Tuesday, 15 November 1994

The SPEAKER (Hon. J. E. Delzoppo) took the chair at 2.06 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Roads: freeway tolls

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to the categorical commitment given by the Minister for Roads and Ports in May last year that the Western bypass and the Domain tunnel would be fully paid for by the 3 cent-a-litre fuel levy. Will the Premier honour that commitment and complete the projects without double dipping by imposing a toll on motorists using those roads?

Mr KENNETT (Premier) — Unlike the honourable member for Pascoe Vale, who yesterday did not understand and appreciate how much the 3 cents — —

Honourable members interjecting.

The SPEAKER — Order! I advise members of the opposition that their holding up pamphlets is disorderly.

Mr KENNETT — It is not only disorderly but childish! Yesterday on radio the honourable member for Pascoe Vale could not even answer the question of how much the 3-cent levy had raised. It is around about $150 million.

When it came to office the government inherited a whole range of problems, a number of which were fundamental. One was an economy that had been allowed to run down; another, a road system in which none of the freeways was linked. We are developing a gridlock on our road system that is unparalleled in this country. The 3 cent-a-litre levy raises about $150 million to $160 million a year, of which, as we have said, a third will be expended on country roads. As the honourable member for Morwell says, 'That's good'. It amounts to about $100 million a year!

The project we are talking about will link the West Gate Freeway and the South Eastern Arterial by tunnel. It will complete the Western bypass and upgrade the Tullamarine Freeway — and it will cost between $1 billion and $2 billion. If in fact we relied on only the 3-cent levy — and that proportion available to us — we would end up with $100 million a year to fund a project with a cost of about $1.5 billion. It is not sufficient.

This government has been working constructively with the federal government to provide for this community, and the federal government, in particular Mr Keating and Mr Brereton, had only one condition on assisting the Victorian government and community with this major infrastructure — that is, that we ensure that whoever is the successful tenderer applies for the tender and has imposed upon it some part of the commercial risk. They were not prepared to put up community money federally nor were they prepared to allow us to do so unless there was a commercial risk.

That has been put into position and the tenders are out there now for conclusion. That will be concluded by the end of January. We will then be able to assess whether we can even afford the project. If we cannot afford it, even with a toll as part of it, there will be no linking of the freeways. However, if we can afford it and with some commercial risk accepted by some of the tenderers this major project will be completed.

It is interesting that when the Leader of the Opposition was the federal member for Bendigo he was so worried about the condition of the roads that, before he lost his seat, before he was turfed out, he proposed that a petrol levy be levied on every motorist throughout Australia to pay for roads. Look at him now!

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. A question has been posed to the Premier. The house should at least do him the courtesy of allowing him to answer in silence.

Mr KENNETT — I simply say this to the people of Victoria: we will look at all options to link these freeways in as economically feasible a way as possible. If the tenders do not come in at a price we can afford, we will not proceed. If they do, we will all contribute to it.

The question to the opposition is: does it want the freeways linked and, if so, how will it pay for that? The point is that the honourable member for Pascoe Vale has no idea whatsoever. The Leader of the

Opposition is an empty suit. If he has a policy, he should explain how he will fund it.

Information technology outsourcing

Mr JENKINS (Ballarat West) — Will the Premier inform the house of the benefits to Victoria and specifically Ballarat of the awarding of a contract to outsource information technology services for the Public Transport Corporation and the Roads Corporation?

Mr KENNETT (Premier) — I want to thank the honourable member and his Ballarat colleagues for the work they have done in not only bringing this matter to a fruitful conclusion but also ensuring that this major piece of new business is being attracted to regional Victoria. It is part of the government's decentralisation program, and it is of tremendous value that for the first time we are contracting out a very large part of government business — that associated with the PTC and Vicroads — to a private operator. In this case the successful tenderer is IBM.

For Ballarat it means not only 160 new permanent jobs, which I am sure members would all support, but also the creation of a chair for computing for the University of Ballarat, paid for by IBM. Scholarships will be provided. For the community of Ballarat there will be assistance with a new creche and ongoing purchases of the requirements of the new factory from the Ballarat community.

This is taking to rural Victoria a whole new range of technologies that in the past and present have been contained in metropolitan Melbourne. It gives to Ballarat the opportunity of a new future well into the 21st century and, importantly, it brings both IBM and the university together in a way that will increase opportunities into the 21st century.

The opportunity should not pass in this house or outside this house without saying that the only people opposing this have been the opposition — the ALP — particularly the honourable member for Thomastown. The people of regional Victoria and the people of Ballarat have to understand that the ALP is absolutely opposed to their ongoing interest in the development of opportunities in their state. The honourable member for Thomastown and the ALP have proved themselves yet again to be absolutely, totally opposed to the interests of rural and provincial Victoria. If it were not for the honourable members for Ballarat, both upper house and lower house members, the likelihood of this project being located there would have been minimal.

This government will continue to support regional and rural Victoria. The one political party that remains guilty of ignoring rural Victoria's interests is the ALP.

Roads: freeway tolls

Mr BRUMBY (Leader of the Opposition) — I refer the Treasurer to this year's budget and in particular to the capital works program for roads, which is detailed on page 53. Why is the government proposing to toll motorists for using the Tullamarine Freeway and South Eastern Arterial when the budget makes clear that some $90 million has already been allocated under the Better Roads program for improvements to the South Eastern Arterial and a further $75 million has been allocated for the widening of the Tullamarine Freeway to eight lanes, with both those projects being fully funded by the 3-cent-a-litre fuel levy?

Mr STOCKDALE (Treasurer) — The people of Victoria will be fascinated to learn that the opposition is against the Domain tunnel and Western bypass. I must confess that I had thought that the Labor Party actually proposed the construction of these facilities when it was in government.

Nobody should underestimate the significance of these projects to Victoria. They are absolutely vital. The government has made it clear that we want to see private sector involvement in the construction of these important facilities and that doing so will enable the bringing forward of any government plan, irrespective of who is in government. The involvement of the private sector in these projects will deliver both community and economic benefits far in advance of anything that would be available were the government to endeavour to undertake them.

The opposition will have the opportunity to demonstrate its bona fides on this in two respects. First, a bill will be introduced into the Parliament to facilitate the construction of this project. That will put the Labor Party to the test of whether when in opposition it can honour the commitments it gave in government. Second, and more importantly, the federal government has indicated an interest in assisting in this project on the basis that it will be a private infrastructure development project. I put it to the opposition that it has an opportunity to

demonstrate its bona fides by using whatever little influence it has left in Canberra to try to get some support for Victorians instead of cutting them down at every opportunity.

Grand prix: master plan

Mr DOYLE (Malvern) — Will the Minister for Tourism inform the house of the benefits to Victoria and to the Albert Park area of the grand prix master plan, which was released earlier today.

Mr McNAMARA (Minister for Tourism) — The first point that needs to be made is that the investment in sporting infrastructure that will be accomplished with the grand prix program will comprise the largest input we have seen in this state since the 1956 Olympic games. It is also worth noting the importance of the program to Melbourne. Over a four-to-five-day period it is expected that more than 400 000 people will attend the grand prix. Even more important than that, some 500 million people around the world will watch the grand prix.

You need only talk to people in this state who saw the Commonwealth Games in Victoria, Canada, to realise they would not have thought to visit that area if they had not seen the Commonwealth Games. It stimulated their imaginations. If I were in that part of the world I would like to visit Victoria, Canada. Similarly, I would like to visit Barcelona in Spain where the last Olympic games were held. That country had the same spin-off.

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order.

Mr McNAMARA — We have something a lot better than that! Rather than a one-off event we have an event that will showcase Melbourne, Victoria, to the world — not in one year, but for year after year after year after year!

The Victorian business community is right behind the event. The bulk of the community is right behind it but, again, we have the negative, carping opposition. All it can do is criticise. It is the old story of doing nothing and achieving nothing. That is what the opposition is all about. It is led by a person of little vision and little imagination. He is not prepared to seize the opportunity to take the state forward.

We will see a rejuvenation of the park from the state described by Jeff Floyd, the head of Melbourne Parks and Waterways. He said that for 40 years the Albert Park area was Melbourne's tip. It was developed from a swamp to a tip. It was the cinderella park of this state and received little attention. The buildings in Albert Park are in a state of disrepair; many are not even sewered. We will see a refurbishment of the park with new buildings being put up and old buildings being pulled down. We will see 5000 new trees planted in the park, and we will have a park that we will be proud to display to the world. We will be proud of Albert Park, not ashamed of it. But what do we get from the opposition? We get negative criticism and continual carping.

The economic studies on the grand prix in Adelaide by Price Waterhouse have clearly shown that the event is worth tens of millions of dollars to South Australia. It will be worth even more to Victoria. It will reinforce this state and city as the capital of sports in Australia. I hope the opposition realises the mistake it has made and gets on board with the rest of the Victorian community to support the initiatives taken by the government.

Grand prix: sporting ovals

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to a statement made by Mr Ron Walker on 19 February this year in a press release issued by the Melbourne Major Events Corporation when he said, 'Certainly not one sports oval will be lost at Albert Park as a result of the grand prix'. In light of the information released today, which shows that the number of football and cricket ovals will be reduced from 15 to 11, the number of hockey pitches from 8 to 3 and the number of soccer fields from 7 to 5, will the Premier now admit that his good friend Mr Walker and the Melbourne Major Events Corporation has engaged in a deliberate campaign of lies and deceit to mislead the Victorian public?

Mr KENNETT (Premier) — You live in a vacuum that is totally divorced from the reality of life! The reality is that this Leader of the Opposition and the honourable member for Albert Park have consistently been running a campaign opposing the grand prix and the revitalisation of Albert Park. The former Labor government under Premiers Cain and Kirner committed the community to spending $200 million — —

Honourable members interjecting.

The SPEAKER — Order! I warn the honourable members for Carrum and Albert Park that they must remain silent. If they continue to interject I will take action.

Mr KENNETT — In the run-up Premiers Cain and Kirner committed $200 million to upgrade Albert Park and its facilities had we been successful in winning the 1996 Olympic games. Those proposals provided that most of the facilities there today would have disappeared for all time.

We on this side of the house are putting in place not only a new swimming pool, new hard courts and new ovals, we are also providing the opportunity for passive recreation that, without doubt, will be of the highest standard. The only critics of this action are the Leader of the Opposition, the ALP and the honourable member for Albert Park.

Mr BRUMBY (Leader of the Opposition) — On a point of order, Mr Speaker, the question I asked of the Premier was specific. I referred to his good friend Mr Walker who made it absolutely clear that not one sports oval would be lost at Albert Park. But the reality is it will be reduced from 15 to 11 cricket pitches, from 8 to 3 hockey pitches and from 7 to 5 soccer fields. Will the Premier stand by the statement made by Mr Walker or will he will admit there has been a deliberate campaign of lies and deceit?

The SPEAKER — Order! Standing orders make it clear that a minister may answer the question any way he or she chooses, even to refuse to answer at all. At the moment the Premier is relevant. There is no point of order.

Mr KENNETT (Premier) — The good friends of the Leader of the Opposition, John Cain and Joan Kirner, were about to obliterate the facilities at Albert Park altogether. Is it any wonder you are earning yourself the reputation of being a whinger and a loser. As time goes by I hope your party has the commonsense to keep you there as leader, because the public will continue to identify you with yesterday's vision rather than with creating something that is good.

Mr Thwaites interjected.

Mr KENNETT — The honourable member for Albert Park sits there interjecting. He is the pretty boy of Victorian politics.

The SPEAKER — Order!

Mr KENNETT — I am sorry, Mr Speaker, do you say he's not pretty?

The SPEAKER — Order! It is not for the Chair to make those decisions. I ask the Premier not to use unparliamentary expressions.

Mr KENNETT — I withdraw the word 'pretty'. He's not a pretty boy!

Mr Micallef interjected.

Mr KENNETT — And you certainly are not! The Leader of the Opposition and the ALP of this state are absolutely irrelevant to the aspirations of the vast majority of Victorians who want to get on with creating something, with having a fantastic grand prix and a fantastic redevelopment of Albert Park.

Construction industry: violence

Mr SPRY (Bellarine) — Will the Minister for Industry and Employment advise whether the government is continuing to monitor the activities of the Construction, Forestry, Mining and Energy Union and indicate whether any action will be taken against the union or any of its officers following the recent spate of violence in the Victorian construction industry?

The SPEAKER — Order! The question is very wide. I ask the minister to limit his answer.

Mr GUDE (Minister for Industry and Employment) — I thank the honourable member for his question because it is a very important one. Victoria is experiencing a new and exciting period of development and activity. Developments like the casino, the exhibition centre, the Docklands development generally and the redevelopment of the new museum are all very important and exciting things. The state can ill afford to have recalcitrant unions and people within them seeking to bring back to Victoria the very worst of the BLF of the past.

Today I can highlight further information illustrating the wheeling and dealing of the militant members involved as they seek to take control of construction units. I can understand why some members of the opposition would want to see that occur because they are against anything that is good for Victoria.

I can report to the house that the government, and indeed many members of the union, are working together to ensure that this naked grasp for power

by former BLF officials will never be successful. I want to thank the people, particularly the union members, who have been prepared to come forward to assist in seeing this state go forward in a healthy and constructive way.

Only yesterday the federal Industrial Relations Commission vindicated the government's concerns declaring last year's CFMEU elections invalid.

This renders the position of one of the former BWIU figures, Mr Martin Kingham, invalid — and so it should. It also puts John Cummins, formerly of the BLF, on notice.

An honourable member interjected.

Mr GUDE — Because they worked together. The recent apprehension and arrest of two union officials, two union organisers — not coincidentally two of Mr Cummins's most loyal lieutenants — at the corner of Walsh Street and Toorak Road for the possession of firearms and stolen goods clearly illustrated that the actions he is pursuing are prompting violence in the industry.

I can reveal that one of those arrested in September stated that he was armed because he had been, and I quote:

> ... threatened and that because John Cummins now runs the union like the old BLF, arming oneself has become a necessary part of the job.

All decent Victorians should be concerned about that. The national secretary of the CFMEU, Mr John Sutton, and his former state colleague Mr Martin Kingham released a joint statement that announced that those arrested would be suspended without pay. I will repeat that: suspended without pay until a CFMEU national executive subcommittee had investigated the incident.

Why do I have in my possession two pay slips revealing that those people who were supposed to have been suspended without pay were not in fact suspended without pay? You cannot take the word of these people, you cannot trust them at all. The people concerned have continued to receive their pay. The pay slips were handed to the government and they reveal the fact that you simply cannot trust these people.

The government is not prepared to stand idly by and allow those sorts of things to occur. The union is split into two camps: Mr Cummins's view that the two men must be kept on and the belief of the national secretary, Stan Sharkey, that they had to go to protect the reputations of the majority of law-abiding members.

Mr Thomson interjected.

Mr GUDE — Mr Williams is on the side of law-abiding members of unions!

Honourable members interjecting.

Mr GUDE — The same as I am, the same as everybody here is and the same as you ought to be!

Honourable members interjecting.

Mr Brumby — Stop misleading the house!

The SPEAKER — Order! The house will come to order. It would help considerably if the minister addressed the Chair.

Mr GUDE — Martin Kingham could not deliver a decision in the face of that conflict and the matter was referred to the Victorian Branch State Management Committee, which will meet tomorrow. That is the committee on which John Cummins has the numbers; it is also the committee which will attempt to quietly enable the return of these two gun-toting criminals.

We have had a lot of fanciful tripe from that particular union and its leaders. What this state wants and what every builder, constructor and developer in the state wants is decency, integrity and honesty. By the demonstration opposition members put on a couple of minutes ago, these people have clearly stamped themselves as being in Cummins's court. Well, so be it. Let the community understand where you lot stand: against the development of the state, against integrity and against any semblance of decency.

Grand prix: facilities

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to the statement by Mr Ron Walker issued on 8 June this year in relation to the grand prix, when he said:

> We are borrowing the park for four days a year.

In light of the information released today, which shows that it will take some four months — not four days, but four months — to erect and dismantle the

grand prix facilities, will the Premier now admit that Mr Walker and the Melbourne Major Events Company have been engaging in a deliberate campaign of lies to deceive the Victorian public?

