, he lost his position and was transferred to the Force Reserve on the basis of what was subsequently found by the Police Discipline Board to be completely wrong information. Under the system proposed in the Bill that police officer would still be in the reserve or drummed out of the force altogether.

If I were a member of the government I would be concerned about that — an honest police officer being drummed out of the force on the basis of wrong information! The reason the wrong was righted in that case was because an independent body examined the issue and the police officer had the chance to be legally represented, which will not be permitted if the legislation is passed. Because that officer was legally represented and because there was an independent arbitrator, he is where he ought to be today, serving in the force. If I were a police officer I would be concerned about being subject to a wrong allegation, being brought before another police officer, not being entitled to legal representation, being found guilty and then transferred into purgatory or drummed out of the force.

Ordinary employees are not subject to a fine if they breach disciplinary rules. That may have changed under the provisions of the Employee Relations Act, although I do not believe the penal provisions apply.

Mr Lupton interjected.

Mr THWAITES — The honourable member for Knox interjects that he does not believe they should be hanged. Employees in the normal employment situation are not subject to a fine, whereas under the provisions of the Bill police officers may be subject to a fine of up to $4000. That is a further distinction.

Another factor is that ordinary employees can take action if they believe they have been dismissed unjustly. The Bill does not provide for police to take action for unjust dismissal, and to make sure it has excluded the jurisdiction of the Supreme Court altogether. A police officer is in a much worse situation than an ordinary employee. Indeed, an ordinary employee who is wrongfully dismissed or thrown out of his job on the basis of wrong information can sue the employer for wrongful dismissal and obtain damages or compensation. Proposed section 86AA inserted by clause 10 excludes the payment of compensation to a member of the force for dismissal or reduction of rank. To ensure there is no possibility of any outside independent organisation having a say, the Supreme Court jurisdiction is specifically excluded.

That has been a tendency with other pieces of government legislation introduced this sessional period. It happened with the amendments to the Local Government Act. Almost every Bill introduced into the House has excluded the jurisdiction of the Supreme Court. That may be a method of reducing delays in the Supreme Court but it does not assist justice in the State.

The honourable members for Niddrie and Melbourne said that the legislation breaches the rules of natural justice. There are two components of the rule of natural justice: firstly, an adjudicator must not be biased or be seen to be biased; and secondly, a person must be given a fair hearing — that is, a person should have a reasonable chance to be heard and to have his case heard before a decision is made against him. The proposed legislation breaches both those rules.

The first rule of natural justice is that an adjudicator must not be seen to be biased. Under the current system the Police Discipline Board is headed by a magistrate; and an appeal from a decision of that board is heard by the Police Service Board, which is headed by a County Court judge and which also comprises representatives from the Police Association and the department. Both of those tribunals are headed by independent judicial officers — a magistrate and a County Court judge — who are appointed to their positions for life and are not biased in any way.

Under the Bill the Chief Commissioner of Police can authorise any police officer or public servant to conduct an inquiry into a disciplinary charge. That leads to a number of breaches of the first rule of natural justice. Firstly, police officers and public servants are not judges, they are not independent and they are not appointed for life. Secondly, because they have no experience in conducting hearings they may allow breaches of proper procedure to take place.

The third major problem is that the prosecutor who leads the disciplinary charge and the judge who hears it may both come from the same branch of the Police Force. It may happen that the Internal Investigations Department provides both the prosecutor and the judge. That breaches the most fundamental rule of all — that one body should not be both prosecutor and judge. That is the system the Bill will set up, and the government should be concerned about that.

In relation to the first rule — that there should be an independent adjudicator — the jurisdiction of the Supreme Court has been wiped out. As a result, a case may be decided by one little branch of the Police Force that may for whatever reason have a vendetta against or an objection to a person, which means that that person will not get a fair hearing. The Police Review Commission will not necessarily be headed by a judge or a judicial officer. In fact the Bill contains no criteria for the composition of the commission. So far as I can see, it could be staffed by anyone.

The next point is that there is no automatic right of appeal to the commission in any event. The only time a right of appeal will exist is when the charges are found proven and when the police officer concerned is fined more than $500 or is dismissed, reduced in rank or transferred. However, if the police officer is found guilty and reprimanded or is found guilty and fined $250 or $300, there will be no right of appeal. Furthermore, as the honourable member for Niddrie has pointed out, even if the commission makes a determination, it is not binding on the Chief Commissioner of Police.

I turn to the second rule of natural justice — that there should be a fair hearing. The courts have always upheld that rule, but the Bill throws it out the window because it contains no provision for a

fair hearing. I shall give some illustrations. The first breach of the rule occurs right at the beginning of the process. The Bill provides that a police officer can be ordered to take his or her accrued leave when an investigation commences and even before the police officer has had any chance to put evidence in his or her defence. Under the current system a police officer does not lose that accrued leave; he or she is suspended but with full pay. Under the provisions of the Bill the police officer could find that he or she will lose the right to accrued leave.

The next major issue relating to a fair hearing is that a police officer will have no right to legal representation. That seems unnecessary and extraordinary. Given that a police officer can lose his or her reputation, a significant amount of money and a job, I should have thought a right to legal representation was not only reasonable but essential.

Because of the time I shall not go through any further breaches of the rules of natural justice, except to say that not all members of the Police Force who are charged are guilty. The Bill will not adequately protect the rights of those who are innocent.

Mr TURNER (Bendigo West) — I have listened intently to the honourable members for Melbourne, Niddrie and Albert Park. Because I was a police officer for 17 years I have some knowledge of how the Police Force works. I have also been an employer in private practice. It amazes me that opposition speakers seem to want to have their cake and eat it too.

The honourable member for Melbourne gave a long history of his association with the Police Force through members of his family. I know the honourable member for Melbourne is an honest man. He mentioned that when he was at the bar he regularly defended people against criminal charges. He suggested that he was vigorous in his criticism of some members of the Police Force. He then ventured a little further and spoke about someone being blown away unnecessarily by the police.

As I said, opposition members cannot have their cake and eat it too. On the one hand, when he was at the bar the honourable member for Melbourne was critical of some police and the way they worked; but on the other hand, he suddenly finds that the Bill is totally obnoxious to the police officers he was once critical of.

It has been my experience that over the years the community has become more demanding of serving members of the Police Force and expects them to have a professional attitude to their work. The Bill gives the Chief Commissioner of Police the power to make the force more professional. The opposition does not seem to make the same demands of private enterprise that it makes of the chief commissioner.

Opposition members quoted cases of police members who were hard done by. It was pleasing to hear that opposition members had no problem with police officers being charged with criminal or other serious offences. The area with which they have difficulty is offences against discipline. We should remember that before any action can take place a member of the Police Force must first be charged. It then follows the process set out in the Bill.

I refer to a report issued by the Police Discipline Board that gives examples of specific cases. In one case a sergeant attended the scene of a metropolitan single-car accident involving a police vehicle. The driver of the police vehicle was obviously intoxicated and was allowed to leave the scene temporarily to make a phone call. A senior sergeant was called to the scene because of a number of calls from concerned local residents. Neither the sergeant nor the senior sergeant thought to administer a preliminary breath test or a subsequent breathalyser test to the police driver involved — it just did not enter their heads!

The duty officer, who was an inspector, contacted the senior sergeant by radio to inquire about the breath testing of the driver. He was told that the officers involved had overlooked it. On the insistence of the inspector a test was performed shortly before the expiry of the period within which a test must be administered.

Both the sergeant and the senior sergeant were subsequently charged with failure to perform their duty efficiently, in that they allowed a delay that may have jeopardised the charging of the police driver involved — that is, it could be construed that the officers were trying to protect the police driver. The charges were subsequently dismissed because the Road Safety Act does not require an officer to perform the tests as a matter of duty. In other words, there was no requirement for the officers to be efficient. That manifestly legalistic interpretation of the Road Safety Act was highly inappropriate to the circumstances of the case. Only the actions of the inspector resulted in the police driver being dealt with for his irresponsibility.

Although I could cite other cases, other honourable members wish to speak on the Bill and I will not take the matter further. That case is an illustration of how officers who should have been disciplined escaped disciplinary action as a result of a legalistic interpretation of the legislation.

Those sorts of things have happened consistently over the years because the Chief Commissioner of Police of the day has not had the power to control a force of more than 10 000 officers. The current chief commissioner is not the first to request the powers provided under the Bill; the two previous chief commissioners requested similar powers from the previous government. Any honourable member listening to the contributions to the debate of opposition members would understand why those requests were refused.

Most members of the Victoria Police are dedicated and hardworking officers who are held in high esteem by the public. Police officers to whom I talk, whether they are friends from my days in the force or people who have joined since, have no time for police officers who do not perform their duties as they should or who are corrupt. It is appropriate that the proposed legislation gives the chief commissioner power to weed out individuals who are not doing their job properly. Victoria at last has a police Minister who is prepared to give the Chief Commissioner of Police the power he needs. I commend the Bill to honourable members.

Mr KILGOUR (Shepparton) — The Chief Commissioner of Police, who commands a force of more than 10 000 officers, currently has no power to dismiss an officer. The chief executives of large corporations or other business organisations have control over their personnel and the power to dismiss employees for misconduct. The chief commissioner, as the person responsible for controlling the operation of the Police Force, must have the power to dismiss any officer who brings the force into disrepute or threatens the efficiency of its operations.

As has already been mentioned, the two previous chief commissioners requested the power to dismiss officers but were not granted that power. The current police disciplinary system is time consuming, costly and inefficient and needs to be changed. In order to manage the Police Force properly the chief commissioner must be accountable for the officers under his control.

It is sad that in an organisation like the Police Force there will always be some officers who do the wrong thing — there are always a few rotten apples in the barrel. I have a good relationship with the members of the force in the Shepparton area, but any current or former member of the Police Force will agree that there are some police officers who let the team down. Normally only about three officers a year are dismissed from the Police Force. In many cases officers guilty of misconduct resign, often retaining all their entitlements; it is rare that an officer is dismissed.

Further legislation will be introduced to provide members of the Police Force with the extra powers for which they have been asking for many years. Those powers will assist police in criminal investigations. With those new powers will come more responsibility and accountability, which ultimately rests with the chief commissioner. The chief commissioner must have full control of the members of the force, including the ability to dismiss them following a proper process if they let the force down.

Currently if there is a breach of discipline in the Police Force a lengthy procedure must be followed. Five or six steps must be gone through before an officer may be dismissed. Officers have the opportunity of having their cases heard in a number of areas within the Police Force before they are likely to face dismissal.

Under the provisions of this Bill the Chief Commissioner of Police will not know the details of any case until they are sent to him from the Internal Investigation Department via various other internal procedures. In those circumstances only the cases of officers who are guilty of misconduct will be considered by the chief commissioner.

Sitting suspended 12 midnight until 12.32 a.m. (Friday).

Mr KILGOUR — If there has been a breach of discipline at station level, the member will be spoken to at the district level and the matter will go to a district officer. When the basic concerns and results of preliminary investigations can be provided, the matter can then be transferred to the Internal Investigations Department for a full investigation. At this stage the member has an opportunity to put his or her case.

If the case is not serious the IID will submit the matter to the district level for attention. If it is found

to be a criminal charge it goes to the courts. If it is purely a disciplinary charge, it can be referred from the IID to the deputy commissioner or assistant commissioner. If there is a possible dismissal it will be referred to a deputy commissioner.

If the charge is proven and dismissal is imminent, the case will be subject to a review process by an independent review commissioner from outside the force, either a retired judge or a retired public servant with relevant experience appointed by the Minister. That was announced by the Minister in his second-reading speech. The member may then appeal to the review commissioner and may be supported by another member of his or her choice.

The review commissioner will then recommend action to the chief commissioner. This will be the first time the chief commissioner has come across the case. He will notify the member within 14 days of the result of the appeal. The chief commissioner must report those results and the reasons for dismissal in the police annual report, and the review commissioner will report his findings to both Houses of Parliament. The Minister would view very seriously any recommendation against the review commissioner.

This disciplinary system is impartial and fair and will improve the effectiveness and administration of the force. The community will appreciate that the person in charge of the operation of law enforcement in Victoria is in full control of the force and has the ability to ensure that actions which bring disrepute to the best Police Force in the country can be dealt with. I congratulate the Minister on bringing forward the Bill and wish it a speedy passage through both Houses.

Mr LUPTON (Knox) — I do not have a father, mother, mother-in-law or any other relation in the Police Force. Probably the closest to a relative I can claim in the Police Force is my brother's son-in-law. The honourable member for Melbourne has spoken about his family tree and close associations with the Police Force. I cannot go as far as that, but I am a great supporter of the Victorian Police Force and find it is an exceptional body.

The opposition has quite clearly alleged that there is corruption within the Police Force; I totally reject the innuendo of previous debates. Comments have been made about the appointment of the Chief Commissioner of Police. The opposition should realise that when it appointed the last chief commissioner the then Leader of the Opposition and now Premier said that if the appointment was made the Liberals did not have to accept it. The opposition has accused the Minister for Police and Emergency Services of making a political appointment, which is absolute rubbish, absolute lies.

Mr Sercombe — Who made the appointment?

Mr LUPTON — The Queen's Counsel, I hear. I also note the comments that have been made about inviting the Police Association to address the Scrutiny of Acts and Regulations Committee next Monday. The Police Association has already addressed the government's Bills committee. The chief commissioner has also addressed that committee. The Bill has been deferred once and the opposition now wants the government to defer it again so that it can go before another committee. How many times does it have to be deferred?

What is put forward in this Bill is not a new concept. Alterations to the legislation governing the police have been made over the terms of three chief commissioners, and still the Labor Party when in government did nothing. The community has demanded that the Police Force have greater powers and a greater ability to assist the community through its operational procedures. It is essential that the Chief Commissioner of Police have more disciplinary powers within the force. Already the chief commissioner can discipline public servants, protective services officers, police recruits and reservists, yet police — sworn officers — do not face the same disciplinary code as all other members under his control.

It is quite clear that the opposition is trying to make waves. Allegations made in debate have been incorrect. Opposition members have spoken about a lack of review powers. Quite clearly they have spoken untruths; they stretch the truth to the upper limit.

The Police Force is like any other business. It has a budget and it has to manage manpower, personnel, computers and other resources. It is all very well for the shadow Minister for Police and Emergency Services to laugh. The Police Force has a budget to keep within; it must be adhered to. As a chief executive of a business, the Chief Commissioner of Police is entitled to the same sort — —

Mr Sercombe interjected.

Mr LUPTON — Is the member talking to me or through the Chair? I have been in Parliament for only six months and I know not to talk like that.

The purpose of the Bill is to modernise the disciplinary powers of the Chief Commissioner of Police. It is only fair and reasonable that we should go down that path. The government does not believe a word that has been said by the opposition. The opposition has stretched the truth to the absolute limit. I wish the Bill a speedy passage and congratulate the government on a job well done.

Mr JENKINS (Ballarat West) — The primary function of the Bill is to streamline the police disciplinary system and provide the Chief Commissioner of Police with greater disciplinary powers. It is well known that the Police Force is a disciplined organisation. Discipline is important to all organisations, whether they be military, government or private. Discipline works, and good discipline comes from the top. The Bill encourages discipline in the Police Force to be controlled from the top and not from the side, as the opposition suggests.

Men and women who join the Police Force know they are joining a disciplined organisation and that they must accept that discipline. Although some do the wrong thing, most police officers do the right thing and have the admiration of the community. Those who do the wrong thing must be disciplined, and the Bill creates a fair disciplinary system.

How many police officers are disciplined by the chief commissioner? I doubt that it would be more than two or three a year. I have spoken to many members of the Police Force about the Bill, and despite what has been said at mass meetings called by the Victoria Police Association, police officers accept that the Bill is the best thing for them.

It is well known that in the past the hearings for police who have done the wrong thing have been delayed and the officers concerned miraculously resign just before their cases are to be heard by the Police Discipline Board. Because they resign before getting their just deserts they get their superannuation benefits and so on.

The Bill provides for the Police Review Commission to advise the chief commissioner about certain actions. The Victoria Police Association believes it should be mandatory for the chief commissioner to take that advice. The government believes the chief commissioner should have the final decision. He is the head of a disciplined organisation and that is what he is there for.

I shall not take up any further time of the House by repeating what members of the government have already said. I support the Bill and I wish it a speedy passage.

Mr ROWE (Cranbourne) — As a former member of the Victoria Police Force this Bill is important to me. The most retrograde step the Victoria Police Association took was aligning itself with the Trades Hall Council and the Labor Party. Perhaps one day it will live to regret that step!

Honourable members opposite who claim to have certain legal qualifications would do well to read the Bill rather than mislead the public and members of the Police Force in their suggestions that the right of appeal to the Supreme Court has been removed. That is not the case.

I have taken advice tonight from an eminent lawyer and barrister who advises me that proposed section 129A applies to the right of compensation only and does not affect the right of a member of the Police Force to seek natural justice before the Supreme Court.

The Victoria Police Force is an organisation of some 10 000 members over which the Chief Commissioner of Police should have the right of hiring and firing. He already has it over a number of people under his control, including those in protective services groups, public servants and reservists or probationary constables.

During my experience in the Police Force on a number of occasions senior officers expressed the wish to terminate the employment of members who were undesirable but they were denied the opportunity to do so.

In my capacity as the honourable member for Cranbourne I have consulted with officers of E district from the rank of chief inspector down and have found a great deal of support for the Bill. I suggest that the shadow Minister would do well to read the newspaper reports on the number of people who attended the police rally — it was some 1500 and not the 3000 he claimed. The numbers at the meeting were swelled by retired members of the force. The president of the association representing retired police officers contacted me — he happens to be one of my constituents — and advised me that a report about superannuation was to be handed

down at the meeting so that retired police would be encouraged to attend, thereby swelling the numbers.

The meeting was not totally representative of the 8500 members of the force who were out doing their duty on the day and not wasting time listening to the poppycock put forward by the Police Association, which had obviously been fed false information by the opposition. I commend the Bill to the House.

Mr KENNAN (Leader of the Opposition) — This issue goes to the core of what is wrong with the philosophy of the government. As the report of the Victorian Commission of Audit indicates, the government is interested only in service units or provider organisations. It does not matter whether it is justice, the police or the right to education; the government views everything as something to be purchased. Everything has a monetary value. It is the ultimate reduction of everything to equate with some small business run by Peter Boyle.

Some things in our community are different from the small business mentality that this government and the audit commission report are so comprehensively infected with. Justice is not to be bought and sold; the Victoria Police Force is not to be bought and sold. Those things are not to be determined by a group of accountants because they are qualitatively different.

In their justification of the Bill members of the government have said that the Chief Commissioner of Police is like any small business proprietor or the chief executive of any business organisation and that he should have the powers of the chief executive of any such organisation. That argument is wrong because the Victoria Police Force is not just any organisation; it is not Coles-Myer, it is not Mr Boyle's local newspaper and it is not an advertising agency in Surrey Hills.

Each member of the Police Force takes a separate oath to enforce the law. Each has a separate duty and each is not obliged to do anything other than carry out and execute the law. The position of the chief commissioner and members of the community is fundamentally different from that of a police officer. A police officer is a servant of the public and of the law. One has only to read the motto of the Police Force to understand that. The Bill is as fundamentally offensive to the notion of democracy as everything else that the government has done. The Premier recently said, "If you call any more divisions we will knock off your CPA trips". The blackmail goes on!

The SPEAKER — Order! I believe the Leader of the Opposition is straying from the Bill.

Mr KENNAN — Not at all, Mr Speaker. The government misunderstands the values of our democracy, and that is shown in the mentality of the government about the rights of Parliamentarians and the rights of the judiciary. The government regards judges as people who can be bought, sold or sacked.

We have an excellent Police Force. It is regarded as an excellent Police Force by Australians and, indeed, by the standards of the Organisation for Economic Cooperation and Development.

Mr Finn interjected.

Mr KENNAN — The honourable member for Tullamarine violently disagrees with that.

Mr Finn — I do not!

Mr KENNAN — The honourable member for Bendigo East may want to reverse his view about widespread corruption in the Police Force as may other members on the other side because their speeches will be in *Hansard* and will be circulated to their peers. They fail to understand that the police have a duty to the law, unlike the draft Public Service code that is being circulated by the government. A policeman is not obliged to carry out an illegal instruction. He is not obliged to turn a blind eye to a breach of the law by a citizen because he has taken an oath to uphold and enforce the law.

When a policeman is an informant in a court case he or she brings to that case his or her own name because he or she is acting as an individual. The action is not brought in the name of a superior or the Chief Commissioner of Police; it is brought in the name of the individual police officer. That is the most fundamental point, and honourable members who have been in the Police Force know about this but they have carefully chosen to ignore that inconvenient fact. It is as fundamental as the censorship that is going on in our schools and the threats that are being made against Parliamentarians' rights almost on a daily basis. The blackmail by the government goes on, and it is extremely offensive.

We know the Police Force is different. It is not a commercial organisation. It is not as the Victorian Commission of Audit suggested: that all these things are the bottom-line matters. We live in a society with values, and one of those values is an independent Police Force. I remember a judge saying to me, "There are various tests for a democracy, such as one vote, one value and an independent judiciary, but if one wanted to pick the one thing that is most important it is a fearless and independent Police Force. That value marks a decent society". The duties of the police are special because each police officer swears a separate oath and has an individual duty, whether instructed or not, to investigate and prosecute offenders.

Police officers are also subject to disciplinary procedures. Under the Bill they can be dealt with or just sacked. That is not just. The chief commissioner may authorise any member of the force or any person appointed or employed under the Public Sector Management Act to charge a member or to make inquiries. It could be anyone. All police forces have problems with their internal investigation units. These units do an extremely difficult job, but they are naturally treated with resentment and disdain by the rest of the Police Force. One only needs to see the television series *Phoenix*, which is said to be true to life, to understand this. The unit may bug or spy with authority on other members of the Police Force, and they do not like it. Now and again these activities might be carried out with a level of enthusiasm and conviction and the unit might get it wrong — as occurred in Queensland. Internal investigation units undertake undercover work, surveillance of other police officers, listen in on conversations, and pick up other material. I refer to the report of the Deputy Ombudsman (Police Complaints) report into allegations that were fostered by the Minister. It took 1500 pages to indicate the way some of these things can go wrong.

A police officer may honestly believe the material put to him or her and may act on it, but it may be incorrect. That is a dangerous position, and that is why these matters are best in the hands of a board headed by a member of the judiciary, as is the position currently.

The real problem with this is that the chief commissioner can authorise a number of people to inquire into matters and determine charges. The Bill does not provide what we have had hitherto, a truly independent Police Force made up of individuals who have taken an oath to uphold the law, but rather a Police Force in the image of one or a handful of individuals, who are fearful of those individuals and, under the Bill, do not have the right of redress or appeal. The commission can make only retrospective recommendations which do not have to be observed.

The great bulk of members of the Police Force are opposed to the Bill, and understandably so. They hold that view by reason of their role in society. However, Parliamentarians must take a wider view and recognise that the Bill strikes at the heart of an independent Police Force. The government of the day appoints the Chief Commissioner of Police, and I do not quarrel with that. We recognise that that appointment should be made by the government of the day and that the judgment about a suitable person will vary from time to time, but if the Bill becomes law the Police Force will be made up of individuals in the image of that person, because for the first time in this State, that person can sack officers. This will undermine the government in a whole range of ways, as was said during the last sessional period, and, to paraphrase T. S. Eliot, "In the beginning is the end". The government has set values which are an anathema to the opposition and to decent Victorians.

The role of the Chief Commissioner of Police is not the same as that of the head of any commercial organisation. I accept that the government believes it is and is unable to distinguish between them, but it is simply not true.

Mr E. R. Smith interjected.

Mr KENNAN — I can understand the honourable member for Glen Waverley getting upset about this. He is right to get upset because he now recognises what he has been sucked into and is embarrassed about it. The Bill should not proceed.

The SPEAKER — Order! The time allotted for the second-reading stage of the Bill has expired.

As I am of the opinion that the second reading of this Bill is required to be passed by an absolute majority and as there is not an absolute majority of the House present, I ask the Clerk to ring the bells.

Bells rung.

Required number of members having assembled in Chamber:

House divided on motion:

Ayes, 59

Ashley, Mr	Maclellan, Mr
Bildstien, Mr	McNamara, Mr
Brown, Mr	Maughan, Mr
Clark, Mr	Napthine, Dr
Coleman, Mr	Paterson, Mr
Cooper, Mr	Perrin, Mr
Davis, Mr (*Teller*)	Perton, Mr
Dean, Mr	Pescott, Mr
Doyle, Mr	Peulich, Mrs
Elder, Mr	Phillips, Mr
Elliott, Mrs	Plowman, Mr A.F.
Finn, Mr	Reynolds, Mr
Gude, Mr	Richardson, Mr
Hayward, Mr	Rowe, Mr
Heffernan, Mr	Ryan, Mr
Henderson, Mrs (*Teller*)	Smith, Mr E.R.
Honeywood, Mr	Smith, Mr I.W.
Hyams, Mr	Spry, Mr
Jasper, Mr	Steggall, Mr
Jenkins, Mr	Stockdale, Mr
John, Mr	Tanner, Mr
Kennett, Mr	Tehan, Mrs
Kilgour, Mr	Thompson, Mr
Leigh, Mr	Traynor, Mr
Lupton, Mr	Treasure, Mr
McArthur, Mr	Turner, Mr
McGill, Mrs	Wade, Mrs
McGrath, Mr J.F.	Weideman, Mr
McGrath, Mr W.D.	Wells, Mr
McLellan, Mr	

Noes, 24

Andrianopoulos, Mr	Loney, Mr
Baker, Mr	Marple, Ms
Batchelor, Mr	Micallef, Mr
Cole, Mr	Mildenhall, Mr (*Teller*)
Cunningham, Mr	Pandazopoulos, Mr (*Teller*)
Dollis, Mr	Sandon, Mr
Garbutt, Mrs	Seitz, Mr
Haermeyer, Mr	Sercombe, Mr
Hamilton, Mr	Sheehan, Mr
Kennan, Mr	Thomson, Mr
Kirner, Ms	Thwaites, Mr
Leighton, Mr	Vaughan, Dr

Motion agreed to by absolute majority.

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

Third reading

Motion agreed to by absolute majority.

Read third time.

ADJOURNMENT

Mr GUDE (Minister for Industry and Employment) — I move:

That the House do now adjourn.

School principals

Mr KENNAN (Leader of the Opposition) — I direct to the attention of the Minister for Education censorship in schools. Last night the Minister for Education appeared to make the major concession that school principals were being censored. It was interesting to listen to what the Minister said, after I sought to elicit the truth from him, when he told the House that on a number of occasions principals who have done something the department does not like have been collected by car and taken to head office for censoring.

As I said last night, there is something extraordinarily Stalinist about that approach. It has happened in a number of areas.

Mr Elder — Tell us where they are.

Mr KENNAN — It is interesting that the honourable member for Ripon seems to disagree. He may wish to read page 65 of yesterday's *Daily Hansard*, where the Minister is reported as saying :

> Principals are not censored when they speak on educational matters, but they should not exploit their position for political purposes. Only a small number of principals actually cross that line.

The opposition wants the Minister to say how the censorship takes place.

Mr Elder interjected.

Mr KENNAN — It should be noted that the honourable member for Ripon made only one speech in this House during 1992.

Mr Elder — Name them!

Mr KENNAN — Yes, I can name the number of speeches he made in the House in 1992 — one!

Mr Elder interjected.

The SPEAKER — Order! I caution the honourable member for Ripon. He said, "Name

them" — and that is exactly what I will do to him if he continues in that vein.

Mr KENNAN — The atmosphere of fear is such that people are scared to speak. That is the evil of it, as was so clearly exemplified by the honourable member for Ripon. The fact is they are scared to speak and they do not want to be named.

As reported at page 65 of yesterday's *Daily Hansard* — perhaps he should read the extract and consider his answers more carefully in future — the Minister replied to me by saying:

> Principals are not censored when they speak on educational matters, but ...

He quite clearly stated that if principals speak out on matters that he does not regard as being educational, he will send for them. The cars will come! We need to hear about the program — —

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

Police stations

Mr LEIGH (Mordialloc) — I direct a matter to the attention of the Minister for Police and Emergency Services. I invite that learned QC, the honourable member for Broadmeadows, to listen because it concerns legislation with which his government was involved and applies to the principles he has just been speaking about!

In one of my local newspapers two police officers, former associates of the honourable member for Carrum, the former Minister for Police and Emergency Services, have been quoted as speaking out in support of the former Minister about allegations I made in this House some time ago. I refer to an article in the *Mordialloc Chelsea News* which reports two police officers as having said:

> Both officers said Mr Sandon had not sought to "pressure" police over the sighting of Chelsea's new police station.

One of the two officers is then reported as having said:

> ... he was unaware of any "political influences".

It is either one or the other. The newspaper further reports:

> Chief Superintendent Balloch said he was "disappointed" that plans for the new Chelsea and Mordialloc police stations "had disappeared into the background" since the election of the Kennett government.

I point out to the learned QC, the honourable member for Broadmeadows, that section 95 of the Constitution Act states:

> 95. ***Officers in the public service not to take part in political affairs***
>
> (1) A person employed in any capacity (whether permanently or temporarily) in the service of the State of Victoria shall not —
>
> (a) publicly comment upon the administration of any department of the State of Victoria;

Section 95(2) states that a person can be fined up to $100 or be dismissed. Police officers who have a responsibility to enforce the law should not deliberately telephone local newspapers to complain about actions of politicians or criticise the policies of government about the siting of police stations or whether they should be 24-hour police stations.

Police officers are sworn to uphold the laws of the State on behalf of the community. I call on the Minister for Police and Emergency Services to take up the matter with the Chief Commissioner of Police to see what action he proposes to take against the chief superintendents involved. I am well aware of their close association with the former Minister for Police and Emergency Services, the honourable member for Carrum, and I understand their concern in wanting to assist him. I have made no allegations against them, but I am fascinated why they would interfere in this debate.

Women and sexual violence

Ms KIRNER (Williamstown) — I raise a matter of great concern with the Attorney-General and Minister for Women's Affairs. In doing so, I congratulate the Minister on her initial criticism of Judge Bland's extraordinary attitude to women and sexual violence as revealed in his gratuitous comments in a rape case in which the accused pleaded guilty.

The attitude behind the judge's comments, as distinct from the verdict, on which I do not comment, have infuriated women and men who are trying to improve attitudes towards women in our society.

In his comments, more reminiscent of an Oklahoma backwoods scene, he actually abuses the high standards expected of our judiciary. He commented, as reported in the *Age*, that:

> ... it does happen, in the common experience of those who have been in the law as long as I have anyway, that no often subsequently means yes.

I suggest that he may have been in the law too long. The *Age* reports that he also said:

> If it had been a consenting matter —

which it was not —

> it would have been exactly country style.