Mr KENNETT (Premier) — I thank the Leader of the Opposition for another stupid, insipid question. What Mr Walker has said and what he is delivering to this state is a carnival, including the grand prix, the sort of which we have just seen in Adelaide, which the poor Leader of the Opposition cannot come to grips with, and which is supported by the vast majority of Victorians. You want to be continually isolated from the majority and mainstream Victoria because you are so bereft of policy and so bereft of vision that you just do not have the capacity to think beyond today.

What we have released today is both the revitalisation of Albert Park, in the same sort of sense that was proposed by the former Labor government — —

Mr Brumby interjected.

Mr KENNETT — The Leader of the Opposition sits there saying, 'More lies, more lies'. What a poor little miserable man you are — what a poor little miserable man!

Honourable members interjecting.

The SPEAKER — Order! The Premier will address the Chair.

Mr KENNETT — What we are delivering to this state is a — —

Mr Brumby interjected.

The SPEAKER — Order! I ask the Leader of the Opposition to cease interjecting. I cannot control question time if he continues to interject in the way he is doing. The Premier, in silence.

Mr KENNETT — We are delivering to this state a revitalised Albert Park not only for the grand prix but for the whole of the 21st century and beyond. Secondly, we are delivering to this state a grand prix which will have with it a carnival the sort of which we have seen in Adelaide, but which will be much bigger. You are the only person and — —

The SPEAKER — Order! The Premier should address the Chair.

Mr KENNETT — Sorry, through you, Mr Speaker, the ALP is the only group and the Leader of the Opposition the only person and — —

Mr Brumby interjected.

Mr KENNETT — What about the Save Albert Park Group? We may well ask, 'What about the Save Albert Park Group?'.

Mr Brumby interjected.

The SPEAKER — Order!

Honourable members interjecting.

The SPEAKER — Order! I have asked the house several times to come to order. Question time cannot proceed if there is a barrage of interjections which leaves members addressing one another across the table. The Premier must address the house through the Chair and the Leader of the Opposition must remain silent.

Mr Micallef interjected.

Mr KENNETT — What was that?

Mr Micallef interjected.

Mr KENNETT — I am answering the question. What Mr Walker, the grand prix office and the government are delivering to the vast majority of Victorians is a new, revitalised Albert Park. We are also delivering a grand prix around which will be a carnival that will provide jobs — which the Leader of the Opposition is against. There is no doubt that as we continue to develop both of these processes we will put into place a structure for one week of the year that will energise this state in a way that no other single event does. The only group that opposes it is the ALP in this state and the miserable Leader of the Opposition.

In terms of erecting facilities — —

Mr Baker — How much are we up for?

Mr KENNETT — Good afternoon, and thank you for coming? What seat do you represent?

The SPEAKER — Order! The honourable member for Sunshine is trying the patience of the Chair. I ask him to remain silent.

Mr KENNETT — Don't be too hard on him, Mr Speaker; he's on our side, really.

Mr Brumby interjected.

Mr KENNETT — He is on our side, too. You are the best asset we have ever had! As was explained this morning, the infrastructure for this project will be erected consistently over a period. It will not at any stage bar people from using the facilities.

Mr Baker — What is the bill?

Mr KENNETT — How can I reject his interjections? Ian, I've said to you before outside the house that we should not have these discussions in here!

The SPEAKER — Order! I remind the honourable member for Sunshine that it is not a Sunday school picnic that he is attending. It might take him a while to understand that. Let me use the imperative mood: keep quiet!

Mr KENNETT — Could I ask the Leader of the Opposition to repeat the question?

I have concluded my answer. There is no point going on. We are for it, they are against it; we are for everything, they are against everything.

Business regulation

Mr RYAN (Gippsland South) — Will the Minister for Small Business inform the house of recent trends in lifting the regulatory burden on the state economy and the impact that has had on small business?

The SPEAKER — Order! The question is very broad. I ask the minister to be brief.

Mr HEFFERNAN (Minister for Small Business) — The government's drive to eliminate red tape and simplify business regulations has already achieved a reasonably high note in Victoria. In reference to licence simplification, 7 per cent of business licences have been revoked in the state of Victoria, and it will be of interest to the opposition to realise that a further 8 per cent are also in the process of being revoked.

I assure the house that the government is on track of achieving a target of a 25 per cent reduction in business licences by the end of 1995.

In reference to regulation reform, 450 regulations were sunsetted in 1993.

An honourable member interjected.

Mr HEFFERNAN — It would not have happened if they were on this side. Only 278 regulations were made in 1993. That is the lowest number in 27 years in this state. Twenty-five per cent fewer regulations have been made in the first six months of 1994 compared with the same period last year. It is all good news. We have also acted to improve the quality of regulations in areas where some regulations will always remain essential if social goals are to be achieved. Two areas in which major improvements have been made in the past two years are the environment and occupational health and safety.

The Environment Protection Authority has introduced the accredited licensee concept, which means businesses can have their own environmental systems quality certified rather than undergoing detailed bureaucratic inspections as the former government carried out of every aspect of their operation.

In occupational health and safety the government is rapidly introducing more flexible performance-orientated regulations and rewriting codes of practice to give businesses more choice and flexibility in how they achieve good safety outcomes.

We cannot forget that the government has totally turned around the state's workers compensation system while significantly reducing the premiums to the private sector.

The government is also introducing a new Subordinate Legislation Act which will maintain and improve Victoria's position as the most rigorous system of assessment and public comment prior to the introduction of new regulations.

I noted that a VECCI survey was reported in the *Herald Sun* of 14 November concerning the regulatory environment in which business has operated recently. It is important to note that most respondents interviewed indicated that it was the commonwealth government, not the state government, that was the major problem.

On behalf of all the members on this side of the house I would like to take the opportunity today to publicly congratulate the Victorian computers components company VME Systems on winning the

prestigious Australian Small Business of the Year award. VME was also this year's winner of the Telecom and Victorian Government Small Business awards. It is a shining example of the innovative and committed small business firms in this state.

Can I give all of you on that side the message loud and clear: we have the support of small business; you have none.

The SPEAKER — Order! The minister will address the Chair and complete his answer.

Mr HEFFERNAN — It has all happened since we came to government; never under your mob!

Crown Casino: compensation

Mr LONEY (Geelong North) — I refer the Minister for Small Business to the plight of the Atlantis Recordings studio at Southbank, whose business is being destroyed because of the noise and disruption from the construction site of the casino. In light of the fact that the government granted Atlantis Recordings all the necessary planning and development approvals, what steps will the minister take to ensure this Victorian company is not destroyed by the casino and that appropriate compensation is provided by the casino and the Victorian government?

Mr HEFFERNAN (Minister for Small Business) — As I have been consistent, I point out that it is no right of the government to intervene in any way with reference to what are mainly negotiations between two separate private enterprise parties.

The SPEAKER — Order! I notice with some interest that some of the members of the opposition are sitting on the very edges of their seats, namely the honourable member for Dandenong. I ask him to sit back and relax and let the minister reply.

Mr HEFFERNAN — I feel sorry for the honourable member for Geelong North because of the record that he was left with on what his party colleagues did to small business when they were in government.

State taxes went up 250 per cent under Labor. You trebled bankruptcies, you sacked more people and you created more — —

Mr THOMSON (Pascoe Vale) — On a point of order, Mr Speaker, the minister is in breach of standing order 127 in debating the question. He has been asked what steps he will take to ensure that Atlantis is not destroyed by the casino and that appropriate compensation is provided. I ask you to direct him back to the question.

The SPEAKER — Order! I uphold the point of order. I ask the minister to return to the question.

Mr HEFFERNAN (Minister for Small Business) — In closing, I assure the house that the private sector knows who is to blame. If the honourable member wants to debate at any time what Labor did to small business, bring it on.

SPSF: industrial action

Mr McLELLAN (Frankston East) — I refer the Minister for Agriculture to the latest industrial action by the State Public Services Federation in support of the quarantine inspection staff at Melbourne Airport. What is the government's view of that action?

Mr W. D. McGRATH (Minister for Agriculture) — I thank the honourable member for his question and for his interest in this matter. None of us can tolerate industrial action that puts in question the ability of our aircraft to move in and out of Tullamarine, particularly when that action is taken by quarantine inspection officers.

This matter is really about what happened back in 1993. The Department of Agriculture won a case in the Magistrates Court concerning the taking of cars with red number plates from quarantine inspection staff travelling to and from Tullamarine airport. We have continued to allow staff who had to work overtime or who had been called out for shift work to retain the cars, on the understanding that there would be a review.

A review on 17 October found that we would no longer provide cars with red number plates for that purpose. Since early November the State Public Services Federation has put in place rolling stoppages, which are an inconvenience for incoming and outgoing planes at Tullamarine airport. But it can be overcome.

General regulation 66 of the Quarantine Act provides that arrangements can be put in place by senior quarantine officers, and they have been put in place. Therefore, we are now able to advise the State Public Services Federation that in the case of these stoppages, where no work is directed, the no-pay

principle will be adopted. My advice to the union is to allow its members to go back. The agriculture department has put an offer on the table: it will provide cab vouchers for workers who are required to either work overtime or shift work very early or very late to enable them to get to and from work. Therefore, it is very much in the hands of the State Public Services Federation.

I suggest that all people involved in quarantine inspection at Tullamarine airport should get on with the job and make sure that the reputation of Victorians as importers and exporters via Tullamarine airport stays intact, that we continue to provide high quality exports to the rest of the world and that any imports come into Melbourne Airport without hindrance.

PETITIONS

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

City of Boroondara

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

We request that the eastern boundary of the City of Boroondara be extended eastwards to Elgar Road and Gardiners Creek, from the northern to the southern boundaries of the City of Box Hill.

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

By Mr Clark (4579 signatures)

Service station, Rosanna

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 calls for the Minister for Planning and the member for Ivanhoe, the Hon. Vin Heffernan, to support the local residents' concern at the possibility of a service station being constructed at 165 and 167 Rosanna Road, Rosanna.

Our points of concern are:

(a) The intersection of Rosanna and Station roads is notoriously dangerous. Accidents occur on a frequent basis;

(b) The addition of a service station would only add to the safety risk, especially as the recent street closures in the immediate area has led to an increase in traffic in Station Street;

(c) The constant noise and air pollution resulting from a service station, i.e., tankers delivering petrol all throughout the night;

(d) The potential for the service station becoming a 'hang-out' for young people which would also add to the noise levels and safety aspects;

(e) The area is already well served with this sort of amenity;

(f) The properties were initially set aside as commercial properties. However, granting residential status over 40 years for both blocks has set a standard for the neighbourhood amenity, which residents of longstanding residency do not wish to have changed; and

(g) The construction of a service station would be contrary to the commitment given by the 1969 Minister for Local Government, the Hon. Rupert Hamer.

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

By Mr Leighton (545 signatures)

Laid on table.

SOLICITORS' GUARANTEE FUND

Mrs WADE (Attorney-General) presented report of Solicitors' Guarantee Fund for year 1993-94.

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 13

Mr PERTON (Doncaster) presented *Alert Digest* No. 13 of 1994 on following bills:

Land (Miscellaneous Matters) and National Tennis Centre (Amendment) Bill

University Acts (Amendment) Bill

Borrowing and Investment Powers (Transport Corporation) Bill

Victorian Plantations Corporation (Amendment) Bill

Crimes (Amendment) Bill

Prostitution Control Bill

Crown Lands Acts (Amendment) Bill

Environment Effects (Amendment) Bill

Classification of Films and Publications (Amendment) Bill

Victorian Arts Centre (Amendment) Bill

Land Tax (Amendment) Bill

together with appendix.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Anti-Cancer Council of Victoria — Report for the year 1993-94

Health and Community Services — Report for the year 1993-94

Housing Guarantee Fund Ltd — Report for the year 1993-94

Mental Health Review Board and Pyschosurgery Review Board — Report for the year 1993-94

Physiotherapists Registration Board — Report for the year 1993-94

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

Cranbourne Planning Scheme — No. L105

Frankston Planning Scheme — No. L63

Greater Geelong Planning Scheme — No. L94

Kew Planning Scheme — No. L18

Lillydale Planning Scheme — No. L131

Port Melbourne Planning Scheme — No. L17

Rosedale Planning Scheme — No. L41

Whittlesea Planning Scheme — Nos L99, L105

Public Service Commissioner — Report for the year 1993-94

Radiation Advisory Committee — Report for the year ended 30 September 1994

Statutory Rule under the following Act:

Health Act 1958 - S.R. No. 165, together with copies of the following documents as required by Section 32 of the Interpretation of Legislation Act 1984 to accompany the Statutory Rule:

Code of Practice for the Safe Transport of Radioactive Substances 1990

Annual Limits of Intake of Radionuclides by Workers Based on the 1990 Recommendations

International Standard ISO 2919 — 1980 — Sealed radioactive sources — Classification

International Standards Technical Report ISO/TR 4826 — 1979 — Sealed radioactive sources — Leak test Methods

Tattersall Sweep Consultations — Report for the year 1993-94.

LOCAL GOVERNMENT (AMENDMENT) BILL

Mr MACLELLAN (Minister for Planning) — By leave, I move:

That it be an instruction to the committee that they have power to consider a new clause to the Local Government (Amendment) Bill to provide for the exclusion of people of unsound mind from voters' rolls.

Motion agreed to.

BUSINESS OF THE HOUSE

Program

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

That, pursuant to sessional order no. 6(3):

(a) the orders of the day, government business, relating to the following bills:

Domestic (Feral and Nuisance) Animals Bill

Local Government (Amendment) Bill

Emergency Management (Amendment) Bill

Corrections (Amendment) Bill

Land (Miscellaneous Matters) and National Tennis Centre (Amendment) Bill

Crown Lands Acts (Amendment) Bill

Victorian Plantations Corporation (Amendment) Bill

Crimes (Amendment) Bill

Prostitution Control Bill

Fisheries (Amendment) Bill

Subordinate Legislation Bill

and

(b) order of the day, government business, relating to the address-in-reply to the Governor's speech

be considered and completed by 5.30 p.m. on Thursday, 17 November 1994.

I indicate to the house that I have agreed with the opposition that the normal business of the day be continued until 11 p.m. this evening and then for the adjournment to take place. The same will occur on Wednesday evening, and the program for Thursday will be extended from 4.30 p.m. until 5.30 p.m. to take account of the additional pieces of legislation.

In respect of previous contributions when the opposition has considered the debating time, I direct the house's attention to the fact that we are spending more time, on average, debating bills in this house under the new sessional orders than was the case under the previous administration. For example, in spring 1989 the average time taken was 10.2 hours and in autumn it was 9.14; and in spring 1990 it was 8.1 and in autumn it was 9.1.

So far as the most recent spring and autumn sessional periods are concerned, the average times have been 10.19 hours and 10.3 hours. As you can see, in all instances the average has been higher.

An opposition member interjected.

Mr GUDE — I pick up the interjection of the honourable member opposite. In addition, the total number of hours this Parliament has sat is also considerably higher than the total number under the previous government. The nonsense honourable members opposite bowl up from time to time about there being fewer opportunities, or a lack of opportunity, for debate simply does not stand up to scrutiny and is disproved by the facts and statistics that are available for all to see. I trust the motion will be supported by the opposition.

Mr THOMSON (Pascoe Vale) — The opposition does not support the government's business program. In particular, it does not support the fact that the house will not be sitting on Friday, which breaches the understanding given by the government when it released the parliamentary program for the spring sessional period. I understand the Leader of the House has said that we will sit until 11.00 p.m. tonight, until 11.00 p.m. tomorrow and until 5.30 pm on Thursday to provide extra time for debate, which the opposition appreciates. Nevertheless, it needs to be understood that on Thursday last week, when we were in a similar situation, the government ended up guillotining a number of very significant bills without providing the opportunity for adequate debate, including consideration in the committee stage of amendments that had been introduced that very same day.

When people asked me afterwards what had happened to the committee stage of the Employee Relations (Amendment) Bill — they wanted to know about the minister's reply to the matters raised by the opposition during the second-reading debate — I had to tell them the minister did not reply because we ran out of time. There was no committee consideration of that bill; and the same was true for the Health Services (Amendment) Bill, the valuation of land bill and the estate agents bill. All those bills ended up being guillotined last Thursday afternoon without adequate time for debate.