And that, if the accused had that much to drink:

> ... in my opinion, young and all as he is, and vigorous as he is, he would have been incapax.

Perhaps that was the judge's greatest worry; that this wonderful rural scene was being upset by the young man's "incapax", whatever that means. Maybe it has something to do with contraception! What is the world coming to in the judge's eyes if the best laid plans of mice and men go astray because a young man might be incapax in the haystack!

I welcome the comments of the Attorney-General and Minister for Women's Affairs. However, we must go further than mere comment. I ask the Attorney-General: in respect of Federal Minister Rosemary Crowley's statement that she is prepared to give her full backing to the Evatt inquiry and the in-service education program for judges, is the Attorney-General now prepared to refer the matter, as the opposition requested, to either her advisory committee or the Parliamentary Law Reform Committee?

Tullamarine bus services

Mr FINN (Tullamarine) — I congratulate the Minister for Public Transport on the outstanding work he has done in his portfolio to date. Not only is he up to scratch but he is a damn sight better than Scratchy! A person would not have to be a self-appointed QC to know that the north-western suburbs of Melbourne have experienced appalling transport problems. After 10 years of the former Labor government failing to manage an area that it claimed to represent — it did not do it too well because the transport system in that area has not improved one bit but has gone backward — the Minister for Public Transport and I want to change that bad transport system.

After much consideration I have come up with an ideal route for the bus services in Tullamarine. The Sunbury-Broadmeadows area would be best served by a new bus route which would start at Sunbury, go through Bulla, deviate to Melbourne Airport, go to Airport West shopping centre along Mickleham Road, through Gladstone Park, Westmeadows and Attwood up to Greenvale, back again and then to Broadmeadows. That would be a good service because the savings from its implementation could provide public transport on Saturday afternoons and Sundays, which is something the people in Westmeadows and Gladstone Park particularly have never had and have been craving.

That could begin to break down the feeling of isolation that many of those people feel, particularly mothers and young people who do not have the opportunities to get out.

I commend that plan to the Minister for Public Transport and advise him that as the local member for Tullamarine I have recently initiated a survey of the constituents in Sunbury to find out if they would use a Nightrider service. I assure the Minister that the survey is coming along nicely and that if the trend continues it will be clear that the people of Sunbury overwhelmingly want the Nightrider bus service. I will forward those results to the Minister as quickly as possible and hope that the Nightrider bus service will be in hand shortly.

Werribee train service

Mr BATCHELOR (Thomastown) — I direct the attention of the Minister for Public Transport to the implications of the continued use of the holiday train timetable. In particular, I draw his attention to the problems of Mr Ian Dick of Laverton. Mr Dick is a regular user of the Werribee line to commute to his work in the central business district and to return home. He and other users of the Werribee line suffer from the continuation of the highly reduced summer timetable that was imposed and has been maintained since 24 December last year.

That has brought about a severe reduction in the quality of the service which can be measured by the reduced frequency of trains, by the fact that Werribee trains are not going through the city loop and by the interruption to the long-established

interconnecting timetables. This has had a severe impact on Mr Dick's travelling patterns.

Until December last year Mr Dick caught the 4.48 p.m. train from Flinders Street that went through the loop. Unfortunately that service is no longer available because the holiday timetable is continuing to operate. Mr Dick finishes work at 4.45 p.m. and used to catch the train at Museum station at 4.52 p.m. on its way through the loop. Now he must wait until 5.36 p.m. for the direct service from Museum station to Werribee, which arrives at 6.20 p.m.

Alternatively, he can catch the 4.53 p.m. St Albans train at Museum station, change platforms and catch a train to North Melbourne. However, if he did that he would miss the connecting Werribee train by 1 minute, it having left at 4.57 p.m. — the train he was on having arrived 1 minute later. Mr Dick says:

> You would think someone with brains could have arranged that those services would connect, wouldn't you?

I ask the Minister to examine the problem of the Werribee train not passing through the city loop and to ascertain whether changes can be made to the service.

Juvenile offender program

Mr ROWE (Cranbourne) — I direct to the attention of the Minister for Community Services my concern about the plight of juveniles in the community, particularly in the south-eastern growth area of Cranbourne, Berwick and Dandenong. Young people may commit minor misdemeanours that necessitate their being caught up in the juvenile court system. A way should be found to ensure that those young people are spared the arduous experience of attending the juvenile court with the possibility of being found guilty and serving sentences at juvenile detention centres, which would expose them to persons of unsavoury character who could induce them into lives of crime.

If an appropriate system were developed, the pressure would be taken from the court system and valuable police time would be spent in attending to more serious matters. Youth problems in Dandenong, Berwick and Cranbourne have been increasing for some time. Although the non-government organisations in the area have been doing their best to provide services, I ask the Minister what programs the Department of Health and Community Services has in place to deal with young people in crisis who are likely to enter the juvenile justice system.

Child abuse

Mrs GARBUTT (Bundoora) — I seek information and specific undertakings from the Minister for Community Services regarding his promises that child protection services will be given adequate resources. The Minister made certain promises in his Ministerial statement and during the debate on the Children and Young Persons (Further Amendment) Bill.

I want the Minister to assure the House that his promises include providing adequate resources for emergency services that report child abuse and investigate reported cases. Do the promises include the family support programs that assist families in crisis? The report *Families in Crisis* issued by the Children's Welfare Association of Victoria referred to a six-month waiting list for services and to families disintegrating while they are waiting for help.

I also refer to the Catholic Family Welfare Bureau, which through its family support program asked exactly the same question: does the Minister's promise include that program and, for example, the adolescent community placement program, which puts homeless adolescents into the community where they are cared for?

I should like to know whether it includes residential services for children. I refer to a recent article in the *Age* that mentioned proposed budget cuts to the Richmond Community Care, Orana Family Services, a Carlton emergency respite accommodation service and St Joseph's Homes for Children in Flemington, all of which offer direct care to children. I ask the Minister whether those sorts of services are included in his promise to support child protection services.

Child-care services

Mrs HENDERSON (Geelong) — I direct to the attention of the Minister for Community Services the issue many people in my electorate who have young families continually raise —child-care. Families have a difficult task juggling the roles of parenting and working. Many have real conflicts between the demands of work, child rearing and the provision of a balanced family life, not to mention the opportunity for parents to have time for socialising and outside interests.

Increasing numbers of women want to return to the work force and are looking for flexible working arrangements such as part-time work or job sharing. More and more women are returning to study in the hope that they can re-enter the work force. With the increase in one-parent families — often the parent left to care for the family is the woman — women need to retrain so that they can return to the work force and provide a secure economic environment for their children. They certainly require secure child-minding facilities.

Child-care is a major concern for families. It becomes the focal point in making a decision about returning to work or study. Other women choose to stay at home and have a full-time parenting role. They need relief from that role and need opportunities for adult interaction. I ask the Minister to advise what the government is doing to support these families and the options that can be provided to resolve these conflicts.

Train timetables

Ms MARPLE (Altona) — On this bright morning I raise a matter with the Minister for Public Transport. Before I do that I should like to report to city people interested in agricultural matters that because of the action taken by the Federal Minister for Primary Industries and Energy, Simon Crean, last week wool prices are now on a nice, steady rise especially in the fine wool area. I hope that continues.

I have received several complaints in my electorate about timetabling. Not only do the trains have no formal timetables — —

Mr COOPER (Mornington) — On a point of order, Mr Speaker, it appears that the honourable member for Altona is now raising a second matter on the adjournment debate. Standing Orders are clear on this matter. The guidelines on the adjournment debate issued by Speaker Coghill state that only one matter may be raised on the adjournment debate. The honourable member for Altona has raised an agricultural matter and is now seeking to raise a matter relating to transport. I suggest you rule her out of order.

The SPEAKER — Order! On the point of order, I believe the honourable member for Altona was making a passing reference. I do not uphold the point of order.

Ms MARPLE (Altona) — Thank you, Mr Speaker, I will take note of that. I have received several complaints concerning train timetabling. Although there is no formal timetable we still have our 20-minute train service, and I hope it will continue. The complaints I have received concern buses not meeting trains. Buses from Altona Meadows do not meet trains at Altona railway station because no allowance is made in setting timetables for the fact that buses must stop en route. A rail journey from Altona Meadows to Flinders Street station takes 90 minutes, whereas the same trip takes 20 to 30 minutes by car.

I ask the Minister to advise what the government will do to correct the lack of coordination between bus and train services to ensure that public transport can deliver a service that does not leave passengers stranded.

Regional Veterinary Laboratory, Bairnsdale

Mr TREASURE (Gippsland East) — I ask the Minister for Agriculture to provide information about the future of the Regional Veterinary Laboratory at Bairnsdale, which is of great value to people involved in agriculture in that area. The facility was opened in 1976 and has since serviced the agricultural industry in an area stretching from Dandenong to the New South Wales border.

Staff of the Regional Veterinary Laboratory have authored or co-authored approximately 120 articles that have been published in scientific journals. The laboratory has also achieved two significant commercial breakthroughs in agricultural products. One was the development of Footrite, a treatment for footrot in sheep and goats that has been worth millions to the sheep meat and wool industries throughout Australia. The product is licensed and sold under its brand name throughout the world and brings in royalties to Daratech Pty Ltd which eventually go back to the Department of Agriculture. The other product is Res Q, an electrolyte replacement that is sold in several countries and is used to treat piglets and calves.

The laboratory is also known for the work it has done on Johne's disease, a wasting disease that is particularly significant in dairy herds. The laboratory has developed a unique diagnostic technique. Will the Minister give a commitment on the future of this important laboratory?

Youth homelessness

Mr LEIGHTON (Preston) — I direct to the attention of the Minister for Community Services correspondence forwarded to him from the Youth Accommodation Coalition of Victoria in respect of youth homelessness and the Supported Accommodation Assistance program (SAAP) component of the government's policy, which is a responsibility of his portfolio.

The Youth Accommodation Coalition wrote to the Minister on 26 April 1993 in reply to the Minister's letter to the coalition of 5 April, seeking further advice as to what components of the youth homelessness service are SAAP-funded. The Minister responsible for Youth Affairs did not make himself clear on this matter last Friday, particularly on whether the service was just his vision, whether there was Cabinet approval for the measure or whether there was agreement between the two Ministers. This is too important an issue to become the subject of a battle between Ministers!

I ask the Minister for Community Services to outline what components of the youth homelessness service are SAAP-funded and whether that service has his support.

I also refer to an analysis dated 22 October 1992 forwarded to the Minister for Community Services by the Youth Accommodation Coalition. The coalition analysed the Liberal-National Party coalition Street Kids policy and raised a number of questions. To date no response has been forthcoming from the Minister.

The Youth Accommodation Coalition raised a number of important issues with the Minister, including its concern that the use of the term "street kids" to describe the policy excludes up to 90 per cent of homeless youth. Youth homelessness is a wider issue than just a concern about street kids. The Burdekin report makes it clear that many young people who do not necessarily live on the streets can be considered homeless.

The Youth Accommodation Coalition also sought clarification from the Minister in respect of the $4.7 million in funding announced by the Liberal-National Party coalition, $2.7 million of which is Commonwealth funding and $700 000 of which was supposed to be provided up front. The coalition sought advice on whether the $700 000 has been spent. It also sought advice in respect of the Minister's announcement about the homelessness council and whether it would encompass youth homelessness.

The Youth Accommodation Coalition has listed a range of issues on which it seeks advice from the Minister but as yet has had no response.

Responses

Mr HAYWARD (Minister for Education) — The Leader of the Opposition again raised in very melodramatic terms — he must have had a long dinner — comments made by school principals. The Leader of the Opposition is desperately attempting to create an issue where no issue exists. It is a pity that the Leader of the Opposition, especially as he was formally the Attorney-General, is not more familiar with the Victorian Constitution Act.

Section 95(1) of the Act, which was in force while the Labor Party was in office, refers to officers in the Public Service not taking part in political affairs. It states:

> A person employed in any capacity (whether permanently or temporarily) in the service of the State of Victoria shall not —
>
> (a) publicly comment upon the administration of any department of the State of Victoria.

That is the Victorian Constitution, which the Leader of the Opposition as Attorney-General had a responsibility to uphold.

There is no question that school principals are in a special position of responsibility. Principals are able to influence the minds of young people under their care and it is absolutely essential that they do not abuse their position of responsibility by becoming involved in political controversy.

Mr McNAMARA (Minister for Police and Emergency Services) — The honourable member for Mordialloc raised a matter about police stations in his area and the administration of the Police Force. The matter does not relate to me as Minister for Police and Emergency Services. I will refer it to the Chief Commissioner of Police.

Mrs WADE (Attorney-General) — The honourable member for Williamstown referred to some remarks made by Judge Bland in the Morwell County Court, as reported in the *Age* this morning and subsequently by other media throughout the day. When I first read the report in the *Age* I was horrified by the remarks attributed to the judge. I

found them hard to believe, particularly after the outcry about the remarks made by Justice Bollen of the South Australian Supreme Court and the successful appeal that followed.

However after making inquiries I understand the remarks that were read out to the House by the honourable member for Williamstown were made by Judge Bland. It is quite clear that the judge is out of touch with community attitudes and that the remarks he made were both wrong and offensive to many people in the community, men and women alike.

The member described the remarks as gratuitous, and that is accurate. The young man who was convicted in the case had pleaded guilty. The remarks appear to have been unnecessary; they were not addressed to the jury and were made in the course of sentencing the offender.

My understanding is that the only appeal that would be available in this case is an appeal against the sentence handed down and that that appeal would be successful only if the sentence was manifestly inadequate. My officers have made inquiries of the Director of Public Prosecutions and I am advised that he has considered the case and does not intend to appeal. My understanding is that the Director of Public Prosecutions does not believe the sentence is manifestly inadequate, and that is of concern.

I have focussed my attention on sentences in sex offence cases. Court sentences imposed for serious crimes of a sexual nature are not adequate, and the government is addressing the problem through a Bill currently before the House. Whether the Bill addresses cases of this type is a matter that will have to be considered.

The member for Williamstown referred to a statement by the Federal Minister for Family Services, Rosemary Crowley, about the need for in-service programs for judges and she asked me whether I supported such services. Considerable value is to be gained by introducing programs for members of the judiciary directed at bringing their attention to stereotyping and generalising on the basis of sex, race, marital or other status.

Honourable members will be aware that the Australian Institute of Judicial Administration is working on the issue and is devising appropriate programs. The institute has my support, and I trust we have no more incidents of this type in Victorian courts.

Mr BROWN (Minister for Public Transport) — My colleague the honourable member for Tullamarine put forward a suggestion for the government to consider which he believes will improve the public transport service in his area. A number of bus companies in that general region are under contract to the government to provide services. They have proved to be reliable, but my colleague has analysed the routes the buses take and has suggested what he believes would be better routes to service the needs of his constituents.

The government likes to hear constructive suggestions like that because it shows the interest a particular member has not just in his own electorate but in the public transport system generally. I give an undertaking that the government will analyse the suggestion of the honourable member for Tullamarine. I will instruct senior officers to meet with the people presently operating the services to determine whether there is a better way to provide them. From discussion with the honourable member for Tullamarine it appears that there may be considerable benefit to his community as a result of the changes he has put forward.

The government is keen to improve the public transport system because it suffered under 10 years of neglect by the former Labor government. I am aware of the survey the honourable member has undertaken in his electorate about the proposal to implement Nightrider bus services in Melbourne. It is a late-night bus service — after midnight — that will run in some areas through the night until the first train service the following morning. We will have public transport 24 hours a day, which is a real advancement.

Mr Batchelor interjected.

Mr BROWN — Not in all areas. It was never suggested that it would be in all areas. The shadow Minister cringes about the fact that the government is doing worthwhile things in public transport. He cannot gripe! He is griping, but he should not gripe about the government's performance in public transport. We will deliver services in the early hours of the morning and we believe they will be well patronised by Melburnians.

The honourable member for Tullamarine has been motivated to the degree of undertaking a survey. He has circulated several thousand forms throughout

the length and breadth of his electorate and they are already flowing back — I have seen some. There is a preparedness and a desire in the community for the service to start as soon as possible, but we will wait until all the forms are returned. The service may begin in the honourable member's electorate; it may be that his electorate wants the Nightrider bus service. I am sure many areas will want it.

The honourable member for Thomastown referred to changes made earlier this year to the Werribee train service. He wants the service to travel through the loop, and he has even suggested the time frame. It is a matter of providing a better public transport service taking into account the cost of providing it. The government has made fundamental changes in recent months that have provided better outcomes for the Victorian public transport system but at a much lower cost.

Mr Batchelor interjected.

Mr BROWN — I was not going to raise it, but there was a snappy article in the *Herald Sun* today with the heading, "20 years' snapping". I will not use the term because it is unparliamentary, but the article refers to "Snappy Tom" as a former Minister of the Crown. The article reports some enlightening comments made by the honourable member, but the one that was highlighted and stood out is where the former Minister says:

> If I had had a skerrick of the cooperation from the unions that Alan Brown has had, we would now have a very efficient public transport system —

I thought one of my colleagues had played a bit of a trick on me and had a special page printed up because it seemed impossible to me that that could have been attributed to the former Minister. When I read on I found that it got even better. The article continues:

> Talking with Tom Roper, it was not hard to draw the obvious comparison between the instant success the Liberal transport Minister Alan Brown had with the transport unions and the huge problems he, Steve Crabb and Jim Kennan had in working out positive public transport deals. Ex-Minister Roper did not pussyfoot.

The article then continues with the comments I quoted earlier and goes on to report the honourable member for Coburg as saying:

> The major unions were almost always resistant to change.

Mr Batchelor interjected.

Mr BROWN — The honourable member for Thomastown gave me the opportunity of referring to the article, and I thank him for it. Perhaps I should dispel the vicious rumour going around the building that I have been putting him up to ask these questions. It reflects poorly on me and it is not true.

The SPEAKER — Order! The Minister knows that collusion is a serious offence.

Mr BROWN — Absolutely. I assure the House that, although it may seem to others that it is not possible, the matter has been raised without my knowledge or forewarning. The article then refers to how the unions ran the former Labor government:

> And they always took the view that they could put pressure on transport Ministers in other areas of the ALP if they didn't get their way. John Cain moved me out as transport Minister because of union pressure.

It is not for me to highlight this, but it must be an embarrassment for that mob over there to have to sit and cringe when current newspaper articles are read out.

Mr Wells — Who wrote the article?

Mr BROWN — One can only assume an avid Liberal supporter wrote the article. He is not well known to me but it is one Barry Donovan.

Mr Kennett — What does it say about him at the bottom?

Mr BROWN — It says:

> Barry Donovan is a freelance writer and former media adviser to the Cain Labor government.

It says it all when a former media adviser to the Cain Labor government puts this in print.

The coalition government is prepared to cooperate with unions when they are prepared to act maturely and properly in the community interest, unlike what the former Labor government did during its 10 years in office. The former government wanted to make changes similar to those the government has made. It wanted to save $245 million a year but it failed. I can understand why the honourable member for

Thomastown is embarrassed about that 10-year period and why he would like to dismiss it from his memory. Unfortunately he cannot dismiss it or wipe it away as if it did not happen. The changes the government has made are for the better. The changes in timetabling arrangements to meet the needs of travellers will benefit everyone.

In my announcement last Friday I said a small number of the current train services will not run into Melbourne from rural Victoria in two to three months time. That will give the government the capacity to examine minor timetable adjustments. I am prepared to consider rescheduling services to provide an even better service than the excellent service the government is now providing. If that includes a better service to Werribee as a result of the regard we have for the people out there who were left for dead by the Labor government over a 10-year period, the government will address that as it has done and will continue to do for Tullamarine and all the areas Labor left for dead, as well as for the entire State.

The honourable member for Altona rightly criticised the former government for services she would have liked to have had over the past 10 years. She referred to the service the former government put in place and the way buses are supposed to meet the trains but often do not.

It is not of this government's doing because it inherited the system. Some may consider that a number of my colleagues are miracle men and women, but we cannot do it all in six months! The opposition ruined it for 10 years and what is in place at the moment is what the former Labor government had in place!

Yes, I am unhappy in many areas with many things about public transport, but they will be fixed, given some time. The problem the honourable member raised is one of them. Yes, it has been happening for the past ten and a half years; yes, the honourable member is right to stand up and criticise that in this place. Yes, I will fix it, given more time.

Mr JOHN (Minister for Community Services) — I thank the honourable member for Cranbourne for the concern he expressed. He has a great commitment to ensuring that young people do not come into contact with the juvenile justice system.

Today, on behalf of the government, I launched a youth outreach project aimed at preventing young people from turning to crime. My department has provided $165 000 for the project, which is jointly sponsored by the government and the Victorian Council of Churches. In fact, it is a real partnership between non-government agencies, the churches and the government to try to assist young people and to divert them from becoming involved in the juvenile justice system.

Honourable members will know how expensive it can be to house people at places like Pentridge Prison and Turana Youth Training Centre. They will be appreciative of the fact that if we can get to those people early we can prevent them from becoming involved in a cycle of crime. It is better for their quality of life that they be diverted from that path.

The outreach project will provide, among other things, three youth workers — one at Dandenong for the Cranbourne district and one for each of the growth corridors of Broadmeadows and Whittlesea. It will provide experienced officers to work with the young people at the coalface — not like the Labor Party, which concentrated on a huge bureaucracy. This government will go to the coalface — to the shopping centres, the streets and the railway stations. It will help young people in trouble.

That is what the government is on about. It is not interested in maintaining a huge bureaucracy, particularly after the former Labor government tripled that bureaucracy in 10 years — from 3000 in 1982 to 8500 in 1992! The former government left Victoria with a legacy of youth homelessness, unemployment and record housing problems — a shocking social justice failure!

I appreciate the concern of the honourable member for Cranbourne and I repeat that today's project launch of assistance in the growth areas is a commitment to diverting people from the juvenile justice system.

The honourable member for Bundoora referred to child protection services. The government is committed to ensuring that Victoria has the best child protection services in Australia.

Mr Micallef interjected.

Mr JOHN — The honourable member for Springvale says, "What are you doing?" He must be asleep and living under a bloody tree!

The SPEAKER — Order! The Minister has used an unparliamentary expression that he must withdraw.

Mr JOHN — I withdraw. Last week Parliament passed the Children and Young Persons (Further Amendment) Bill which will introduce mandatory reporting. I am amazed that the honourable member for Springvale seems to have no knowledge of that. The government is committed to protecting children and has promised additional funding of $1.7 million. Family support programs are important.

Honourable members interjecting.

Mr JOHN — The government is funding direct care services for people in need, not like the mob over there that funded hundreds of bureaucrats. The government has consulted widely and is committed to protecting children.

The honourable member for Geelong raised an important matter about child-care places and occasional child-care. This year the government has provided $800 000 for occasional child-care programs. Parents who care for children at home should have the opportunity to undertake activities such as study, recreation, shopping and attending appointments.

Some 247 such organisations are jointly funded by the Commonwealth and State governments, and a further 220 organisations are funded by the State to provide child- care for parents who wish to participate in adult education courses. The government is proud that families in rural areas have benefited from the availability of those programs. Previously there was no short-term care for children; that is a disgraceful indictment of the former Labor government.

The honourable member for Preston raised the Street Kids policy, which was an important policy during the last State election campaign. Funds will be made available for that policy, because youth homelessness is an important matter. The Minister responsible for Youth Affairs recently outlined his plans in that area.

Mr Leighton interjected.

The SPEAKER — Order! The Minister has the same right as any other honourable member to the protection of the Chair. I ask the honourable member for Preston to cease interjecting.

Mr JOHN — The Commonwealth-State program for youth homelessness is an important program. I am working closely with the Minister responsible for Youth Affairs to ensure that commonsense policies will be implemented to protect homeless children.

Mr W. D. McGRATH (Minister for Agriculture) — I assure the honourable member for Gippsland East that the Regional Veterinary Laboratory at Bairnsdale is in good shape and that the Department of Agriculture intends to keep it operating. The government has instructed regional veterinary laboratories around Victoria that by 1 July 1994 they must move to achieve full cost recovery on the services they provide. How many people remain at the veterinary laboratories will depend on the client numbers that use the expertise provided by those laboratories.

A couple of months ago the honourable member for Gippsland East and I visited the facilities at the Bairnsdale laboratory. I was impressed with the tremendous commitment of its staff to maintaining the role and functions of that laboratory. The farming community and private veterinarians also appreciate the laboratory's services.

As brucellosis and tuberculosis are almost completely eradicated, more attention should be given to a new virus known as Johne's disease, which particularly affects dairy cattle. I will ask the Dairy Research and Development Corporation to see whether a joint arrangement can be reached between the dairy industry and the Department of Agriculture to undertake a program to look at the ramifications of the disease and try to eradicate Johne's disease from cattle herds.

It is also interesting to note the efforts in the Mitchell River Valley to revitalise the vegetable industry, which is an important part of the economy of that community. If a revitalisation occurs — a lot of work is being done by the Bairnsdale regional committee — the laboratory's facilities could be used in that vegetable program.

The Department of Agriculture will also provide funding for animal health surveillance programs, which will be conducted from and through the Bairnsdale Regional Veterinary Laboratory. The government is strongly committed to maintaining the laboratory so it can provide its excellent services to the farming community and other clients in the region.

Motion agreed to.

House adjourned 2.14 a.m. (Friday).

Friday, 7 May 1993

The SPEAKER (Hon. J. E. Delzoppo) took the chair at 10.5 a.m. and read the prayer.

CORRECTION OF DIVISION LIST

The SPEAKER — Order! I have to inform the House that in the division which took place on Thursday, 6 May 1993, on the question that the Tertiary Education Bill be now read a third time, the tellers for the Ayes omitted to record the honourable member for Dromana as having voted in the division. It has been confirmed with the tellers that the honourable member was present and that the number voting for the Ayes should have been 58.

The Clerk will make the necessary correction in the division list.

PETITION

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

Report on review of psychiatric hospitals and community services

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

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

That psychiatric services in this State should continue to be improved and that such things as access to chaplaincy services and pharmaceutical services for outpatients not be limited in any way. That the errors made in other countries not be duplicated in this State as an attempt to economise on service provision.

Your humble petitioners therefore humbly pray that the House take all necessary steps to ensure that the recommendations made in the report named *A Review of Psychiatric Hospitals and Community Services* by Mr Maxwell Jackson be opened to close public scrutiny and debate.

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

By Mrs Garbutt (109 signatures)

Laid on table.

PAPER

Laid on table by Clerk:

Youth Parole Board and Youth Residential Board — Report for the year 1991-92.

APPROPRIATION MESSAGE

Message read recommending appropriation for Tattersall Consultations (Reporting) Bill

ABSENCE OF SERJEANT-AT-ARMS

The SPEAKER — Order! I have to announce that I have given leave to the Serjeant-at-Arms, Mr Marcus Bromley, to attend a management course during next week and that I have directed the Clerk of Papers, Mr Mark Roberts, to perform the duties of the Serjeant-at-Arms during that period when Mr Bromley is not in attendance.

INSTITUTE OF EDUCATIONAL ADMINISTRATION (REPEAL) BILL

Second reading

Debate resumed from 22 April; motion of Mr HAYWARD (Minister for Education).

Mr SANDON (Carrum) — The opposition opposes the Bill because it believes the Institute of Educational Administration should stay in public ownership.

Commitments were given to the people of Victoria, and particularly the people of Geelong, but the legislation does not ensure that those commitments will be kept because the outcomes are unsure. The Bill gives the Minister for Education extensive powers and there is no certainty that the commitments given by the former Labor government will be kept. I thank the Minister for allowing me to be briefed by officers of his department, but I have not been persuaded by the views expressed to support the Bill.

The Institute of Educational Administration (IEA) emerged in the 1970s under the then Liberal government. The then Director-General of Education, Dr Laurie Shears, was the main instigator of the notion of educational administration, which was taken up by the former Premier, the Honourable Lindsay Thompson. In 1982 the Labor government announced its support for the

educational administration centre, and building began in 1983.

The objective of the IEA was to provide residential courses on educational management for school administrators and potential administrators. Bringing principals together was seen as a valuable way of building their skills. The idea was popular then and is still popular today. I should have thought the notion of having a place of excellence where principals could be trained and their skills could be enhanced would be supported by all members of the House.

It was believed that because good teachers did not necessarily make good administrators they needed proper training to carry out their increased duties and responsibilities. The training provided in the 1970s was done by hiring motels and conference venues around Victoria; but those residential courses were fairly expensive and, more importantly, lacked a coherent Statewide strategy.

In 1980 it was agreed that the education department should formalise the scheme through the establishment of a statutory authority with land and buildings designed to meet the needs of the scheme. Thus was born the Institute of Educational Administration. Geelong was chosen as the site because it was a major centre for schools and had large areas of public space. The concept was also in accordance with the policy of the government of the day to encourage decentralisation.

The two Acts establishing the institute were the Institute of Educational Administration Act 1980 and the Geelong Lands Act 1981. The Institute of Educational Administration Act had bipartisan support. The Geelong Lands Bill caused problems because it was proposed that the new institute should be built on public land that had been reserved for public recreational purposes. Not surprisingly there was opposition to the building of the institute on public recreational land, but eventually agreement was reached because the building was for public education. Use of the land for public education was agreed to on three conditions: that all new buildings would be single storey and blend in with the environment; that the institute would be built on 1.6 hectares leaving the balance of 8.9 hectares for public recreational purposes; and that the institute would spend $250 000 of its grant of $3 million developing facilities for pubic recreation.

It was further agreed that the Geelong City Council would manage and maintain the recreational grounds once they were established by the institute. Throughout all of the negotiations and debate it was clear that the land and its improvements were to remain public property and that their use was to be for public education. The Honourable Evan Walker, the then Leader of the Opposition in the Upper House, pressed these conditions on the government of the day and refused to give support to the Bill until the then responsible Minister, the Honourable Vasey Houghton, Minister of Lands, agreed to state the arrangements publicly and unequivocally in the House, which he did on 5 May 1981. Those arrangements have worked well. They have been adhered to by the institute, the government and the Geelong City Council.

The IEA, which was born in controversy, became accepted as an important part of the Geelong community. Within the educational community the initial concern of some teachers was that the focus of the IEA was too narrow, given its concentration on principals. That has been overcome over time by the considerable broadening of the operations of the institute and the personal experiences of many teachers who have benefited from the facility. The involvement of parents in this rich educational resource has done much to cement the pivotal role they now play in the State education system. That is clear evidence that a community consultative approach benefits all parties.

Today the IEA is a successful enterprise despite only 40 per cent of its work being bought by the Directorate of School Education for the training of principals. The rest of the institute's time is spent servicing other educational institutions, community groups, government departments and private companies. About 50 per cent of the training time is spent dealing with groups from the Directorate of School Education, but it also plays a public educational role in other educational organisations. Its clients include TAFE colleges, the State Training Board and universities. It is a rich resource for the educational community. It has the capacity to do much more work; but in the current climate of uncertainty generated by its death sentence, which was announced by the Minister some months ago, there is an unwillingness on the part of potential clients to look to the IEA.