The opposition is concerned that we may well end up in a similar situation at the end of this week. If you look at the notice paper, you will see it contains a number of substantial bills, including the Local Government (Amendment) Bill, the Emergency Management (Amendment) Bill, the Corrections (Amendment) Bill, Victorian Plantations Corporation (Amendment) Bill, the Crimes (Amendment) Bill and the Prostitution Control Bill. They are all significant pieces of legislation. The opposition is concerned that there will not be adequate time for debate and discussion of those bills, let alone time to go into the committee stage, which we used to be able to do and during which we could ask ministers questions about the intent of bills or proposed amendments.

We are also concerned that by not sitting on Friday the government is depriving the opposition of question time. The government has set out the sitting pattern for the autumn and spring sessional periods. It has reduced the number of sitting weeks while telling honourable members and the public at large, 'You will be compensated by Parliament's sitting extra Fridays'. However, the extra Fridays have been progressively deleted from the sitting program, which has deprived the opposition of the

opportunity to ask questions about matters of public importance. For those reasons we oppose this week's program, just as we opposed the program last week. We continue to express our concern that bills are being rammed through Parliament without adequate opportunity for scrutiny and debate.

Mr COLE (Melbourne) — I support the honourable member for Pascoe Vale in opposing the government's business program. The government's original concertina-type proposal involved squeezing four extra days into fewer sitting weeks as a means of addressing the length of sessional periods. But the government is now taking the extra days away from us. The issue is not about whether we want to come in on Fridays. Rather, it is simply this: we need the extra time because there is so much legislation to be debated.

For example, take the Subordinate Legislation Bill, which the Premier introduced last week and which will receive support from this side of the house. Although it has been examined by the Scrutiny of Acts and Regulations Committee and although it is a measure that many people have taken a great deal of interest in over a long time, the chances of its being debated this week are pretty slim. Honourable members will recall that the Premier wanted the bill to be debated this week. Yet the opposition is unlikely to get the opportunity to ask the Premier a few probing questions about subordinate legislation — a subject I know he knows a great deal about — in committee because the chances of our getting to the committee stage are obviously even slimmer than the chances of the second-reading debate being resumed!

The honourable member for Murray Valley has been extensively involved in the examination of subordinate legislation for the past 40 or 50 years, including about 18 or 19 years in this place. As he has always pointed out during his prolix contributions on the subject, something the opposition does not get a chance to do nowadays, subordinate legislation is very important and very serious because through such instruments we actually delegate power to particular individuals, public servants or whomever. We may say it will be agreed to, but the simple fact is that the bill will probably not be debated — not because it is not important but because there are other more important bills that members want to speak on. In other words, it may not be debated simply because there is some agreement on it.

That situation is totally unacceptable. The opposition rejects as abhorrent the notion that you can guillotine certain measures by a certain time under what is known around the traps as the 4.30 rule. We appreciate that we have been given an extra hour; and we think it is marvellous that we can actually have an extra hour on Thursday to debate such crucial measures as the Domestic (Feral and Nuisance) Animals Bill, the Emergency Management (Amendment) Bill, the Crimes (Amendment) Bill, which is very important, the Prostitution Control Bill and the Crown Lands Acts (Amendment) Bill. They are all very important bills; some we agree with, some we do not. We have amendments we wish to propose to many of them, but we will not be allowed to go into committee.

The opposition believes it is important that this place provide the time to scrutinise bills beyond the work done by the Scrutiny of Acts and Regulations Committee. It should provide committee stages, which enable members to examine the mistakes that are made, the amendments that are proposed and the general notions that are put. When so much legislation is pushed through in the manner the government is adopting, mistakes will be made. We strongly object to what is going on.

Of course, we recognise the political imperatives. If we sat on Friday, it would mean an extra question time. There is no doubt that the government is on the ropes over a number of issues, not the least of which is the toll to be charged on our freeways. That is the antitheses of everything the government has agreed to in the past, and it will put a lot of people under threat. Question time is becoming more and more probing — and more and more difficult for the Premier. The level of difficulty can be judged by the level of clowning around the Premier engages in. The more trouble he is in, the more the Premier clowns around. We saw the truth of that today, because he was a complete and utter clown during question time.

The SPEAKER — Order! The honourable member should moderate his language.

Mr COLE — I will moderate mine, but it is a pity the Premier does not moderate his occasionally. The opposition makes very clear its belief that extra time is not being provided on Friday because the government is on the ropes. It cannot cope. We would like to ask more questions of this government. Everybody knows the government needs scrutinising, but there is not much chance of it in this place given this type of program.

Mr LEIGHTON (Preston) — The Leader of the House is playing fast and loose with the figures he gave showing how much time this government has allowed for debate on bills compared with the time allowed by the former government. If we examined those statistics more comprehensively, we would find that the Labor government guillotined maybe only four or five bills each sessional period, far fewer than the number guillotined now.

Mr Cole interjected.

Mr LEIGHTON — As the honourable member for Melbourne interjects, the guillotine was applied only after a lot of debate.

For example, under the former government the understanding was that debate on the appropriation bills could go on for 20 or 25 hours before the guillotine was applied. The house debated the Labor government's companion animal legislation for 25 hours, I think, which would now be impossible.

It is also worth noting that when the Labor Party was in government the practice if not the understanding was that, apart from the minister's second-reading speech, most of the available time on each bill would be taken up by opposition members. There is now no such understanding about the allocation of time. Government members enter debates only to repudiate the arguments of the opposition. Far less time is made available to opposition members.

As I said, statistics would show that when in government the Labor Party guillotined perhaps four or five bills during each sessional period. Prior to the introduction of this government's business program, about four or five bills were guillotined per week; since its introduction, every bill has been effectively guillotined, except during the first one or two weeks of a sessional period, when small notice papers have been published — which was again the case this time. The government has made a mockery of both the management of this house and its business program. Earlier in the sessional period we debated only a couple of bills per week; now we have a backlog.

This week, the government's business program will result in 12 bills being guillotined — that is, three times as many as were guillotined in a whole sessional period under the Labor government. This government makes a big play of allowing an extra hour for debate at the end of each of three days — that is, 3 extra hours for 12 bills. The minister suggests the opposition should be grateful for an additional 15 minutes per bill. It is not that simple.

Mr Kilgour interjected.

Mr LEIGHTON — Unlike last week, today the house will deal with about 10 second-reading speeches early in the day's proceedings rather than after the guillotine is applied at 4.30 p.m. or 5.30 p.m. on Thursday. The speeches will be read during what is really the opposition's time, when we should be able to debate bills. I do not know what the government has in store for us, but if it is determined to argue that a number of second-reading debates be adjourned for less than two weeks, no doubt we will debate the adjournment period, which will take up even more time!

A number of the 12 bills listed for debate are substantial. I regret that since the introduction of the business program the house rarely enters the committee stage on any bill; and if it does so, we are usually unable to debate more than one clause. Many members on both sides regard the committee stage as very useful.

Mr Steggall — Don't speak on our behalf.

Mr LEIGHTON — You can make shorter contributions to second-reading debates because you know you will have a second go. You know you will have an opportunity to question a minister and draw out the intentions of the government. That is one of the reasons why the government arranges the program in the way it does.

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

Mr MILDENHALL (Footscray) — The problem with this government's motion is that it establishes a new pattern for debate on significant legislation. The new guideline effectively stipulates that the opposition is allowed only one speaker in reply to a second-reading motion, after which the bill is soon passed. The opposition does not have access to the committee stage.

A classic example is my involvement in last week's debate on the Estate Agents (Amendment) Bill. The government's amendments were circulated on the day the second-reading debate was resumed. After I spoke the bill was parked in the house until it was passed on the following Thursday. I am sure many sectional groups were involved in the development

of the bill; but because of the government's business program, the opposition, the media and whole sections of the community had limited access to the information the government had in its possession when it introduced the bill.

During my contribution to that debate members of the government often said, 'You don't understand that bit. You are wrong about that'. What opportunity did government members have to correct me? The honourable member for Bellarine followed me and spoke for about 3 minutes on the history of real estate regulation during the last century. Then the bill was parked.

If one were to read *Hansard* — the official record of this place — with the aim of gaining an understanding of the pros and cons or an analysis of the value or substance of the propositions debated by the house one would get a very distorted view. Because of the way the government runs this house, there is no opportunity for both sides of the argument to be heard; nor is there an opportunity for major bills — for example, those that contain a large number of clauses — to be examined in any detail.

The bills listed in the motion include four that make major changes to the legislative framework of government operations, such as the administration of prisons and the expansion of the National Tennis Centre. That is par for the course for this government, which announces its measures and very soon after rams them through Parliament. The less debate, scrutiny or knowledge available to the community, the better it is for the government.

As has already been said, the government has grossly mismanaged the business of the house during this sessional period. On some days, when the notice paper contained very little, honourable members were looking for matters to debate. That is why the address-in-reply to the Governor's speech went on for many days.

Now we are coming to the debates on crunch bills which will make fundamental changes to Victoria and which will have significant impacts on the lives of all Victorians. What will happen? Just like the bad old days of late 1992, they will be parked in and then rammed through this house. They will be amended without scrutiny. They will not even be allowed to be debated in the committee stage. It is symptomatic of the way the government approaches the Parliament. For those reasons the house should oppose the government's motion.

Mr STEGGALL (Swan Hill) — Let me break the monotony of contributions from the other side, put some sense into the discussion and correct the record. Speakers opposite have proven today how much they have been born to opposition — they were born to oppose.

The system in place was debated, discussed and requested by members of the opposition. They sought to put in place a structure that set the time and process for the debate of legislation. The opposition has that now. If the opposition is at all interested in doing the things the honourable member for Footscray spoke about, it can, but it must get rid of these long-winded, boring speeches by its lead speakers during the second-reading debate and get down to the facts of the legislation and the nub of the scrutiny it wishes to make.

The scrutiny of the legislation through the committee stage, indeed through the whole process, depends entirely on the will of the opposition. The hours of debate on each bill are far greater than before, but members of this place are not utilising the time available to them to do properly the things the opposition talks about. The opposition says one thing and does another. If it wants to scrutinise and debate the legislation and test out ministers on their legislation, it has the time to do so. If it continues to have lead speakers who speak for an hour and a half on small bills and bills that — —

Mr Mildenhall interjected.

Mr STEGGALL — They are important, but you are missing the point of the scrutiny of legislation. Opposition lead speakers rave on for a long period. If the opposition is at all interested in achieving what it talks about it is in its hands to do so. This side of the Parliament will assist in every way to make that possible, as happened in the case of a few bills when the opposition was desperate to have a number of speakers speak for 10 or 15 minutes. It is up to the house.

The system in place has been sought by opposition parties for many years and is able to fulfil the needs of this place. I suggest to opposition members that if they forget the rhetoric of their Tuesday afternoon sprint and get on with debating the legislation and scrutinising bills we will be very pleased to assist them in that task.

Mr BRACKS (Williamstown) — A good example of the effect of the government's ramming through legislation last week will be seen tomorrow on the

steps of Parliament House when Australian Nursing Federation representatives, nursing home representatives and others march on Parliament. One of the principal reasons for that action, apart from the dreadful nature of the relevant bill, is the lack of opportunity for debate and the lack of due process in this house. This house is accountable to the constituency for legislation it puts in place. Tomorrow morning at 9.00 — government members should watch this — the result of the government's pushing through bills will be seen. The government has limited debate and assured that interest groups do not have a say in the process.

The Minister for Industry and Employment will remember that last week he asked me to limit my comments on the Employee Relations (Amendment) Bill to 15 minutes because there was not enough time for someone on his side to talk. We agreed to that cooperatively — and I thank him for thanking me for that — but such action is necessary as a direct result of the government's limiting the available time for comment on bills. There was not enough time for debate on major legislation. The Minister for Industry and Employment will admit that it was major legislation which several opposition members wanted to speak further on and which government members clearly wanted to speak on.

The number of bills is a problem. Eleven bills will be rammed through Parliament this week, which sets a precedent for future sittings. The week after next a major legislative change will be debated, and again we can predict that the bills will be rammed through without proper or adequate debate.

The number of bills is bad enough, but it is the type of bills involved that is the real problem. We are not just talking about the reform agenda of the government regarding changes to legislation and the way we are governed; these bills fundamentally change the relationship of the Parliament, the executive and the judiciary.

Whether we are talking about amendments to the Public Sector Management Act or to the remuneration of those serving at the bar, we are talking about the accountability of Parliament. Surely Parliament is the best place to debate the changed nature of the relationship between the three arms of government and the separation of powers. To do less than debate such matters properly is to make Parliament irrelevant. Government will be unaccountable, which would not do justice to the government or the opposition.

We know from talking to government backbenchers that they would like to debate matters but do not have that opportunity. Some bills will have an enormous electoral impact at the next election. One bill coming up for debate involves the introduction of tolls and fees, revenue raisers for existing highways around the state. The opposition would expect that the government and government backbenchers would want to debate such matters. There are certainly matters the opposition wishes to raise. We have an obligation to those people whom we represent, to those people who oppose as well as support the legislation, to ensure maximum possible debate.

The SPEAKER — Order! the honourable member's time has expired. The time allowed under sessional orders for this debate has expired. The question is:

That the motion be agreed to.

House divided on motion:

Ayes, 59

Ashley, Mr (*Teller*)	McNamara, Mr
Bildstien, Mr	Maughan, Mr
Brown, Mr	Napthine, Dr
Clark, Mr	Paterson, Mr
Coleman, Mr	Perrin, Mr
Cooper, Mr	Perton, Mr
Davis, Mr (*Teller*)	Pescott, Mr
Dean, Dr	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
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	Turner, Mr
McGrath, Mr J.F.	Wade, Mrs
McGrath, Mr W.D.	Weideman, Mr
McLellan, Mr	Wells, Mr
Maclellan, Mr	

Noes, 24

Andrianopoulos, Mr	Leighton, Mr
Baker, Mr	Loney, Mr
Batchelor, Mr	Marple, Ms
Bracks, Mr (*Teller*)	Micallef, Mr
Brumby, Mr	Mildenhall, Mr
Carli, Mr (*Teller*)	Pandazopoulos, Mr
Cole, Mr	Seitz, Mr
Cunningham, Mr	Sercombe, Mr
Dollis, Mr	Thomson, Mr
Garbutt, Ms	Thwaites, Mr
Haermeyer, Mr	Vaughan, Dr
Hamilton, Mr	Wilson, Mrs

Motion agreed to.

ELECTRICITY INDUSTRY (FURTHER AMENDMENT) BILL

Second reading

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — I move:

That this bill be now read a second time.

This piece of legislation is another major step in the implementation of the government's reform strategy for the electricity supply industry in Victoria. The reform strategy has been undertaken to increase the competitiveness and efficiency of the electricity supply industry on a sustained basis, to empower electricity consumers by creating a basis for customer choice and reductions in the cost of electricity in Victoria and to assist in the reduction of state debt.

The first stage of structural reform was completed in January 1993 when the State Electricity Commission of Victoria was divided into Generation Victoria, National Electricity and Electricity Services Victoria.

The second stage of structural reform involving the division of the three existing businesses into 8 new companies, each with its own independent board, was completed on 3 October 1994. The structure of the electricity supply industry now comprises:

Generation Victoria, which is an interim generating structure comprising separate business divisions which will trade independently of one another;

a transmission grid company, Power Net Victoria, which will own, maintain and manage the high voltage grid.

Victorian Power Exchange, an independent statutory corporation that will monitor and control the wholesale electricity market and ensure the security of electricity supply; and

five regionally based distribution companies comprising former businesses of Electricity Services Victoria and the 11 municipal electricity undertakings. Three distribution companies service metropolitan Melbourne and two service rural Victoria. These companies were created under and operate in accordance with the Corporations Law.

Structural changes in the industry to this time have focused on:

separating the natural monopoly elements from the potentially competitive parts of the electricity supply industry;

establishing the wholesale electricity market controlled by Victorian Power Exchange and regulated through the Office of the Regulator-General; and

encouraging consumer choice through competition in generation and energy retailing, giving consumers an incentive to seek the lowest tariff consistent with their energy consumption patterns and overall demands.