The institute is operating efficiently and effectively. Over the years grants from governments have gradually declined to a level of $220 000 in 1992-93; but that is a grant not for expenses but for services to

be rendered by the institute to the Directorate of School Education. That can be contrasted with the grant of $688 000 in 1989-90, which was an operating grant rather than a grant for services to be rendered.

When considering the costs to government, one can see how much more effective the IEA has become as the grants have been reduced! In 1989-90 the grant was $688 000 plus $700 000. In 1990-91 that was reduced to $520 000; in 1991-92 it was further reduced to $428 000; and as I said, in 1992-93 it was reduced to $220 000. The grants have been cut year after year, but this fine body has met the challenge, found new clients and balanced the books. It has met every challenge governments have made, and in return it has received thanks from a satisfied client base — and a death sentence from the government.

The institute has a budget of $1.7 million. It has been covering its recurrent expenditure — or at least it had been until the death sentence was announced in December 1992. The IEA can do better if the government is prepared to set targets for it and then hold it accountable for achieving those targets. I would regard that as responsible economic management.

The government and the Minister's handling of this issue must be seen as economic vandalism. The Minister behaved poorly by taking the decision to sell the IEA without telling the institute or any of its staff. In December 1992, without any consultation, the Minister decided to close the institute. He forgot to inform the institute of his decision and he forgot about the implications the decision might have for bookings already made for 1993. Staff were not given any consideration despite the fact that many of them are covered by Federal awards that oblige their employer to meet certain requirements.

The staff, prospective customers and the Geelong community were left to read about the proposed closure in the local paper. Since that time the institute has limped along and circumstances have changed daily.

The Minister was forced to revoke the edict on 9 February when the Institute of Educational Administration was officially informed that it could continue functioning but would be sold or leased at some stage in the future. By that time the damage had been done. The demand for the institute's services had plummeted. Corporate bookings, which in the first six months of 1992-93 had been running at 1336 nights, fell to 188 nights in the second six months.

An examination of the level of corporate bookings illustrates how well the institute was doing. In 1990, 1500 training hours were booked with the institute, in 1991 the figure was 2000 and 1750 hours were booked in 1992. Following the announcement about the closure of the institute the number of bookings fell to 188. That figure did not reflect the normal pattern or the recession, but was a response to the uncertainty created by the government; traditional clients of the institute took their business elsewhere.

The government's actions created an unfavourable climate in which to prepare for the sale of an asset which should never have been considered for sale. The government's approach has continued and the institute has been offered for sale or lease publicly through an advertisement placed in newspapers recently asking for expressions of interest. The advertisement has caused more confusion: expressions of interest are not limited to individuals or organisations involved in either public education or education generally; it contains no closing date; and it talks of the institute being a going concern and refers to buildings and land but does not refer to staff.

Perhaps the matter that most concerns the opposition is that, having made the decision to sell the institute, the Minister has shown himself to be one of those bad employers who do not consider the interests of staff as legitimate concerns of employers. The Labor Party opposes the restriction contained in clause 14 of the Bill — we have opposed that type of restriction in the past and we will continue to oppose.

The opposition knows the government is committed to restricting the rights of employees. It is ironic that in the second-reading speech the Minister should say that the clause 14 restriction is designed to avoid delays and legal proceedings. To suggest that the right-of-return provisions in the Bill are sufficient compensation for employees betrays a misunderstanding of the facts. Only three staff members have access to a right of return; the remainder of the staff are covered by Federal award.

The government, which seeks to restrict the right of employees to a legal remedy, is the same government that is spending millions of dollars of taxpayers' money fighting the democratic right of unions to move to the Federal award jurisdiction. The view of the government on that issue will not change; there is one rule for the government and another rule for employees.

A number of other matters in the Bill are causing uncertainty among staff of the institute. In the context of this debate I ask the Minister to issue a public assurance to the staff on a number of matters. Will the Minister publicly recognise the rights of employees at the institute who are employed under Federal awards? Will the Minister recognise that the Federal awards and the entitlements contained therein override the legislation and its restriction on compensation? Will the Minister publicly state that the Bill confers a guaranteed right of return for employees of the institute to a position in the Public Service for which those employees are qualified?

There is a concern that the use in clause 7(1) of the words "is entitled to be re-appointed" is different from the words contained in section 15(3) of the Institute of Educational Administration Act "shall be entitled to be re-appointed".

There is a real concern among employees about the level at which employees will return to the Public Service. Employees may have left the Public Service eight or nine years ago as junior officers and over the years may have built up skills and gained promotion. Section 15(3) of the Act provides that an officer shall be entitled to be reappointed at a classification:

> ... as if his service with the Institute ... had been service in the public service or the teaching service ...".

The Bill before the House provides no such assurances. I ask the Minister to give that public assurance in the House.

The decision to sell the institute is wrong. It is based on an ideological commitment to individuality and autonomy which perceives a benefit from an influx of cash from sales but which does not take into account the disadvantages incurred through the long-term cost of the decision. Teachers, parents and principals do not want to see the Institute of Educational Administration sold. School principals, who are so important in the government's drive for autonomous schools and a new form of leadership, feel so strongly about this issue that at their meeting last Sunday they unanimously passed a resolution urging the government not to sell the IEA. As usual, once the decision has been put into effect and the long-term implications are felt the community will be left to pick up the pieces; yet the decision was made, as are all decisions currently being made in the education area, without the involvement of school communities.

The government has fed the community a line about the importance of professional development, but the truth about the government's commitment is clear when one examines the figures. The professional development budget has fallen from $3.1 million to $1.9 million and the IEA has been a major victim of that reduction in funding.

There are good reasons why IEA should continue to operate. Firstly, Victoria still has a State education system that needs a coordinated and systemic approach to the major changes that are taking place as never before. The government is promoting major changes in leadership style and more than ever there is a need for a focus on professional development to ensure that all potential leaders obtain the training they need to perform their functions in schools.

A most telling statistic that demonstrates the need for the institute and its coordinated approach to leadership is that, as a result of the government-induced resignations, more than a quarter of all schools in Victoria — 500 out of 2000 — are now run by acting principals. Those acting principals need to be trained and to enhance their skills. That incredible statistic demonstrates the rate of change that is taking place and the need for a coordinated approach to professional development for school principals.

In a time of major change and upheaval acting principals are being called upon to undertake tasks that they have not previously been confronted with. They need training for these tasks, and they need it now. The Institute of Educational Administration is well placed to provide this service, if only the Ministry would recognise this.

There are clear economies of scale in the centralisation of professional development. About 2000 principals need training. It is better that training be handled as a job lot rather than each school having to weigh up the priority of professional development needs. There can be no doubt that the cost of professional development will increase dramatically if it is broken up and fed to the private sector.

The IEA has been able to use private sector patronage to cross-subsidise Department of Education training. Without cross-subsidisation someone else will have to pick up the tab or the amount of training will be reduced accordingly. I fear that the latter will be the case.

Training cannot be left to chance. The sale of this fine establishment is a risk that we do not need to take and should not take. It should be recognised that this asset can be turned even more to our advantage. It is valued by school communities — by those who use its services — and the government is doing school communities a disservice both in the way it has handled the matter and in the sale itself.

The SPEAKER — Order! The statement having been made under section 85(5)(c) of the Constitution Act, I am of the opinion that the second and third readings of the Bill require to be passed by an absolute majority of the House.

Mrs HENDERSON (Geelong) — I am very pleased to have the opportunity to support the Institute of Educational Administration (Repeal) Bill. The Bill permits the government to withdraw from the operations of the IEA. I would like to take a moment to outline the geographic situation of the IEA.

The institute is sited in Eastern Park, which sits high above Corio Bay. It is important to point out that the IEA is not the only facility in Eastern Park. The botanical gardens take up quite a large area; there is a children's play park; the East Geelong Golf Club is sited in Eastern Park; and abutting the park are the Geelong Gun Club and the Geelong High School. A number of the city's sporting and recreational pursuits are centred in the park. The bowling club also abuts the park. Of major importance to the industrial history of Geelong are the historic lime pools. Various sporting grounds are used for both passive and organised sport.

To service all these activities and recreational and educational areas a linkage of roads runs right through Eastern Park. I mention this because some people have the perception that the IEA stands alone in Eastern Park. It is supported by a number of other educational, sporting and recreational areas; there is quite a large road system through Eastern Park.

It is certainly my understanding that the IEA is the only institute owned by government that provides direct services to its employees. The initial concept in the 1970s when the idea was first brought to Geelong and supported by the local council was that the institute was to provide professional development and in-service training for teachers.

In the early days of its operation the IEA was certainly running well below its capacity. That was recently confirmed with me by one of the current staff. It is certainly running at about 50 per cent of capacity in the 1990s.

The shadow Minister for Education mentioned a moment ago that about 40 per cent of IEA services go to in-service training and professional development of teachers. Expressions of interest have been called for from institutions or organisations specialising in educational training to take over the IEA. A tertiary institution could be involved.

The government is withdrawing from the institute because it does not believe it carries out an activity relevant to the Directorate of School Education. There are three main reasons for this: the Schools of the Future program will be self-managing with responsibility for arranging its own training programs; the institute has been operating at a lower than optimum level of profitability, especially once costs associated with depreciation and staff — for example, long service leave and superannuation — are taken into account; and the government has substantial assets deployed at the institute which the directorate should deploy in a manner more beneficial to schools and students.

Over recent weeks the honourable member for Geelong North has taken the opportunity once again to oppose the government's program publicly. In a recent article in the *Geelong Advertiser* he said that it appeared the government was attempting to deprive public servants and teachers at the IEA of benefits accrued in their time of service. That is completely untrue.

When the institute is sold or leased as an ongoing concern it is expected that the current staff will continue to be required to support its activities. The Bill contains provision for former members of the public or the Teaching Service now employed at the institute to return to their former service at conditions no less than those enjoyed prior to joining the institute.

The shadow Minister also mentioned Federal awards. I put on record that the Bill does not interfere with any Federal awards, including provisions they contain relating to separation packages covering other staff at the institute.

There has been a little publicity in the local press about the change in direction by the government. Cr Fairbairn from the Geelong City Council, who is also a councillor at the IEA, has contributed greatly to the Geelong community, particularly as a youth

officer, but unfortunately some of her comments have been misrepresented.

Cr Fairbairn asks in an article what would happen if in the future the new owner wanted another 2 hectares of land on which to build another conference room. Quite clearly the Bill addresses the councillor's concerns. The Bill ensures that the parkland enjoyed by the population of Geelong — I have just outlined the sorts of activities that take place in that parkland — will be unaffected by the sale or lease of the institute. Only that portion of the land occupied by the institute, a total of 1.6 hectares, will be removed from the Crown reservation and invested in the Minister as freehold land. The Crown reservation is specifically for the purpose of the institute.

Cr Fairbairn also commented that in her opinion more parkland will have to be annexed to provide better road access. A number of roads lead through the park to the institute and to East Geelong Golf Club, the botanical gardens, sporting areas and the bowling club. The Bill will provide for a proper survey to be undertaken of the roads leading into the institute site, and the Minister will be able to request the Governor in Council to proclaim the roads shown under the survey as roads under the Land Act 1958.

These roads already exist throughout the parkland. It is important for members of the House who do not know the area to understand this. There is certainly no proposal that new roads be put through the parklands; the roads are already in existence. The measure merely serves to proclaim the roads. It ensures that the institute will always enjoy vehicular access through the parkways.

The shadow Minister for Education mentioned that there are flow-on benefits to the Geelong community, and I certainly do not deny that. The local hot bread shop contacted me and told me that it did a fair amount of business with the institute, as did the local butcher.

The institute has been utilised through the 1970s and 1980s; it will continue to be utilised. It is running at 50 per cent of capacity. With a change of ownership and good commercial operations, the Geelong community can only benefit from flow-on services to the community.

The Bill will facilitate the sale or lease of the Institute of Educational Administration to an outside organisation with a wider catchment of educational interests. At present the institute is underutilised, and if it takes in a wider catchment it will bring further benefits to the Geelong region.

The Bill protects the parkland environment and it will enhance the value of the institute to Geelong. The people of Geelong are proud of the institute but — —

Ms Kirner interjected.

Mrs HENDERSON — The honourable member for Williamstown has said by interjection that the people of Geelong do not want the institute to be sold. Representations have been made by the teaching fraternity and principals of educational institutions, but Geelong has a wider catchment than that. People have said to me that the sale of the institute is a good commercial proposition and that education in the Geelong region will benefit. As happened when Deakin University moved to its city campus at the restored wool store,the IEA building will become an important and integral part of delivering education to the region. The institute must reach beyond the Geelong region and attract people from all over the State. With the problems Geelong has had over the past six years the Bill will be beneficial to the area.

The Schools of the Future program developed by the government has been incredibly well received. Two schools in my electorate are part of the Schools of the Future pilot program and they are delighted and excited, as is the parent body, about that. Professional development will obviously be important, and under the Schools of the Future program schools will have an opportunity of developing their own programs for professional training and in-servicing. They will be able to choose the setting for the running of those programs.

Under the Bill schools will still have the opportunity to purchase space, time, training and education from the IEA, and the Directorate of School Education will continue to ensure that schools have access to the institute.

The shadow Minister for Education said the opposition opposes the Bill. That is a short-sighted view. The opposition is not prepared to move forward in its education philosophy; it is not prepared to give people a choice.

The shadow Minister said that the IEA is a rich resource for Geelong that could do better, and I agree with him on both points. Under a new owner

the institute will do better and it will grow in strength and richness. It will continue under a new owner and it will continue to benefit Geelong. Most importantly, it will attract a wider catchment.

I support the Bill because it will do a number of things for the Geelong community. It offers teachers, principals and educationalists the opportunity to use the institute for further training and education and creates further employment opportunities. If the institute is running at only 50 per cent of its optimum level, obviously staffing levels reflect that. If the institute can increase its level of performance and its practical capacity, employment opportunities for Geelong will increase. A number of the staff of the institute are involved in hospitality services. Young people working in the food and beverage industries will benefit from more people using the facility. More opportunities will exist for them to get part-time work and arrange job sharing, which is important for young people and women who are trying to juggle work and families.

I congratulate the Minister for taking the stand he has, and I commend the Bill to the House.

Mr LONEY (Geelong North) — I do not enter this debate with the same pleasure as the honourable member for Geelong. This is a sad day for the Geelong community and the education community. An alienation of this land in the way that has been proposed by the Bill is something about which the Geelong community is rightly concerned. Regardless of the comments of the honourable member for Geelong, nothing in the Bill protects the land or the buildings for use as an educational body. There are no guarantees. I do not think it is too far out of order to suggest that if the highest bidder for the Institute of Educational Administration is a glorified fish and chip shop, then that is what it will be sold as.

Mr Paterson — That is not true!

Mr LONEY — Put it in the Bill!

The history of the institute is worth considering. As has been pointed out by the two previous speakers, the land is situated in the Eastern Park area of Geelong, an area well known to me since childhood because I lived within 200 metres of it. I have used the area and some of the facilities about which the honourable member for Geelong spoke, including the Geelong High School.

I recall that the establishment of the IEA was not met with widespread enthusiasm by the Geelong community when it was first proposed. Some of the reasons for that lack of enthusiasm were referred to by the honourable member for Geelong. The Geelong High School and its inexorable alienation of parts of Eastern Park over the years were very much in the minds of people when the IEA site was proposed. The matter was a serious issue in the community.

Eastern Park was not the only site proposed in the Geelong area for the establishment of the institute; another site proposed was Deakin University. However, in the end it came down to the Eastern Park site, which is an important area to Geelong. I suggest that our forefathers probably had far more vision about the use of public land than we do. The site was previously occupied by the Corio oval and the so-called friendly societies ovals.

Some of the older members of Parliament may remember that Corio oval was the home of the Geelong Football Club before it moved to Kardinia Park. The Institute of Educational Administration stands on that land. Prior to the land being used for the institute it was used by and for the people of Geelong.

When the institute was proposed there was considerable debate in the Geelong community and in Parliament. Approval for the site was given on three conditions: firstly, that the buildings must not occupy more than 1.6 hectares; secondly, that no building should be above one storey; and thirdly, that some of the money from the original grant should be used to establish recreational facilities around the institute for the benefit of the people of Geelong. When the conditions were accepted, most of the other objections to the siting of the IEA were withdrawn. The *Hansard* report of the debate in the Legislative Council shows that those conditions were legislated for and that the siting of the IEA was contingent upon the land always remaining in public ownership. However, the Bill has changed that.

The buildings are located on the 1.6 hectares, but reference has also been made to a smaller extra area for roads. As I understand it, the roads being referred to are not the access roads but those around the buildings that allow access for deliveries. They will be part of the survey, which will inevitably expand the area to a little more than 1.6 hectares. There is logic in that because it would not be practical to have an isolated site with a road which went to the front gate but which did not go any further. Of course the survey must be completed,

but as a result the area of land will be larger than 1.6 hectares.

The Geelong community is still concerned about the issue. The Geelong City Council is opposed to the Bill and has made that clear in letters to the Minister. It is interesting that the advice of the Geelong City Council and its Mayor, Councillor Frank De Stefano, was taken on the council amalgamations but not on the institute. The council has taken a completely different approach to that of the Minister. The City of Geelong wrote to the Minister on 7 April. Their letter says:

> Council was closely involved in the original decision to locate the institute in Eastern Park and agreed to this on the basis the project would continue to provide a service to the training of educators and the facility would remain in public ownership.
>
> Upon the passing of legislation creating the institute and the subsequent reservation and zoning of land of some 1.6 hectares in Eastern Park, council's view has always been that the site and development must remain in public ownership. It supported the project on this basis.
>
> Eastern Park is a permanent reservation of Crown land of special significance and council has always regarded it to be so since its designation in the 19th century.
>
> Any proposal to place this land in private ownership is not only contrary to legislation and the Crown land reservation but is also contrary to the present zoning of the site pursuant to the Geelong Regional Planning Scheme and, of course, to the spirit of the council's consent in the first place.
>
> Councillors were unanimous in reaffirming their policy on this matter and requested that they be consulted should any change to the reservation, zoning, ownership or use of the site be contemplated.

Other bodies have also written to the Minister opposing the Bill; and others have also contacted me about the matter. A number of people who have attended courses run by the IEA have written letters in support of the institute., but I shall not read through those.

That shows the two different approaches that have been taken to the IEA — firstly, in the original decision to establish it, when there was widespread consultation with the Geelong community and a good result was achieved; and secondly, in this instance, when there has been no consultation with the community and the result will be poor.

The government's case hinges on the finances of the IEA. From the time the institute was established no Minister has told the IEA that it must become self-funding. One would have thought that the first approach would have been for the Minister to go to the director and the council and say, "I am not happy with your financial performance. You must address it and you must make an attempt to become fully funding". That did not occur. The institute was not given that opportunity; instead it was put up for sale. However, it is worth noting that over the past four financial years from 1989-90 the IEA has experienced a major turnaround. Government grants and income from government courses have decreased from $800 000 to approximately $290 000 in the current year, a drop of more than $500 000. It has doubled its revenue in that period from $800 000 to $1.6 million. It has made considerable advances in both those areas and it should be given an opportunity to improve even further.

The Ministry also created problems for the IEA in two ways. Firstly, the IEA has had cash-flow problems because of the Ministry's slow payment of accounts. That cannot be attributed only to this Ministry because historically government departments have been slow payers. Often the Ministry's payment of accounts is well over 90 days, which would not be tolerated from private clients. Secondly, the Ministry is not required to pay a deposit or a fee for the cancellation of government bookings, as is the case with private sector clients. It could be that in its dealings with the institute the Ministry has wanted it to act more like a private sector organisation, but it has not itself adopted a private sector approach in the way it has made bookings and not yet paid for them. The Ministry has also heavily cut professional development courses since October last year. That has resulted in the cancellation of 900 days of bookings and a loss of $80 000 to $90 000, which has had a considerable impact on the institute's funding and cash flow.

Earlier, the shadow Minister spoke about the situation of the staff, which is a particular concern of mine. It was also raised in passing by the honourable member for Geelong.

Clause 7 of the Bill and section 15(3) of the principal Act, which provide the right of return of staff to the public sector or Teaching Service, are meant to be similar, but certain words have been omitted from the end of clause 7. I ask the Minister to advise the

House why those words have been omitted. Will he assure the House that the clause will not deny members of staff their right to return to the public sector? If he fails to respond at the end of the second-reading debate, I will raise the issue again in Committee.

The Geelong community expressed concern that the Bill does not protect the public ownership of the land. Despite the government's promises, the Bill does not guarantee that the government will protect the educational use of the land. That is important not only for the Geelong community but also for the educational community. The courses provided by the institute are important to the people in the Geelong region and to those from other places in Victoria, Australia and overseas. The IEA is a well-respected institution that runs courses in educational leadership and management. It is even more important now that the Minister is introducing a new concept for the management of our schools. It is the responsibility of the Department of Education to ensure that appropriate courses are provided to the people it is asking to go down a new education management path in this State. Unfortunately the Bill does not guarantee that.

The government talks about the possibility of selling the IEA to another institution that could pick up those functions, but the Bill provides no guarantee that that will occur. It may be appropriate and a way out for the Geelong community if the IEA were sold to Deakin University, but there is no guarantee that that will be done. No-one has said that if Deakin University is a bidder it will be given priority or preference in order to keep the IEA in Geelong.

Mr Spry — Nor should it be!

Mr LONEY — The honourable member for Bellarine is correct only because this is not an educational decision; it is a straight-out commercial decision. The land will go to the highest bidder, regardless of use, as confirmed by the honourable member in his interjection. The Minister must address the legitimate concerns that have been expressed by the Geelong community. The opposition seeks some guarantees. The Minister in his second-reading speech could have referred to covenants on the use of the land if he thought it appropriate, but he has not done so. The Geelong community has significant concern about the land. If there is no guarantee from the Minister or amendment to the Bill, I fail to see how the Bill will receive the support of the Geelong community.

Mr SPRY (Bellarine) — In my contribution I shall refer to the origins of the Institute of Educational Administration (IEA) in 1976 and to the debate in the Lower House when the Bill was introduced by the then Assistant Minister of Education, Mr Lacy. On page 3016 of *Hansard* of 19 November 1980 he is recorded as having said:

> ... the government decided in 1976 to establish an Institute of Educational Administration with the purpose of providing administrative training for principals and potential principals both of government and non-government schools in Victoria.

On page 3018 he said:

> The provisions of the statute are such that expenditure associated with the conduct of the institute will not increase and that the nature and character of the institute's existing role remains unchanged.

Despite the lousy economic hand that was dealt to the government by the late, unlamented Labor administration, the coalition government is determined to deliver the goods, especially in providing education to young Victorians. We have been operating under dreadful constraints, but we are determined to get on with the job and do what we were asked to do at the 3 October 1992 election.

Regrettably, the circumstances that Mr Lacy mentioned in his speech have changed, particularly the last two issues that had to be addressed in relation to the statute of the IEA. I refer the House to the executive summary of the Victorian Commission of Audit that was tabled by the Premier yesterday outlining Victoria's financial position because the Bill must be considered in that context. Volume 1 of the report, which refers to the whole-of-government perspectives, states:

> At the end of the 1991-92 financial year, the Victorian government had liabilities totalling $69.8 billion, an amount equivalent to approximately $47 000 for every household in the State. Of this amount, approximately $28 000 for every household was owed by the "Budget sector" of the Victorian government — that is, by departments and other entities which are ultimately funded by the State's taxpayers.

I shall paraphrase the remainder of the executive summary under the heading "How was this position reached?". The Victorian government has been borrowing to cover the shortfall between spending and revenue for decades. For most of the period since the second world war those borrowings were

used to finance the provision of assets of lasting benefit to the Victorian economy and community, such as roads, power stations, dams, schools and hospitals. At the time it was thought sensible to borrow for those assets because the Victorian population and economy were growing strongly and interest rates were generally low.

During the 1980s, however, things began to change. Economic and population growth was slowing — far more so than in the mid-1970s — and interest rates were beginning to climb. In addition, an increasing proportion of government spending throughout Australia was being directed towards recurrent expenses such as wages and salaries and so on rather than the creation of long-term assets.

Most other governments in Australia had recognised those changes. By the end of the 1980s the budgets of the Commonwealth, New South Wales and Queensland governments were in surplus, but the Victorian Labor government continued to borrow heavily. Victoria did not reduce its spending during that period, despite a large increase in spending before 1985. Instead the Victorian government exposed itself to an increasing amount of financial risk.

The executive summary document states:

> By the end of the 1980s ... Victoria's public finances were highly vulnerable ...

That is to put it mildly. It continues:

> Since the 1989-90 financial year Victoria has been borrowing not just to finance capital expenditures but also to meet interest payments and other day-to-day operating expenses.

The executive summary document concludes that that policy produced:

> the opposite of good financial management and has brought the State to the brink of a debt spiral.

It is against the background of the harsh reality of the economic situation in which we find ourselves that it is necessary for the government to intensively scrutinise every government enterprise. It is regrettable that the government can no longer afford to apply its meagre resources to institutes such as this. The honourable member for Carrum said he believed services would cease, but that is incorrect. Other providers to the institute will tender to fill that gap, thereby introducing a very competitive edge in costs and, perhaps more importantly, in quality.

Honourable members will be aware that the operating losses of the IEA have been quite profound. Also, the institute has failed to make provision for maintenance of the buildings and to provide for its superannuation obligations for its employees.

The government has the vital responsibility of training professionals in this new age concept now being faced in its Schools of the Future program. As I said earlier in response to the honourable member for Carrum, that training must be achieved more effectively, and the costs and outcomes will be determined by the degree of efficiency new providers can achieve.

Victoria faces a tremendous challenge in its Schools of the Future program. It is imperative that the government provide training for administrators — principals and head teachers — who will play such a profound part in the objective of the Schools of the Future program and to satisfy the individual needs of the professionals — the teachers.

For that reason it is essential that the providers must be spot-on. The providers of the services to which I have referred must have four main objectives: they must be flexible, innovative and focused, and, above all in this day and age, they must be competitive. That fourth objective is imperative because of Victoria's economic situation.

Victoria can no longer afford to splash money in all directions without having a tight rein on how it is being spent.

In her excellent contribution, the honourable member for Geelong made an important point about the benefits of the IEA certainly not being lost to Geelong. I shall not further elaborate on that aspect of her contribution to the debate but I reinforce her comment which contradicts the statement made by the honourable member for Geelong North, who read from a letter of 7 April from the City of Geelong; he claimed the council is concerned about the loss to the Geelong region of the IEA amenity. He should bring himself up to date because I am led to believe that now that it has a fuller understanding of the government's plans for the IEA the council is satisfied that the integrity of the facility will be preserved.

If there is one challenge that everyone in Victoria must face in today's world it is somehow to overcome what is common to most people, namely, our reluctance to adapt. We are usually tempted to stick to the familiar, the everyday and be comfortable.

Many petitions about the future of the IEA have been placed before this House. Only as recently as last Monday one of my colleagues and I discussed the future of the IEA with Geelong people involved. If and when the Bill is enacted, I ask those involved with the IEA to be prepared to adapt to meet the challenge which economic necessity has unfortunately thrust on all Victorians. I support the Bill.

Ms KIRNER (Williamstown) — I support the shadow Minister for Education, the honourable member for Carrum, in his opposition to the Bill, and I do so with a sense of deja vu and some emotion.

This piece of legislation is one of the most appalling introduced so far by this government. I say "so far" because there will be more. Its definition of "education" is as a contract between buyers and providers. Its definition is not a service to be provided for the community and by the community, as represented by the State. This "private" definition of education is why the Kennett government gets its education decisions wrong and why it will continue to get it wrong.

I was very proud to be the parent representative on the first Institute of Educational Administration (IEA) council. Unfortunately, Victoria no longer has representatives of parents involved in the administration of education; Mr Spring is whittling them down one by one because they are seen to be too representative.

I was also very proud to have been in partnership — —

Mr Leigh interjected.

Ms KIRNER — You weren't around then.

Mr Leigh — I wish I had been.

Ms KIRNER — The person whom I was proud to be associated with was a real politician; he knew about the community.

The ACTING SPEAKER (Mr Cooper) — Order! The honourable member for Williamstown should return to the Bill and the honourable member for Mordialloc will cease interjecting.

Ms KIRNER — Before I was rudely interrupted, the person I was about to refer to was the former Liberal Minister responsible for the education portfolio, Lindsay Thompson. I was proud to have served with him to establish the IEA. I was proud to have served in partnership with Laurie Shears to set up the IEA because at that time, as the honourable member for Geelong correctly said, the government was moving towards more self-management of schools, particularly through the creation of school councils.

In the 1970s it was considered essential to establish a body to support teachers, principals and parents to become more effectively involved in education, to understand their roles better, and, basically, to serve our children better. The establishment of the IEA was very timely. I was pleased to have served in partnership with the Liberal government of the time and to have assisted those in Geelong to try to find an appropriate site.

Earlier I said I had the feeling of deja vu. When I was involved in choosing what I believed was an excellent site for the IEA I was edgy about what the former Minister for Planning in the other place, Evan Walker, constantly reminded me of — and something of which I was reminded by the honourable member for Geelong North in his excellent contribution today — that is, if public land were to be used for the IEA, one day in the future a government of whatever political persuasion could say that the land should be flogged off to the private sector. And that is what has happened.

But the IEA land is not the government's land to sell; it belongs to the people of Geelong. It is appalling that the Liberal members for Geelong have said that it is the right thing to do. It is an appalling thing to do! There are no guarantees in the Bill. I would not feel so passionately about it if there were a guarantee that it will be sold to an education institution. But what will really happen is set out carefully in the second-reading speech. I imagine that the second-reading speech has been closely examined by the legal officer of the Department of Education so that it can be sold to the non-education private sector. I do not blame the honourable member for Geelong for getting it wrong; she could be excused for thinking that it will be sold to an educational institution and for telling her

constituents it would be because of the wording of the second-reading speech, which states:

> Should the institute be sold to an existing educational organisation — possibly a tertiary institution — consideration would be given, in consultation with the local authorities, to offering a Crown grant of the freehold of the land occupied by the institute. Should the institute be sold to an outside training group, consideration would be given to offering the land on the basis of a Crown lease.

It does not say that the institute will be sold to an educational institute or training group; it says, "should it be sold to".

In his response to the second-reading debate will the Minister for Education, who must understand this point, assure the House and the people of Geelong and the education community of this State and nation — it is a national institute — that it will be sold to an education institution? If he cannot give that assurance, I ask the impending Minister for Education, the honourable member for Ripon, to give that assurance. Mind you, if he continues making speeches on education like the one he made in a recent debate on the Board of Studies he will have no hope of ever being a Minister, and the mild-mannered Don will continue as the Minister for Education because he would be preferable to the pretender.

Mr Richardson — You really know how to do it, don't you?

Ms KIRNER — I would not like to hurt the honourable member for Ripon because it would take me a long time to get through his skin; it would be a waste of my time.

This is an important assurance the opposition is seeking from the Minister for Education. It is the central fear of the education community and of the Geelong community that this important institute will be sold to the highest bidder, which may not be an education institution. I predict that in a few years, before the government is thrown out of office — —

Mr Perrin — That will be a long way off! Did you read the *Age* editorial today?

Ms KIRNER — We will see about that. Before the end of its three-year term the government will have to recreate an education institute that allows it to act in partnership with school communities in a way that gives more direction and support to schools than a private institution can give. I say that seriously because I believe, as I said in a recent debate, the mission and objectives, and especially the role of the principal in the Schools of the Future program, demand an institute of education that can act as the broker for the development of the objectives of the Schools of the Future program and the development of principals and school communities.

An honourable member interjected.

Ms KIRNER — If the honourable member had taken part in the recent debate he would have understood that I support the objectives of the Schools of the Future pilot program. I am concerned about the ideological underpinning which could mean that preoccupation with management might cut across good education. If the Minister cannot get the money for education, it is a certainty that lack of funds will cut across the ability of schools to manage their futures. Two of the central missions and objectives of the Schools of the Future program, as described in the preliminary paper released by the Directorate of School Education, are to, firstly:

> 1. encourage the continuing improvement in the quality of educational programs and practices in Victorian schools to enhance student learning outcomes.

Fancy the Liberal Party using the term "outcomes"! Secondly:

> 4. commence immediately a pilot program to develop administrative arrangements and determine the phased implementation of Schools of the Future concept over the next three years.

That requires an institute to act as a partner and provider of appropriate development. The honourable member for Geelong spoke about the Schools of the Future program as though it meant that schools would run all the professional level development within the schools and there was no need for an IEA. Two pages on in the preliminary paper entitled *Schools of the Future* the role of the principal as described is so detailed that he or she will have to be the next best thing to God. Pages 10 and 11 of the preliminary paper suggest that an institution like the IEA will be required to act as the honest broker. Principals will be required to do things such as prepare and implement plans for assessment, report to parents, carry out program evaluation and school review; prepare and implement the school's curriculum program; prepare and implement the staffing plan for the school, including the selection of staff; have regard for Statewide policies; negotiate school workplace

arrangements with teaching staff; establish and organise professional development of self and staff and undertake performance appraisal and review; prepare and implement the code of conduct for students to provide a safe and orderly environment for staff and students; introduce alternative ways of improving student learning, and provide a range of educational settings to enable students to pursue, where appropriate, high quality studies and so on.

That is an impressive list. Unfortunately it all relates to the principal rather than the total school community and this government is saying that just as they expand the role of the principal in the school community, there is no longer a need for an Institute of Educational Administration to train principals. Why? We heard the reasons — —

An honourable member interjected.

Ms KIRNER — The people of Geelong will not appreciate the contribution made by the honourable member for Bellarine in supporting the sale of their institute. The reason is carefully stated on page 11 of the *Schools of the Future* preliminary paper, which states:

> The principal will be supported by staff with expertise in business management or will have access to agency support.

I hope it is the right agency —

> Support may be available from staff at the school, staff shared with other schools, or people in the private sector on a contracted basis.

That last phrase is what it is all about. There will not be an IEA run by the public sector and responsible to the public sector because that is not included in the ideological framework of the government. That function will have to be fulfilled by the private sector on a contractual basis.

The honourable member for Geelong talked about choice. Abolishing the Institute of Educational Administration will mean there is no choice. A person who wants to undertake professional development will be obliged to go to a private sector contractual system. Where is the choice in that?

The IEA was operating well. When I was Minister for Education I said it would have to meet its recurrent budget. The institute had begun to do so until the current Minister for Education, not knowing what he was doing, announced that he was going to close it before the end of the year because the bureaucracy told him it could be closed. As the shadow Minister carefully pointed out, even though the institute had moved towards effective recovery of its recurrent expenditure, its programs began to fall off.

I predict that when the Schools of the Future recommendations are in full flight, public education sponsorship will be needed for the development of principals, parents and teachers to carry out those recommendations and we will be looking to restructure the institute.

Geelong has some very good people who have made marvellous contributions to the institute. On behalf of those involved in government and non-government schools and business and tertiary education, I ask the Minister to give an absolute guarantee in his response to the second-reading debate that the government will continue to fund professional development so that schools have a choice between the public and private sectors. In that way the partnership between parents, teachers, principals, the department and universities will continue.

Parts of this legislation are worrying, but none is more worrying than the way staff will be treated. I cannot understand the attitude of the Minister for Education. Personally I have found him to be appreciative, pleasant and polite, yet in the two debates on education Bills — the Board of Studies debate a few days ago was an absolute disgrace — he failed to thank the people who created, were involved in and served those educational institutions. I certainly hope it was just an oversight. Either he has a bureaucracy that thinks it can apply the jackboot to the people to whom it is responsible or he is controlled by the nasty, vindictive, anti-public servant attitude of his Premier.

The Minister should use the second-reading response to thank the people who have contributed to the work of the IEA. I have not heard any government speakers thank those people, either. Perhaps, unlike me, they have no real experience of the institute. I was involved in its successful integration, school, community and principal development programs. The institute has even created an export industry; it makes money by selling its expertise to people from overseas.

The ultimate irony is that the person who co-wrote *Schools of the Future*, Brian Caldwell, was paid thousands of dollars by the Institute of Educational

Administration to work as a consultant, to give lectures and to use its money to effectively develop the program that was eventually presented to the government. I am not being critical of Brian Caldwell; we have had plenty of arguments and I have worked with him on a number of programs at the institute. But it is ironic that the person whom the institute used almost as a constant consultant co-wrote *Schools of the Future* and now sits in silence while the IEA is disbanded.

Another person sitting in silence is Laurie Shears. Those who know Laurie as well as I do know that he is not inclined to be silent. In fact, his disinclination to be silent created an interesting circumstance when the two Houses had to meet to remove him as the head of education. That was objectionable and, as I said at the time, was almost an abrogation of his rights. Laurie Shears has been absolutely silent on the IEA sale. The only reason I can imagine for his silence is that he may be associated with a bid for the institute's sale. I will read Dr Shears's next *Age* education letter with great interest, but I am surprised that he has not come out fighting for "his" institute.

I know the Minister for Education recognises the worth of the IEA. He was briefed by a Geelong person who hitched a lift with him one day. He listened generously while she told him of the value of the IEA and why he should not sell it. The passenger was one of Victoria's great educators, the former principal of the Matthew Flinders High School and a member of the IEA council, Doris Embling. I should have thought the Minister would be inspired just a little by Doris's evaluation of the IEA. She made an outstanding contribution and I thought the Minister might have shown his appreciation during his second-reading speech for the institute's having been shaped by such effective women in education. I can understand why government members may not have done so; they do not know how important the IEA has been. But they could have found out by speaking to Doris Embling or Gerry Tickell, another great educator in Australia

Mrs Henderson interjected.

Ms KIRNER — Why didn't the honourable member for Geelong say so in her speech? She did not have to agree with him, but she could have mentioned him. Gerry Tickell has made the interesting comment that if we have to accept the sale, perhaps a new proposal for education leadership could be looked at. I should have thought that with the government's view of leadership it could have picked up that idea, but no, it has been driven by other motives, not the education motive.

Mr Spry interjected.

Ms KIRNER — No, you've got it wrong. The government is driven by its ideology: that a public institution like the institute should not be allowed to provide what is essential to good education is very sad. It is the ultimate insult to people who have worked so hard in the institute.

Clause 14 will remove from the few staff who remain at the institute their potential right to compensation, and if the measure is passed they will have no right of appeal to the Supreme Court. Why is this being done? It is said it will avoid delays because of other undertakings made for the sale of the institute. If people want to understand how vindictive and nasty the government can be — I am sure it is not the Minister being nasty — they should look at the effect of clause 14. If the government wanted to send to the great educators in Victoria the clear message that nothing will get in the way of its commercialism and ideology, it could not have done better than the provisions in clause 14.

I support the shadow Minister in his carefully researched and well-put speech — which was not nearly as nasty as mine. The questions he asked carefully and responsibly on the future entitlements of the staff must be answered by the Minister. Are these people, after their contributions to education, to be returned to the Department of Education at their current level? Surely at the very least — although they are not entitled to compensation under the government's appalling measure — their contributions should be treated as proper contributions of public servants, which improve their re-entry levels into the service.

I have talked about Gerry Tickell. He was given his start in education by the previous Liberal government. Ted Jackson, the father of Andrew Jackson, who is now the head of the Box Hill College of TAFE, and Tony Delves, who was the head of the Council of Adult Education — the government must keep its hands off that institution — are recognised as excellent educationalists by people from all parts of the political spectrum. They are people who have opened up education so that young people can learn in the way that the honourable member for Malvern described in a previous debate: understanding how to learn and to keep on learning. People should

enjoy learning, have a sense of the breadth of learning and a sense that schools are not enclosing but are institutions that open up the minds of students so that they have a sense of their potential and their future.

If the Minister dares to treat Gerry Tickell as though he were nothing, the education sector will not forgive him.

Beryl Wilson, another person who is now at the institute, taught two of my children at Croydon High School. She is a wonderful teacher, who dedicated herself to improving the ability of women to be effective teachers and to take senior positions in education. She has a great sense of education and has given up a lot for education. Although she is not a high-flier in the same sense as Gerry Tickell, she, like hundreds of teachers throughout the State, has given her adult life to improve education for students, and she asks nothing more than a decent pay and respect for her contribution. If the Minister dares to belittle her contribution he will belittle the whole of the teaching profession, and he will be remembered for that and for nothing else.

Finally, the Minister is responsible for the most important sector of the State, education, and he has said so himself. He needs to take a deep breath and look at what is happening to our schools and our students. We on this side of the House value education and would like to work with the government to improve education. The honourable member for Carrum is one of the best shadow Ministers to represent the Labor Party because he is prepared to work and talk with communities.

Mr Perrin — He didn't even know that parents were doing maintenance at schools!

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

Ms KIRNER — That is right, Mr Speaker, the honourable member is out of order and he is also wrong. Mr Speaker, it is important, as you know, because your family has contributed much to education, to get education back on an even keel where it is a service to people and where people feel they are valued for their service.

Mr ELDER (Ripon) — I congratulate the honourable member for Williamstown on her contribution, in particular her clear, concise and overwhelming support for the Schools of the Future program. Now that the Labor Party is in opposition it has had the opportunity of throwing away the ideology that it hung onto for its 10 years in government in Victoria. It now shares the belief held by a former Minister of Education, the Honourable Ian Cathie, that the Schools of the Future project will be an outstanding success because it will lead the way in education. As I said, that program now has the support of the honourable member for Williamstown, herself a former Premier. The Schools of the Future program will educate young people to take up the various challenges in the years ahead. I thank the honourable member for her strong and resounding support for that program.

I also support the comments of the honourable members for Geelong and Bellarine, who made excellent contributions, unlike the honourable member for Geelong North, who did not understand what the Institute of Educational Administration was about.

The sale of the institute has been driven in part by the council of the board of the institute which, at two meetings, decided to offer the institute for sale to commercial interests. I have no doubt the people of Geelong will benefit from the sale.

The opposition does not understand that the institute has never had a monopoly on the professional development of educators. Educators were told by the former Labor government that if they wanted to obtain professional development it would have to be of the sort the government wanted. They would have to attend the institute and talk to the mates of the Labor Party, who would explain the former government's views on education. The educators in the State school system did not want a bar of that; they did not like what they were being offered; it did not suit their needs because it was a second-class institution. That is why the institute had an occupancy rate of less than 50 per cent.

The taxpayers of Victoria and, more importantly, the taxpayers of Geelong are picking up the costs of a facility that is not meeting the professional needs of teachers at the local school level. It was a wonderful place at which to be brainwashed and told what to do by the previous government. Teachers were told, "Sign on the dotted line or you won't become advanced school teachers" — or whatever they wanted to become.

One speaker said Gerry Tickell is a great educator. But he has been telling the parents federation, which is an arm of the ALP in Victoria, how to thwart the

government's education policy. That is the sort of man Gerry Tickell is. That is the man the honourable member for Williamstown was defending — her old mate and buddy. The institute met a professional development need that was not being met anywhere else. But over the years it has outgrown that role and educators in Victoria are not using the services it provides.

The front page of yesterday's *Herald Sun* made it clear that the reason the government has to sell off assets, make the tough decisions and do things that are hurting Victorians is because of the legacy left by the previous government. The debts and liabilities of $70 billion — that is, $50 000 for every Victorian family — that were incurred by those who occupy the opposition benches are shown in black and white in the independent audit commission report. Yet the opposition spouts its hypocrisy about the need to keep the IEA.

The government would like to keep everything the people of Victoria own. It would like to pave the streets with gold, but the trouble is that the people of Victoria cannot afford it. Victoria has an albatross hanging around its neck, which was placed there by the previous government.

The opposition says we should not sell off the IEA. The people of Geelong should clearly understand that we are selling off the IEA because of the debt the previous government left to the people of Victoria and the credit charges it put on the never-never, which we, as a responsible government, are now having to pick up. The previous government put in jeopardy the future of many young children, including mine and theirs. The legacy left by the previous government is partly the reason for selling the IEA.

It is sheer hypocrisy for the opposition to tell the government not to sell off Crown land because it is something that belongs to the people of Victoria. Just before this debate commenced I was lucky enough to talk to my colleague the honourable member for Bulleen, who gave me a list of education land that the previous government was attempting to sell off. It involved many millions of dollars worth of land, including: 1 hectare at King and Taunton streets, East Doncaster designated for a secondary school; 5 hectares in Porter Street, Templestowe for a secondary school; 1 hectare in Smiths Road, Templestowe for a primary school; 5.8 hectares in Pleasant Road, Bulleen for a secondary school; and 9 hectares in Springvale Road, Donvale — and the list goes on.

The sheer hypocrisy of the previous government is astounding! Members of the opposition make mealy-mouthed comments about not selling off Crown land but their government had no qualms about selling off the State Bank, which had belonged to the people of Victoria for more than 100 years, or selling off land that was to be used for future educational and community needs. It does not want the institute in Geelong sold off because poor old Gerry Tickell might be out of a job. Gerry will have to start competing in the real world because educators in Victoria will now have a choice of where they get their professional development courses from. They will be able to choose the professional group, other organisation or university that best suits their professional development needs and decide for themselves whether each is good, bad or indifferent. If one is bad or indifferent, they may choose another venue for the next course they undertake.

That is the way it should be. The government should not be involved in running an institute that is under-utilised and not well recognised by the educational community, when there are so many other organisations and institutions that can provide the same sorts of training and educational benefits to teachers to enable them to update their skills and possibly become part of the Schools of the Future program.

There are many schools of management in this State from which people can buy time. A first-class institution that comes immediately to mind is the Mount Eliza Australian Management College. I wonder where private schools get their professional development courses from. Obviously they do not go to the IEA! I wonder where the Penleigh and Essendon Grammar School, which the honourable member for Williamstown attended, gets its professional development courses from or where the private schools in the electorate of Carrum get theirs. I am sure those institutions shop around to get the best that is on offer.

The problem with the institute in Geelong is that it is being subsidised by the taxpayers of Victoria even though its occupancy rate is less than 50 per cent. It is not meeting the needs of educators and it is not used sufficiently. I am sure that in putting out tenders for the sale of the land the Minister will consider the needs of the Geelong community and the needs of educators throughout Victoria.

The people of Geelong have missed out economically because the IEA has operated on an

occupancy rate of less than 50 per cent at the same time as most other institutions have been operating on occupancy rates of between 90 and 100 per cent. The people of Geelong have missed out on the injection of much needed dollars into their local community. If the buyer of the institute is willing to carry on the traditions of the institute, schools and the education department will be able to book blocks of time — if it meets their needs. If it does not, they will not book the time.

When I was in local government I shopped around and I sent my staff to professional development courses at many different institutions. I went to the University of New South Wales Institute of Management on numerous occasions to get the professional development advice I needed. Eminent educators such as Dr Laurie Shears and others have not condemned the government because they know it is making the right decision. They know it will look after the institute staff and protect the parkland around the institute. They know that in the long term the government will look after the best interests of all Victorians by ensuring that they are not taxed out of existence because of the legacy of debt left by the previous government.

I wholeheartedly support the initiatives of the Minister for Education. I support the previous speakers from the government side who understand what education and choice are all about. I commend the Bill to the House.

Mr HAYWARD (Minister for Education) — I thank honourable members for their contributions to the debate. It has been an outstanding debate, and a number of major issues were canvassed.

As I did in relation to the Board of Studies Bill and the staff of the Victorian Curriculum and Assessment Board, I take this opportunity — I prefer to do it as part of my personal remarks, rather than in a formalised second-reading speech — of thanking the council, officers and others at the Institute of Educational Administration for their dedicated work over a number of years.

The debate revealed a fundamental difference between the approach of the Labor Party and the approach of the coalition to education and professional development. That difference was put into sharp focus by the honourable member for Carrum when he talked about a centralised approach to professional development. I wrote down his words carefully when he talked about the need for a job lot and economies of scale in professional development. The government does not consider professional development in those terms.

The key to professional development is quality and diversity; it is to provide opportunities for principals and teachers to obtain the professional development they need from a range of options and providers. The fact that the Institute of Educational Administration has been under-utilised shows that it has not been meeting the needs of most principals and schools. The fact that in the future the IEA will not be part of a government organisation will enhance the opportunities for choice. Funds currently tied up in recurrent funding of the institute will be made available to schools for increased professional development activities.

The government is committed to increasing professional development, leadership and management training opportunities for principals. It is not necessary to have the sort of centralised system mentioned by the honourable member for Carrum; it is more important to provide opportunities for choice and diversity. Schools, teachers and principals will be able to choose from a range of providers.

The IEA will be offered for sale as a going concern and will continue as an educational, management and leadership training organisation. The government expects that the institute will be purchased by either an existing educational institution or by a group dedicated to training and education in various forms. The sale of the IEA will attract more people to Geelong because the new operator will offer a wider range of courses that will allow educators to partake in a range of different types of courses and to meet people engaged in different forms of activity. It will also result in a higher utilisation of the institute's facilities, which in turn will provide more business for local firms and employers and more employment in Geelong.

I make it clear that should the institute be sold to an existing educational organisation, possibly a tertiary institution, consideration will be given to offering a Crown grant of freehold over the land occupied by the institute. On the other hand, should the institute be sold to an outside training group the government will offer that group a Crown lease. To take up what the honourable member for Williamstown said, there is no intention of flogging off the land to the private sector in the way that the former government, because of its financial mismanagement, flogged off State Bank Victoria and

other institutions that were dear to the heart of Victorians.

Reference was made to the staff of the institute. As the institute will be sold as a going concern there is a strong possibility that the current staff will continue on at the institute. I believe prospective purchasers would be interested in seeking the assistance of the current staff. In any case, the Bill contains provisions for former members of the Public Service or teaching service now employed by the institute to return to their former services at conditions no less than those they enjoyed prior to joining the institute. Periods of service at the institute would count towards long-service leave entitlements.

Reference has also been made to staff of the institute who are employed under Federal awards. The appropriate provisions of any Federal award will apply to those staff. The government has every intention and desire to ensure that staff are treated with consideration and equity and that their existing positions and contributions to the institute are recognised.

The Bill is a positive move. It has been portrayed by opposition speakers as affecting education and Geelong in a negative way. The Bill represents a positive move for education because a new organisation will make available to teachers and principals in the government and non-government sectors a wider range of choices and opportunities for professional development than are now available and because recurrent funds currently utilised by the institute will be made available to schools for professional development. It is important to give schools a choice and to provide a wider approach to professional development.

The key to the future for school principals is leadership. To that end the government is examining all sorts of opportunities in a range of areas for principals to obtain leadership training, including advanced management programs at overseas institutions. It is the dawn of a whole new era.

The effect of the legislation will also be positive for Geelong.

I commend the Bill to the House.

Mr SANDON (Carrum) *(By leave)* — The Minister did not answer one of the questions I asked. If I can obtain a satisfactory answer to that question now it will not be necessary to move to a Committee stage and the passage of the Bill will be expedited. I asked the Minister at what level in relation to their entitlements would members of staff of the institute who came from the public sector return to the public sector?

The Minister will recall that in my address I mentioned that staff coming to the Institute of Educational Administration at junior levels would have moved on in their careers as they gained experience. At what level would they return to the public sector? The opposition seeks a guarantee that it would be no less than their current position and level within the IEA.

Mr HAYWARD (Minister for Education) *(By leave)* — The normal Public Service arrangements would prevail. There is no intention to make any special provision for officers of the Institute of Educational Administration. It would be my expectation that those officers would go back to a position at least at their current level at the IEA. I assure the honourable member and the House that there is no desire whatsoever that those officers be disadvantaged.

House divided on motion:

Ayes, 52

Ashley, Mr	McLellan, Mr
Bildstien, Mr	Maclellan, Mr
Brown, Mr	McNamara, Mr
Clark, Mr	Maughan, Mr
Coleman, Mr	Napthine, Dr
Cooper, Mr	Paterson, Mr
Davis, Mr	Perrin, Mr
Doyle, Mr *(Teller)*	Perton, Mr
Elder, Mr	Pescott, Mr
Elliott, Mrs	Peulich, Mrs
Finn, Mr *(Teller)*	Phillips, Mr
Gude, Mr	Plowman, Mr A.F.
Hayward, Mr	Richardson, Mr
Hefferman, Mr	Rowe, Mr
Henderson, Mrs	Ryan, Mr
Honeywood, Mr	Smith, Mr I.W.
Hyams, Mr	Spry, Mr
Jasper, Mr	Steggall, Mr
Jenkins, Mr	Tanner, Mr
John, Mr	Thompson, Mr
Kilgour, Mr	Traynor, Mr
Leigh, Mr	Treasure, Mr
Lupton, Mr	Turner, Mr
McArthur, Mr	Wade, Mrs
McGill, Mrs	Weideman, Mr
McGrath, Mr J.F.	Wells, Mr

Noes, 23

Andrianopoulos, Mr	Loney, Mr
Baker, Mr	Marple, Ms
Batchelor, Mr	Micallef, Mr
Coghill, Dr	Mildenhall, Mr
Cole, Mr	Pandazopoulos, Mr
Cunningham, Mr	Sandon, Mr
Garbutt, Mrs	Seitz, Mr
Haermeyer, Mr (*Teller*)	Sercombe, Mr
Hamilton, Mr	Thomson, Mr
Kennan, Mr	Thwaites, Mr (*Teller*)
Kirner, Ms	Vaughan, Dr
Leighton, Mr	

Motion agreed to.

Read second time.

The SPEAKER — Order! I declare that the second reading has been carried by an absolute majority of the House. Is leave of the House granted to proceed to the third reading forthwith? There being no objection, it is so ordered. I put the question:

That the Bill be now read a third time.

Honourable members interjecting.

The SPEAKER — Order! As there are some voices for the Noes, I ask those members supporting the Bill to stand in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

FREEDOM OF INFORMATION (AMENDMENT) BILL

Second reading

Mrs WADE (Attorney-General) — I move:

That this Bill be now read a second time.

BACKGROUND

The purpose of this Bill is to amend the Freedom of Information Act 1982 to: apply the principles of freedom of information to local government; curb unreasonable demands on agency resources; dovetail the operation of freedom of information with our system of responsible government; introduce administrative efficiencies; and amend the fee structure and fee waiver provisions. The Bill deals with major issues that have arisen in the operation and administration of the Act.

LOCAL GOVERNMENT

Local government is presently not covered by the Freedom of Information Act. As the level of government that prides itself on being closest to the people it is anomalous that FoI does not apply to local government. In 1989 the Legal and Constitutional Committee extensively examined the position of local government in relation to FoI and recommended that local government be brought within the ambit of the Freedom of Information Act. This government understood the need, heeded the calls and made a policy commitment that it would introduce FoI to local government. Freedom of Information is the cornerstone of accountability, efficient administration and community participation in decision making.

The Bill will apply FoI to local government with modifications to take into account differences in terminology and process. The Bill contains specific provisions setting out the definition of exempt council documents. The provision is similar to that applying at State level but reflects the fact that a council does not have a Cabinet. The Bill requires councils to provide a report on the operation of the legislation. The existing retrospectivity provision will also apply to councils.

The government intends to ensure that local government documents are readily available to members of the public, and it will monitor the FoI charges made by local councils and exemptions claimed under the closed council meeting powers to ensure that councils comply with the spirit of the Freedom of Information Act.

REPEATED REQUESTS

Existing legislation does not provide adequate protection to agencies from requests for the same document or the same information that are repeatedly lodged by the same applicant without reasonable grounds. Applicants have used the provisions of the Freedom of Information Act to harass agencies by making repeated requests for documentation and amendment of personal records. This harassment includes lodging appeals to the Administrative Appeals Tribunal (AAT) on identical matters.

Agency resources can be severely affected by having to process those requests. For example, an applicant submitted a request seeking the identity of a confidential informant. Access was refused by the agency. Subsequently the applicant lodged more than 15 further requests relating to the same information. The same applicant also lodged six appeals to the AAT seeking the information. The agency estimates that more than $30 000 has been expended in dealing with those requests. The Bill permits an agency to refuse to process a repeated request. Applicants will have a right of appeal to the AAT.

VOLUMINOUS REQUESTS

Voluminous requests have caused serious problems for the administration of freedom of information since its inception. Evidence given to the Legal and Constitutional Committee in its 38th report to Parliament suggested that although the number of voluminous requests was relatively small it nevertheless caused severe disruption to agencies. At present there is no provision in the Act to refuse to process a request on the grounds that it would unreasonably and substantially divert the agency's resources.

The Bill permits agencies to refuse to process a request where to do so would unreasonably and substantially divert the resources of an agency. That provision is similar to the Commonwealth Freedom of Information Act. Applicants will be given the opportunity to relodge their request in a form that will remove the ground for refusal. There is also a right to complain to the Ombudsman where the request is refused on those grounds.

Most agencies could produce numerous examples of applicants who abuse the spirit of the Act by making requests the extent and scope of which unreasonably divert their resources. For example, one applicant lodged a request relating to a mining group which involved over 2000 documents in some 250 files.

REGULATIONS

The FoI Authorised Officer Regulations are complex and voluminous and are consequently costly and difficult to administer. More than 900 agencies are covered by FoI, all of which need to have their authorised and principal officer listed in the regulations. In any period of administrative change it is difficult to keep that list up to date. That creates the danger that the regulations can frequently be out of date. The Bill's provision relating to principal and authorised officers simplifies procedures. Responsibility for keeping records up to date falls to each agency.

FEES

At a time when Victoria faces enormous financial problems as a consequence of the former government's irresponsibility, it is imperative that all areas of government activity — including the processing of FoI applications — be conducted on as near a cost-recovery basis as is feasible having regard to the nature and character of the activity.

The present FoI fee structure with its $100 ceiling does not allow for anything approaching cost recovery, nor does it deter people from making large scale but not voluminous requests or embarking on fishing or research expeditions. Removing the $100 ceiling ensures that recoveries will better reflect the true level of costs. Applicants will be forced to reconsider lodging wide and all-embracing requests because fees will reflect the workload required to process the request.

It is not uncommon for applicants to request access to all documents relating to a specific subject rather than those they actually need simply because cost is not a consideration. There has also been a tendency for a large number of applicants to lodge FoI requests and not collect the documents or pay the charges incurred. Agencies have therefore wasted time and money.

The introduction of an application fee of $20 for all applicants will ensure that applicants are genuinely interested in obtaining and paying for documentation. Agencies can begin to process a request with the knowledge that applicants have made an initial payment, thereby signalling a settled intention to proceed with the application. The Bill allows for the application fee to be waived or reduced in cases of hardship. The application fee is set at a lower rate than the application fee payable under the Commonwealth Act.

Members of Parliament, applicants acting in the public interest or benefit and applicants obtaining their personal information will pay only the application fee and a charge for the reasonable costs incurred by an agency in supplying copies of documents. The copying charges must be waived for impecunious applicants seeking access to their personal information.

DEPOSIT

Providing agencies with the discretionary power to require a deposit is also consistent with the Commonwealth Freedom of Information Act. Victoria presently has no requirement for an applicant to pay a deposit prior to a request being processed. That can result in agencies spending considerable time processing a request only to find that the applicant does not proceed with it. The Bill allows agencies to collect a substantial deposit from the applicant. Payment of the application fee and the deposit is a strong indicator of an applicant's willingness to proceed with the request.

CABINET DOCUMENTS

Under accepted principles of Westminster government it is vital that the decision-making processes of Cabinet be able to operate freely and without fear of premature or irresponsible disclosure. In terms of freedom of information that means it must be absolutely beyond doubt that any Cabinet document exemption will provide complete protection from release of all documents connected with the deliberations to Cabinet.

The Bill makes the important distinction between the confidentiality attached to Cabinet documents and information of a purely statistical, technical or scientific nature. These latter documents will not attract Cabinet exemption unless they disclose the deliberations of Cabinet.

PART II PUBLICATION REQUIREMENTS

All agencies are currently required to publish annually a comprehensive document containing information about reports produced, organisational structures, FoI arrangements and so forth. A great deal of this information is also published by agencies in annual reports. This unsatisfactory situation causes an unnecessary and costly duplication of resources.The Bill, which reflects a similar provision in the Commonwealth Freedom of Information Act, allows agencies to streamline publishing/reporting requirements by incorporating Part II publication-statement details into their annual reports. The onus of publishing the information will rest with agencies. The information required under Part II will still be officially published as part of an agency's statutory annual reporting obligations and thus still be publicly available.

I commend the Bill to the House.

Debate adjourned on motion of Mr COLE (Melbourne).

Mrs WADE (Attorney-General) — I move:

That the debate be adjourned until Tuesday, 18 May.

Mr COLE (Melbourne) — I move:

That the words and expressions "until Tuesday, 18 May" be omitted with the view of inserting in place thereof the words and expressions "four weeks".

Honourable members interjecting.

Mr COLE — It must be evident to the government that the Bill makes substantial changes to a number of important rights. If the former Labor government had proposed similar changes the coalition opposition would have opposed them because the changes deny members of Parliament and the community access to important information. The government is trying to cover-up and to deny the community, particularly the opposition, what the honourable member for Doncaster — —

The DEPUTY SPEAKER (Mr J. F. McGrath) — Order! The honourable member for Melbourne should contain himself; he should not hurl his comments across the table.

Mr PERTON (Doncaster) — On a point of order, I ask that the honourable member for Melbourne be brought back to the question of time. He is now canvassing the contents of the Bill.

The DEPUTY SPEAKER — Order! I remind the honourable member for Melbourne that the debate is on the question of time. Although he may feel passionate about the issue, I ask him to contain himself and display his usual decorum.