The government made clear, when introducing the first Electricity Industry (Amendment) Bill into the house in May this year, that the government planned to continue its restructuring initiatives with a view to substantially completing the reform process over the next year. That further reform was to include enhanced competition in generation.

This bill is enabling legislation for another step in the creation of an efficient and competitive structure for the operation of the electricity industry for Victoria. It provides the basis for the restructuring of Generation Victoria with a view to further developing competition in the generation sector.

This bill is designed, by way of amendments to the existing electricity restructuring act — the Electricity Industry Act 1993, as amended — to:

in the case of each of the new generation entities, allow staff transfers with the preservation of entitlements and to allocate the rights, liabilities and assets of Generation Victoria to the new

generation companies in an orderly and prudent way; and

establish the basis for the franchise fee to be paid by the distribution companies and an energy levy on purchases from the wholesale electricity market.

Part 1 of the bill sets out the preliminaries to it. Part 2 specifies the principal amendments to the Electricity Industry Act 1993 to provide for the abolition of Generation Victoria and the recognition of the generation companies. This part also has the effect of ensuring the rules for operation of the new generation companies are the same as for the existing electricity corporations and the distribution companies. These provisions are modelled on those in the State Owned Enterprises Act 1992 and encompass the conduct and duties of directors, the preparation of corporate plans, provision for the performance of non-commercial functions, annual reports and audit and the payment of dividends.

Section 9 of the Electricity Industry (Amendment) Act 1994 repealed section 26 of the Electricity Industry Act 1993, which provided that the electricity corporations are subject to the direction and control of the Treasurer and the minister acting jointly. Section 9 has not yet been proclaimed. Because of the evolving nature of the industry it is now considered necessary that the government retain a power of direction while the relevant entities remain wholly state owned. The bill provides a power of direction similar to that contained in section 16C of the State Owned Enterprises Act 1992.

The bill authorises Victorian Power Exchange, as operator of the wholesale market, to impose and recover a levy on electricity purchased in the wholesale electricity market as a condition to participation in the market. In the restructured industry virtually all electricity generated in the state will be sold through the wholesale electricity market. However, this state of affairs must not interfere with the contractual obligations undertaken by the SEC to purchase the output of the Loy Yang B power station at a specified price reflecting the arrangements initiated by the previous government. As a result, the SEC will continue to purchase Loy Yang B output at the contracted price and will then itself on-sell that output through the wholesale market. It is expected that the price received by the SEC in the wholesale market will be less than the contract price. This deficiency is to be made up by an energy levy imposed on all electricity traded through the wholesale market.

The energy levy is considered to be the most effective way to ensure that electricity consumers rather than taxpayers bear the cost of the Loy Yang B take-or-pay contract, the basis of which was negotiated by the previous government. The government believes all electricity consumers should bear the cost differential between the purchase price for power out of Loy Yang B and the wholesale or pool price rather than taxpayers. The energy levy does that.

In respect of the flexible tariff obligation, which is a burdensome contract within the ESI, the government has previously recognised that taxpayers should bear the cost of that. Being an initiative of the previous government it is appropriate for taxpayers to continue to carry this burden.

Part 3 of the bill provides for the allocation and transfer of staff, property and liabilities from Generation Victoria to the new generation companies. The current provisions for interim arrangements governing the rights of electricity corporations in relation to transferred property under the Electricity Industry Act 1993 will continue to apply to the electricity corporations and the new generation companies.

Part 4 sets out the new provisions to be inserted in the Electricity Industry Act 1993 to deal with regulation of the electricity supply industry. The government has determined maximum uniform tariffs for the sale of electricity to franchise customers. The government will also be determining the initial charges for connection to and/or use of the distribution and transmission systems. This bill provides a mechanism for government to continue on a statutory basis the current arrangements for tariffs and charges for a specified period and for the review of those tariffs and charges by the independent Office of the Regulator General under the Office of the Regulator General Act 1994.

This part also provides a mechanism for government to set a franchise fee payable by the distribution companies. During the transition to a fully competitive market, the distribution companies will have franchised customers. On an ongoing basis the charges for use of the distribution networks will be subject to regulatory oversight. This part facilitates the determination of a franchise fee reflecting the franchised basis of operation of the distribution companies.

Part 5 sets out the further amendments required to the State Electricity Commission Act 1958 and the Electric Light and Power Act 1958 to make them consistent with the intent of this legislation and to make consequential amendments to other acts so that there is consistency in application of legislation.

Part 6 sets out amendments to the Financial Management Act 1994 to incorporate provisions which confirm the Treasurer's ability to give indemnities to statutory authorities and state-owned or controlled companies and their directors and officers; and to the owners of goods that are lent for temporary exhibition or otherwise made available for a limited period to the state or a state instrumentality. That will achieve a standardisation of the government's approach to the provision of indemnities.

This bill represents a further step in achieving the government's objective to restructure the Victorian electricity industry.

I commend the bill to the house.

Debate adjourned on motion of Mr HAMILTON (Morwell).

Debate adjourned until Tuesday, 29 November.

JUDICIAL REMUNERATION TRIBUNAL BILL

Second reading

Mrs WADE (Attorney-General) — I move:

That this bill be now read a second time.

The purpose of the bill is to:

establish the Judicial Remuneration Tribunal;

make further provision in relation to the salary and allowances of judges and masters of the Supreme and County courts, magistrates and the State and Deputy State Coroner as well as the judges of the proposed new Court of Appeal; and

alter the entitlement of future appointees to the Supreme and County courts to a judicial pension.

Judicial remuneration is a sensitive and important topic of discussion for the Parliament. Judicial independence is an important component of democracy as embodied in the Westminster system of government. Two basic features of judicial independence in practice are the constitutionally provided security of tenure and the provision of salaries not by the government of the day but by Parliament. The Victorian Constitution Act provides that the salaries of Supreme Court judges cannot be reduced by the government. Similar provisions are found in the County Court Act and the Magistrates' Court Act. Independence of the judiciary requires that judges be sufficiently remunerated to permit financial security. This however does not resolve the question of what is an appropriate level of remuneration for judges.

In 1987 with the passage of the Judicial Salaries Act the salaries and allowances of Victorian judges were tied in part to the salaries and allowances of federal court judges granted by the Commonwealth Remuneration Tribunal. This was an abrogation of the responsibility for the Victorian Parliament to determine the appropriate level of remuneration for Victorian judges. While there is general agreement among the states that the salaries of state Supreme Court judges should be broadly comparable with those of federal court judges, no other state jurisdiction has formally tied judicial remuneration to commonwealth levels. On the contrary, most states have established their own tribunals that determine appropriate remuneration for judges.

This bill breaks the nexus that exists between salary increases of federal judges and Victorian judges and establishes an independent tribunal to inquire into and report to the Attorney-General on whether any increases are desirable in the remuneration payable to the judges of the Court of Appeal, Supreme and County Court judges, magistrates and masters.

JUDICIAL REMUNERATION TRIBUNAL

The establishment of the Judicial Remuneration Tribunal in Victoria will:

ensure that remuneration levels are adequate to allow recruitment and retention of quality appointees;

allow for factors germane to Victoria to be taken into account in the assessment of appropriate remuneration; and

ensure that the assessment of the appropriate remuneration is independent of the executive arm of government.

It should be noted that the current prohibition on the reduction of judicial salaries currently set out in the Constitution Act, the County Court Act and the Magistrates' Court Act will be retained. The aggregate value of allowances will also now be protected from reduction.

The tribunal will consist of three part-time members appointed by the Governor in Council. The tribunal will be required to prepare a written report as soon as practicable following the commencement of the act and not less than every two years thereafter. The tribunal will be entitled to receive written and oral submissions and will not be bound by the rules of evidence. The tribunal will be able to inform itself in such a manner as it thinks fit.

The Attorney-General will be required to table the report in both houses of Parliament within 10 sitting days of the respective houses after the report is received. If the Attorney-General does not accept or wants to vary any of the recommendations contained in the tribunal's report, reasons must be tabled within 10 sitting days of the tabling of the report. Where the recommendations are accepted, the Attorney-General will be required to issue a certificate that the remuneration of the judiciary be increased accordingly. These procedures ensure transparency in judicial remuneration.

PENSION ENTITLEMENTS

At present a judge who has attained the age of 60 years and has served not less than 10 years is entitled to a pension as set out in section 83 of the Constitution Act and section 14 of the County Court Act. In order to secure a commitment to the bench for a longer period of a judge's working life this bill raises the pension entitlement age for new appointees to 65 years. A judge will be able to retire before the age of 65 years and still receive a full pension entitlement provided he or she has served 20 years.

At present a judge appointed after the age of 60 years is not entitled to a pension because he or she could not serve the requisite 10 years before being required to retire at age 70 years. The bill provides that judges appointed after the age of 60 years be entitled to a pension on a pro rata basis. This will enable the appointment of persons who are suitable but who are not prepared to accept an appointment on the basis of salary alone.

I commend the bill to the house.

Debate adjourned on motion of Mr THOMSON (Pascoe Vale).

Debate adjourned until Tuesday, 29 November.

BUSINESS OF THE HOUSE

Order of the Day

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

> That consideration of order of the day no. 5 be postponed until later this day.

House divided on motion:

Ayes, 58

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, Dr	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
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
Kilgour, Mr	Tanner, Mr
Leigh, Mr	Tehan, Mrs
Lupton, Mr	Thompson, Mr (*Teller*)
McArthur, Mr	Traynor, Mr
McGill, Mrs (*Teller*)	Treasure, Mr
McGrath, Mr J.F.	Turner, Mr
McGrath, Mr W.D.	Wade, Mrs
McLellan, Mr	Weideman, Mr
Maclellan, Mr	Wells, Mr

Noes, 22

Andrianopoulos, Mr	Loney, Mr
Baker, Mr	Marple, Ms
Batchelor, Mr	Micallef, Mr
Bracks, Mr (*Teller*)	Mildenhall, Mr (*Teller*)
Brumby, Mr	Pandazopoulos, Mr
Carli, Mr	Seitz, Mr
Cunningham, Mr	Sercombe, Mr

Garbutt, Ms
Haermeyer, Mr
Hamilton, Mr
Leighton, Mr
Thomson, Mr
Thwaites, Mr
Vaughan, Dr
Wilson, Mrs

Motion agreed to.

PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT BILL

Second reading

Mr MACLELLAN (Minister for Planning) — I move:

That this bill be now read a second time.

There are two fundamental purposes of this bill. The first is to properly facilitate the delivery of infrastructure projects in which government is involved. The second is to establish new provisions for arranging and managing public works which will involve the repeal of the Public Lands and Works Act 1964. The bill also makes necessary amendments to the Bayside Project Act 1988. At the outset it is important to stress that all the powers proposed in this bill currently exist in legislation. However, when enacted this bill will provide a more appropriate arrangement of these powers and more direct accountability.

I will deal first with the infrastructure project provisions of the bill. As honourable members will be aware, the government has given a high priority to promoting opportunities for the private sector to become involved in the provision of public infrastructure in Victoria. This is reflected in the government's *Infrastructure Investment Policy for Victoria*, released earlier this year. This bill supports that policy by providing clear legal powers for government and its agencies in place of other less appropriate arrangements, such as the use of the Urban Land Authority Act 1979.

Once enacted, the bill will provide the basic development and financial powers for the government to expedite nominated projects in conjunction with the private sector or on its own. Various development powers will be available to assist nominated projects.

Powers contained in the legislation may be made available to any minister or to any agency which is designated a facilitating agency for a project. This will be done by the Governor in Council on the recommendation of the Premier. An order in council is to specify reasons for bringing a project under the legislation. Orders are to be tabled in both houses of Parliament.

The Governor in Council, on the recommendation of the Premier, will assign the use of all or some of the powers to the responsible minister or facilitating agency on a case-by-case basis and according to the requirements of each project. For example, one project may require authority to obtain or consolidate land while another may require authority to undertake construction works.

The bill provides appropriate powers to facilitate projects on a consistent basis irrespective of their funding source, a framework for the necessary approval and accountability processes, and for assignment of a project to an appropriate minister for implementation.

Although the bill provides various powers to facilitate projects, it also contains certain safeguards. For example, the powers provided in the bill include the power to acquire land by agreement, or by compulsory means, subject to the Land Acquisition and Compensation Act 1986 and to have unreserved Crown land granted to the facilitating agency on the recommendation of the minister responsible for the Land Act 1958. However, the normal statutory processes relating to reserved Crown land are not affected and it will be necessary for Parliament to enact special legislation if permanently reserved land is required for a project.

In addition, the bill enables the Treasurer to issue directions in relation to project financial arrangements to an agency facilitating a nominated project and requires compliance with these directions. The bill includes provision to enable the Treasurer to waive, reduce or defer any tax, rate or other charge after written consent of the agency affected has been obtained by the responsible minister (other than where the tax or fee is payable to the consolidated fund).

The bill enables the Treasurer to execute guarantees in respect of a project but requires the Treasurer to obtain the written consent of each minister or public authority that is a party to the agreement or contract and, in the case of public authorities, the minister administering the relevant act for that public authority. The Borrowing and Investment Powers Act 1987 is to apply to the guarantee as if it were made under part 5 of that act. The bill gives the facilitating agency the power to borrow, subject to the approval of the Treasurer and if the application

order for a project specifies that the facilitating agency is to be deemed to be an authority for the purposes of the Borrowing and Investment Powers Act 1987. Other powers will include the power to develop land, construct buildings, enter into agreements with others to undertake works, and to construct, open and close roads.

An important element of the bill is the breaking of the nexus between the Urban Land Authority and the Office of Major Projects. Historically, delegations under the Urban Land Authority Act 1979 were used as a vehicle — one might also say, 'cover' — to provide the Major Projects Unit with broad powers to enable the government to undertake the civic projects assigned to it. This cumbersome mechanism, established by the previous government, has never been appropriate. It is even less so today, since the Office of Major Projects is now part of the Department of Planning and Development and since the Urban Land Authority is now operating under the State Owned Enterprises Act 1992. This bill enables the Secretary, Department of Planning and Development, to exercise the necessary powers.

The transitional provisions of the bill will transfer assets and commitments relating to the major projects function from the Urban Land Authority to the Secretary to the Department of Planning and Development, which are necessary steps in dissolving the nexus between the Urban Land Authority and the Office of Major Projects and its predecessor, the Major Projects Unit. I might say that the Secretary to the Department of Planning and Development is a board member of the Urban Land Authority, so he has both functions clearly in perspective.

Some of the facilitation powers such as the powers relating to roads may impact on the operation of local government. However, as honourable members will appreciate, where a project has a significance extending beyond the location in which it is situated, it is proper for the state government to be able to exercise powers to advance and protect the interests of the state as a whole.

In general, the power to undertake project development will be subject to compliance with all other applicable acts. Special legislation will be required to exempt a specific project from compliance with the requirements of other acts. An exception is that the minister responsible for the administration of the Building Act 1993 is to be able to assign responsibility for the administration of building control for a nominated project to the facilitating agency or any other person or specified body by order published in the *Government Gazette*.

The powers in the bill will not necessarily be adequate for all future projects. Project-specific legislation may need to be enacted to advance certain especially significant projects or those with special requirements, and this will ensure parliamentary scrutiny of any special powers proposed for prosecution of such projects.

I now turn to the second major purpose of the bill, which is to establish new provisions for arranging and managing construction projects in the public sector and to repeal the Public Lands and Works Act 1964. The Public Lands and Works Act 1964 limits the power to carry out public construction in Victoria for most government agencies to the Minister for Housing. This includes accepting plans and specifications, accepting tenders and determining terms and conditions for public construction. The minister cannot currently delegate his powers or responsibilities to other ministers except for minor works.

The government believes that this limitation is not appropriate and that each minister should be able to exercise responsibility for the public works of his or her department and related agencies, subject to certain safeguards. Honourable members will be aware that the government has taken a number of initiatives to improve practices and probity in the building and construction industry and to ensure that government gets better value for its building and construction dollar, such as the development of the government's code of practice for the building and construction industry.