Mr COLE (Melbourne) — The honourable member for Doncaster should bear in mind that even though he knows a lot about the Bill I do not, because the opposition has not had an opportunity to consider it. It is an important Bill, which the government is attempting to crunch through with little debate. The Attorney-General may smile and be smug, but the community looks with disdain upon a government that tries to cover-up — as she did when she was shadow Attorney-General. This is a bold attempt by the government to cover-up by not allowing the opposition the time to adequately consider the Bill.

Mr LEIGH (Mordialloc) — On a point of order, I also ask that the honourable member for Melbourne be directed to debate the question of time and not to continue to debate the contents of the Bill.

The DEPUTY SPEAKER — Order! There is no doubt that speakers in this Chamber have a responsibility to ensure their remarks are relevant to the matter before the Chair. But when members of the House raise points of order they should deal accurately with the substance of the matters they raise. The honourable member for Mordialloc is out of order. I am satisfied that the honourable member for Melbourne is speaking on the question of time. I remind honourable members that when they raise points of order they should make a fair assessment of what is before the Chair and ensure that their points of order are relevant.

Mr COLE (Melbourne) — Honourable members on this side of the House would like some time to consider the Bill. Many submissions have been made to the opposition requesting — without any knowledge of what is contained in the Bill but based on rumour and innuendo — that they be given — —

Mrs Wade interjected.

Mr COLE — The honourable member for Melbourne will ignore interjections.

Mr COLE — We heard that the government was proposing to introduce the Bill. Once the coalition parties gained power in both Houses it was predictable that they would be totally corrupted by that power and seek — —

Mr PERTON (Doncaster) — I take exception to the words used by the honourable member for Melbourne.

The DEPUTY SPEAKER — Order! The honourable member for Doncaster has taken exception to the words expressed by the honourable member for Melbourne. Will he withdraw?

Mr COLE — I withdraw. I do not seek to be provocative, but it is difficult not to be in the current climate. What the Attorney-General is doing is morally wrong. There will not be proper time to consider the Bill, which makes major changes to the Act — for example, it introduces substantial fees. The community should be given the opportunity of examining it, as should those in the Communications Law Centre and the media who have used the Act in the past. The coalition used it in when in opposition, but now that it is in government it sees the situation differently.

I urge the government to allow some time for consultation. It is almost the end of the sessional period and there will be little opportunity to consult on the Bill between now and Tuesday week. The Bill makes substantial changes to legislation that was so flagrantly used, and, dare I say, abused, by the coalition when it was in opposition. The issues are serious because they deal with access to the bureaucracy and to government. The government is endeavouring to introduce and pass the Bill within two weeks without allowing the community an opportunity for consultation.

The Bill should lie over until the next sessional period. The government does not want the Bill to be discussed by the community because it does not want to have to suffer its vitriolic response. The Attorney-General interjected that I should read the Bill first. That is the whole point. I want the time to do that. Proposed section 25A(1)(b) includes the words:

> ... would substantially and unreasonably interfere with the performance of the Minister's functions.

I could write a book on that. The Attorney-General would write a short book, because she believes everything would interfere with the Minister's functions. It is important to have more than two weeks to consider the Bill. The Attorney-General has suggested that the opposition read the Bill. Not only do we want the time to read it, but we want the whole community to read it. We want the government to do what it always wanted the former Labor government to do — to allow sufficient time for consultation.

If the Labor government had taken similar action the coalition parties would have crunched it in the Upper House. The coalition was given adequate time to consult on Bills. If the Attorney-General denies that, she should read the *Hansard* reports on the Sentencing Bill. If she does so, she will realise that the government is applying a double standard.

We know the Premier is behind this. He does not want any debate in the community. He does not want to be held accountable. We want the government to be accountable for the changes and we want a reasonable and honest debate. To allow that to occur, the Bill should lie over until the next sessional period.

Mr Kennett interjected.

Mr COLE — What happened when the coalition parties got power? It changed them. The smell of the leather in the Ministerial cars is pretty potent at the moment. Power does corrupt absolutely. If the Labor Party had attempted to do this when in government, what would the coalition have done? I can just see the Premier sitting at the Cabinet table, saying, "We don't want to be subject to FoI like they were. We must change this and do it quickly. Don't give them any time to debate it, bring it in now and it will be forgotten. No-one will know about it".

Mr Kennett interjected.

Mr COLE — The truth always hurts. It is morally bankrupt not to give the opposition time to consider the measure. It is absolutely scandalous to suggest that a Bill dealing with something as important as freedom of information should be adjourned only until Tuesday week. I urge all members to support my motion. The House should have proper debate, not the nonsense the government is going on with. I hope the media records what this mob is capable of doing. The jackboots are well and truly on today!

Mr PERTON (Doncaster) — Mr Deputy Speaker, I shall speak precisely on the question of time.

Mr Sercombe interjected.

Mr PERTON — I pick up the interjection of the Deputy Leader of the Opposition.

Mr MACLELLAN (Minister for Planning) — On a point of order, Mr Deputy Speaker, the Deputy Leader of the Opposition used an unparliamentary expression, and I ask that he withdraw it and apologise.

The DEPUTY SPEAKER — Order! The Minister for Planning takes exception to a comment made by the Deputy Leader of the Opposition. Is he prepared to withdraw?

Mr SERCOMBE (Niddrie) — I understood that the request for withdrawal had to come from the honourable member who was offended.

The DEPUTY SPEAKER — Order! Is the honourable member prepared to withdraw?

Mr SERCOMBE — If the honourable member for Doncaster finds it offensive, I withdraw, but I have not heard whether he finds it offensive.

The DEPUTY SPEAKER — Order! The honourable member for Niddrie has withdrawn.

Mr PERTON (Doncaster) — Mr Deputy Speaker — —

Honourable members interjecting.

Mr PERTON — I am being interrupted by interjections because — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Opposition members in the corner should restrain themselves. If they wish to speak on the question of time they will be given the call at the appropriate time. The honourable member for Doncaster has the call and deserves the respect of the House, as other honourable members will get the respect of the House.

Honourable members interjecting.

Mr PERTON — In speaking to the motion for the adjournment of the debate and his amendment the honourable member for Melbourne used the most extraordinary language. He talked about the stench of corruption. The stench of corruption still infects this House as a result of the actions of the former government!

The DEPUTY SPEAKER — Order! On the question of time.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I again remind opposition members that irrespective of their views, strong or otherwise, on this issue the honourable member on his feet has the protection of the Chair and the right to be heard. I ask them to respect that right.

Mr PERTON — Honourable members, particularly the honourable member for Melbourne, have used extraordinarily emotive language. The honourable member talked about rumours, supposition and wild innuendos floating around town. The wild innuendos and wild allegations were created by the Leader of the Opposition. Just this week in the *Age* newspaper — —

The DEPUTY SPEAKER — Order! On the question of time.

Mr PERTON — Mr Deputy Speaker, I am addressing the arguments of the honourable member for Melbourne on why he requires more time. In that sense, I am addressing the question of time.

The wild allegations made by the Leader of the Opposition were to the effect that the government was intending to introduce provisions to take away appeal rights of individuals to the Administrative Appeals Tribunal and the Supreme Court. The truth is that those provisions are not in this Bill, but they were in a Bill that the Leader of the Opposition introduced into the Upper House in 1985 when he was a member of that place.

Mr Kennan interjected.

Mr PERTON — My God, if the Leader of the Opposition requires more time to speak on and analyse the Bill, he has only to examine the Bill he introduced in the other place in 1985.

The DEPUTY SPEAKER — Order! On the question of time.

Mr PERTON — On the question of time, Mr Deputy Speaker, let us consider the issues at stake. Proposed legislation providing for Cabinet exemption and the definition of Cabinet was brought into Parliament in 1985 by the Leader of the Opposition. He does not need additional time to analyse those issues. The joint Parliamentary Legal and Constitutional Committee undertook an inquiry into FoI — —

Mr Baker interjected.

The DEPUTY SPEAKER — Order! The honourable member for Sunshine has been a member of this House long enough to know that that level of interjection does nothing for the conduct of the Chamber.

Mr PERTON — In 1989 a former committee of this Parliament, the Legal and Constitutional Committee, conducted a full investigation of the operation of the freedom of information legislation. The Leader of the Opposition, who was then the Minister responsible for FoI, together with the then Premier put together a submission advocating the elimination of the privileged status of members of Parliament and the rights of the public and Parliament on freedom of information. The Bill picks up the recommendations of the Legal and Constitutional Committee. The honourable member for Melbourne pointed to — —

Mr SEITZ (Keilor) — On a point of order, Mr Deputy Speaker, the honourable member for Doncaster is not speaking on the question of time; he is debating the Bill. I ask you to bring him back to the question of time.

Mr PERTON (Doncaster) — On the point of order, Mr Deputy Speaker, you allowed the honourable member for Melbourne some licence in developing his arguments to support his amendment. I am directly answering the accusations and allegations that he made. The honourable member referred to a jackboot approach.

Honourable members interjecting.

Mr PERTON — He referred to corruption. By way of interjection a number of his colleagues used the word "hypocrite". If I am to answer the arguments put by the honourable member for Melbourne in support of his amendment, I must directly answer the allegations that he and his colleagues are making against both the government and me.

The DEPUTY SPEAKER — Order! I again remind the House that it is a very narrow debate on the question of time. The honourable member for Melbourne used an expression that was reiterated by the honourable member for Doncaster, and the honourable member for Melbourne withdrew it upon a request to the Chair from another honourable member. That does not give the honourable member for Doncaster the right to canvass that matter as part of the debate, because it was found to be unparliamentary.

Mr PERTON — Mr Deputy Speaker — —

The DEPUTY SPEAKER — Order! The Chair will attempt to exercise its powers in a bipartisan and fair manner, but if it is put into a difficult situation it will have to take harsh measures with successive speakers on the question of time. I ask the honourable member for Doncaster to relate his remarks precisely to the question of time and not test the tolerance of the Chair by trying to embrace issues that make it difficult for the Chair, as reflected by the point of order raised by the honourable member for Keilor. At this point I do not uphold the point of order, but I remind the honourable member for Doncaster that he is speaking on the question of time.

Mr PERTON — The Bill enhances and extends freedom of information in this State. At present Victoria's FoI system is the most open and liberal in the country.

Honourable members interjecting.

Mr PERTON — The reason for that is that when the coalition was in opposition it prevented the Labor Party from introducing amendments to the FoI legislation which would have destroyed it.

By using the words "a jackboot approach" the honourable member for Melbourne has implied that the Bill somehow narrows the ambit of FoI but it does not do that; it extends FoI to local government.

On the question of time, the honourable member for Melbourne had the opportunity during the State election campaign, and he has had the opportunity subsequently, of debating access of the public through FoI to local government. He does not need four weeks in which to consult local government or the public about whether FoI should apply to local government.

The honourable member says he needs four weeks to discuss the matter of voluminous requests, but that provision already exists in the Federal legislation and this amending Bill picks up the recommendations of the former Legal and Constitutional Committee.

Why does he need four weeks to consider repetitive requests? The suggestion has been put repeatedly by the Leader of the Opposition, when in government, that such a provision is necessary. Does the honourable member need four weeks to discuss that? No, he does not.

The honourable member for Melbourne says he needs four weeks to discuss the provision regarding FoI application costs. The Bill will enhance FoI and will protect the privileged status — —

The DEPUTY SPEAKER — Order! The honourable member is now canvassing what he regards are the advantages of the Bill and has strayed from the question of time. His contribution is not an opportunity to canvass the fundamental issues of the Bill.

Mr PERTON — I respect your ruling, Mr Deputy Speaker, but I believe I have directly addressed the question. The honourable member for Melbourne says he needs four weeks, but everything in the Bill has been canvassed by the former Legal and Constitutional Committee. Submissions were received by the committee from the Leader of the Opposition and the former Premier, John Cain. They told the committee of their concerns about FoI. The former Labor government introduced the original legislation into this place; this Bill actually enhances the operation of the Act.

The honourable member for Melbourne does not need four weeks; in fact, he should be capable of debating it forthwith. On the other hand, the Attorney-General has suggested that the debate resume next Tuesday week. I say to the House, the community and to those who are acting in an inconsistent manner with what the former government did about FoI — —

Honourable members interjecting.

Mr PERTON — The Leader of the Opposition talks about inconsistency. He will be unable to take part in the debate for the opposition because an attack by him on this Bill would amount to a monumental act of hypocrisy.

The opposition does not need four weeks. It should be able to debate the Bill today, if necessary. However, the Attorney-General has very reasonably proposed that debate resume on Tuesday week, and honourable members know that further opportunities for debate will be available when the Bill is in the other place.

Mr KENNAN (Leader of the Opposition) — On the question of time, the reason why the community and the electorate are entitled to time on this Bill is because prior to the State election the then opposition repeatedly committed itself to the maintenance of open government; and in the decade in opposition prior to that election, it consistently supported the Act as it exists.

I am grateful that the honourable member for Doncaster has reminded the House how vigorously he supported the Act in its present form, as did all honourable members then in opposition. Until today they have led the public to believe that they are in favour of the Act as it exists. Indeed, the address by His Excellency the Governor in opening this Parliament included a strong commitment by the government to accountability and open government.

At no time between December 1982, when FoI came into force — or at least when it was passed by both Houses — and today have the coalition parties in

Victoria said they would wind it back. That is precisely what they are doing through this Bill.

Mrs Wade — Not so.

Mr KENNAN — It is interesting that the honourable member for Doncaster is so touchy about the various proposals floating around. I now invite the government to table the files containing all submissions received by the government — —

The DEPUTY SPEAKER — Order! On the question of time.

Mr KENNAN — It is about time. For ten and a half years the community was lulled into a sense of false security by the coalition parties; they said they wanted open government and they consistently supported the existing FoI legislation. They consistently opposed any suggestion of amendments and led the community to the firm belief that after they were elected on 3 October they would not touch the Freedom of Information Act. That is basically a massive broken promise on a fundamental issue affecting every Victorian.

Therefore, the opposition needs a longer period before debate is resumed so it can discuss and debate the matter with the community.

The government has come into this Chamber and said, "Despite what we have said for more than 10 years, despite the election commitment, despite the speech of His Excellency the Governor made in the other place after the election, and despite all the reaffirmations and beliefs in open government and our support of the Act as it was originally passed by Parliament, we are now doing a somersault". If ever more time were needed, it is in these circumstances.

This Bill has been deliberately introduced during the dying days of this sessional period.

Mr Leigh interjected.

Mr KENNAN — The chimpanzee may have got out of his pen but the honourable member for Doncaster let the cat out of the bag when he said that the preferred government position was that the Bill should pass today, that the opposition should be prepared to debate the Bill today.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Honourable members should respect the right of the Leader of the Opposition to put his view, whether they agree with him or otherwise. The opportunity will be presented for honourable members to contribute on the question of time and to perhaps dispute those views at the appropriate time.

The level of interjection that the Chamber has just experienced does it no credit and I ask honourable members to contain themselves while the Leader of the Opposition speaks on the question of time.

Mr KENNAN — I know feeding time at the zoo creates tensions for at least one member!

The government has introduced the Bill and has requested that debate be adjourned until next Tuesday week. It wants debate to occur in the final week of a sessional period when, unquestionably, it will be guillotined in this place and passed in perhaps 30, 50, 60 or 70 hours of sittings in the Upper House!

If the government were serious about open government — and of course this Bill is all about the rights of citizens to know — why did it not introduce it early in this sessional period? Why not let the legislation lie over so that there can be proper public exposure and debate?

Mr Leigh interjected.

Mr KENNAN — The physical resemblance in the case of the honourable member for Mordialloc is overwhelming — no doubt he can hear the animals being fed at the zoo!

The DEPUTY SPEAKER — Order! The Leader of the Opposition should not be deliberately provocative. It does not help the decorum of the House.

Mr KENNAN — I shall be provocative only when it is necessary, Mr Deputy Speaker!

The timetable for the introduction and passage of the Bill has been carefully plotted. This legislation will be a major breach of an election platform. The government wants to limit the time for public discussion because it knows that the provisions of the legislation will be ferociously resisted by many commentators. It has wheeled in this Bill today, on a Friday — it could not even manage to have the second reading of the Bill yesterday! It has left the introduction of the Bill until today and, by requesting adjournment of debate until Tuesday

week, the government will ensure the legislation passes both Houses in perhaps 24 or 48 hours.

The government has acted in a most unnecessarily provocative and calculated manner. It has sought to rush this through with the minimum possible exposure. It reminds me of the passage of the Bills last Thursday, when the Leader of the House unfortunately was away, but had the Bills rushed through when the media was not present — —

The DEPUTY SPEAKER — Order! This may be an appropriate time to lower the level of adrenalin pressure by adjourning for lunch.

Debate interrupted.

Sitting suspended 1 p.m. until 2.4 p.m.

ABSENCE OF PREMIER

The SPEAKER — Order! I inform the House that the Premier will be absent during question time; he is in another part of the State, and questions for him should be directed to the Deputy Premier.

QUESTIONS WITHOUT NOTICE

EMPLOYMENT AGREEMENTS

Mr KENNAN (Leader of the Opposition) — Will the Minister for Industry and Employment inform the House how many of the 1500 or so employees of his department have signed individual employment agreements, and whether it is a fact that among those who have not signed agreements are the secretary of the department, Mr George Brouwer, and the deputy secretary, Mr Greg John?

Mr GUDE (Minister for Industry and Employment) — I do not know the total number of employees who have signed. I should be happy to obtain the information and provide the honourable member with the answer.

TRAM SYSTEM

Mrs ELLIOTT (Mooroolbark) — Will the Minister for Public Transport inform the House of proposed improvements to Melbourne's tram system?

The SPEAKER — Order! Before I call the Minister for Public Transport I point out that the question is a broad one and I should like the Minister to be judicious about the amount of time he uses in answering the question.

Mr BROWN (Minister for Public Transport) — Certainly, as always, I shall, Mr Speaker. I am delighted that the honourable member has asked the question, albeit unexpectedly, because it gives me the opportunity of telling the House yet another good news story in transport in Victoria.

It is well known that the government, unlike the last government, supports the Melbourne tram system. We gave an undertaking to preserve it and run it at its optimum rather than winding it down as the former Labor government was doing. It is well known that the former government placed orders for more than $60 million worth of articulated trams with a view to scrapping Melbourne's much loved W-class trams. We are keen to see that heritage aspect of Victoria's history not only preserved but utilised with a particular emphasis on tourism.

We went to the last election with one of the planks in the transport platform being that we would put in place a tram loop in the Melbourne central business district. That was an initiative and undertaking that would cost a lot of money.

I am delighted to announce today that in tomorrow's newspapers the government will be advertising for contractors to submit tenders for this necessary and important undertaking for the future. The value of the undertaking of the city circle tram loop will exceed $6 million. It is a good news story not only for the government but for Melburnians and tourists.

For the new loop track will be laid where it does not at present exist — I refer to half the length of Spring Street.

The new work that will be put to tender tomorrow will involve the construction of a loop that will traverse the entire length of Spring Street and go down Flinders Street, along Spencer Street, up Latrobe Street and Victoria Parade, and down Nicholson Street back to Spring Street to complete the loop. It will show people from other countries who now see Melbourne as a great tourist destination that one of the icons in this State will be upgraded and used not only to provide a better service for the local people but to give them an opportunity to use what will be a tourist tram service like our now world famous heritage trams, the restaurant trams. Those trams will be painted in

a special heritage colour that will make them stand out.

Honourable members interjecting.

Mr BROWN — Actually beige is not looking as bad as it used to! I may be encouraged by suggestions from the opposition about the colour of the new trams. However, the government will consult the people who count rather than the nonentities. When I talk about the people who count, I refer to people from whom we receive more than a skerrick of cooperation. I am referring to the people who run the system; they are the people with whom the government negotiates. The government talks to the unions and the wider community about the services that will best meet the needs of Melburnians. To make it a genuine tourist tram, a staff member will give a commentary as the tram moves past Melbourne's famous attractions.

This is yet another good news story for Victorian transport. It is a relief to have finalised the bad news announcements of last week. Now that savings have been made and initiatives are being implemented, enough money will be freed up over the next three years to restore Melbourne's public transport system, which was decimated by the policies of the former government, to a system of world standard. Bigger and better good news stories will come in the weeks and months ahead. They will be welcomed by the entire community, bar the opposition.

It is pleasing to hear the people I meet say how good it is to see a government getting things done rather than saying it will do something and never delivering. They are glad the government is reforming the public transport system instead of ruining it. They are glad it does not wreck public transport but consults and improves its relationship with unions.

PUBLIC TRANSPORT CORPORATION

Mr BATCHELOR (Thomastown) — I refer the Minister for Public Transport to the correspondence between the Public Transport Corporation and a company called Grantmore Engineering Pty Ltd, which has been contracted by the PTC to supply ticket boxes at the Elizabeth Street entrance of the Flinders Street railway station. I also refer him to the answer given by a PTC accounts officer, who, when asked when the company was going to be paid, replied, "We haven't got any money and I don't know when we will". Will the Minister confirm whether the PTC has run out of money to pay its bills.

Mr BROWN (Minister for Public Transport) — I genuinely and sincerely thank the honourable member for Thomastown for his question! Not every honourable member would have been in this House at 2 a.m. when, during the debate on the motion for the adjournment of the sitting, I pointed out that the nasty rumours circulating about my supplying questions to the shadow Minister were not true. The honourable member for Thomastown has asked this question on his own initiative!

The SPEAKER — Order! The Minister will concentrate on his answer.

Mr BROWN — This time last year such a statement by the accounts officer would have been true. At that time the PTC did not have any money to pay its bills because of the incompetence that was rife from the top to the bottom of the system. That was no more so than in the Minister's office.

This time last year — and the year before that — the former government made secret funny-money deals by forming a company called Warana Valley Pty Ltd to borrow secretly from overseas.

Mr BATCHELOR (Thomastown) — On a point of order, Mr Speaker, my question was specifically related to correspondence between the PTC and Grantmore Engineering and the advice to that company that the PTC had no money to pay its bills. The opposition wants an assurance from the Minister that the bills will be paid.

The SPEAKER — Order! The Minister has been giving financial information preparatory to answering the question. I remind the Minister that his answer must be relevant and short.

Mr BROWN (Minister for Public Transport) — The honourable member for Thomastown asked me to comment on whether the PTC had any money to pay its bills. I am leading up to the answer by referring to the $60 million black hole in transport that the incoming government inherited.

Mr Batchelor — Is it true that you don't have any money?

Mr BROWN — It's not true. If I had not made any changes, come 30 June this year the black hole would have been more than $80 million. If the Labor government had stayed in office, it would have

spent more than it got this financial year. From the day the coalition assumed office, the PTC has had massive financial problems. The day I walked through the door the PTC was behind by $60 million. Massive financial haemorrhaging had occurred in the transport portfolio for one reason: the incompetence of the former government, of which the shadow Minister was part and which should have been drummed out of office years ago.

The PTC still has financial problems, but instead of the deficit being $80 million by 30 June it will be reduced to between $10 million and $20 million. That is a dramatic turnaround in the finances of the PTC. By 30 June next year I will have had a full year of managing the budget. I will stick to that budget and deliver to the letter so that the outcome will be no deficit.

The government is paying its bills; it did not set up a secret company in a sleazy secret deal to borrow money from the Deutsche Bank of Germany without reference to the Loan Council. That is what the former government did; it borrowed money secretly from overseas to pay bills after 90 days. Before the last State election the former Labor government did not pay its creditors for 120 days. On 1 July last year the former government wrote cheques for $50 million worth of bills that had been outstanding for between five and six months.

I know of three companies that went broke because of the former government's activities. I know that a petrol company stopped supplying fuel to the PTC because the incompetent former government could not pay its bills. This government's financial problems result from the incompetence of the former government, but this government is addressing the problems. And it will pay its bills.

VICTORIAN COMMISSION OF AUDIT

Mr ASHLEY (Bayswater) — Will the Treasurer inform the House of the Victorian Commission of Audit findings on the government's Budget strategy extending over four years rather than a shorter time?

Mr STOCKDALE (Treasurer) — The question goes to the heart of the differences in Budget management priorities between the Labor Party and the government in respect of the problems facing Victoria at the moment.

In answering the question, may I take the opportunity of recognising, for what I think is only the second time, that the opposition has provided strong endorsement for a number of the key objectives that the government has identified. To be fair, the opposition should get due credit. When the coalition was in opposition it adopted a similar approach by not adopting an automatic knee-jerk reaction of opposition to a number of key State priorities that should have bipartisan support.

The Labor opposition has already signalled that in a number of important respects there is a bipartisan view about objectives. The most important of them is illustrated in this morning's press where the shadow Treasurer has written a strong and cogent argument — a stance which the coalition took when in opposition and which the Labor Party took when in government — attacking the unacceptable and irresponsible level of subsidy forced on Victoria in favour of what are now the rich States of Australia at the expense of the living standards of Victorian people, the effectiveness of Victoria's economy and its ability to attract and retain investment.

On behalf of the government I explicitly acknowledge that the shadow Treasurer has set a high standard in offering bipartisan support. The government appreciates it. Victoria is better armed in seeking to address that imbalance by having visible, high-profile support. The bipartisan support relates not only to that matter; implicitly it looks beyond the level of political rhetoric that inevitably dominates politics. In central Budget issues there is practically no difference between the Liberal government on the one hand and the Labor opposition on the other.

During the debate on the Budget Papers, the difference was narrowed to whether the government should address the budgetary problems over three or four years or over a longer term, a difference which in real terms is not great. The opposition has shown significant bipartisanship in supporting and addressing this serious budgetary position. Like the government, inevitably the opposition has to express the differences and concentrate on them.

In answering the question, the Victorian Commission of Audit highlights the significance of that difference in financial and economic management. The commission addresses the issue of whether it is desirable to slow the pace of addressing Victoria's budgetary problem, and it has reached the same conclusion as the government. Indeed, it commissioned a study by Access Economics to illustrate the points. At page 145 of volume 1 of the report, the commission strongly endorses the government's strategy that it is important to address

the budgetary position immediately and over as short a period as possible, rather than choosing to do it over a longer period in the mistaken belief that it will ease the pain.

The commission found that if the government were to delay addressing the problem by even a short time the Budget would be in deficit for many more years; that the overall Budget deficit would be maintained until the next millennium and even beyond 2000; that the State debt would rise substantially as a result of delay; and that attempts to delay dealing with the issue would, even in the medium term of a few years, dramatically increase the interest burden. The commission also found that it will be many years, as the government acknowledges, before Victoria will once again attract a AAA rating, and that to slow the program even slightly would involve no realistic prospect of restoring the AAA rating within 15 years.

I have been at the forefront of political jousting in the House for a long time. It is encouraging for the people of Victoria that there is bipartisan support for quickly addressing the budgetary problem. There is no denying that the problem is serious. It is important for Victorians to recognise that a high degree of bipartisan support for the remedy can be delivered relatively quickly — in two years. That will provide Victoria with a secure base for service delivery, with the prospect of giving the State the chance of reducing taxes, increasing investments and maintaining the State's assets. It will provide the capacity to continue to deliver services on a sustainable basis and to make new investments in infrastructure.

The hope for the future is that the government is doing the right thing by the State in quickly addressing the budgetary situation. The Victorian Commission of Audit recognises that the government has endeavoured to explain the difficulties to the community, and the opposition deserves credit for the extent to which it has endorsed that program while adhering to the view that it should be done over a longer period.

I make the point that the commission comes down on the government side, and on the point where there is any difference between the parties the commission takes the view that delay would be worse than dealing with the problem quickly.

ENERGY CONCESSIONS

Mr THOMSON (Pascoe Vale) — Will the Minister for Energy and Minerals categorically reject the recommendation of the Victorian Commission of Audit to scrap concessions on energy bills for age pensioners and low-income people and to scrap the Home Energy Advisory Service, which plays an important role in electricity demand management, and assure the House that the energy concessions will be retained?

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — The undertaking that the honourable member seeks would be an irresponsible write-off of an independent report to the people of Victoria. The government is concerned with the delivery of services, particularly the former government's scatter-gun approach to service delivery, and the fact that some groups have been poorly targeted.

The government is currently reviewing the issue. I certainly will not give that undertaking, but I shall give an undertaking to the honourable member and to the House that the issues will be properly reviewed and that the government's decision will be notified to Parliament and the people of Victoria in due course.

VICTORIAN COMMISSION OF AUDIT

Mr DAVIS (Essendon) — Will the Treasurer inform the House of the findings of the Victorian Commission of Audit regarding the opposition's assertion that Victoria's economic woes are entirely due to the national and international recession?

Mr STOCKDALE (Treasurer) — The Victorian Commission of Audit report is particularly important because it identifies the causes of Victoria's problems as well as endorsing the solution that the government is implementing. It is important to recognise that we are not dealing with forces beyond our own control, as some people have suggested and, indeed, as seems implicit in some of the things the opposition claims from time to time.

The commission traces the history of the development of Victoria's problems. It starts shortly after the election of the first Cain government in 1982 and quotes passages in which the then Labor government set out its deliberate policy of increasing reliance on debt funding. It is remarkable that the then government, in its discussions on this issue, paid no attention to the interest burden that that imposed on the Victorian economy.

The second element of the cause of the problem is the neglect of the steady development of that interest burden and the squeezing of the service delivery capacity by the growing interest burden in the Budget current account. Again, any reader of newspapers at that time would have failed to find any recognition by the then Labor government that Victoria had to buy the debt that was being accumulated by annual interest payments.

The third cause was the runaway spending of the previous government, which expanded services far more rapidly than the growth in State taxes, particularly in recent years, when there was a softening of State revenue and expenditure was allowed to increase at double the rate of increase in State revenue.

The next cause was that unacceptably high levels of risk were undertaken by such organisations as the Victorian Economic Development Corporation, State Bank Victoria and Tricontinental.

Another cause was the refusal to adjust the Budget to what was occurring in the rest of the world and a failure to adhere to a program of reform that even the then government had endorsed given the downgrading of Victoria's credit rating and the expression of disapproval from those from whom the State was borrowing the money as they increased the interest rates the government had to pay on that money. The final cause was the failure to adjust to the rapid rise in the cost of superannuation.

I have raised those points not to weaken what I have said about the bipartisan support for the remedies but to direct attention to the significance of the government's agenda in addressing the very causes of the problem. It is futile for us to pretend that the causes of Victoria's problem are beyond our control because of the national and international recession. They are largely the result of deliberate policies pursued or neglected in the face of clear evidence that things were not running in our favour. Again Victoria's strength and the basis for its secure and confident future rest on the fact that the government is doing the right thing in curing the problems caused by policies that brought the State to the sorry position it was in shortly before the last election.

DREDGING IN WESTERN PORT

Mr DOLLIS (Richmond) — I direct to the attention of the Minister for Planning his decision to approve amendment No. L99 to the Hastings Planning Scheme and I ask: is the Minister aware of any plans for the dredging of Western Port to allow supertankers to berth at the Crib Point jetty; and would the Minister approve any dredging, if it were contemplated, without calling for an environmental effects statement?