While the bill will place the authority and accountability to arrange public construction with individual portfolio ministers, this will be supported by a strong focus on setting policy and on building procurement reform so that quality and probity issues are addressed consistently across government agencies. The Minister for Housing will have the power to set standards and to issue directions to apply to government departments and agencies in relation to the design and construction processes relating to public construction. These will cover matters such as tendering, project delivery arrangements, contract administration and building economics.

As honourable members will also be aware, recent inquiries, most notably those by the New South

Wales Royal Commission into Productivity in the Building Industry and the Victorian parliamentary Economic Development Committee, have highlighted the importance of safeguarding against improper or corrupt practices in the procurement of building and construction works. The New South Wales royal commission concluded that matters requiring expert involvement include tendering and contracting procedures, the prevention of fraud, appropriate risk allocation between parties to a contract, the prevention of default, and cost control. It is matters such as these which will be addressed in the standards and guidelines issued by the Minister for Housing.

The bill will enable the Department of Planning and Development to be engaged to provide consultancies and to manage construction for other agencies and private entities within or outside Victoria by constituting the secretary to the department as a body corporate. These powers are consistent with those held by all statutory authorities and by the secretaries to the Conservation and Natural Resources and Health and Community Services departments. The secretary will be subject to the direction and control of the minister.

Finally, the bill will amend the Bayside Project Act 1988 to repeal redundant sections of that act that were particular to the proposed Sandridge project, and it will repeal and amend provisions in other acts that are consequential to the repeal of the Public Lands and Works Act 1964.

I commend the bill to the house.

Debate adjourned on motion of Mr THOMSON (Pascoe Vale).

Debate adjourned until Tuesday, 29 November.

PLANNING AUTHORITIES REPEAL BILL

Second reading

Mr MACLELLAN (Minister for Planning) — I move:

That this bill be now read a second time.

The main purposes of this bill are to wind up the Loddon-Campaspe Regional Planning Authority and the Upper Yarra Valley and Dandenong Ranges Authority; to repeal the acts which established these authorities; and to provide for the continuation of the Upper Yarra Valley and Dandenong Ranges regional strategy plan. The bill complements changes to the structure of local government in the Greater Bendigo area and possible changes to municipal boundaries in the Upper Yarra Valley and Dandenong Ranges area.

One of the main reasons both authorities were created was that local government bodies in the two respective regions were small and fragmented. Authorities consisting of representatives from municipal councils and other relevant interests were needed to ensure a necessary regional perspective on planning and development issues in those regions.

The government's local government reform program has led to a review of the operation of the two authorities that are the focus of the bill. Members will remember that, last year, the Geelong Regional Commission — another regional authority — was wound up when the City of Greater Geelong was created by amalgamating a number of smaller municipal districts in the Geelong region.

LODDON-CAMPASPE REGIONAL PLANNING AUTHORITY

The Loddon-Campaspe Regional Planning Authority is to be wound up primarily because the new local government boundaries make it unnecessary for the authority to continue in its current form. Five of the municipalities around Bendigo have already been restructured to form the new City of Greater Bendigo. The remaining 19 municipalities in the Loddon-Campaspe region are currently being reviewed by the Local Government Board. The authority itself has also decided to disband.

The government records with appreciation the work of the authority's members and staff, past and present, over 20 years in bringing a regional perspective to bear on land use and related issues. The bill provides for a speedy winding up of the authority.

UPPER YARRA VALLEY AND DANDENONG RANGES AUTHORITY

In relation to the Upper Yarra Valley and Dandenong Ranges Authority, the bill provides for a date to be set to wind up the authority. The four municipalities — the shires of Lilydale, Healesville, Upper Yarra and the soon-to-be-lamented

Sherbrooke — are under review as part of the Local Government Board's outer Melbourne review. When the government has made a decision on the board's final recommendations a decision will be made as to whether or not to set a date to begin the winding up of the authority.

I wish to emphasise that the bill in no way pre-empts any decisions which the government may take in relation to the restructure of local government in the Upper Yarra Valley and Dandenong Ranges region.

REGIONAL STRATEGY PLAN

Since its creation in 1976 the main task of the Upper Yarra Valley and Dandenong Ranges Authority has been to prepare and maintain the regional strategy plan for the region. The government is determined to ensure that, if the authority is wound up, the regional strategy plan will continue to provide the context for planning and development decisions in that region.

Clause 13 of the bill inserts a new part 3A into the Planning and Environment Act 1987 to maintain, if the authority is wound up, the operation and effect of the regional strategy plan. The new provisions will clearly enable the minister to prepare amendments to the regional strategy plan using the well understood procedures of an amendment to a planning scheme. There are also appropriate transitional provisions so that amendments to the plan which are prepared by the authority and which are not approved, when and if the authority is wound up, do not lapse.

While there is strong support for the role and function of the regional strategy plan, there will be a need to review the plan as it applies to urban areas so that development is directed to appropriate locations and rural areas are protected from inappropriate development. Proposed new section 46F of the Planning and Environment Act strengthens the provisions that already exist in the planning schemes in the region by providing that the minister must not approve an amendment to a planning scheme which is inconsistent with the regional strategy plan.

Proposed section 46G maintains the effect of section 25 of the Upper Yarra Valley and Dandenong Ranges Authority Act by providing that government and municipal works must conform with the regional strategy plan and that works not conforming to the plan may proceed only with the consent of the Premier.

Finally, the powers of the Parliament are to be enhanced in relation to the approval of amendments to the regional strategy plan. This reflects the importance the government attaches to the future development of the regional strategy plan. Proposed section 46D provides that an amendment to the regional strategy plan approved by the minister can come into operation only when the amendment is also approved by resolution passed in each house of Parliament.

In conclusion, the government recognises and appreciates the very useful regional planning work undertaken by the two authorities. This work will not be lost and will continue to be put to useful effect. Local government reform will consolidate the authorities' contribution to their regions.

I commend the bill to the house.

Debate adjourned on motion of Ms MARPLE (Altona).

Debate adjourned until Tuesday, 29 November.

LIVESTOCK DISEASE CONTROL BILL

Second reading

Mr W. D. McGRATH (Minister for Agriculture) — I move:

That this bill be now read a second time.

The introduction of this bill consolidates five acts about animal disease control into one piece of legislation; provides for the cattle and apicultural industries to contribute funding to industry-initiated regulatory activities; implements mutual recognition agreements by deregistering the partially regulated occupation of artificial inseminators; implements the national uniform recommendations of 1989 on complementary legislation for the control of exotic animal diseases; provides for very significant reform of the provisions for cattle and bee compensation and the regulation of the artificial breeding industry; and provides for specified animal identification procedures and disease reporting requirements.

The need to modernise the legislation covering the control of livestock diseases is driven by the very significant importance of Australia's position in the world trade in livestock and livestock products and

the successful conclusion of the Uruguay round of GATT negotiations in December 1993. The Uruguay round of GATT will remove tariffs and restrictive import barriers placed on the international trade in livestock and livestock products. Any future import barriers will need to be based on significant risk of disease entry and on sound scientific quarantine grounds.

The relevance of these developments to Victoria is that the industry needs to have greater knowledge of the diseases which occur in our flocks and herds and to have definitive information about the absence of endemic and exotic diseases which are important to world trade and from which Australia's valuable livestock industries need protection. The major pandemic livestock diseases such as foot-and-mouth disease, rinderpest, Newcastle disease and classical swine fever are now under better control than at any time during the past 100 years. Who would have thought 10 years ago that continental Europe would be free of foot-and-mouth disease? This was achieved in 1992, and only sporadic outbreaks have been recorded in recent years — and eradicated. Adequate flexible legislation is essential for Australia to deal with any future animal health requirements.

Many of the provisions of the legislation are measures that are contained in the five acts being consolidated, because this legislation has served Victoria very well over the past 25 years. It needs to be remembered that this century Victoria has eradicated exotic disease incursions of Newcastle disease, scrapie and avian influenza, in the same period has eradicated contagious bovine pleuropneumonia and bovine brucellosis, and in the past 25 years has achieved the near eradication of bovine tuberculosis.

In the context of these general comments, I wish to make the following comments on specific provisions of the bill.

NOTIFICATION OF DISEASES

The need to be able to accurately report on the health of our flocks and herds highlights the need for animal disease notification to be strengthened and streamlined. Owners, meat inspectors, veterinarians and laboratory personnel have very different levels of knowledge about disease. The provisions in the bill will only require those who could know about or suspect a disease to report that knowledge or suspicion. There are also provisions to prescribe the time in which the different diseases will have to be reported. This is to take account of the need to immediately report the suspicion of an exotic disease whereas next-day or weekly reporting would be more appropriate for other diseases. It is imperative that available information is drawn to the attention of appropriate authorities if prompt action is to be taken to control or eradicate animal disease outbreaks.

The proposals for disease reporting will be based on the principles underlying the reporting of certain human diseases as contained in the Health (Infectious Diseases) Regulations 1992. Agriculture Victoria is developing cooperative arrangements with Centaur International Veterinary Laboratories and selected private veterinary practitioners about the two-way transfer of disease information and investigation of disease occurrence.

ANIMAL IDENTIFICATION

The provision of disease traceback procedures has become an integral part of disease and residue control programs. To support these traceback procedures, the requirement to apply identification to prescribed livestock, currently cattle and pigs has been strengthened by incorporating the provisions in the act.

TESTING FOR DISEASE

The bill contains new provisions which will ensure that testing for diseases declared under the act are carried out using Australian standards test methods. Laboratories which are registered for testing for declared diseases will have these tests evaluated regularly under quality assurance programs for performance. The registration process will also facilitate the timely delivery of information. Laboratories carrying out blood counts or analysing general serum parameters on livestock or examining specimens for diseases of dogs, cats or livestock that are not declared as diseases under the bill will not have to be registered.

AGREEMENTS WITH OWNERS

The bill contains provisions for owners of livestock to enter into agreements about how diseased livestock will be handled until disease is eradicated from a flock or herd while ensuring against the disease spreading from that property. The agreements will provide greater flexibility to owners in operating their flocks and herds during disease control or eradication phases than that which applies with the current use of quarantine orders.

EXOTIC DISEASE PROVISIONS

A national review of Australia's legislation to deal with incursions of exotic disease concluded in 1989 that there was a need to have uniform strengthened legislation in each of the states and territories. Most states and territories — except Victoria — have legislated for the recommendations arising out of the review.

The occurrence of an exotic disease, such as foot-and-mouth disease, in Victoria will have a very significant financial impact on our national grazing industries, and very flexible legislation is required to combat such outbreaks to ensure the rapid elimination of disease. The powers and penalties outlined for the control of exotic diseases have been carefully developed and modelled on legislation in countries where foot-and-mouth disease has been efficiently eradicated. Similarly, the impact of rabies occurring in dogs in urban areas will require very strict controls on the movement of animals to prevent further disease spread and human exposure.

The recent outbreak of a previously unknown horse disease in an area in Brisbane that was densely populated with horses required the powers and provisions of exotic disease legislation to deal with it. The provisions in this bill address significant inadequacies in the current legislation.

ARTIFICIAL BREEDING OF LIVESTOCK

The bill reflects the agreements under mutual recognition to not require licensing of artificial inseminators and for requirements on the artificial breeding industry to be based only on measures needed to control the spread of disease. The new provision makes a very significant deregulation initiative and reflects the level of control placed on hatching eggs and bees.

COMPENSATION ARRANGEMENTS

There are currently compensation schemes for exotic diseases, cattle, bees and pigs. The pig scheme is held in abeyance. The cattle and apicultural industries have sought an extension to their schemes so that finances for regulatory and health services can be secured from industry. The bill provides that the industries will make recommendations to the minister about the schemes which should be supported, how they will be financed and how and under what circumstances compensation should be paid.

The arrangements for the payment of compensation for exotic disease reflect the national agreements recently agreed to by governments and the livestock industries.

POWERS OF INSPECTORS

The powers of inspectors contained in the bill reflect those currently available to inspectors of stock although the powers in respect of exotic diseases are more ordered and extensive than currently applies. Although some of the powers may be seen by some people as excessive, it must be remembered that it is only in unusual circumstances that most of these powers are exercised. On average this turns out to be once in every 10 to 20 years.

INDUSTRY CONTRIBUTIONS TO ANIMAL HEALTH PROGRAMS

The bill contains mechanisms for the apicultural and cattle industries to make contributions to the activities needing to be carried out under the act. Unfortunately similar arrangements could not be negotiated with the other industries. However, consultations are continuing at the national level with the livestock industries generally to provide financial support for state animal health services. The framework made available to the bee and cattle industries will be made available for the other industries on request.

STATEMENT UNDER SECTION 85(5) OF THE CONSTITUTION ACT

I wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section by this bill. Clause 138 of the bill is intended to alter or vary section 85 of the Constitution Act 1975 to the extent necessary to prevent the Supreme Court from entertaining proceedings of a kind referred to in clauses 105(2) and 106.

Clause 105(2) prevents the institution or continuation of certain proceedings to prevent or restrain the minister, the secretary, an inspector or any other person from undertaking disease control activities where an outbreak of an exotic disease has been certified to exist. The reason for preventing the entertaining of these proceedings is to ensure there is no interruption or delay to activities necessarily associated with controlling and eradicating exotic animal diseases.

Interruptions to disease control programs will lead to further spread of disease and more hardship to the livestock industries in general. It will be noted that a person is not prevented from taking out supreme or other court action to redress grievances against negligent activities undertaken in control programs.

Clause 106 provides that a person is not personally liable for anything done in good faith when assisting an inspector in exercising powers under the bill. Without the protection provided in this clause persons may not be willing to assist inspectors in undertaking control activities which are necessary to prevent the introduction or spread of livestock diseases in Victoria. The government will ensure that it is in a position to meet claims in respect of losses incurred or damage suffered as a result of acts done in good faith by persons assisting inspectors.

I believe the bill meets all the requirements of modern animal disease control legislation. It provides a framework for animal disease control into the next century.

I commend the bill to the house.

Debate adjourned on motion of Ms MARPLE (Altona).

Debate adjourned until Tuesday, 29 November.

MELBOURNE CITY LINK AUTHORITY BILL

Second reading

Mr BROWN (Minister for Public Transport) — I move:

That this bill be now read a second time.

Proposals for an inner ring-road as a bypassing and distributor route around the central business district of Melbourne were discussed as far back as the original metropolitan planning scheme in 1954. In the ensuing years a number of additional proposals were put forward by governments, all of which had two common features: firstly, they were all government design-and-construct proposals; and, secondly, they never eventuated. This government, together with the private sector, is determined that the Melbourne City Link project should proceed.

The Melbourne City Link project has two main parts — the western link and the southern link. The western link can be seen as having three sections. Firstly, there is the Tullamarine Freeway, which is to be upgraded and widened to eight lanes from the Flemington Road interchange to near Bulla Road, including an express lane in each direction reserved for buses and taxis during peak periods. The upgrading of the Tullamarine Freeway will generate the opportunity to create a gateway to Melbourne — that is, not just an access point to the city but a positive first message about the commercial strength of Victoria.

The second part of the western link will include a six-lane, freeway-standard link between the Tullamarine Freeway and Footscray Road, including the interchange of Tullamarine Freeway with Flemington Road and Mount Alexander Road.

The third part will be a continuation of the six-lane, freeway-standard link from Footscray Road to join the West Gate Freeway.

The southern link will be a six-lane, freeway-standard link connecting the West Gate Freeway east of Kingsway to the South Eastern Arterial west of Toorak Road. It too will be made up from three main sections. Firstly, the Domain tunnel will provide six lanes connecting the West Gate Freeway east of Kingsway to the South Eastern Arterial, passing under Kings Domain and the Yarra River to connect at Punt Road or further east.

The second section of the project, the Burnley section of the southern link, will comprise six lanes between Punt Road and Burnley either through widening the existing South Eastern Arterial along the Yarra, a combination of a tunnel and widening the South Eastern Arterial, or by extended tunnels alone.

Finally, the southern link will encompass the South Eastern Arterial through widening the existing South Eastern Arterial, including the elevated section, so providing six lanes from Burnley to west of Toorak Road.