The SPEAKER — Order! The last part of the question is hypothetical.

Mr MACLELLAN (Minister for Planning) — I hope it is hypothetical; I would not want to think there was an extensive dredging program proposed for Western Port. Unless it were essential for shipping safety reasons, it would be the last thing that would be proposed! Planning controls may not extend to the bed of Western Port since that is submerged land and is perhaps not in the planning scheme. I shall have that matter examined.

If the honourable member is directing attention to the general question of shipping in Western Port and to all deliveries to and exports from that area, I believe the announcement by the Federal government prior to the Federal election about its willingness to insist upon double-hulled ships brings clearly into focus the Commonwealth's role in shipping in Western Port. If the Commonwealth were to decide that ships carrying imported oil were not appropriate in Western Port, that decision would have to be implemented by the Commonwealth government. If the Commonwealth decided that oil was not an appropriate product to be exported through Western Port, again the Commonwealth government would have the constitutional responsibility and opportunity to make that decision.

With the greatest respect to the honourable member for Richmond, he and I should direct the question he asks to the Federal Minister for Shipping and Aviation and the Federal Minister for the Environment and Territories and ask whether they would allow such an action as he refers to. We should also ask whether the Commonwealth would be willing to allow not only shipping movements such as those but also the dredging of Western Port to allow those shipping movements — and when it will make up its mind and make an announcement on the matter.

MOTORCYCLE ACCIDENTS

Mr THOMPSON (Sandringham) — Will the Minister for Police and Emergency Services advise the House of the steps he has taken to address the problem of motorcycle accidents on Victorian roads?

The SPEAKER — Order! It is a broad question but I will allow it.

Mr McNAMARA (Minister for Police and Emergency Services) — This is an important issue. Honourable members might not be aware that registered motorcycles comprise only 2.5 per cent of all motorised transport, but unfortunately motorcyclist fatalities account for 14 per cent of the road toll. The government recognises that it must do something to reduce the level of fatalities and to ensure that motorcyclists and motorists generally are more aware of the problem.

Last year the overall road toll fell by 15 per cent in the metropolitan area but the number of motorcyclist fatalities increased by 30 per cent. Since 1989 some 250 motorcyclists have been killed on Victorian roads. I hope we receive bipartisan support for the promotional campaign being set up by the government.

Mr Kennan interjected.

Mr McNAMARA — I point out to the Leader of the Opposition that the TAC advertisements are a new initiative that should have been introduced some time ago!

Mr Kennan interjected.

Mr McNAMARA — The carping of the Leader of the Opposition is disappointing to the people of Victoria. Even in his own electorate he is despised.

The SPEAKER — Order! Reflections against honourable members are disorderly.

Mr McNAMARA — I shall not make a reflection on the Leader of the Opposition except to point out that at the last election he recorded the lowest ALP primary vote in Broadmeadows in decades. Jack Culpin and others regularly recorded at least 7 per cent more than he did.

The SPEAKER — Order! I bring the Deputy Premier back to order on two counts: firstly, he is debating the matter; and secondly, his remarks are not relevant.

Mr McNAMARA — It is enough to say that the electors of Broadmeadows have made their judgment; it is not for me to comment any further.

This Sunday the government will begin a massive advertising campaign on television and through other media outlets. It will be conducted on the basis of detailed evidence that has been collected not only by the police but also by road authorities and other interested parties. Something needs to be done about the level of motorcyclist fatalities, and we hope this campaign will help.

Honourable members interjecting.

Mr McNamara interjected.

The SPEAKER — Order! I will not warn the Deputy Premier again. The time for questions without notice has expired.

Dr COGHILL (Werribee) — On a point of order, Mr Speaker, with respect to your ruling on the desirable length of answers by Ministers to questions without notice, you have advised the House that answers should generally not exceed 3 minutes and in all circumstances should not exceed 5 minutes. Today there have been only three questions answered within the desirable maximum time, and two answers have gone on for more than 7 minutes. I ask you to reaffirm the guidelines to be applied by the Chair in respect of the length of answers by Ministers.

The SPEAKER — Order! The Chair will try to take as dispassionate an approach as possible to the point of order. The guidelines and the suggestions I made to Ministers and other honourable members in this place about the length of answers was that 3 minutes was a rough guide. The rule of thumb I used, old-fashioned though it may be, is the number of questions that can be asked in the time allotted. If the honourable member for Werribee were to examine the record he would find that over the past few weeks a significant number of questions have been asked. In my humble opinion that is a good record.

Eight questions were asked today. Although I allowed the last answer to continue for a little longer than usual, I am conscious of protecting the rights of honourable members on both sides of the House. When, in my opinion, a Minister gives a long answer to obstruct further questions I will bring that Minister back to order. I allowed some latitude on the last answer today because the time for questions had expired while the answer was being given.

I am very conscious of protecting the rights of honourable members and of ensuring that no Minister obstructs the business of the House or uses up valuable time by filibustering during question

time. I recognise the point raised by the honourable member for Werribee. However, from my point of view question time today was conducted in a satisfactory manner.

Government Members — Hear, hear!

FREEDOM OF INFORMATION (AMENDMENT) BILL

Second reading

Debate resumed.

Mr KENNAN (Leader of the Opposition) — On the question of time, Mr Speaker, the government has now moved that debate on this Bill, which should have been read a second time yesterday, should be adjourned until Tuesday week. Such an adjournment will not allow adequate time for consideration of the Bill.

The Bill absolutely stands on its head the government's commitment to open government. More time than two weeks is required for consideration of the Bill because the government has taken every citizen in Victoria by surprise in introducing it. During a decade in opposition, and in the speech by His Excellency the Governor following the 3 October election, the coalition parties expressed content with the Freedom of Information Act as it currently operates, opposed any suggestion that the Act should be amended, and made an express commitment to improving accountability and openness of government if at all possible. Yet, unless sufficient time is allowed for the Bill to be given the consideration that it needs, the government's action may be seen as cutting back on any commitment it has given to open government.

One need only to consider the fact that the Bill introduces user-pays charges. It is totally inappropriate to adjourn the Bill only until Tuesday week when, if the Bill is passed, the $100 ceiling on requests for persons other than members of Parliament will be lifted. As a result ordinary citizens will need to consider how much freedom of information requests will cost. In the case of complex requests the provision will mean that an individual request — —

Mr PERTON (Doncaster) — On a point of order, Mr Speaker, in your absence the Deputy Speaker kept the debate within very narrow confines.

Honourable members interjecting.

Mr PERTON — I put it to you, Mr Speaker, that the Leader of the Opposition is straying onto the merits of the Bill and is not debating the question of whether the debate should be adjourned until Tuesday week, or for four weeks, as moved by the honourable member for Melbourne.

The SPEAKER — Order! The Chair must exercise fine judgment in deciding these types of points of order. The Leader of the Opposition is entitled to build a case on the question of time and may illustrate his case by quoting extracts from the Bill. He is not, however, at liberty to canvass the general issues of the Bill, as he is well aware.

I do not uphold the point of order. I ask the Leader of the Opposition to cooperate with the Chair and to refer to the Bill as little as possible while building an argument on the question of time.

Mr KENNAN (Leader of the Opposition) — For instance, the effect of the Bill in relation to charges will be that a media organisation may have to pay between $15 000 and $40 000 for a single application. An appropriate period of time is required for consideration of that fundamental point.

Under this Bill for the first time local government will come under freedom of information scrutiny. The Bill operates retrospectively for five years in that respect. Honourable members will be aware that local government bodies often meet on a monthly cycle and an adjournment only until Tuesday week will deprive not only individual Victorians and media organisations but also local government bodies of the opportunity of scrutinising a Bill that directly affects the administration of local government.

On the question of time, Mr Speaker, it would have been different if these proposals had been the subject of a discussion paper or some sort of report issued by the government proposing a range of issues that needed to be canvassed. This is, however, a trap set by the government to bring in a Bill at the end of the sessional period.

The opposition understands that the government wishes the Bill to proceed through Parliament this sessional period. In those circumstances, the Bill will be rustled through Parliament in the last week of the sitting and there will be insufficient time to engage in adequate consultation on the Bill or to adequately expose the Bill to scrutiny.

It is particularly ironic and speaks volumes about the attitude of the government towards freedom of information, open government and accountability that in respect of legislation that goes to the heart of accountability and scrutiny of administration not only does the government propose to substantially restrict the access and infringe the rights of citizens but also will not allow sufficient time for those points to be discussed.

I am sure all honourable members will be aware that there are two concepts involved in this issue. Firstly, there are the proposals themselves, which I will put to one side for a moment for the purposes of the argument. Secondly, whatever people think of the merits of the proposals, there is a need for appropriate time to be allowed for public discussion of those proposals and for a setting out of what they are.

Without commenting on them in any detail, a range of proposals in the Bill will affect State and local government administration and the rights of citizens in one way or another. In those circumstances, what is wrong with adjourning the debate on the Bill for four weeks? The opposition acknowledges that the effect of such an adjournment would be that the Bill would lay over until the next sessional period.

The opposition believes that in respect of a Bill which affects fundamental issues such as freedom of information and which has taken the community by surprise, albeit that it has borne out the opposition's suspicions about the darkest intentions of the government, and which has not been the subject of a consultative process or canvassing of opinions — —

The SPEAKER — Order! The Leader of the Opposition is becoming repetitive.

Mr KENNAN — I will try not to be repetitive. If debate were adjourned until only Tuesday week it would simply not allow enough time. If the government is serious about the Freedom of Information (Amendment) Bill, debate should be adjourned for four weeks. Our motion should be accepted. In effect it would adjourn debate on the Bill until the next sessional period and allow everyone to look at the proposals, especially those directly affected such as interest groups and the media.

Mr LEIGH (Mordialloc) — It seems that opposition members have amnesia as to how much time they allowed for consideration of legislation. The policy embodied in the Freedom of Information (Amendment) Bill is the policy of the Leader of the Opposition without the nasties.

The SPEAKER — Order! The honourable member cannot reflect on members in that manner. He must confine his remarks to the question of time. He can use other facts at his disposal to build a case on the question of time.

Mr LEIGH — The opposition does not need more time for consideration of this legislation because it is the very type of legislation that it was interested in introducing, with a number of exceptions. The Leader of the Opposition failed to remind the community that in 1985 he attempted to introduce a Bill in the Upper House to abolish freedom of information provisions. He proposed to take the power from the Supreme Court and give it to the then Premier, John Cain. What time did he allow for consideration by the then opposition? None. It was the then opposition that stopped him.

The government was reluctant to participate in any arrangement with the Labor Party prior to the election because Labor could not be trusted. No more time is required for consideration of the Bill. If honourable members read *Hansard*, they will find that the honourable member for Melbourne, in his concluding remarks, said he supported the Bill.

The Leader of the Opposition said local government needed time to understand the Bill. Local government has known about the application of the Bill, as it has been the policy of the Liberal Party since 1986 that if it ever came to office the Freedom of Information Act would be applied to local government. Nothing has changed. The honourable member for Melbourne may well be able to argue that if the government had introduced a new Bill on local government, more time might have been available.

Mr Gude — We are fulfilling a promise.

Mr LEIGH — As the Leader of the House says, we are fulfilling a promise. All the Bill does is extend the provisions of the existing Freedom of Information Act to local government. Local councils are well aware of that. While the Labor Party was in government council representatives regularly sought assistance from me. All the government is doing is fulfilling its commitment.

Honourable members should recall that it was the Leader of the Opposition, the Leader of the honourable member for Melbourne, who wanted to

get rid of the Act. He sought to do so without any discussion with the opposition. Why was that so? He wanted to cover up what councils were doing.

The ACTING SPEAKER (Mr Cooper) — Order! I have allowed the honourable member for Mordialloc a great deal of latitude. He must come back to the question of time.

Mr LEIGH — I intend to. The government is only implementing some minor machinery changes.

Mr Thwaites — Oh!

Mr LEIGH — The honourable member for Albert Park submitted freedom of information requests relating to whether Ministers should spend State money on morning suits. That is the sort of ridiculous freedom of information request he has made. No member of any opposition has asked about that in the past.

It is in the interests of everyone to implement the Bill quickly. The honourable member for Melbourne can get as highly strung as he likes — as he did earlier. I am surprised that he is not a member of Actors Equity, given the way he expressed his supposed outrage. I suggest that the honourable member for Melbourne go back to his own party and ask the former Deputy Premier and now Leader of the Opposition about the difference between the government's set of amendments and those the former government tried to introduce. The government's amendments are the same, without the bad bits. This is the opposition's Bill.

The opposition knows what the Bill is about; local government knows what it is about. Over the past few weeks all the opposition has argued about is time, time, time. It is more interested in frustrating the arrangements of the House and the will of the people of Victoria than in what is happening to our State. The government has spent considerable time on the legislation to make sure it is properly drafted. I agree with the Attorney-General and the Leader of the House that the time allotted for debate should not be extended; the sooner the Bill is applied to local government the better.

There is only one reason why Labor may not want to see the Bill applied to local government so quickly: some councils are in a great deal of trouble and are worried about government members looking at what is going on behind the scenes. Labor wants to frustrate and delay the process to protect its mates. The Bill is fundamentally important. It will finally allow communities access to information on what bureaucrats in local government have been doing. That will protect people and their communities.

Opposition members are hypocrites. Having lost government they have changed their policies. All the government has done is to carry out a commitment that the Labor Party was not prepared to fulfil. It is a disgrace, a sham, that all opposition members in the Chamber have sought to drag out the debate and delay the business of the House in an irresponsible way. The House sat for 26 hours on one occasion recently. It is an absolute outrage! The sooner the House divides, the sooner we can deal with this Bill.

Mr THWAITES (Albert Park) — I should have thought that members opposite would want a little time to explain their conduct to their constituents and to explain why, until 3 October, only a few months ago, the Liberal Party was a great proponent of freedom of information provisions, yet now it wants to be the agent of their destruction.

The government wants to make it so expensive to seek information under freedom of information provisions that no-one will use them. The government does not want time allowed for debate because it does not want the community, particularly constituents of the honourable member for Doncaster, to know that he has filed 400 applications under freedom of information provisions every year for the past three years. How much would that have cost him if he had had to pay?

The ACTING SPEAKER — Order! The honourable member will resume his seat. If the honourable member wants to be heard in silence, he should not provoke members opposite. He should debate the question of time.

Mr THWAITES — I note that the honourable member for Doncaster has now disappeared from the Chamber. Perhaps he is talking to the media. He has enough time to talk to the media, but he does not have time to talk to his constituents or to the various people affected by the Bill. They are the people I will talk about.

I am upset about the Bill for good reasons. Hypocrisy upsets me. People go to the media and say that the government must be very careful in dealing with freedom of information provisions; yet after only six months in government the coalition wants to destroy those provisions and effectively tear up the Act by making freedom of information so

expensive that people will not be able to use its provisions.

The ACTING SPEAKER — Order! The honourable member will come back to the question of time.

Mr THWAITES — I will address the question of time just as various other members in the House have addressed it.

Apart from members of the House, numerous groups in the community also have an interest in the Bill. It is not just a question of members of Parliament whether in opposition or in government; it is a question of the community and the various public interest groups that use freedom of information. Those groups will want time to consider the legislation, discuss it and advise the government and the Attorney-General of their views.

The National Parks Association made a submission to the Legal and Constitutional Committee about the importance of FoI. That association needs more time to consider the legislation. It said that the imposition of even moderate charges would have a significantly inhibiting effect on the organisation, which relies to a large extent on donations for research and conservation issues.

The ACTING SPEAKER — Order! The honourable member for Albert Park is aware of the fact that this is a narrow debate on time. He is now starting to canvass issues in the Bill. If he continues to do that I will not hear him. He will confine his remarks to the question of time, as other members have been required to do by other people who have occupied the chair.

Mr THWAITES — Another group which should be consulted and which the honourable member for Bulleen may care to consult is the Bulleen-Templestowe Residents Association. It told the Legal and Constitutional Committee that FoI assisted it in tremendously and that the committee had no idea how good it was.

The reason that association needs time to look at the legislation is that it affects it significantly. The current legislation includes a $100 ceiling for fees and the Bill wipes it out. The association could be asked to pay any amount. The government will find that groups such as the Bulleen-Templestowe Residents Association will not be able to provide the sort of input required on the Bill in the 10 days suggested by the Attorney-General.

From what the member for Bulleen is indicating by interjection, it appears that that organisation has been given time to consider the Bill. It may be that the honourable member released the Bill to that group before the rest of the community has had the opportunity of seeing it. The people in my electorate have not had that opportunity. Numerous groups in my electorate are concerned about conservation and they have not had the opportunity of seeing the Bill. I can only presume that the member for Bulleen has given a group in his electorate an advantage other groups have not had.

One of the key issues in determining how much time should be allowed for consideration of a Bill is the importance of the measure. If the legislation were a minor amending measure it would be appropriate for debate on the Bill to be adjourned for 7 or 10 days. However, this is an extremely important piece of legislation and as such the opposition needs more time in which to consider it.

I shall quote a relatively recent newspaper article entitled "Our Right to Know", which illustrates why more time is needed. The article states:

> At this critical time it is essential that we defend freedom of information, so every citizen can use or benefit from it.
>
> Put simply, the Westminster system of Parliament needs the support that open government laws provide. In the absence of a strong FoI Act there will be a manifestly inadequate oversight of the State's policies and management practices.

This statement is extremely relevant to the issue of the time for consideration of the Bill:

> ... opponents of open government who have recently described any politically embarrassing request as an "abuse" of the Act, "voluminous" or simply too burdensome.

Who was the author of that? The Honourable Mark Birrell, Leader of the House in the other place. That is the sort of comment that was made before the last election, but now this Bill has been introduced and we get 10 days to look at it. What does the Leader of the other House say about that? What does the member for Doncaster say about this abrogation of responsibility and this ridiculously short time the House has been given to consider the legislation?

What about the Attorney-General? Does she think the time allowed is sufficient? Has the

Attorney-General given any consideration to whether 10 days is enough time for the opposition to consider the Bill? Clearly she does not; she cares so little she is talking to another member.

In 1989 the honourable member for Kew, the current Attorney-General, said this about the period allowed for the adjournment of debate on a Bill before the House:

> On the question of time, Mr Speaker, two weeks is a completely unacceptable period of adjournment for the Bill ...

What Bill was the Attorney-General talking about? It was the Caravan Parks and Movable Dwellings Bill. That Bill did not affect people's rights in the same fundamental way as this Bill does, but the Attorney-General wanted more time. She went on to say:

> ... which makes changes to provisions affecting estate agents and people who wish to enter that profession. It also contains detailed financial provisions about the trust accounts held by estate agents.
>
> Parliament is not about rushing through proposed legislation on the basis of the government's legislative program, but rather the proper consideration and debate of measures that come before it.

I congratulate the Attorney-General on those comments; they are sensible. Surely when it comes to a significant Bill like this those same comments apply. It must be remembered that the government controls this House and its sittings. There is no reason why the House could not consider this matter in four weeks so that various groups would have the opportunity to consider this legislation.

How is the Scrutiny of Acts and Regulations Committee expected to consider the Bill in 10 days? That committee has a process by which groups are able to appear before it and make submissions. That is happening in relation to a number of Bills and it is working well. However, in this case what opportunity is there for the committee to consider the Bill, to call for submissions and then to hear those submissions? None at all. The situation is made even worse because Parliament will sit next week so the committee will have only limited time — —

Mr Gude — We might sit the week after and the week after and the week after, the way you chatter on!

Mr THWAITES — I am pleased the Leader of the House has made that observation because I would be happy to sit longer.

Mr Gude — Of course you would. You would talk under a mountain of cement with a mouth full of marbles.

Mr THWAITES — I hope the Leader of the House is a man of his word and that the Parliament does sit longer so that more time will be allowed for the consideration of this Bill and the amendments — —

Mr Gude interjected.

The SPEAKER — Order! I ask the Minister for Industry and Employment to withdraw that remark.

Mr GUDE (Minister for Industry and Employment) — I withdraw.

Mr THWAITES (Albert Park) — The government has introduced so much legislation so hastily that it is subsequently found to be full of loopholes. The Leader of the House would be well aware of that because he introduced the Employee Relations Bill, which needed numerous amendments. That legislation was hastily introduced and there was no opportunity for proper consultation with the various industrial relations groups. As a result, the Bill had to be amended.

Ramming this Bill through without consultation and adequate time for the opposition to consider it will result in the same problems and the Bill will have to be returned to this place to be fixed up. Other pieces of legislation have contained spelling and technical errors. I wonder what the errors are in this Bill? I certainly have not had any opportunity to determine that yet.

I have been as deeply involved in local government as have you, Mr Speaker. Although FoI is a major issue for local government, councils will have only 10 days to examine the Bill and make submissions to Parliament. That time frame displays the government's complete lack of understanding of local government. Because rural councils meet only on a monthly basis, many of them will not have the opportunity to examine the legislation and make submissions to Parliament, which is a problem.

The legislation is retrospective. Councils will find that all their documents for the past five years are subject to FoI. Whether that is a good thing or not,

there will be no opportunity for the 210 councils to make submissions on the retrospective provisions. In the brief time I have had to examine the Bill I have noted that charges are to be applied to applications that have already been made. Those who have made the applications will not be consulted because there will be no time. Although they have already put in their applications, they will find they are liable for charges.

The Attorney-General is smiling. She smiles whenever rights are abolished; it seems to give her particular pleasure.

Mr Gude — But in this case at least she did not have to change *Hansard*.

Mr THWAITES — Applicants will find their applications are subject to additional charges, and they will not have a chance to meet to discuss the Bill between now and Tuesday week.

The government did not circulate a draft Bill. Apparently the honourable member for Bulleen had access to a draft Bill, but I did not and no-one else did. If a discussion paper had been produced, that would have been reason enough for a shorter adjournment period, but no such draft was circulated. The government has had a lot to say about what the former Labor government did. The government should examine the amount of time and effort that the former Labor government put into the Freedom of Information Act.

The Labor government put a complete process in place. It referred the matter to the former Legal and Constitutional Committee, and interested groups had the opportunity of making detailed submissions. The members of the committee were also able to have their input. If the legislation is to be debated in 10 days time, there will be no time to refer it to the Scrutiny of Acts and Regulations Committee. If the legislation had been drafted exactly as the Legal and Constitutional Committee suggested, that might have been different — but it has not been. If the Minister had said that the legislation was the result of recommendations made by the Legal and Constitutional Committee, that would have been acceptable; but the legislation goes directly against those recommendations. The committee specifically recommended against the removal of the upper limit on fees and against imposing fees on members of Parliament. In the minority report the honourable member for Pascoe Vale specifically stated that members of Parliament should not have to pay fees because that would undermine the ability of Parliament to ensure that the government was accountable.

The Attorney-General raised what the coalition had said in its submission. If the coalition had put forward a submission — —

Mr GUDE (Minister for Industry and Employment) — On a point of order, I have listened patiently to more than 15 minutes of diatribe from the honourable member for Albert Park yet rarely has he spoken to the question of time. Mr Speaker, I ask you to direct him back to the question of time.

The SPEAKER — Order! I uphold the point of order. The honourable member for Albert Park is straying from the question. I concede that he has a difficult job, but he must direct his contribution to the question of time. He may illustrate what he has to say by referring to various passages in the Bill, but the question of time should dominate his contribution, not the contents of the Bill.

Mr THWAITES (Albert Park) — On the question of time, a fundamental difference exists between the coalition's submission to the former Legal and Constitutional Committee and the legislation it has introduced, the second-reading debate on which it seeks to adjourn for only 10 days. The former Labor government followed the proper process of referring the matter to a Parliamentary committee. The hearings were advertised and submissions were invited from the general public. Members of the committee considered the submissions and made recommendations to Parliament, after which debate proceeded. If one compares that situation with this, one finds that the matter has not been advertised, no submissions have been called for and people have not been given an opportunity to have their say. No such process has been put in place.

The House has been told that the second-reading debate will be adjourned for only 10 days, which will not allow adequate time for consultation. That is a completely different situation from the situation in 1988 and 1989, when the former Labor government provided adequate time for a Parliamentary committee and Parliamentarians to examine the issue. What opportunity will Parliament have to examine what has happened with FoI in other areas since the report of the Legal and Constitutional Committee?

Mr Perrin — That was two years ago!

Mr THWAITES — A great deal of activity has occurred since then. Studies have been undertaken in Queensland, and I would like to examine those. I would like to examine what has happened in other States since the publication of the report of the Legal and Constitutional Committee, but I will not be able to do that properly. I would like to look at the effect of the fees charged for Commonwealth applications. At the time the Legal and Constitutional Committee reported evidence showed that the introduction of fees had led to a 70 per cent reduction in the number of applications. That is what the government wants; but I want to know whether that trend has continued. One of the most important groups affected by the short adjournment period is the media. Consultation with the media is important so that they have a chance to have their say. There will not be a limit on the fees the media are charged.

Mrs Wade — Are you suggesting that the media make FoI applications in the public interest?

Mr THWAITES — It is a decision for the departments as to whether they are in the public interest. The departments will try to block inquiries if they appear to be politically damaging. Since the coalition government came to power it has been blocking my path on FoI.

The SPEAKER — Order! The honourable member for Albert Park is straying from the question.

Mr Weideman interjected.

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

Mr THWAITES — I should like to respond to the interjection.

The SPEAKER — Order! Interjections are disorderly.

Mr THWAITES — Interjections may be disorderly, but I feel I should respond. By interjection I was asked to give one example, and I shall. I requested all documents relating to the sacking of the Accident Compensation Tribunal judges. The FoI officer said that I could view the documents. Later I received another letter from the department, this time from the secretary, saying I could not view the documents.

Mr GUDE (Minister for Industry and Employment) — On a point of order, Mr Speaker, as interesting as the honourable member's example might be, and as much as he feels he should respond to interjections, the debate is on the question of time. I ask you, yet again, to direct the honourable member back to the question before the House.

The SPEAKER — Order! Many speakers in the past have used the expression "making a passing reference" in their contributions. In speaking on the question of time the honourable member may make a passing reference to other matters but he must return to the question. I uphold the point of order and ask the honourable member to concentrate on the question of time.

Mr THWAITES (Albert Park) — Before the interjection of the honourable member for Frankston I referred the House to the media. Members of the media are very much the defenders of democracy. In many cases they are the whistleblowers, the people who can discover information and publish it for the benefit of the public. The media, above all, requires time to examine the proposed legislation because they will suffer most.

Members of the media will have to pay $20 every time they apply for documents under FoI — and the number of applications they make is considerable.

The payment of fees may prevent the media from undertaking proper investigation of a matter. That appears to be the philosophy underlying the Bill. The government's attitude is nasty, hypocritical and despicable. The opposition and the community require more time to examine the Bill before it gets rammed through the House.

Mr GUDE (Minister for Industry and Employment) — I move:

That the question be now put.

The SPEAKER — Order! The Chair has to exercise its judgment on whether it will accept the motion. The debate on the question of time, as has been well established by the Deputy Speaker and me, is narrow. Some five speakers have contributed to the debate for 68 minutes. It is the opinion of the Chair that the issues on both sides have been exposed. Therefore, I accept the motion.

House divided on Mr Gude's motion:

Ayes, 58

Ashley, Mr (*Teller*)	Maclellan, Mr
Bildstien, Mr	McNamara, Mr

Brown, Mr
Clark, Mr
Coleman, Mr
Cooper, Mr
Davis, Mr
Dean, Mr
Doyle, Mr
Elder, Mr
Elliott, Mrs
Finn, Mr
Gude, Mr
Hayward, Mr
Heffernan, Mr
Henderson, Mrs
Honeywood, Mr
Hyams, Mr
Jasper, Mr
Jenkins, Mr
John, Mr
Kilgour, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McGill, Mrs
McGrath, Mr J.F.
McGrath, Mr W.D.
McLellan, Mr
Maughan, Mr
Napthine, Dr
Paterson, Mr
Perrin, Mr
Perton, Mr
Pescott, Mr
Peulich, Mrs
Phillips, Mr
Plowman, Mr A.F. (*Teller*)
Plowman, Mr S.J.
Reynolds, Mr
Richardson, Mr
Rowe, Mr
Ryan, Mr
Smith, Mr E.R.
Spry, Mr
Steggall, Mr
Stockdale, Mr
Tanner, Mr
Tehan, Mrs
Thompson, Mr
Traynor, Mr
Treasure, Mr
Turner, Mr
Wade, Mrs
Weideman, Mr
Wells, Mr

Noes, 25

Andrianopoulos, Mr
Baker, Mr
Batchelor, Mr
Coghill, Dr
Cole, Mr
Cunningham, Mr (*Teller*)
Dollis, Mr
Garbutt, Mrs
Haermeyer, Mr
Hamilton, Mr
Kennan, Mr
Kirner, Ms
Leighton, Mr
Loney, Mr
Marple, Ms
Micallef, Mr
Mildenhall, Mr
Pandazopoulos, Mr (*Teller*)
Sandon, Mr
Seitz, Mr
Sercombe, Mr
Sheehan, Mr
Thomson, Mr
Thwaites, Mr
Vaughan, Dr

Motion agreed to.

The SPEAKER — Order! The Attorney-General has moved that the debate be adjourned until Tuesday week, to which the honourable member for Melbourne has moved that the words "until Tuesday, 18 May " be deleted and in their place "for four weeks" be inserted. The question is:

That the words proposed to be omitted stand part of the motion.

House divided on omission (Members in favour vote No):

Ayes, 58

Ashley, Mr
Bildstien, Mr
Brown, Mr
Clark, Mr
Coleman, Mr
Cooper, Mr
Davis, Mr
Dean, Mr
Doyle, Mr
Elder, Mr
Elliott, Mrs
Finn, Mr
Gude, Mr
Hayward, Mr
Heffernan, Mr
Henderson, Mrs (*Teller*)
Honeywood, Mr
Hyams, Mr
Jasper, Mr
Jenkins, Mr
John, Mr
Kilgour, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McGill, Mrs
McGrath, Mr J.F.
McGrath, Mr W.D.
McLellan, Mr
Maclellan, Mr
McNamara, Mr
Maughan, Mr
Napthine, Dr
Paterson, Mr
Perrin, Mr
Perton, Mr
Pescott, Mr
Peulich, Mrs
Phillips, Mr
Plowman, Mr A.F.
Plowman, Mr S.J.
Reynolds, Mr
Richardson, Mr
Rowe, Mr
Ryan, Mr
Smith, Mr E.R.
Spry, Mr
Steggall, Mr
Stockdale, Mr
Tanner, Mr
Tehan, Mrs
Thompson, Mr
Traynor, Mr
Treasure, Mr
Turner, Mr
Wade, Mrs
Weideman, Mr
Wells, Mr (*Teller*)

Noes, 23

Andrianopoulos, Mr
Baker, Mr
Coghill, Dr
Cole, Mr
Cunningham, Mr
Dollis, Mr
Garbutt, Mrs
Haermeyer, Mr (*Teller*)
Hamilton, Mr
Kirner, Ms
Leighton, Mr
Loney, Mr
Marple, Ms
Micallef, Mr
Mildenhall, Mr (*Teller*)
Pandazopoulos, Mr
Sandon, Mr
Seitz, Mr
Sercombe, Mr
Sheehan, Mr
Thomson, Mr
Thwaites, Mr
Vaughan, Dr

Amendment negatived.

Motion agreed to and debate adjourned until Tuesday, 18 May.

PERSONAL EXPLANATION

Mr JENKINS (Ballarat West) — I wish to make a personal explanation. According to Votes and Proceedings No. 33 of 6 May last, at page 8, a division was called. My name was omitted from the division list, as though I were not in the House at the time. I was in my usual position — perhaps my small frame was not detected by the tellers.

VICTORIAN PLANTATIONS CORPORATION BILL

Second reading

Mr COLEMAN (Minister for Natural Resources) — I move:

That this Bill be now read a second time.

In establishing the Victorian Plantations Corporation, the State Owned Enterprises Act 1992 has been used as the overarching legislation.

Under section 14 of the State Owned Enterprises Act, the corporation was declared a State body by Order in Council on 4 May 1993. A subsequent order under section 17 of that Act will be used to declare the corporation as a State business corporation.

The Bill provides complementary enabling legislation for the corporation, in that it confers additional functions and powers and makes further provision for the management of plantations. Many of the functions and powers conferred on the corporation are currently the responsibility of the Secretary to the Department of Conservation and Natural Resources and are additional to those functions and powers conferred by the State Owned Enterprises Act 1992.

Passage of the legislation is essential to resource the corporation and to achieve an operating capability consistent with private sector competitors. In short, the legislation enables the corporatisation of State-owned plantation management.

It is necessary to separate State-owned plantation management from the Department of Conservation and Natural Resources in order to provide a clear commercial focus. It also fulfils two key commitments of the coalition government: firstly, the undertaking in the forests policy that a Victorian Softwood Corporation will be established to manage and improve the financial viability of State-owned plantations; and secondly, to further the government's broader corporatisation agenda, aimed at improving the efficiency and financial performance of public sector trading activities.

Historically, the motivation for government involvement in establishing softwood plantations has been the provision of alternative sources of supply to native and imported timbers and to stimulate employment opportunities in rural areas.

Today these goals have largely been fulfilled, with the softwood timber industry characterised by a number of large, vertically integrated producers with privately owned plantations providing an important adjunct to State-owned timber supplies.

The Department of Conservation and Natural Resources currently manages the 106 100 hectares of State-owned softwood plantation, and 7400 hectares of State-owned hardwood plantation in the Strzelecki Ranges. It is those resources that are the subject of the legislation.

Large areas of planting between the 1960s and 1980s mean there will be a progressive increase in timber availability from those plantations, from around 1.3 million cubic metres at present to about 1.9 million cubic metres in 2001-2002.

Most of the future sawlog production is already committed to industry, via long-term licences or legislated agreements between the Secretary to the Department of Conservation and Natural Resources on behalf of the government and the relevant company.

The challenge for domestic timber producers in the 1990s and beyond will be to maintain price and quality competitiveness in the face of increased competition from imported sawn timber, wood panels, pulp and paper products.

In this environment, State-owned plantation operations run the risk of being priced out of local markets or requiring some form of financial subsidy unless they are put on a competitive footing.

According to the National Working Group on Corporate Reforms, originally formed under the auspices of the special Premiers Conferences, the key attributes of a fully corporatised body are clarity of objectives, managerial autonomy, accountability for outcomes, appropriate rewards and sanctions and competitive neutrality. Under the present administrative arrangements the achievement of such goals is not possible.

It is also imperative that Victoria keep its raw material costs under control if it is to compete against suppliers from other countries like New Zealand, where formerly publicly owned plantations have already been converted to commercial management.

The process of commercialising and corporatising State-owned plantations in Victoria follows a thorough examination by government of the commercial operating environment for plantation enterprises and the necessary legislative changes.

Creating the Victorian Plantations Corporation as a State body under the State Owned Enterprises Act ensures the corporation performs its functions and exercises its powers in a manner consistent with the public interest by operating as efficiently as possible, consistent with prudent commercial practice and maximising its contribution to the economy and wellbeing of the State.

Replacing the existing management approach with a more commercially focussed board and corporate organisation will bring about the necessary cultural and operational changes, ensure increased accountability and efficiency and provide a basis for evaluating the corporation's performance relative to other public and private sector timber producers.

Accountability to the State as owner will be effected through approval of the corporate plan by the Treasurer and the Minister for Natural Resources, with provision for the government to define community service obligations to be performed by the corporation.

Accountability mechanisms relating to dividend payments and financial statements are also in accordance with the State Owned Enterprises Act.

Under that Act, a levy on all new borrowings is payable to the State to reflect explicit and implicit guarantees enjoyed by the corporation and to impose additional financial discipline on borrowing decisions.

To the extent that the corporation continues to be exempt from the payment of Commonwealth taxes, the Treasurer may require the payment of amounts determined to be equivalent to the Commonwealth tax liabilities that the corporation would face if it were a public company.

Most of the necessary powers and functions of directors of the corporation will be conferred by the State Owned Enterprises Act.

The Bill provides complementary power and functions, and other measures necessary to ensure the appropriate operating environment for the corporation.

The Bill provides for the transfer from the Secretary to the Department of Conservation and Natural Resources to the corporation, of management responsibility for land and forest vested in, leased by, or otherwise managed by the corporation as provided for in the Bill.

The legislation will amend the National Parks Act 1975 to vest two small areas of land in the corporation. In both cases boundaries between parks and the plantation estate will be rationalised to benefit on-ground management.

At the Kentbruck plantation, approximately 29 hectares of land currently in the Lower Glenelg National Park will be vested in the corporation. When the National Park was proclaimed, 6 hectares of pines and a ploughed plantation firebreak, a long 30-metre wide strip having a total area of approximately 23 hectares, were included.

The current boundaries were appropriate when all the land was managed by one agency. However, with the establishment of the corporation as a separate body to manage plantations, it is appropriate to vest the plantation firebreak and the small area of pines in the corporation. Responsibilities for land management and fire prevention costs will then be clearly defined.

In respect to Moondarra State Park, approximately 2.5 hectares will be vested in the corporation. The land is essentially a fenced and grazed State Electricity Commission easement. The new park boundary will be consistent with an existing track around the plantation.

Ownership by the corporation of forest produce on freehold land and vested land is provided for in the Bill. An exception is hardwood sawlogs located in native forest inliers, which are required to meet existing long-term licence commitments and are to remain the responsibility of the Secretary to the Department of Conservation and Natural Resources.

The responsibility for existing long-term licences and legislated wood supply agreements currently

held by the Secretary to the Department of Conservation and Natural Resources has been assigned to the corporation.

Provision has been made for the transfer of appropriate assets and liabilities to the corporation. Transfer of the plantation estate, including trees, is achieved by the legislation. Other assets will be transferred by Order in Council on recommendation of the Minister. Transfer of monetary assets will be authorised by the Treasurer.

In respect of liabilities, provision has been made in the legislation for supply agreements and farm forestry agreements to transfer to the corporation. Other liabilities will be transferred where appropriate by Order in Council on the recommendation of the Minister.

Provision is made for delegation by the Secretary to the Department of Conservation and Natural Resources of certain powers and authorities under the Forests Act and the Conservation, Forests and Lands Acts to corporation officers.

Powers are also provided to open or close certain roads. The plantations being transferred will be protected public land under the Forests Act, and existing fire prevention and suppression responsibilities will remain with the Secretary to the Department of Conservation and Natural Resources. An agreement between the two organisations will ensure a coordinated use of all resources in fire prevention and suppression. Necessary consequential amendments have been included in the legislation.

I make the following statement under section 85(5) of the Constitution Act 1975 of the reasons why clause 34 of the Bill alters or varies that section.

Clause 34 of the Bill provides that it is intended to alter or vary the Constitution Act 1975 to the extent necessary to prevent the Supreme Court from awarding compensation in respect of the matters referred to in clause 28.

The reason for preventing the Supreme Court from awarding compensation is as follows.

To enable land to be vested in and divested from the corporation, to revoke reserves affecting vested land and to enable the closure of certain roads, it is necessary to ensure that the processes cannot be delayed or prevented by the bringing of actions for compensation and that any claim for compensation that may arise from use by the public of those reserves or roads cannot be successfully maintained.

I commend the Bill to the House.

Debate adjourned on motion of Ms MARPLE (Altona).

Mr COLEMAN (Minister for Natural Resources) — I move:

That the debate be adjourned until Tuesday, 18 May.

In so doing I indicate that the resources necessary to enable the opposition to process its thoughts on the Bill will be made available.

Motion agreed to and debate adjourned until Tuesday, 18 May.

CARAVAN PARKS AND MOVABLE DWELLINGS (AMENDMENT) BILL

Second reading

Debate resumed from 22 April; motion of Mr MACLELLAN (Minister for Planning).

Mr SANDON (Carrum) — The opposition supports this legislation and is happy to give it a speedy passage. The legislation is based on the recommendations of a caravan park group that has been meeting since the passage of the principal Act in 1988. The task of that caravan park group was to set out regulations pertaining to the industry.

Honourable members may remember that the principal legislation was the first of its kind in Australia and that I had some involvement in its inception. Its idea emanated from the complaints of a young couple who knocked on my door one Christmas Eve. They were living in a caravan park and were concerned about the lack of rights they had at the time. Government members should take note of this example. They can pick up on issues in our community and, in the face of bureaucratic opposition and an executive that is predisposed to work in other areas, continue to pursue the concerns of the community.

As a result of my personal experience I became aware of a significant social issue that had hitherto been unregulated. For example, I became aware that there were no tenants' rights pertaining to people in caravan parks and that many people choose caravan parks as their place of residence. I discovered that

many people choose to live in caravans not only for financial reasons but also for lifestyle reasons. Some older people choose a mobile home because of the greater security they feel from living so close to other people.

As the former government pursued this issue it discovered that caravan parks provided services to many people, not only tourists, and that the people living in those parks needed to be protected by regulations. In negotiating those regulations I had to deal with 12 different government departments. Honourable members know how difficult it would be to try to achieve consensus in this problem area, let alone come up with solutions, while having to deal with that number of departments. Nevertheless, the former government overcame those problems and the legislation, which ensures basic tenants' rights for people living in caravans, was presented to this House. Regulations were devised for the industry so appropriate standards could be developed for caravans and mobile homes.

This Bill is an example of the consensus that can be achieved when legislation has bipartisan support. However, I would like the Minister's comments on a few matters I am concerned about. The first is that the standards have been distributed to government members but not to opposition members. In an effort to maintain the spirit in which this Bill was introduced, it would have been appropriate for opposition members to receive copies of those standards. When the principal Act was debated in this House the former government was criticised by the honourable member for Prahran, who is now the Minister for Education, and the then honourable member for Benambra for not having the regulations available for all to see. Now the boot is on the other foot. Will the Minister explain why opposition members did not receive copies of those standards, and in the spirit of bipartisanship that has been central to this debate over the years provide opposition members with copies?

Secondly, the opposition is concerned about the proposed firefighting regulations. I do not wish to pre-empt the contribution of the honourable member for Mornington, because I am aware of his background in this area; but the repeal of section 68 of the principal Act has implications for the planning regulations. Will the Minister publicly assure me that community involvement will continue to be a feature of this process, and that, after the passage of the Bill, the industry will continue to be consulted and encouraged? It seems that the Metropolitan Fire Brigades Board and the Country Fire Authority have not been adequately consulted on the regulations. It would be in everyone's interest, given the professional knowledge and the nature of the duties of those organisations, that that consultation take place.

I shall not labour the point that many people living in caravans and mobile homes at caravan parks are permanent residents and the government should ensure that fire service officers have sufficient training to handle any possible disaster.

It is of concern to the opposition that the Bill provides that tenants or others who wish to appeal against grievances must pay fees of $100. That may be reasonable for a caravan park owner or manager, but for many people, especially those living in caravan parks, it is a significant amount. I urge the government to examine that provision because it may have the effect of restricting the democratic rights of many people. If the government is concerned about vexatious or frivolous claims, it should allow the referee to impose penalties against the appellant where the evidence shows that to be appropriate.

I am pleased that the legislation is being dealt with in this sessional period and that it has bipartisan support. I shall assume that the fact that the opposition has not seen the draft regulations is an oversight. I wish the Bill a speedy passage.

Mr COOPER (Mornington) — I took part in the debate on the Caravan Parks and Movable Dwellings Bill, which was passed with bipartisan support, and I am delighted this Bill will receive similar support. The Bill does not deal with the provisions of the principal Act relating to the rights of long-term residents of caravan parks because those provisions are administered by the Department of Justice.

The Bill seeks to establish mechanisms for a comprehensive system of licensing and regulation but does not deal with the rights of residents in caravan parks, which are already enshrined in legislation. It has been difficult to draft the regulations because the vested interests were not able to agree on what was necessary.

The government has decided to remove control of caravan parks and movable dwellings from the Caravan Parks Committee and return it to local government. The Bill will dismantle a layer of bureaucracy that has increased the costs of the caravan park industry and local government; those

increased costs will eventually flow on to the people who live in caravan parks.

The legislation will replace the licensing system with a simple registration system. The Caravan Parks Unit in the Office of Local Government will no longer be necessary. In 1991-92 the expenditure of that unit was $147 000. That money was wasted, which is not beneficial to the taxpayers of the State.

The government believes the Caravan Parks Committee has not worked well, largely due to the vested interests to which I referred. Several members of the committee have welcomed its abolition. In any case, the committee's work in developing regulations has been completed and it is now the government's intention to ensure that the regulations operate effectively. The simplified registration system will remove the complex licensing structure provided for in Part 6 of the Act.

The abolition of the Caravan Parks Committee means that the Caravan Parks Referees Board will have to be restructured. It comprises members of the Caravan Parks Committee and no-one will be available to form the board. The Bill will enable the Minister as the need arises to select skilled members of the public to deal with the appeal rights of residents.

The honourable member for Carrum referred to the regulations and I shall leave the Minister for Planning to deal with the substantive response, but I note the honourable member's interest because, as a former Minister for Police and Emergency Services, he is aware of the requirements for fire prevention in caravan parks. It is an important issue that cannot be ignored. Fire hazards in caravan parks are greater than those in residential areas, simply because of the construction of mobile homes and caravans and the propensity of caravan park owners, because of the lack of regulations, to place caravans too close together. A fire in a caravan park can be a horror story.

Proposed regulation No. 18 deals with fire prevention and places a requirement on caravan park owners to provide firefighting facilities to the satisfaction of the local council, and that will also involve either the Metropolitan Fire Brigades Board or the Country Fire Authority. The proposed regulations require caravan park owners to provide sufficient space between and around dwellings for access by firefighting equipment. Responsibility for this important matter will be where it should be, with local government. I am confident that local government can be relied upon to deal with the issue properly.

The government wants to remove unnecessary, unwanted and expensive layers of bureaucracy that impose burdens on people who, because of their economic circumstances, are forced to live in caravan parks. It is important for the government to ensure that regulatory control of caravan parks is kept to a minimum while at the same time maintaining a standard that will protect residents and the conditions in which they live. The Bill does that, and the government is pleased that it has bipartisan support.

Mr MACLELLAN (Minister for Planning) — I thank the honourable member for Carrum on behalf of the opposition and the honourable member for Mornington for their support for the Bill. Firstly, the honourable member for Carrum said that draft regulations have not been made available to the opposition. That seems to be out of character with the Minister for Local Government and possibly is an oversight or the observance of some earlier government instruction that is no longer appropriate. Certainly in other divisions of the department it has been made perfectly clear to departmental officers that they are to include members of the opposition in the availability of information. That apparently was not necessarily the policy of the previous government, but I am not commenting about the policy of the previous government. I am saying that I shall make representations on behalf of the honourable member for Carrum and on behalf of the opposition to ask if the draft regulations can be made available at the earliest opportunity.

Having said that, I admit that it seems totally inappropriate to take advantage of the fact that the honourable member has not been given the draft regulations by referring to detailed regulations about firefighting, especially draft regulation No. 18. I accept the point made by the honourable member for Carrum that the way in which it is drafted may not be appropriate. I shall direct that to the attention of the Minister, because the regulation states that it must be to the satisfaction of the council.

That satisfies the honourable member for Mornington but does not satisfy the honourable member for Carrum, who asked what role the Country Fire Authority or the Metropolitan Fire Brigade would have in a matter if it were merely to the satisfaction of the council. I shall offer to my Ministerial colleague, the Minister for Local

Government, the good and technical advice of the director of building control. We do not want to get into that area but, nevertheless, with respect to fixed buildings the director of building control has a relationship with both fire services which enables him to assist in redrafting their regulations. The regulation may be able to be redrafted to say "to the satisfaction of the council after consultation with the appropriate" — or some other form of words. The honourable member for Carrum has made a good point.

With regard to the $100 fee, which took me by surprise, the honourable member for Carrum is entirely correct. I discovered the departmental notes say "Possible questions in debate" and then asks the question and gives me the answer. The answer is that the fees for appeals are not the subject of the Bill; they will be set by regulation. That said, the amount proposed in the draft regulations has been given careful consideration. The answer then covers vexatious litigants, draft regulations and so on.

The honourable member for Carrum made a good point. If a fee for access to the Administrative Appeals Tribunal were to be set at a level vastly lower than $100, why would it be $100 in this field when in many cases those involved are the poorest people or the people with the lowest disposable or uncommitted cash income? I shall direct that to the attention of the Minister. Although it is reasonable to have heavy fees in respect of caravan park proprietors who wish to challenge and take matters for adjudication, the honourable member makes a fairly telling point that the victim of some inappropriate behaviour by the proprietor, whether municipal, government department or private owner of a caravan park, may, with good reason, want to challenge that behaviour and should not be deterred by a threshold fee that puts it out of reach.

It may be that it is covered in general terms or perhaps with a discretion in the Minister or some other officer to dispense with the fee in an appropriate case. Therefore the vexatious are kept out and the genuine are assisted, and I am sure that is what the honourable member for Carrum desires.

I shall certainly bring to the attention of my Ministerial colleague in the other place the matters raised in the debate and see whether I can get the department to make appropriate copies of the draft regulations available to the opposition both here and in another place, if that is the honourable member's wish, or through him to the opposition so that the discourtesy shown by not having had the draft regulations made available earlier is not continued or repeated.

Motion agreed to.

Read second time.

Passed remaining stages.

AUDIT (TENDER BOARD) BILL

Second reading

Debate resumed from 22 April; motion of Mr I. W. SMITH (Minister for Finance).

Mr BAKER (Sunshine) — The Bill amends the regulation-making provision of the Audit Act. At first glance it is a matter of technicality, but it gives rise to some broader issues that relate to audit functions and especially to the way in which government tenders are handled and are seen to be handled. It is very much a plank of the Westminster tradition that any suggestion of collusion or favouritism in the handing out of government tenders must be avoided and that the community must feel assured and secure that no-one with inside influence within the political counsel of a government or within the bureaucratic counsel of a government should have an opportunity of unduly, unfairly and improperly influencing the awarding of government business.

Even in these days when the disciples of economic rationalism invoke the false god of small government, it is clear that government is here to stay in all modern societies. Since the depression in all societies around the world, the size of economic activity that is governed and given over to government has been significantly on the increase. I think that market is somewhere around the magnitude of $27 billion to $28 billion in Australia.

With economic activity and business opportunities of that magnitude it is important that the community and service providers competing for that business feel some sense of assurance that tenders will be adjudged on criteria that are honest and equitable and that those who provide the tender that fits the specifications, such as the best at the least cost, can in the normal course of events safely assume that their bid will be successful.

The opposition has been briefed on this matter, for which I am most grateful, and I understand the need for this amendment has been brought to the

attention of the government by the Chief Parliamentary Counsel.

Honourable members who are new to the House may be interested to know that we have a tradition in this place, and the Victorian style has been that it is important to have all authority in the heads of power of legislation. Our Parliamentary draftsmen have over time evoked, established, encouraged, fostered and really stood firmly behind the concept that where there is any element of doubt the heads of power must be strengthened. That is in contradistinction to the practice that I understand operates in most other States in Australia and in the Commonwealth. Victoria has been a bit more black-letter about that, which I think is a good thing; it is part of our tradition. I understand from the briefing I received that that is what this Bill seeks to follow.

The Victorian Supreme Court has also taken up the tradition and, whenever issues have been taken before it, it has usually looked to the heads of power and insisted that they be reinforced to ensure protection, Parliamentary overview and control of the way the bureaucracy goes about its work.

It is the view of the Chief Parliamentary Counsel that the existing regulation-making powers with regard to the State Tender Board's operations are insufficient for the Treasury regulations that have been promulgated and established and that are, in effect, in use. The rather alarming effect of that is that the existing Treasury regulations are arguably beyond the scope of the Act and therefore may be deemed to be unlawful. If a case were taken to the Victorian Supreme Court it would seem highly probable to the opposition and, I understand, to the government, that on precedent the court would hold that they were unlawful.

The current Treasury regulations were renewed only with the benefit of a Premier's certificate and with the condition that they have a sunset date as at the end of June 1993. It is, therefore, essential that the Audit Act be amended so that the new regulations can be made effective from 1 July 1993. The opposition will support and endorse that view.

Officers from the Department of Finance, who graciously provided a briefing for the opposition, have advised that there is no intention to vary existing State Tender Board requirements when the new regulations are made. At that meeting the opposition spokesperson on finance matters in another place, the Honourable David White, told the officers of the Department of Finance that the opposition intended when the Bill was debated in this House to seek an assurance on that and ask that the proposed regulations be tabled in the course of the debate.

The Minister for Industry and Employment, who is at the table, may care to do that during this debate. On the other hand he may wish to retain the option of ensuring that happens when the Bill is debated in another place.

The Bill is particularly relevant in the light of questions that have been raised recently in Parliament as to the validity of contracts entered into for media exposure and publicity to market the Employee Relations Act. That is a matter that is close to the heart of the Minister at the table.

Honourable members will recall that on Thursday, 29 April the Leader of the Opposition asked the Premier a question without notice in which he sought information about contracts made by the Department of the Premier and Cabinet for an amount alleged to be $780 000 for an advertising campaign on the Employee Relations Act. The Leader of the Opposition sought an assurance from the Premier that State Tender Board approval for those contracts had been sought and that due process had been followed.

The Premier did not offer a solid response to that question, but seized upon the opportunity to point to the failings of previous governments in this regard. The Premier did, however, give an assurance that he would examine the matter and report back to the House. He then indicated that the government had been able to achieve significant savings by establishing a master contract for the marketing of information in relation to government activities. I do not want to make cute points about whether that is sinister or is a misuse of government funds. I was in a former life the Minister for Property and Services for a brief period and I was in my own way seeking to establish efficiencies of that kind. So I would not criticise the government for seeking to make the taxpayer's dollar go further in that regard. However, when one is running an omnibus operation of that kind there is a danger that it will interfere with the requirement for due tender processes to be met.

Without any intention of making political points I ask the Minister for Industry and Employment to examine that issue and ensure that, in the government's own interests and in the interests of the taxpayers' security, that matter is attended to

and that the test is run over it to determine whether it interferes with the requirement for accountability.

My next point is a little more overtly political. There is surely soon to be discussion at government level on the funding and level of costs associated with meeting the Premier's boast and pronouncement made at the start of the inquiry by the Victorian Commission of Audit and recently reinforced by the Premier that the government proposes to deliver to every Victorian home a synopsis of the findings in the commission's report. That will obviously be a glossy brochure prepared with professional assistance. I have commented publicly that I feel this brochure is totally unnecessary; its relationship to the Bill is such that it could be more of the same and in kind with the government's stance in this Bill. Based on a conservative estimate that there are 1.8 million to 2 million households in Victoria and that the cost of preparation and distribution of a glossy brochure of that kind — regardless of its content and whether it is a misuse of government funds in a political advertising or marketing exercise — would be about $1 a brochure, using simple arithmetic the cost would be about $1.8 million to $2 million.

I am concerned that when I examine the Budget Papers of the most recent of the bimonthly Budgets that we seem to have had — another one is coming up soon; this one might fill in the numbers for the next year for which honourable members might recall there was a big blank — I will find a nice sum, turned around and massaged a little.

There is no provision in the accounts for expenditure for this purpose; certainly there is no provision for expenditure of this magnitude. The whiff of the sceptic in me leaps to the conclusion that that money may be won in a peculiar way and, more relevantly, that the tender board process will be ignored and the marketing authority will be called in for its next sizeable contract.

Other business people in the community may feel that, as taxpayers and citizens of Victoria and as business operators within the State, they should be entitled to compete on a fair basis for that business, secure in the knowledge that the tender board process will protect them from any favouritism, exclusion or other arrangement that defies that tradition. They can hardly feel comfortable with the arrangement. I ask the Minister for Industry and Employment, who is at the table, to consider that when he makes his closing remarks on the Bill.

The opposition does not wish that the amendment to the Act should provide the government with an avenue for resolving difficulties which might arise if indeed those involved have failed to comply with tender board requirements as set out in existing Treasury regulations dealing with contracting for the two consultancies I mentioned, or any other consultancies.

I am sure that the Acting Speaker and the Minister at the table would be aware from their reading of a view that is emerging in modern government circles and the world in general: a view of a nation of citizen power and a return to the rights of citizens of the community. As I read it, it is a reaction to the impact of the globalisation of our economies and the fact that sovereign States do not have readily available authority over quite a lot of activity that traditionally was able to be confined. That is the nature of the changing world; people have to live with that.

Many Victorian companies are leading the way in that area of activity. As a reaction to that view more and more governments are looking to ensure that citizens have their rights protected and those strong demands for accountability are checked to meet modern circumstances and to ensure that citizens feel secure.

I read a speech of the Right Honourable John Smith, a ubiquitous name for an Englishman, for the new Leader of the British Labor Party. Mr Smith was considering the notion of citizen power and referred to the proposition of a professor of one of the red brick universities.

This professor described the new magistracy, those consultants who are very much part and parcel of government life, especially under this government as it pursues its avowed intention to contract out as many traditional government functions as possible in the marketing area or whatever. The new magistracy will arrive here and its presence will be felt more and more.

Mr Smith said that there was a serious need to check accountability procedures because these people are gladiators and cowboys in some senses; they are not subject to traditional notions that have been built into the Westminster traditions of bureaucratic life, traditions which have evolved since the time of Pitt the Younger.

Those traditions have been carried over within government in Victoria. In the haste to make change,

whether acceptable or appropriate — that is not the issue — it is necessary to stop at times like this and for all, particularly government Ministers, to consider other elements, for example, pseudomorphism.

A pseudomorph is a geological form which does not change its shape but chemically changes inside, so what you see is not what you get. The best example of a pseudomorph is the car. When the car was introduced it was thought that it would allow us to travel faster from point A to point B and that we actually might be able to travel from point A to point C, which would not normally have been considered. It did much more than that. It took us from point A to point Z, produced suburban supermarkets, produced cultural changes in the way in which children relate to their parents, and produced the nuclear family. That is a good example of what is known as a cultural pseudomorph. That is particularly relevant to changes of the kind in the legislation, no matter how minor they may appear from one perspective. There are equal and opposite reactions that need to be tested and considered.

I commend the government for taking up the advice of the Parliamentary Counsel quickly and putting this matter right. The opposition supports the Bill willingly, save for those brief comments, observations and minor criticisms.

Mr THWAITES (Albert Park) — As the honourable member for Sunshine pointed out, this is a short Bill but it is important not only because of its effect on cultural pseudomorphs but also for its more general application to government administration and protection of the taxpayer.

The Bill is necessary because of the concern that has been raised during the past year about the validity of Treasury regulations. That issue has been raised by the Scrutiny of Acts and Regulations Committee, among others. As a member of that committee I congratulate the government for responding to the concerns that have been raised about the timely introduction of the legislation.

The Scrutiny of Acts and Regulations Committee performs an important function in raising these issues, and that leads to better legislation and administration in Victoria. Although a degree of jocularity is sometimes associated with the workings of the committee, all its members, particularly the chairman, the honourable member for Doncaster, work hard to provide information that will be of benefit to this House.

This Bill and a number of Bills to be debated next week are examples of the good work of the committee. I hope the advice of the committee is also followed with regard to legislation that affects the rights of Victorians. I refer specifically to the Sentencing (Amendment) Bill to be debated next week.

Regulations governing the tendering process are extremely important for the protection of the taxpayer because it is the taxpayer who suffers if government — particularly bureaucrats — are able to deal in such a way that there is no regulation of the outside contractors or consultants. That can lead to corruption and special deals for friends and mates and the like, and that is something that should be avoided.

The regulations become even more important in light of this government's policy to contract out many services. Already the government has set in place the process for contracting out correctional services and consultancies to advise the Department of Education and other departments of economic and financial matters. That sort of advice was previously given by public servants, who are subject to Public Service regulations. Those regulations do not apply to outside contractors.

Yesterday the Victorian Commission of Audit appeared to encourage the government to contract out even more services. The executive summary of the audit commission's report states:

> The government should see itself as having a responsibility to purchase services on behalf of the community, rather than necessarily providing those services itself.

The audit commission recommended that the public sector be restructured according to that policy. I am concerned about that recommendation, and it must be considered when dealing with matters such as the Tender Board and the Treasury regulations that apply to outside consultants.

It is a matter of where one draws the line. Although some services can be provided best by outside consultants, others are best provided by public servants. The government is drawing the line too far in the direction of outside consultants, which is dangerous for many areas, including one I am particularly interested in — the criminal justice system.

This House has passed a Bill allowing the privatisation of correctional services. Where does it stop? Will it be the court system next? Will magistrates be paid by the hour? Perhaps consultants will be brought in just to decide the odd case?

The Treasury regulations provide some regulation that may otherwise be missing. The regulations of the Tender Board are based on the value of a contract. If a contract is worth more than $10 000 three quotes must be obtained. If the contract is for services worth more than $50 000 the Treasury regulations set out detailed provisions for the process that must be followed, and that is under the control of the Tender Board.

The tenders must be advertised and there must be a proper opening and consideration of them. Finally, there must be a contract with the tendering party. It is important to follow that process — it is the law. I would be concerned if the government were not complying with that process.The State audit commission has engaged numerous consultants — its budget for consultancies is $600 000. That is an extraordinarily large amount. Given the money involved in consultancies, the audit commission should follow the proper tendering processes. However, when one examines the situation it appears that tenders have not been called for the work of the various consultants. The reason appears to be that the same firm has been employed to undertake a number of separate tasks, all of which happen to cost less than the magic $50 000.