A competitive bidding process is under way with two consortia, Chart Roads and Transurban, being invited to submit proposals to build the southern and western links. The final design solution for the Melbourne City Link will be the responsibility of the bidding consortia.

The project will be a private sector infrastructure project established on a build, own, operate and transfer basis on Crown land leased to the successful consortium. The private sector consortium is to

assume responsibility for the design, construction, ownership, financing and operation of the links for a specified period and then transfer the assets to the government at no cost to government.

Consistent with the government's infrastructure investment policy for Victoria, the project brief issued to the bidding consortia specifies the requirements for the links in functional and performance terms rather than in prescriptive terms, so giving the private sector maximum scope to develop creative solutions.

The government's role will be to ensure that the project, both in concept and in operation, meets economic and social objectives which benefit the wider Victorian community. For example, the proposals of each of the short-listed consortia may contain areas of concern for government where one consortium might have a slightly cheaper solution which may appeal to the authority but which may have some indirect adverse impacts which should be addressed.

Provision is therefore included to enable the Minister for Roads and Ports, and the Treasurer with regard to financial matters, to issue directions to the authority on matters of policy.

The legislation required will be introduced in stages. Until a preferred proposal is selected, it will not be possible to develop with finality all the legislation which may be required for a project of this nature. For example, the precise route of the links and therefore the property requirements or the special requirements for the tolling mechanism may not be known until that time.

This first stage establishes the Melbourne City Link Authority with general project facilitation powers. The authority will evaluate the submissions from the bidding consortia, undertake negotiations with the short-listed consortia and make a recommendation to the government on the selection of a preferred consortium. It is intended that the documentation appointing the successful consortium will be completed by mid-1995.

After appointment of the preferred consortium and execution of agreements between the state and the consortium, the authority will be responsible for the government's obligations to facilitate and coordinate consultation with other government agencies involved in the development of the project. The authority will also have responsibility for ensuring the obligations of the consortium under the agreements are complied with and the project is delivered in accordance with the agreements. In the unlikely event that there is default by the successful consortium, this legislation will allow the government to step in. Accordingly, provision is included to enable the government to take over and refinance associated debt.

The legislation to establish the authority at this time includes general facilitative powers to:

establish the authority and grant it the power to conduct and facilitate the bid process and make a recommendation to the minister as to the successful consortium;

make recommendations about agreements to be entered into by the minister for the development, construction and operation of roads and tunnels on the approved route including agreements about the imposition and collection of tolls;

monitor and enforce the obligations of the private sector under the various agreements;

enter land to carry out surveys or investigations connected with the project;

enable the Governor in Council to require a government agency or municipal council to carry out its functions within a specified time (but not so as to vary any time limit specified in any other act);

require notification to the authority of proposed developments within a designated area and enable the authority to impose conditions necessary for the protection of the project or any part of the project;

exclude the project from the application of the Environment Effects Act 1978 with provision to conclude the current environment effects statement process by 31 January 1995 or such later time as determined by the Governor in Council. This will allow sufficient time for all interested parties to present their case to the environment effects hearings panel and for a report to be prepared for the Minister for Planning. Submissions which have been received to date will be taken into account in any future amendment to the planning scheme;

enable the Minister for Planning to exempt any building required for the project from the application of the Historic Buildings Act; and

exempt the land used for the links from local government rates.

In addition, the Minister for Planning is to have power to prepare, adopt or approve amendments to planning schemes for the purposes of the project.

The legislation also includes the following powers which may be used only after the actual plan corridor is known:

power for the authority, on behalf of the Crown, to acquire land by agreement or compulsory acquisition within current road reservations;

provision to enable the minister administering the Land Act 1958 to grant leases or licences over Crown land; and

power to require a statutory authority holding land required for the project to surrender it to the Crown for the purposes of the links.

During the construction phase, the authority will be responsible for the coordination and facilitation of the project and ensuring the project is delivered in accordance with the project documents setting out the rights and obligations of the government and the successful consortium.

Further legislation will be required in 1995 after selection of the preferred consortium. The nature of the legislation will primarily depend on the form of the unique requirements of the successful consortium's proposal. It shall be designed to facilitate that proposal and will include matters such as the power for the authority to construct any tunnels that will be required.

This is a major opportunity to establish a benchmark for the public sector and the private sector cooperatively working together. I look forward to the completion of this exciting project and to the benefits that will flow to all Victorians on its completion.

I commend the bill to the house.

Debate adjourned on motion of Mr BRUMBY (Leader of the Opposition).

Mr BROWN (Minister for Public Transport) — I move:

That the debate be adjourned for two weeks.

Mr BRUMBY (Leader of the Opposition) — I move as an amendment:

That the words 'two weeks' be omitted with the view of inserting in place thereof the words 'five months'.

It is often the practice in this place that when non-contentious legislation is introduced it lies on the table for two weeks. However, I would describe this legislation as being extremely significant. It vitally affects our way of life, the way we do things in Victoria and the financial commitments placed on the government of the day. It is appropriate that the legislation lie on the table and be available for public consultation and discussion, and that is why I moved the amendment.

The legislation should lie on the table and be available for public discussion, debate and consideration for a period of five months. After that time Parliament can debate it during the autumn sittings of 1995. The legislation has been the subject of considerable public comment over the weekend.

Mr Bildstien interjected.

Mr BRUMBY — The honourable member for Mildura, who is well renowned for his inane interjections, ought to be concerned — —

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

Mr BRUMBY — The honourable member for Mildura ought to be concerned about the legislation because, as the honourable member for Pascoe Vale says, under this government the train to Mildura has already been lost. Along with the honourable member for Bendigo West and other country members, he wants to penalise anybody who uses the Calder Highway and Tullamarine Freeway by requiring them to pay $2 — and probably $4 — for every visit. This is like a secret tax on Bendigo, Echuca, Swan Hill, Mildura, Ouyen and people in northern Victoria. This is a secret tax of $30 million to $40 million a year on country Victorians.

The SPEAKER — Order! I advise the Leader of the Opposition that he has a delicate task. Although he may refer to the bill, he may not intrude into debating the merits of the bill, except to illustrate sufficiently his point on the question of time.

Mr BRUMBY — With legislation as important as this, obviously it is vital that the people in Bendigo, Mildura, Echuca and Swan Hill — —

Mr Bildstien interjected.

The SPEAKER — Order! I have already cautioned the honourable member for Mildura. I ask him to remain silent.

Mr BRUMBY — They need the chance to be consulted. They have not been consulted about the legislation. Secrecy has surrounded its introduction. When the minister introduced the bill last week we asked him to give a brief description. You could only say that the answer given was at best disingenuous. There was no mention of those major projects and no mention of tolls. By using the word, disingenuous, I am being polite about the Minister for Public Transport. No doubt he is quite happy to see this divisive debate about the introduction of tolls on Victorian freeways because it is creating considerable instability in the Liberal Party room.

On the question of time, I indicate that the taxpayers and residents of areas like Tullamarine, for example, who use the Tullamarine Freeway every day of the week to get to and from work, to visit friends and to visit elderly relatives in nursing homes are the people who will be punished by this legislation and taxed $2, $3, $4 or whatever every time the toll is collected.

Mr BROWN (Minister for Public Transport) — On a point of order, Mr Speaker, the Leader of the Opposition is clearly using this as a form of debate and is trying to get across cheap, political point-scoring comments. The reality is that this debate is on time and, in line with your earlier comments, Sir, I suggest that the Leader of the Opposition now commences to address the issue of time, because he has not yet done so.

Mr BRUMBY (Leader of the Opposition) — Mr Speaker, I am well aware of your ruling and the fine line that must be taken in a debate of this type. However, the fact is that the people of Tullamarine deserve the right to be consulted about this legislation and they need a period of months to be consulted about it.

The SPEAKER — Order! At this stage I do not judge the Leader of the Opposition to be straying from the question before the Chair, but I do say to him that he must be rather judicious in his choice of words and the way he debates the question of time.

Mr BRUMBY — Similarly, other significant road users who will be affected, the people of Essendon, deserve the chance to be consulted about this legislation and its impact. Two specific issues arise from this legislation about which people deserve to be consulted: the first is the question of the freeway and the possible imposition of a toll and the second is that if this legislation were passed and tolls were introduced, an enormous volume of traffic would detour around the freeways and affect the urban amenities of people in suburbs like Essendon, Pascoe Vale and other inner suburbs. That is why people in such suburbs deserve to be consulted about the legislation.

Mr Seitz interjected.

Mr BRUMBY — By interjection I hear from the honourable member for Keilor that the residents of Keilor are also regular users of the Tullamarine Freeway. The reason they need to be consulted is this: in this year's budget, which was brought down just a matter of months ago, an amount of $75 million was allocated for the widening of the Tullamarine Freeway. People know all about that, but they are concerned about this legislation.

It is quite extraordinary legislation; it is not routine legislation. For example, it contains powers which will allow the authority, on behalf of the Crown — —

The SPEAKER — Order! The honourable member is straying from the question of time.

Mr BRUMBY — Mr Speaker, I am trying to say that this is unprecedented legislation which requires more than hasty approval by the house. For instance, the legislation contains powers which will allow for compulsory acquisition of road reservations and people's households. It is significant legislation indeed, and people deserve the right to be consulted. It is impossible to consult people in just two weeks.

The legislation is such that it requires much more than just two weeks consideration or the hasty debate it would have in this Parliament if it were forced through in the last week of sitting when, I might add, the Premier and the Treasurer will not be here. The minister's second-reading speech says:

> In the unlikely event that there is default by the successful consortium, this legislation will allow the government to step in ... take over and refinance associated debt.

That would be appalling indeed; it would be an indictment of the role of this Parliament if it were to pass after just a few hours debate and consideration

of just a week or so. The legislation would enable the government to move in and guarantee the debts of a company financing a project of between $1 billion and $2 billion. The public deserves to be consulted and included in any discussions and consideration about that part of the bill.

Mr Brown interjected.

Mr BRUMBY — Mr Speaker, I know I am not allowed to respond to the interjection, so I will not — —

Mr Brown interjected.

Mr BRUMBY — The minister's second-reading speech — and the point is this — —

Mr Brown interjected.

The SPEAKER — Order! The minister is now out of order and I ask him to remain silent.

Mr BRUMBY — The reason people need more than just a few days to be consulted is that in his second-reading speech the minister says:

> ... provision is included to enable the government to take over and refinance associated debt.

Mr Brown interjected.

Mr BRUMBY — Speaking hypothetically, that says that if a project worth $1.2 billion went ahead and the company fell over and went bust, the government would step in, take over the debt and refinance associated debt. I should have thought a project of that size required considerable time for debate.

The point I am making is this: no projects of that size were announced in this year's September budget, which was the subject of virtually unlimited debate over weeks and weeks with no restrictions. Yet this legislation, which will potentially lock the state into far greater financial commitments than any budget commitments, will be rushed through after just a few hours debate and only a week of lying on the table. It is absolutely essential that the Victorian public is given at least five months — until the autumn session of Parliament next year — to consider the legislation.

The bill also provides the government for the first time with the right to impose and collect tolls on the Tullamarine Freeway and the South Eastern Arterial. This is a matter Victorians need time to consider; they need time to be included in debate and they need time to look at the fine points of this legislation.

The bill also contains the power to exclude any of these projects from the application of the Environment Effects Act. I should have thought that the Western bypass, the Domain tunnel and the widening of the Tullamarine Freeway were fairly significant projects; and I should have thought the Western bypass in particular and the Domain tunnel — projects we would support — must be subject to the proper processes of government. If that involves an environment effects statement and means that there must be proper discussion and consultation with Victorian people, then that is what should occur.

The measure will also give extraordinary powers to the Minister for Planning by enabling him to exempt any building from the application of the Historic Buildings Act. It will provide powers to exempt land used for the links from local government rates. The legislation is almost unprecedented in its scope; accordingly, Victorians deserve the right for full and proper consultation.

I have been talking principally about the Tullamarine Freeway of course; that is the freeway that I use most. There is a budget commitment funded out of the Better Roads levy of $75 million to fund that widening. An amount of $90 million is also included in this year's budget for the widening of and improvements to the South Eastern Arterial. This legislation goes way beyond that.

Those matters reinforce the point I am making about this bill that there is a need for wide public debate, and members of the public are rightly asking for that. They are already paying double the motor registration fees they used to pay, they are already paying the 3-cent-a-litre petrol levy which is going towards the Tullamarine Freeway and the South Eastern Arterial Road, and now, after reading all the speculation over the weekend and hearing the Premier in question time today, they see that they are being asked to pay another toll. That is why many people are saying that this government stands for only three things: taxes, taxes and taxes.

Under this legislation people are being asked to pay three times to use roads which hitherto have been free to use. That is another reason why there needs to be full, proper and wide public debate.

Yet another reason for the widest possible public debate is that it is only just over a year ago — May 1993 — when comments were made in this place, and in the other place and publicly by the Minister for Roads and Ports, Mr Baxter, that the purpose of the 3-cent-per-litre road user levy was to fund the Western bypass and Domain tunnel projects.

I do not want to stray from the debate but I raise that point because we have had a debate about it. Victorians would have thought that the funds raised from the 3-cent-per-litre road-user levy would go to the projects promised by the minister and the Premier — the Western bypass and the Domain tunnel. However, today they heard about the Melbourne City Link Authority Bill which provides that potentially people will have to pay a third time: the motor registration fee has been doubled; people are paying the 3-cent-per-litre road-user levy and now under this legislation road users will have to pay a third time. The RACV commented on — —

An honourable member interjected.

Mr BRUMBY — Because you have mismanaged, you have broken promises and you are on the gravy train! That's why! You have wasted $50 million on consultancies this year, $30 million on new offices, a car park — —

The SPEAKER — Order! The discussion across the table is disorderly. I ask the Leader of the Opposition to ignore interjections. I ask government backbenchers to remain silent.

Mr BRUMBY — The public deserves a full and proper debate about the proposed legislation because this is a question of priorities. This is about: should we be spending $50 million on consultancies that are just wasted?

An honourable member interjected.

Mr BRUMBY — Nothing to do with it? What do you think that $50 million would fund if it did not fund some road works, you fool! You are wasting $50 million. It is your gravy train and your fat cats, and the money could be going to road works.

The SPEAKER — Order! The Chair has allowed the Leader of the Opposition to illustrate his amendment. I ask him to try not to debate the bill at this stage but to base his remarks on the question of time and his amendment.

Mr BRUMBY — The bill is a major piece of legislation. The normal process in this place for routine legislation is that an adjournment of two weeks applies, but this is not routine legislation: this is legislation that would give effect to one of the largest capital projects ever funded by a government in Victoria — that is what we are talking about — and a project which at the end of the day may end up being funded totally by tolls. The people of Victoria have a right to be informed.

An honourable member interjected.

The SPEAKER — Order! The minister and other government backbenchers will remain silent. The Leader of the Opposition is entitled to speak to his amendment without interruption.

Mr BRUMBY — On the question of time, this is an essential debate for Victorians. This is one of the largest capital road projects that would be undertaken by any government, yet this government — including the inane member for Mildura, who is a oncer and who has already sold out his electorate by closing down the *Vinelander* — is not providing appropriate time for consultation. The legislation deserves to be discussed and debated by the Victorian people generally.

An honourable member interjected.

Mr BRUMBY — No, we will do it in five months, after the public has had a chance to be consulted. The public is asking increasingly what the government is running away from. The answer is that Victorians are paying record levels of taxes and charges and the proposed legislation will enable the government to introduce even greater taxes.

For that reason Victorians need time to be consulted. They need time to consider the consequences. They need to look at the different financing operations and methods which are available to conclude this project.

As I mentioned before, the bill also provides that if this proposal were funded by a private sector organisation that later fell over, the government would be able to move in, take over and refinance the debt. That is a matter that ought to concern Victorians and they have a right to be consulted about it.

Again on the question of time, during the past two weeks there has been a report from the New South Wales Auditor-General about the Sydney Harbour

tunnel which cost $700 million to construct, but which through the use of tolls and taxpayers' subsidies will end up costing the taxpayers of New South Wales more than $4 billion.