Coopers and Lybrand, a firm of accountants, has provided consultancy services to the Victorian Commission of Audit as follows: assistance in preparation of financial information, $12 000; provision of financial consolidation software, $13 000; work on financial accountability within the Victorian public sector, $30 000; technical editing and preparation of summary report, $24 340; further accounting advice, $19 600; and further technical editing at $24 340.

It is readily apparent that the total amount charged by Coopers and Lybrand far exceeds $50 000. By dividing the work into seven separate items the Tender Board process is avoided. That is not a proper approach because it may well be adopted in every case. A consultant could simply avoid the Tender Board regulations by sending two invoices, one for the first part of the work and one for the second. That avoids the intent and the spirit of the Treasury regulations. The process is fraught with danger of corruption because it is possible for bureaucrats to give jobs to their mates with no outside scrutiny of their actions.

Some of the services charged for by supposedly separate consultancies in the Coopers and Lybrand report are the same. For example, technical editing is used as the basis for a claim in at least two cases. I would be most concerned if government agencies were to adopt a procedure of avoiding Treasury regulations — the very regulations the Bill seeks to validate — by dividing contracts into smaller amounts below the magical $50 000 limit.

The honourable member for Sunshine expressed concerns he had about the advertising budget for the Employee Relations Act. It appears that there has been a breach of Treasury regulations in that case. The invoices I have been able to obtain under freedom of information legislation show that the total cost to government for advertising the legislation is $786 000. That seems an extraordinary amount of money to be spent on an Act which the Minister has said will be amended anyway and which as a result of the move to Federal awards will cover even fewer Victorian workers in the future. The information I have received under FoI about invoices and their amounts is as follows: DDB Needham Advertising, $390 078; Badjar Pty Ltd, $9022; Badjar Pty Ltd, $10 139; Badjar Pty Ltd, $12 687; Badjar Pty Ltd, $52 500; Detail Printing Pty Ltd, $180 487; and Badjar Pty Ltd, $131 539, making a total of $786 452. I ask the Minister whether the Treasury regulations were complied with. Those figures are not even close to the $50 000 limit; many exceed that amount by a significant margin.

Recently in the House the Premier was asked whether Tender Board approval had been obtained and he said he would try to ascertain whether it had. It appears from correspondence I have received under FoI that Tender Board approval was not obtained. The letter from the Department of the Premier and Cabinet advises that it has been unable to locate any documents in the department relating to State Tender Board approval for the engagement of firms involved in the advertising campaign.

Mr Gude — Who is the letter from?

Mr THWAITES — The Department of the Premier and Cabinet. The advice I received from the Department of Business and Employment is that all advertising matters relating to the Employee Relations Act were handled by the Department of

the Premier and Cabinet, not by the Department of Business and Employment.

Although I support the intent of the Bill, its intent and spirit are undermined if the regulations are not complied with.

Mr GUDE (Minister for Industry and Employment) — The honourable members for Sunshine and Albert Park have offered their support for the proposed legislation. They have constructively identified the reasons for the measure and the changes required. They have identified correctly the role and work of the Chief Parliamentary Counsel and the Scrutiny of Acts and Regulations Committee in that area and paid due recognition to both for their identification of issues, and have credited the government for having responded.

The opposition raised matters concerning the promotion of the Employee Relations Act, a matter that has already been raised with the Premier. As I understand it, all of the promotional material has come through a central agency and the Premier will be in contact with the Leader of the Opposition, who raised the question in the House and will respond to him.

The honourable member for Sunshine raised concerns about the need to check the validity and controls on tenders where outsourcing and privatisation are taking place. There may be a need to increase the external audit process when one moves into those jurisdictions. Obviously, in the longer term, a subjective judgment will be made whether this or that facility is contained within government or outsourced in some way. It is clear from the direction the government enunciated prior to the election and which it is travelling in at present that it believes greater efficiencies and effectiveness can be brought to public administration and will bring benefit to the community in terms of the cost of the service by breaking up a number of agencies and having functions that are currently carried out by government carried out externally. Again, the fullness of time will test all of that, and I understand clearly what is being said by both members.

The honourable member for Albert Park referred to the capacity of agencies to avoid the Tender Board requirements by going under the $50 000 limit. He expressed concerns, I think validly, about the prospect of agencies breaking up tendering arrangements specifically for the purpose of avoiding that limit. I hope his enthusiasm for this area will not in any way dwindle should the government check retrospectively the number of times agencies — and I am sure the honourable member for Sunshine will not have been involved through any agency for which he was responsible — have done this in the past.

The honourable member for Sunshine raised a matter which I have some difficulty in knowing the best way to handle about the tabling of the regulations. I do not have an instruction from the Minister for Finance on the matter at this stage, but I will take the matter up with the Minister to ascertain whether the regulations can be made available to both the honourable member and the shadow Minister for Finance, the Honourable David White, while the Bill is between here and another place, which I understand will fulfil his requirements. I assure the House that the direction and intent of the legislation are in the spirit of the second-reading speech and in the spirit in which both opposition members have made their contributions.

Motion agreed to.

Read second time.

Passed remaining stages.

Mr Leighton — Mr Speaker, I direct your attention to the state of the House.

Quorum formed.

ADJOURNMENT

Mr GUDE (Minister for Industry and Employment) — I move:

That the House do now adjourn.

Future use of former Geelong Gaol

Mr LONEY (Geelong North) — In the absence of the Minister for Corrections, I direct to the attention of the Minister for Industry and Employment the future uses for the old Geelong Gaol. Some time ago the Minister announced a review and feasibility study of the future use of the gaol site and associated facilities. That announcement generated widespread interest in the Geelong community about the uses to which the site may be put — from the exhibition, storage and sale of local wines to the unbelievable suggestion that the old gaol be reopened and again used as a prison. Each

suggestion was discussed widely throughout the Geelong community.

I understand that the review and feasibility study has been held and that the Minister has received submissions. The Geelong community is interested in the range of submissions, and many would like to know the suggested uses of the old Geelong Gaol and the role that the local community may play in its development.

I ask the Minister whether he is prepared to make available the number and content of the submissions received about the possible future uses of the site and facilities. What procedures will he adopt in dealing with the submissions, and how will the local community be consulted? Will he soon make the submissions available to the Geelong community?

Electricity supplies to urban subdivisions

Mr A. F. PLOWMAN (Benambra) — The matter I raise is for the attention of the Minister for Energy and Minerals.

Mr Hamilton — You hardly know him!

Mr A. F. PLOWMAN — I wish to ask the Minister about the supply of electricity to urban divisional sites. The reason for the cost increase is the need for full cost recovery for the supply of electricity to the subdivisional sites, as is the case across the border with the supply of all energy.

In the past the SEC had a monopoly for the supply of electricity and there is evidence of an oversupply of teams of workers to carry out specific tasks. It is often the case that where a job could be carried out during the week, it is carried out over the weekend to attract overtime rates. Therefore the cost of developing urban subdivisions in some areas is greatly increased. The recent substantial increase in electricity rates in Victoria has been sadly evident in my electorate, where the difference between the cost of development on one side of the river, in New South Wales, and the other side of the river, in Victoria, is extremely obvious.

Little or no warning of the increase was given to developers and, as a result, in many cases the developers have found it impossible to pass on the costs to the final consumer. Will the Leader of the House, in the absence of the Minister, investigate what action can be taken to overcome the problem and how cost savings can be passed on to property developers in Victoria who wish to be able to develop subdivisions at costs comparative with those applying in New South Wales?

Intellectually disabled adults

Mrs GARBUTT (Bundoora) — In the absence of the Minister for Community Services I direct a matter to the attention of the Leader of the House.It is part of the pattern that the Minister for Community Services should not be in the House because the matter I raise is about his lack of response to a number of letters written to him by the Ivanhoe-Diamond Valley Centre for intellectually disabled adults. The centre has sought my assistance to try to get the Minister to reply to correspondence. Last night in this place a similar matter was raised by the honourable member for Preston; the Minister had not replied to correspondence from another group for six months. That group was kept waiting, as the Ivanhoe-Diamond Valley Centre is being kept waiting. One has the feeling that the Minister is hiding in more ways than one.

The centre runs a regional adult activity centre in Macleod for 80 clients. It also provides an outreach service for the Caloola Training Centre and operates two 24-hour community residential units. It is not a small centre; it is an important regional facility that offers a variety of programs to a range of intellectually disabled adults.

The centre wishes to discuss its concerns with the Minister. It wrote to the Minister on 2 December last year and 24 February and 29 March this year. Apart from an acknowledgment saying that a response will be forwarded as soon as possible, the centre has received no reply from the Minister.

Will the Minister respond to the requests in the three letters which have gone unanswered and to the group's request for a meeting to discuss their concerns?

Clover growers

Mr JASPER (Murray Valley) — I direct to the attention of the Minister for Agriculture the clover growers in north-eastern Victoria. Last month the Minister visited my electorate and met with a number of clover growers at the Rutherglen Research Institute who expressed concern about the future support to be provided by the Department of Agriculture for their small but important industry. There is only one staff member at the Department of Agriculture's office in Benalla who certifies the seeds produced by growers. That person may be taking a

redundancy package, which means that the office will be left without an appropriate officer to service clover producers in both north-eastern Victoria and the Goulburn Valley.

The Minister will also be aware that changes to the seed certification program are being considered. It has been proposed that the Burnley laboratory be closed by 30 September 1993. The department is discussing whether future certification will be carried out either in New South Wales or by a private facility in Victoria.

It is important for seed and clover growers to know that the Minister for Agriculture supports them. Will the Minister assure the people in my electorate that they will receive continued assistance from the Department of Agriculture for seed certification and that staff will be provided in the north-eastern part of the State to service growers in the area?

Small Business Development Corporation

Mr LEIGHTON (Preston) — I raise a matter for the attention of the Minister for Small Business. As he is not present for the debate on the motion for the adjournment of the sitting — just as he has not been on any night this week, having on some occasions left the Chamber as soon as the debate was called on — I ask that the Leader of the House direct my comments to the attention of the Minister.

Honourable members interjecting.

Mr GUDE (Minister for Industry and Employment) — On a point of order, Mr Speaker, it is clear from the interjections of honourable members that they are offended by the remarks made by the honourable member for Preston, who said that the Minister for Small Business has not been present during the adjournment debate on any night this week. That is inaccurate, and I ask you to ask the honourable member to withdraw the remark.

Mr LEIGHTON (Preston) — On the point of order, Mr Speaker, my understanding of previous rulings is that it is up to the member concerned to take exception to the remark.

The SPEAKER — Order! Any honourable member may take offence at any words spoken by another. I ask the honourable member for Preston to withdraw that remark.

Mr LEIGHTON (Preston) — I withdraw. I ask the Minister for Industry and Employment to direct my comments to the attention of the Minister for Small Business. I ask the Minister for Small Business to clarify how he will abolish the Small Business Development Corporation. Will he do it by legislation, Ministerial statement, press release, media conference or public meeting?

One of the difficulties is that the Small Business Development Corporation was established in 1976 by an Act of Parliament, so it is possible that the Minister may introduce a Bill to repeal the corporation.

The SPEAKER — Order! The honourable member cannot ask for legislation.

Mr LEIGHTON — I am not asking for legislation. I am indicating that the Minister has a number of options. The Minister issued a press release in March this year which said that the corporation would be revitalised. Abolishing the corporation is a funny way of revitalising it!

I know the Minister is embarrassed, given that he issued a policy document about the corporation which said at page 13 that the commission would be retained, but he was rolled in Cabinet by the Premier.

The small business community knows the Minister had agreed to the representations of the corporation that it should be retained, but, as I said earlier, he was rolled by the Premier.

I understand that the Minister is reluctant to debate the issue in a public forum, but he should make a statement rather than allow the term of the board of the corporation to expire on 30 June, because that will create a messy situation. The Minister has an obligation to say publicly what he will do.

HIB vaccine

Mr MAUGHAN (Rodney) — I direct to the attention of the Minister for Health the provision of the vaccine used for immunising young children against the HIB virus, which causes meningitis.

Municipalities have been providing the service at a cost to clients. The City of Echuca has been charging $25 a shot for the vaccine. Rumours have been circulating for some time that the Commonwealth government will place the vaccine on the free list. In other words, it would be on the immunisation schedule free list.

A press release from the Commonwealth Minister for Aged, Family and Health Services published in yesterday's *Age* said that the Commonwealth was unable to fulfil its promise to introduce a rebate system from 1 April.

I ask the Minister to clarify whether municipalities such as the City of Echuca, which needs to purchase vaccine immediately, will be provided with free vaccine by the Department of Health and Community Services or whether municipalities or families will have to claim rebates directly from the Commonwealth. It is an important matter and a number of municipalities require clarification from the Minister. I seek her advice on this important issue.

Insurance cover for public servants

Mr MICALLEF (Springvale) — I direct to the attention of the Minister for Industry and Employment a memo distributed to all staff of his department by a company called Australasia Marketing Investments which refers to the changes to WorkCover introduced on 1 December last year and especially to journey accidents.

Staff working in the Department of Business and Employment are not covered for journey accidents under the WorkCover scheme. The memo offers employees in the department an insurance policy covering death and/or permanent disablement due to a journey accident up to an amount of $100 000 and loss of income for 100 per cent of pre-injury income up to a maximum of $800 a week, payable for up to 104 weeks.

The memo states:

> These benefits clearly offer substantial peace of mind to those enrolled and are currently available only to employees of this department for only $8 per year.

The memo asks for the cheques to be made payable to a firm called Arrowsmith and Petruccelli and is signed by Daffydd Wiesner-Ellix.

Public servants are concerned that a private company has been allowed to tout for business in the Public Service. They were apparently told the memo had been distributed with the Minister's permission. I ask the Minister whether he authorised the distribution of the memo and whether he supports its contents.

Optus tower

Mr WEIDEMAN (Frankston) — In the absence of the Minister for Education I raise a matter for the attention of the Minister for Industry and Employment. Optus Communications is attempting to build a 90-metre tower on the Mornington Peninsula to be used as a translator for its telephone service. It negotiated with the Frankston council to erect the tower at either Beauty Park or Humphries Road. The council met with people in the vicinity and was able to convince Optus not to construct the tower in that region.

A large number of telephone callers have directed to my notice the fact that Optus has moved its attention one block away to Canadian Bay Road. A number of residents are concerned that the tower and discs will be placed in the grounds of the Mount Eliza High School. My secretary rang the school and was told by the headmaster that the matter is now being negotiated with the Shire of Mornington, which has responsibility for that area. The school's grounds are large — 6 or 8 acres — and because they are near the Mount Eliza central business district residents are concerned that the tower will infringe on their privacy.

I ask the Minister to ensure that the council and the school consult with the residents because so far no consultation has taken place. I understand from the headmaster that the valuation given by the Department of Education for the rent on the ground to be occupied by the tower is $4000 a year and that that would be paid to the school. If we are to have Optus towers all over school grounds and throughout the metropolitan area the government should develop a policy on them and should take account of the concerns of residents and school communities.

Jacana railway station

Mr THOMSON (Pascoe Vale) — In the absence of the Minister for Public Transport I raise a matter for the attention of the Minister for Industry and Employment. The users of the Broadmeadows line, particularly those who use the Jacana station, face the problem of unstaffed railway stations. Several Jacana rail commuters have been issued with fines for not having tickets even though the station was unstaffed at the time they wanted to buy them.

Mr Alex Kubalsky and Mr Tony Markulin were both placed in that position, and Mr Markulin was fined and harassed over the matter. I know the staffing of

railway stations is a difficult issue and that it has not been possible for this or previous governments to provide station staff at all times. Nevertheless, it seems to be a matter of great concern that because stations are unmanned people are unable to purchase tickets, particularly in the morning peak period, and are therefore at risk of being fined. That must act as a disincentive to patronage on the Broadmeadows and other rail lines.

Over the years the Jacana railway station has been the subject of extensive vandalism and graffiti and has been allowed to run down. It is important that the Minister consider staffing the station. I understand from comments made in a newspaper report that the Public Transport Corporation is examining the possibility of providing staff at the station for the morning peak period. I encourage the Minister to do that.

I also ask the Minister to develop a more satisfactory system of dealing with people who, although they wished to purchase tickets, have been fined because they were not able to do so.

River works near Powelltown

Mr McARTHUR (Monbulk) — I raise a matter for the attention of the Minister for Natural Resources, who has an excellent record, as do all current government Ministers, of attendance during the debate on the adjournment motion. I understand that is a novelty in this House.

The matter I raise concerns a long-running argument between a Mr Christopher Lovelock, a resident in my electorate, Melbourne Water and the former Department of Conservation and Environment, now the Department of Natural Resources. Mr Lovelock, who owns a property that fronts on to the Little Yarra River in the Powelltown area, was notified in 1990 by the then Board of Works of river improvement works that entailed employees of the board poisoning willow and similar species of trees along the river bank and on the river reserve.

In February 1991 Mr Lovelock wrote to the Board of Works and the Department of Conservation and Environment complaining about the damage caused during the destruction of the willow trees, action that he considered to be a desecration of the river bank area, and pointing out that the work had been carried out away from the river's edge. In March 1991 he was advised by the then assistant regional manager of the Department of Conservation and Environment that the Board of Works operation had been approved by his department and that a regeneration and replanting program involving the species *acacia melanoxylon* and *melaleuca ericifolia* would be implemented.

In July of last year Mr Lovelock again complained to the department and the board about the failure to carry out any regeneration or replanting. He also complained about the failure to remove the dead trees that had been poisoned almost two years earlier and explained that the failure to replant had exposed tree ferns along the river bank to damage from the hot summer sun.

In October 1992 Mr Lovelock again lodged a complaint and received absolutely no response from either Melbourne Water or the Department of Conservation and Natural Resources. Earlier today Mr Lovelock assured me that he had still received no response from Melbourne Water or the department. He is extremely dissatisfied with the failure of either body to replant as promised or to repair the damage along the river's edge. He would like to see better cooperation between the department and Melbourne Water.

The problem experienced by Mr Lovelock demonstrates a clear need for better cooperation between the two bodies and landowners along the river's edge when Melbourne Water intends to carry out improvement works.

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

Bungled drug raids

Mr PANDAZOPOULOS (Dandenong) — In the absence of the Minister for Police and Emergency Services, I direct to the attention of the Minister for Industry and Employment, who is at the table, an article on the front page of yesterday's *Age* entitled "Police bungle more drug raids". It is of great concern that three such drug raids have been bungled; they have caused embarrassment to our police community. I am a supporter of the work of police. It is of great concern to me that if these incidents continue to happen the respect of police in the community will be undermined.

The latest incident occurred in my electorate. A young Vietnamese family and a middle-aged Polish family had their homes entered by plain-clothes police. The occupants were handcuffed and their premises were checked. The Polish middle-aged family visited my office yesterday morning. They

were quite concerned about this happening to them. People from both these families come from countries where human rights are not treated with the same respect as in Australia.

Like all victims of crime, people can suffer all sorts of mental and health problems when their properties are broken into, particularly when they are in their homes at the time. The police entered the premises of the Polish family by breaking down the door. They did not identify themselves. The automatic response of the Polish gentleman was to defend his family. Unfortunately, he was physically harmed by the police and tied up.

I ask: firstly, what will the government do to ensure that this sort of thing does not happen again, so that wellbeing in the police community is maximised; and, secondly, what is the intention of the Minister and the government in assisting the victims of these unfortunate incidents?

Department of Conservation and Natural Resources work in Sandringham electorate

Mr THOMPSON (Sandringham) — I bring a matter to the attention of the Minister for Natural Resources. In the remaining 10 seconds available to me, I commend the Minister on the outstanding job his department is doing for the people in the electorate of Sandringham.

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

Responses

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — The honourable member for Benambra raised the matter of increased charges being levied on developers by the State Electricity Commission for the wiring of housing estates. Previously the SEC wired estates at a considerable discount to developers; electricity consumers around the State have been subsidising developers in this exercise. The SEC has decided to look towards full cost recovery in its activities. As such, it will be increasing those charges.

The honourable member for Benambra was concerned that in the past an excessive number of SEC personnel has been involved in this activity when they may have been deployed elsewhere more effectively and efficiently. Personnel were wiring estates on weekends and accruing overtime payments as a result.

As I said, costs have been increased to reflect full cost recovery of electricity connection. This would be of some concern to the honourable member for Benambra and other members in the House if it were not for the fact that the government has decided that this operation should be opened up to private contractors and that there should be full competition with private contractors in providing this work.

In future developers who wish their estates to be wired will be able to seek tenders from private contractors and the SEC. The SEC will have to ensure that the private contractors have the expertise to design and administer the insulation of wiring in new estates so that safety standards are met.

The State Electricity Commission will have the responsibility to ensure that the contractors are adequately trained to qualify for those specifications. As a service to developers the SEC will make available to them a list of approved contractors. I have requested the SEC to provide me with an annual list of the work undertaken by contractors as opposed to SEC day labour or contracts to satisfy me that it is no longer a closed shop, that the competition being offered by contractors is adequate and that costs will be kept to the absolute minimum.

The honourable member referred to the lack of notice the developers were given about the change to full cost recovery. I am advised by the SEC that adequate notice was given, but as the matter has been raised I will check that with the SEC and advise the honourable member accordingly.

The object of the competition in the long run is to ensure that the cost to developers is kept to a minimum so that costs as a result of inefficiencies will not be passed on to developers and ultimately to the home owners of Victoria.

Mr W. D. McGRATH (Minister for Agriculture) — The honourable member for Murray Valley referred to seed testing, seed certification and the role of the Plant Research Institute at Burnley. I have been to the institute at Burnley on a couple of occasions and have been impressed by the work being done with cereal cropping trials and research on chemical farming and other operations.

The Burnley research institute has been used as a laboratory for seed testing and seed certification, and it has been announced that the government intends to close that laboratory as at 30 September 1993 provided that assurances are given that suitable private laboratories of an equivalent high standard will be in a position to provide timely testing services for Victorian growers and seed companies.

The Victorian Seed Advisory Committee met on 30 April this year and agreed to take a positive position to ensure that a private laboratory system will be established in Melbourne. One of the industry concerns is the current inability for private laboratories to issue International Seed Testing Authority orange certificates. Those certificates are required for export consignments of small seeds. Discussions are being held with officers from the South Australian government seed testing laboratory to put in place an auditing system that will enable orange certificates to be issued for seed testing in private laboratories in Melbourne, and that is being discussed with the Victorian Seed Advisory Committee.

The honourable member for Murray Valley also asked about seed certification. A meeting was held this week between officers of the Victorian and South Australian departments of agriculture with representatives from the Seed Industry Association of Australia and the Grains Council of Australia to explore options to develop an industry-based organisation to manage seed certification.

That is an initial step in moving towards a national seed certification program. I am glad to hear by interjection the endorsement of the honourable member for Morwell. It demonstrates that the scheme has potential. Next week I will put in place a consultative committee to advise me on the seed industry and the most appropriate institutional framework to achieve industry management of the new certification authority by 1 July 1994 so that there will be time for the industry to work through any problems.

The Department of Agriculture will continue to supply the current seed certification program and seed-testing facilities. I advise the honourable member for Murray Valley that we would like to move to a national seed certification system which could, in conjunction with the industry, become a privately operated seed certification program. We will give that time to evolve. At present the government has advised the industry that it would like to see this step achieved by 1 July 1994.

Mrs TEHAN (Minister for Health) — The honourable member for Rodney raised with me an important public health issue concerning HIB, an influenza virus which affects about 700 Australian children every year.

In the latter part of last year the Commonwealth government approached the States about a vaccination program against the virus which can in some instances cause death. The Commonwealth's proposal was that it would partially fund the program and the States would be required to pick up the balance. Unfortunately that has become a recent practice of the Commonwealth government — it starts a program, indicates that it is necessary, increases people's expectations and then will not fully fund it.

Mr Hamilton interjected.

Mrs TEHAN — Yes, it also involves local government. I commend officers of the Department of Health and Community Services, especially Dr Chris Brook, the Director of Public Health, who has been liaising and negotiating with the Commonwealth government. One of the best things to come out of the recent Federal election was a promise by the Labor Party that if it were successful it would take over the funding of the HIB immunisation program.

The matter raised by the honourable member for Rodney has to a considerable extent been resolved in that the Commonwealth has said that as part of the implementation of its promise it would fund the program from 1 April. The new Minister for Health, Senator Graham Richardson, issued a press release on 21 April saying he would make special interim arrangements for the immunisation program to be available through local councils to families to whom babies had been born since 1 April. In his news release he said:

> Any State that is able to provide the vaccine will be reimbursed, and any family who paid for the vaccine after 1 April, whose child would be eligible for the vaccination program, will be reimbursed.

The Minister said he would be announcing details of reimbursement arrangements for parents next week. The honourable member for Rodney referred to the City of Echuca, which has made the vaccination available for families at a charge of $25. He asked whether after 1 April municipalities will receive the vaccine free of charge direct from the States or

whether it will be purchased by the city and reimbursement provided by the Commonwealth.

Unfortunately, I do not have with me the details about how the procedure will be implemented. On the basis of statements made by the new Federal health Minister, I assure the honourable member, and through him, the City of Echuca, other municipalities and families, that all costs of the vaccination program for prevention of HIB for babies older than two months of age will be met by the Commonwealth from 1 April next.

If the honourable member wishes, I will obtain further details. The assurance of the payment by the Commonwealth provides a great deal of certainty that the program will proceed and, what is even more important, that the Commonwealth will pick up the cost of that program.

I commend the efforts of Dr Brooks in negotiating a successful financial outcome for the State so that families and children can now expect regular and free immunisations.

Mr McNAMARA (Minister for Police and Emergency Services) — The honourable member for Geelong North asked me about the future of the old Geelong Gaol. That is at present under investigation and I understand there is much interest within his community about its future. I shall advise the honourable member further on that matter.

The honourable member for Dandenong raised a concern about a police raid in his area which has been widely reported in the media. I shall seek advice from the Chief Commissioner of Police and pass on a report to the honourable member.

Mr COLEMAN (Minister for Natural Resources) — The honourable member for Monbulk asked about the poisoning of willow trees and associated work undertaken by the former Melbourne and Metropolitan Board of Works and the former Department of Conservation and Environment at Powelltown in 1990.

You, Mr Speaker, will know that broken branches from willow trees have a habit of self-transplanting into waterways, thereby causing a redirection of the water flow and, in some instances, flooding.

As I understand it, the poisoning was undertaken in 1990; the plan was that the dead trees would be removed the following year. That work has never been completed, nor has any regeneration work been undertaken. I need to have some up-to-date information, particularly from Melbourne Water given its responsibility in that part of the river for river management work.

It is important that Mr Lovelock, the constituent of the honourable member for Monbulk, understand that what has happened should never have occurred. Certainly, the accusations made have been rather acrimonious but, having undertaken to poison the trees and to subsequently remove the debris and undertake regeneration work, the program should have been completed. I shall take up the matter with Melbourne Water and provide a response to the honourable member in due course.

As things happen, in the 10 seconds allowed to him the honourable member for Sandringham was congratulatory of my department — and his extrasensory perception worked! I was able to understand the matter he wished to raise.

Given that the honourable member raised a specific issue, I shall pursue the matter with Melbourne Water and provide him with a response.

Mr GUDE (Minister for Industry and Employment) — The honourable member for Bundoora raised a matter for the attention of the Minister for Community Services about the Ivanhoe-Diamond Valley Centre for intellectually disabled adults, which expressed concern about some letters that had been forwarded to the Ministry where an acknowledgment had been received but a firm response had not been forwarded. When letters of that nature refer to a particular situation they are usually investigated thoroughly. I assume that in her remarks the honourable member was not casting aspersions on the administration of the agency. I shall raise the matter with the Minister for Community Services who, like all members of the government, is concerned to ensure that those in our society who are disadvantaged, whether intellectually or otherwise, are given every consideration and support. It is obviously a matter of concern in the honourable member's electorate.

The honourable member for Preston raised a matter about the abolition of the Small Business Development Corporation. In his usual way he could not restrain himself from having a shot at the Minister instead of raising a specific issue. I assure the honourable member that legislation will not be introduced in this sessional period to deal with the corporation. His criticism of the Minister and of the policy during the election campaign is ill founded.

At that time I was the shadow Minister, not the Minister. He is wrong on both counts.

I had the privilege of being a member of this place in 1976 and I believe my maiden speech was on the establishment of the Small Business Development Corporation. I was later a board member of that corporation.

The corporation's role has been enhanced, as has been indicated by the Minister for Small Business, and it will be integrated within the department. There is support for the work of the Minister for Small Business, who has a real feel and flair for the requirements of small business. I have no doubt that the relationship that will be developed between the corporation and the Minister's agency will enhance the services that are provided to small business.

The honourable member for Springvale raised a matter with me about an organisation referred to as Australasia Marketing Investments and he indicated that a document, which he subsequently made available to me, had been distributed within the Department of Business and Employment which, as the honourable member knows, covers a number of portfolios. I am advised that the document was distributed two or three weeks ago. It was not authorised by anyone. I assure the honourable member that it was not authorised by me, any of my staff or the secretary of the department.

I understand the letter was circulated to a number of departments. I thank the honourable member for raising the matter, but I am only able to inform him that the government is currently trying to track down its origin and the basis of its distribution. The government is concerned about how this was allowed to happen and what people — not only the company that has been named in the letter — were involved in the distribution of the document.

The honourable member for Frankston drew to the attention of the Minister for Education the possibility of the Optus telecommunications organisation establishing towers in his electorate. He also expressed concern about the prospective construction of those major towers in the grounds of the Mount Eliza High School. I will draw that matter to the attention of the Minister for Education. It is obvious that the honourable member for Frankston is very experienced in these matters and has got on to the issue very quickly.

The honourable member for Pascoe Vale raised a matter for the Minister for Public Transport concerning Mr Markulin, who has been fined for not purchasing a train ticket. He explained — I do not think he said it in so many words — that Mr Markulin was not able to purchase a ticket because there were no staff at the station in the early hours of the morning when he was travelling to work. The honourable member for Pascoe Vale was good enough to say that the Public Transport Corporation is reviewing staffing matters in that area. I will raise the matter with the Minister for Public Transport, but in many ways I think the honourable member has foreshadowed the answer by acknowledging that a review is taking place.

I inform the honourable member that the introduction of automatic ticketing machines will overcome part of that problem, and the community will benefit from their introduction. It is pleasing that the implementation of ticketing machines was achieved by this government — something that the previous administration could not do — and that the Minister for Public Transport has been able to achieve it through negotiation with the relevant unions.

The government is also intent on grabbing those people — and I am in no way casting aspersions on the constituent of the honourable member for Pascoe Vale — who ride on the transport system without paying their dues. It is because of those people that the transport system has incurred extensive losses over the years. It is that same attitude that leads to dirty carriages, graffiti and the other things that the community finds abhorrent on the transport system. The government is about having cleaner, efficient and effective transport in this State.

Motion agreed to.

House adjourned 5.59 p.m. until Tuesday, 11 May.