The SPEAKER — Order! The Leader of the Opposition is now straying from the question of time.

Mr BRUMBY — Mr Speaker, let me continue the point that I am developing.

An honourable member interjected.

Mr BRUMBY — Get your P-plates.

The SPEAKER — Order! The Leader of the Opposition, without assistance.

Mr BRUMBY — In New South Wales a project of $700 million eventually became the largest single government financial commitment the state had made — $4 billion. For Victoria we are talking about a project in excess of $1 billion which on the same comparison could end up costing Victorians well in excess of $5 billion, and Victorians therefore need time to consider the implications of this legislation.

The SPEAKER — Order! The Leader of the Opposition is straying from the question. I bring him back to the question of time.

Mr BRUMBY — The government is trying to run away from a proper debate on this matter. A good government — a government that was open, a government that was accountable, a government that put effect to the commitments made in the Governor's speech about openness and accountability — would put this legislation out for public debate. It would let the people in the south-eastern suburbs — Dandenong, the Mornington Peninsula, Mordialloc and Oakleigh — have a proper say. It would include people even further out, in Cranbourne and Berwick, who are regular users of the South Eastern Freeway. They must be horrified at the thought of paying $2, $3 or $4 a trip, $1000 a year, every time they come into the city. Such people want the time to consider this proposed legislation.

I know that many people would like to speak on the essential question of democracy in our state, because that is what is at stake here; that is the issue. It is the opportunity for Victorians to have a say. This is the people's place. We represent the constituencies and electorates, and the people entrust in us the responsibility to ensure that if significant matters come before this Parliament, adequate time is available to consider and debate the issues through to their conclusion. Two weeks is not enough time to do that.

I know that the Minister for Public Transport is a very loyal member of the government. He must know about this in his heart because he did not answer the questions properly last week. When we asked him, he evaded the question.

The SPEAKER — Order! The Leader of the Opposition is straying: on the question of time.

Mr BRUMBY — The opposition would like to see the bill lie on the table until the autumn sessional period next year so that Victorians, wherever they live — Mildura, Bendigo, Ballarat, Tullamarine, Essendon, Cranbourne, Berwick or Mordialloc — can be properly consulted about the impact of the bill and its potential in terms of traffic flows in Melbourne, its impact on the environment and on Melbourne's inner suburbs. For that reason I support the amendment and oppose the motion moved by the minister, and accordingly support a five-month adjournment.

Mr BROWN (Minister for Public Transport) — I speak against the amendment, which is a spoiler amendment for two reasons that are very clear and known to the government. The first is that the opposition does not wish to see this government achieve what is, as the Leader of the Opposition rightly said, a major project in the community interest. In fact, from the day this legislation is passed it will take approximately six months to finalise the evaluation of the consortium to be chosen. It is not a matter of the legislation going through and the work starting a few weeks later; it will be at least six months from the passage of this legislation before the final consortium can be chosen.

Therefore, the effect of the amendment being accepted would mean that it would be 12 months from now before this major project, which is vital and in the community interest, would be able to commence. Former Premier John Cain talked for four years of the need to get these projects up and running and he desired to achieve that end. A former minister, Jim Kennan, did the same. But the opposition now wishes to spoil a government that can achieve it. The opposition will fail on the question of time because the government will not put it off for a year when thousands of jobs can be created from the commencement of the project. The

second reason, which is well known to the media now, is the demise of the shadow minister for transport. There will be a reshuffle of the opposition frontbench.

The SPEAKER — Order! The minister, on the question of time.

Mr BROWN — This is on the question of time. This is why the opposition is trying to get this up now, Mr Speaker.

The SPEAKER — Order! The minister must relate his remarks to the question of time, and I ask him to do so.

Mr BROWN — Time is of the essence to the honourable member for Thomastown because over the Christmas break he will be replaced by the honourable member for Williamstown. The opposition has put up Kelvin Thomson, the honourable member for Pascoe Vale, as the spokesman on this issue.

The SPEAKER — Order! The Chair has some difficulty relating the minister's remarks to the question of time.

Mr BROWN — Mr Speaker, this is directly relevant to the question of time because the opposition is trying to buy time until the completion of this session when it will replace the honourable member for Thomastown as the shadow minister for transport. He has not been anywhere on this issue for the months it has been in the public arena.

It is irrelevant for the Leader of the Opposition to say, 'This issue needs to be debated'. It has been debated. If you read the newspapers over the past week, and even the Sunday papers, you will note this issue has been debated, and it has even been on the front page of some.

Mr Brumby interjected.

The SPEAKER — Order! In moving and speaking to his amendment the Leader of the Opposition enjoyed the protection of the Chair and, so far as possible, the Chair protected him from interjections. I ask him to reciprocate and remain silent.

Mr BROWN — The issues involving the commencement and ultimate finalisation of these very major works in the community interest are already current in the marketplace and have been subject to widespread community debate, as they will be over the next two weeks.

It is instructive that the only electorates mentioned by the Leader of the Opposition in his contribution — which was supposed to be on the question of time but of course was not — were those held by government members. Opposition members have no interest in representing their own electorates. The Leader of the Opposition did not mention one of them. That was the case when they were in government, and it is the same now that they are in opposition.

As I said, opposition members are interested in cheap political point scoring. That is the only reason this amendment is before the house. They know the debate will go on in two weeks time. In fact, they would be aghast if the government agreed to this amendment because they would have nowhere to turn. They have moved the amendment to buy time to enable the replacement of the shadow minister. The government will not accept this amendment. It will consult with communities over the next two weeks, as it has been doing to date on this and many other issues.

Mr Brumby interjected.

The SPEAKER — Order! I have already cautioned the Leader of the Opposition once.

Mr BROWN — We will continue to have dialogue with communities and individuals, not just through the local members but at government level and, of course, the Minister for Roads and Ports in another place who is handling that process. The government will not agree to this amendment. It was futile before it was moved. The opposition well knows that the government would not wish to see this major community project delayed for a year when thousands of people still want to have employment in this state. There is still a vast majority who support this government; they want to see Victoria increasingly on the move, rather than being hidebound and wound up in the sorts of disasters that occurred in the past.

This is yet another example of so many transport projects I could name — but I cannot on this occasion because the debate is on the question of time — such as the envelopment of railway stations and precincts and many others that the Labor Party in government said it wished to achieve, but could not. This major project is vital and in the community interest. Thousands of jobs will be created as a direct

result of its commencement, and it is therefore vital that it commence as soon as possible.

With the best will in the world, even if the legislation is passed before Christmas, the project will commence in the second half of next year. Any decent government would be committing an act of irresponsibility if it deferred a major project like this for a year when it is possible to get it up and running within months. Of course, we absolutely reject this futile amendment.

Mr THOMSON (Pascoe Vale) — I support the amendment moved by the Leader of the Opposition. I direct the attention of the house to remarks made by the then honourable member for Malvern, Mr Geoff Leigh, in March 1989 when he spoke on the Prices Bill:

> On the question of time, Mr Speaker, the minister has said the proposed legislation is significant. That being the case, a two-week adjournment is insufficient for the opposition to consult with the business community and price action groups ... that should be consulted.

Therefore, the position that the then opposition spokesman took was that an adjournment for two weeks was insufficient. That is the position this house ought to be taking now on this issue.

Mr E. R. Smith interjected.

Mr THOMSON — When we were in government, in some instances debates on bills were adjourned for four weeks. Sometimes that meant they would lie over until the next session. Indeed, it is the government's intention that a number of bills lie over until next session. That is a matter for discussion between the government and the opposition.

Mr Gude interjected.

Mr THOMSON — The opposition believes this is one of the bills that should lie over until the autumn session, and that is why it has moved the amendment: to ensure this bill lies over until next session so there can be adequate consultation with the broader Victorian community. It is this government's modus operandi to railroad legislation through Parliament before the community becomes aware of its significance, consequences and implications and before community resistance to many of its bills can be activated. That has been characteristic of this government throughout its two years in office, and it is so in relation to this bill.

It is significant that there was substantial opposition to this bill in the government's own party room — I note the honourable members for Tullamarine and Mordialloc are not in the chamber supporting the government on this issue. There is no genuine urgency about this bill. Over the weekend people became aware of the freeway toll issue for the first time, not because the government wanted to announce it but because it leaked out. When they become aware of the consequences there will be a massive community campaign against freeway tolls and the pressure on the government will build up over the next and ensuing months.

The government wishes to avoid that community opposition by railroading the bill through Parliament. There is no genuine urgency about the passing of the bill.

Honourable members will recall that the government announced the widening of the Tullamarine Freeway in the 1993-94 budget. Although the allocation was made, the money was never spent and the freeway was never widened. The government made the same announcement in the 1994-95 budget, allocating $75 million to widen the Tullamarine Freeway to eight lanes. It said that project and the South Eastern Arterial — —

The SPEAKER — Order! Will the honourable member for Pascoe Vale explain to the Chair how he is debating the question of time? He seems to be all over the place.

Mr THOMSON — My point is that there is no genuine urgency about ramming the bill through Parliament at this time. The government announced the widening of the Tullamarine Freeway in its 1993-94 and 1994-95 budgets but has taken no action. It cannot now say it is urgent that the bill be passed within the last fortnight of the sessional period when the project has been on the drawing board for more than 12 months.

I support the Leader of the Opposition's amendment on the basis that people need to be aware of the implications of the bill before the house votes on it. I point out the effects a toll on motorists using the Tullamarine Freeway will have for four specific groups of people. The first is the public transport users on the Upfield line. The circumstances of these people will be diminished and their public transport rights prejudiced if the construction of the Western bypass, which is part of the proposal, proceeds on the basis of the closure of the Upfield line. If that is to occur, users of the Upfield line — —

The SPEAKER — Order! It seems that the honourable member for Pascoe Vale is being very speculative. I ask him to come back to the question of time.

Mr THOMSON — Thank you, Mr Speaker. Those people need to become aware of the fact that the bill may diminish their rights, thereby forcing them to take to the roads, which will generate more traffic along the Tullamarine Freeway and other routes.

The second group of people who need to be aware of the provisions in the bill is motorists, who are faced with paying a toll of $2 or more each time they use the Tullamarine Freeway and other freeways such as the South Eastern Arterial. Those freeways are referred to in the legislation. Based on the government's comments and the contents of the bill it is unclear whether the toll will apply only one way. I suggest to the house that it will apply on the outbound lanes of the Tullamarine Freeway so that the government can catch all the people leaving Victoria. Each day some 200 people are leaving Victoria via the Tullamarine Freeway and the Hume Highway.

The SPEAKER — Order! The honourable member for Pascoe Vale, on the question of time.

Mr THOMSON — The third group of people who need to be aware of the implications of this proposal are those who live close to the Tullamarine Freeway and who will be adversely affected by the eight-lane monster the government is proposing.

The fourth group comprises those who live well away from some of the freeways referred to but whose streets will be used by motorists seeking to avoid the toll. In my area that includes routes such as Melville Road, Sydney Road, Mount Alexander Road, Bulla Road and Lincoln Road. All those routes will carry excess traffic generated by motorists seeking to evade the toll by avoiding the freeway altogether.

When those groups of people understand the significance of the legislation, there will be a massive community campaign. My office will be inundated with petitions and the government will become aware of how little community support there is for the proposal. If the government rams the legislation through in the next fortnight, it will not have the opportunity to gauge the community's real feelings. But that is typical of a government that likes to get bills through the house before people become aware of the consequences.

By proposing the toll the government is really saying it wants ordinary workers off the road. It is saying that only those who can afford to pay the toll should be able to enjoy the exclusive use of our roads. Some of the freeway users who will have to pay the toll for the extra lane will find that all they are doing is subsidising the use of that lane by buses and taxis.

The SPEAKER — Order! The honourable member for Pascoe Vale is debating the bill. The honourable member, on the question of time.

Mr THOMSON — It is important that debate on the bill be postponed until the autumn session so that people have the opportunity of becoming aware of its consequences. For example, many of the motorists who pay the toll will be subsidising not only the additional bus and taxi lane on the Tullamarine Freeway but also the Eastern Freeway extension. They already pay the 3 cent-a-litre petrol levy; but they will be required to pay to use the Tullamarine Freeway or the South Eastern Arterial whereas the users of the Eastern Freeway will not be required to pay a toll. The government must also explain how far it wants the toll to extend and how many other freeways and roads will be affected by the toll proposals.

For all those reasons I believe the bill should not be passed before the end of the sessional period. It will be most unsatisfactory if the bill is rammed through after only recently coming to light, given that the minister gave his second-reading speech only this afternoon. There needs to be a lot more community debate on this substantial bill. People need to understand the financial issues that are at stake, especially the 3 cent-a-litre levy and the government's financial priorities, which the opposition believes are wrong. Many issues need to be canvassed. Justice cannot be done to all those affected during the proposed two-week adjournment.

The opposition has usually agreed with the government that two weeks is an adequate time in which to consider the implications of bills. On this occasion we believe a longer period is required and that the bill ought to lie over until the autumn sessional period. Accordingly, the opposition has moved an amendment, which the house should support.

Mr GUDE (Minister for Industry and Employment) — I refer to the amendment moved by the Leader of the Opposition. Given the diatribe we have had to listen to for just under an hour, the house may not need to have a debate in two week's time. The opposition has spent an hour debating the bill. The opposition has said it will oppose the bill, no matter what it contains. You do not have to be Einstein to work out what might happen in a fortnight's time. Irrespective of any consideration of the bill, the opposition is hell bent on negativity. It is against the creation of jobs, and it has no idea whatsoever of the importance of passing the legislation to enable the bidding process to proceed, as was so correctly pointed out earlier by the Minister for Public Transport.

It is very important that people understand that the legislation will improve the lives and standards of living of people within this community, and it will generate an enormous number of jobs in the process. This Bill is pro-Victorian. The people on the opposition side are anti-Victorian and anti-jobs, and they are hell bent on negativity and destruction.

Earlier, when the question of the bills to be debated this week was discussed, we saw the same negativity, the same whining, carping and incompetent opposition. It has no policies and no direction, except to delay and frustrate the processes of Parliament. It does not seem to understand that in adopting this childish and boyish approach it is reducing its own time.

We have even seen the unseemly spectacle of opposition members who should have known better being embarrassed when their leader called a division on the motion to defer consideration of a bill until later this day. I do not recall seeing that before in my time in this place. It may have occurred, because there seems to be nothing new under the sun —

Mr Thomson interjected.

Mr GUDE — It is on the question of time. I can understand the honourable member's sensitivity because nobody in this house was more embarrassed than the honourable member for Pascoe Vale — at least until this bill was introduced.

Now the Leader of the Opposition goes through this whining and negative process. Over the weekend the honourable member for Pascoe Vale was acting as the Labor Party's transport spokesman, but what he said was wrong; he had no facts. It is clear that the current opposition transport spokesman, the honourable member for Thomastown, is about to be replaced by the honourable member for Williamstown. That is why the opposition wants a time delay; that is what it is all about.

Mr Batchelor interjected.

Mr GUDE — The honourable member for Thomastown blushes; he knows his time is up. He will be forced out.

The opposition is anti-jobs and it wastes time. Members of the opposition seem to have a clever notion in their tiny minds that if they carry on like this and try to delay the house they may be able to stack up the government business program this week so that maybe not even one bill will be debated. Then they can rush out and say that the government wasted 5 or 6 hours and they could not debate any bills this week. Every time the opposition does this it looks even more stupid and incompetent than even the government believes it is.

The government has allowed more time for debate per bill on more sitting days than the Guilty Party did when it was running the state. One reason why legislation like this is now required in Victoria is because of the incompetence of 10 years of the Guilty Party. The Labor Party ran this state into debt. It left a liability of about $32 billion and this government now has to find other ways of funding important and badly needed infrastructure projects in the state.

It is also important for the house to be aware that the federal Labor Party supports the process; the federal colleagues of the Victorian opposition support the process. Earlier an interjection was heard, 'What has that got to do with it?'. For all its faults and foibles, the Labor Party is at least in government in Canberra— not like you lot! The only policy you have is about marijuana. It is time you started to get relevant and got into the 21st century!

It is very important that the community understands what this lot is on about. Its not-too-subtle attempt to disrupt the parliamentary process can be seen by anybody who comes to this house at question time. Opposition members continually jabber throughout question time and their questions are inane! Now for the third time today the house has experienced time wasting by the Labor Party.

For nearly an hour we have put up with time wasting by the incompetent rabble opposite. It is

about time the opposition woke up and committed itself to do just one thing: I know it is a big ask, in fact a very big ask, but could this lot do one constructive thing between now and Christmas? Do we think that is possible?

Government Members — No!

Mr GUDE — There seems to be some doubt that it could be achieved, but I implore it to do one constructive thing between now and the next election.

Mr Brown — Resignation?

Mr GUDE — Perhaps the honourable member for Thomastown should resign. Perhaps he does not have the courage. His party will throw him out. We know the honourable member for Williamstown is being lined up for that job. That is why the debate is being delayed and why the opposition is seeking more time.

Had the honourable member for Thomastown any competence he would have spoken on this issue; he would have moved the amendment — but, no, he is missing in action! At the weekend the honourable member for Pascoe Vale spoke about transport. It is embarrassing enough in this house when the Leader of the Opposition gets up day after day with his L-plates on. Were he applying for a driving licence he would be disqualified!

Can anyone imagine listening on radio to the honourable member for Pascoe Vale mumble and bumble? He knows time is important for him because he is trying to use time well to secure his preselection and endorsement so he can get out of this place. The honourable member for Thomastown is embarrassed by the Leader of the Opposition, and we saw it again today; he goes scarlet every time one of his colleagues who has more brains than him is able to get up — —

The SPEAKER — Order! The minister, on the question of time.

Mr GUDE — I put it to the house that the honourable member for Williamstown would not have needed more time. He would have been saying, 'Bring on the debate, this will help my career'. After all, it took him only about four days to head up the new snouts faction!

The SPEAKER — Order! The minister is straying from the question of time.

Mr GUDE — We have given him the Golden Snout award!

The SPEAKER — Order! The Leader of the House is stretching the patience of the Chair. I ask him to return to the question of time.

Mr GUDE — The honourable member for Williamstown would not have wanted a delay. He may have been nobbled to support this amendment to the motion, but we would be happy to see the honourable member for Williamstown come on down — come on down and debate the bill!

We know exactly where the opposition sits on this bill, as it does with so many pieces of legislation in this place. It makes up its mind beforehand. It says, 'Pick a bill, any bill which comes in next week and we will oppose it. We find it easy to do that'. Members of the opposition whinge and carp; they have no policies. Perhaps they think that if they buy more time they will generate a policy.

The government knows about the old and the current policies of the Labor Party which, when in government, was intending to impose a petrol tax, increase registration fees or impose a special tax. That is the extent of the documentation.

The SPEAKER — Order! The minister is straying from the question of time.

Mr GUDE — It is on the question of time because I suspect the opposition is hoping all the information will not come out in two weeks. It wants to delay debate.

Mr Thomson interjected.

Mr GUDE — I would never do that, unlike you!

Day after day, week after week the Labor Party whines and carps; it is negative and continues to delay and delay. The government will not support the amendment. As the opposition knew before its members stood up in this place today, the bill will be debated in a fortnight; it will be passed by Parliament before the end of the year. The people of Victoria, the people who will be affected by improvements to the freeway structure in this state, will benefit faster than the Labor Party would have liked.

Very importantly, thousands of people will have the chance of employment as a consequence of this major project, supported as it is by the federal Labor

government and the Kennett government but opposed by the whining, carping, negative Victorian Labor Party.

Mr BATCHELOR (Thomastown) — I join the debate to support the amendment moved by the Leader of the Opposition.

Mr E. R. Smith interjected.

Mr BATCHELOR — Absolutely on the question of time. The opposition is asking that debate of this bill be deferred until the autumn session. It is absolutely appropriate that this should be the response from government. The bill has been brought before Parliament in a manner designed to ensure that there is little or no debate and that there is insufficient time to address many of the matters contained within and certainly no time whatsoever to engage in any form of community consultation so that people across the metropolitan area can understand the full impact and many ramifications of the bill.

The government has guillotined debate and forced through major legislation. It is its intention to do the same with the Melbourne City Link Authority Bill. The government says that two weeks is sufficient for the Parliament and community to deal with the bill. We know what will happen at the end of that two-week period. Procedures will be prevailed upon and forms of the house will be used to deny full and adequate debate. There will not be sufficient time for community consultation.

It is even possible that, like some other legislation, the bill could be forced through without any debate whatsoever. The Leader of the House questioned whether there would be any need for a debate in two weeks. So, if there is debate within the Parliament of one of the most significant pieces of legislation to come before the house, the government insists that it take place in the dead of night and that it be forced through without adequate or proper debate, but the Leader of the House has admitted that he does not think there will be a need for debate in two weeks.

The opposition regards this legislation as so serious that debate should be undertaken during the autumn session, not through the dead of night and not without adequate consultation. It absolutely typifies the approach of government on this and other major issues that it does not want to debate. It will not allow time for the Parliament to consider these matters. It will not allow time for us to deal adequately with the many issues relevant to this bill. It will not allow time for the community to address the issues. For those reasons, the Leader of the Opposition has moved his amendment on the question of time.

The amendment moved by the Leader of the Opposition allows Parliament and community groups adequate and sufficient time to deal with the many issues. Many community groups have an interest in this because the bill will change road use patterns through most of Melbourne, either directly or indirectly. It concerns a major road infrastructure program extending from the north-west of Melbourne, through the north-western suburbs, around the central business district and out to the south-eastern suburbs.

Anyone with any understanding of road transport issues could see that this will impact on the urban form. It is only fair that people living throughout Melbourne's suburbs have sufficient time to understand what this will do to their local urban environment. People cannot be expected to understand the full implications of such major and significant legislation in the two weeks left before the government will surely ram this legislation through the house. It will affect not only the suburbs through which the freeway and the western and southern bypass actually travel but also the adjoining and surrounding suburbs will be affected by the rat runs created by those trying to avoid the tolls.

It is important that the community know about this — not only those living in the suburbs and streets immediately abutting and adjoining the planned route of the freeway but also those in surrounding areas. Honourable members can imagine what it will be like coming down Holden Street and Punt Road to pick up the South Eastern Arterial. People will try to avoid the tolls that will be imposed. It is important that residents in those areas understand that, and they need time to do so. They will not know the full impact of the legislation within the time set down by the government.

On the question of trying to choose alternative routes or sidetracks, the minister responsible, the Minister for Roads and Ports, on radio this week indicated that every time he travels down the Tullamarine Freeway he decides which side streets he will travel along to avoid the various traffic jams. Once people realise that drivers will be avoiding not only traffic congestion points but also tolls, they will

need sufficient time to comprehend fully how that will impact on their urban environment, their homes and their communities.

It is not only homes and communities that will be affected by the bill. I refer to this week's edition of the *Yarra Leader*. Very important schools for the conservative establishment in this state, St Kevin's College and Scotch College, are threatened by the proposals. They need time to respond to the proposals.

Honourable members interjecting.

Mr BATCHELOR — It is interesting, Mr Acting Speaker, that members of the Liberal Party laugh about Scotch College needing time to prepare an adequate defence. Scotch College intends to make a claim for $25 million compensation for the loss of its school grounds and buildings.

The SPEAKER — Order! The honourable member is straying from the question of time. He has to get back to the question of time.

Mr BATCHELOR — The point I am making, Mr Acting Speaker, which I am sure you understand — —

The SPEAKER — Order! On two consecutive occasions the honourable member has referred to me as the Acting Speaker. I am offended. I ask him to use my correct title.

Mr BATCHELOR — I am shocked by my lapse.

Mr Brown interjected.

The SPEAKER — Order! The minister is out of order. The honourable member for Thomastown, without assistance.

Mr BATCHELOR — I was overawed by your presence during my parliamentary contribution.

The school communities of Scotch College and St Kevin's College are terrified by the impact these proposals will have on their school grounds. They need time to prepare their responses. Particularly at this crucial time of the education year when students are involved in examinations or have left because they have completed their exams the school community does not have full access to parents and students. Once the full implication of this bill is brought to the attention of the parents of the many children who have already left St Kevin's and Scotch colleges this educational year the proposed timetable will be seen as absolutely inadequate. It shows how the government is prepared to treat these school children and educational institutions with absolute contempt.

Let it be recorded in *Hansard* that members opposite are laughing about it, and they are nodding their heads in agreement. They will rue the day because parents of students at Scotch College will be breathing heavily down their necks. They will rue the day they made this decision. They can laugh about it in here.

Mr Thomson — Only because they can't help it.

The SPEAKER — Order! The Chair has had enough! If the honourable member for Pascoe Vale wants to defy me I will take him on!

Mr BATCHELOR — The attitude that has been displayed in Parliament today by members of the government will be conveyed to the people of the south-eastern suburbs whose children attend these two schools. Probably the catchment for the children who attend these two schools extends well beyond the area in which the South Eastern Arterial exists. They may think this is their heartland because some of these seats are safe — —

The SPEAKER — Order! I am not sure whether it is heartland, but the honourable member should direct his comments to the question of time.

Mr BATCHELOR — It is about the question of time, Mr Speaker. It is time for those communities to organise a response. It is the end of the education year and schools are closing down. They will not have time to get information out to parents and to set up their fighting funds. They need time to draw together an understanding of the full impact of the proposals in the bill which will mean that sporting grounds at Scotch College will be lost and access to the Yarra River will be denied. These are things that the people of Scotch College — —

The SPEAKER — Order! The honourable member is canvassing issues in the bill. He should return to the question of time. I have given him a great deal of latitude on the question.

Mr BATCHELOR — I shall address the question of financing. The bill provides funds to build, to own, to operate and transfer. In the jargon of the modern-day Thatcherites it will be a boot-financed operation. The financing arrangements are complex.

They are not easy for the general community to understand. The full impact of the financing arrangements needs to be fully and adequately explained. However, the government has no intention of doing that during the next two weeks. It has every intention of keeping the full impact and details of the proposal absolutely secret.

We are familiar with the experience in New South Wales where the government kept the details secret. The New South Wales Auditor-General had to step in, and he was very critical. We should be learning from the New South Wales experience. We should allow sufficient time for people to adequately inform themselves not only of what is happening here but also what the New South Wales Auditor-General said about these types of arrangements.

I refer honourable members to the current edition of the *Yarra Leader*, in which its tenacious journalist Mr Matt Deighton quoted the general manager of the Melbourne City Link cooperative team, Dr Alf Smith. He told a public inquiry into the bypasses that the government would inject funds — —

The SPEAKER — Order! The honourable member is now canvassing issues that are wide of the question before the Chair. I remind him that the question of time and the amendment moved by the Leader of the Opposition are before the Chair.

Mr BATCHELOR — I understand that, Mr Speaker. I am saying that the bill's financing issues alone are complex; they give rise to a whole range of questions that cannot be adequately answered in the two weeks the government insists the matter can be dealt with. Other amendments provide that the government will be liable for the full financing of the project, which the Leader of the Opposition said was one of the biggest capital works projects to be undertaken in this state at a cost of more than $1 billion. Because of the complex interrelation of various acts and bills currently before Parliament, it is clear that a government guarantee will provide for the financing of these and other privately funded public infrastructure projects.

People need to be given time to understand the changes. Changes are being dealt with by Parliament not only to establish this authority but also to make amendments to the Borrowing and Investment Powers Act. The act is currently the subject of an amending bill in the upper house. It will have a huge impact on state financing arrangements. The amendment moved by the Leader of the Opposition should be agreed to so that Parliament can deal with that amending bill and so that members of the public have time to gain an understanding of its final form. Parliament is currently debating a measure that gives guarantees to private funding for public infrastructure; and we will not know about that process until it has been dealt with in another place. What hope does the public have of knowing about the process until the legislation has been passed by the other place?

More time is required so that we can adequately understand the full implications of the Melbourne City Link Authority Bill. The bill embraces amendments not yet dealt with by the upper house in the Borrowing and Investment Powers (Public Transport Corporation) Bill. Not only the public but also the Parliament needs that extra time to consider the financing arrangements. Time is also required because the bill seeks to amend a range of other acts in addition to the Borrowing and Investment Powers Act. It also seeks to amend the Historic Buildings Act. It will take longer than two weeks to establish which buildings near the South Eastern Arterial, the Tullamarine Freeway, the Domain tunnel and the Western bypass will be threatened and compulsorily taken over and which buildings will have their — —

The SPEAKER — Order! The honourable member is using the bill in his argument. I realise he has a difficult job to stay within the confines of the debate on time, but canvassing each issue in the bill, going through clauses and aspects of the bill and throwing in the word 'time' after every point is trying the patience of the Chair. I ask him to cooperate and make his remarks more general regarding the bill. The honourable member must debate the question of time and the amendment before the house.

Mr BATCHELOR — It is a difficult task because in trying to justify my comments I need to have them supported by argument. However, I make the point that because the Melbourne City Link Authority Bill will have an impact on historic buildings, there is an absolute need for time to find out which of those it will adversely affect, where they are and what urban environments will be adversely affected. That cannot be done in two weeks; it just cannot be done. It cannot be done by members of Parliament, nor can it be done by members of the public.

A large number of other provisions in the bill will also remove the rights and obligations of citizens, organisations, and bodies corporate. Consequently we need to be able to go to those organisations,

those individuals, those authorities and those bodies corporate and tell them what is happening, what the implications are and how we can look after them and report the impact to Parliament.

For example, we need sufficient time to be able to liaise with the cities of Melbourne, Moreland, Yarra, and Port Phillip and the former cities of Essendon and Footscray. To do its job properly the opposition needs time to consult with those authorities and it just cannot do that. In the first week many people already have commitments, and in the second week Parliament will be sitting.

If we are unable to meet with those authorities, or they are unable to meet with us next week, there will be no time for them to relay their concerns, their impressions and their understanding of this bill to us. It is for those reasons that I support the amendment moved by the Leader of the Opposition on the question of time. Without time, we as parliamentarians — collectively or individually — will not be able to adequately carry out our functions.

Earlier tonight we heard contributions from the honourable members for Gippsland West and Hawthorn. It was quite clear that they need — —

The SPEAKER — Order! The honourable member should refer to the ministers by their correct titles rather than as the honourable members for Gippsland West and Hawthorn.

Mr BATCHELOR — Sorry, Mr Speaker. The contributions from the ministers earlier in the debate clearly indicated that they needed time. Today we saw the sudden appearance of Mr Kroger in Parliament; the last time he was here that caused consternation.

The SPEAKER — Order! The honourable member is now straying from the question of time.

Mr BATCHELOR — I am explaining that it is not only opposition members who need time; government members also clearly need time. The matter has caused considerable consternation and disquiet within the government party room and the government needs time to sort it out. We have seen meetings of the government parties here in Parliament where these issues have been forced through. Some government members are concerned about the issue of the question of — —

Mr RYAN (Gippsland South) — On a point of order, Mr Speaker, I ask that the honourable member come back to the question of time. Whatever source of assistance the government may require, it is certainly not from self-serving statements of the type we are now hearing from the honourable member for Thomastown. The government is quite capable of conducting its own affairs, and I ask that the honourable member be brought back to the question of time.

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Gippsland South. However, I ask the honourable member for Thomastown not to go down the path he is going except by way of a passing reference to illustrate his point.

Mr BATCHELOR (Thomastown) — Thank you, Mr Speaker, and the honourable member for Gippsland South. He has been down in the long paddock too long, I think!

Time is needed not only for the community to get its affairs in order and to be able to put its views forward, but also for the government parties to do the same. That cannot be done adequately within the two-week period.

We are leading up to a period where the cultural realities mean that many community organisations and organisations that would be interested in this bill are winding up for the end of the calendar year and may well have had the last of their regular meetings until the new year and will not be able to respond. I suspect that the full knowledge of the cultural imperative of this time of the year is the very reason why the government has chosen to bring this matter before the house now. This move is designed for the government to use its majority to force the issue through Parliament in the dead of night without adequate debate so the people of Melbourne, who will be directly affected, will have neither the time nor the opportunity to inform themselves of the many issues contained in the bill and will be unable to respond to it.

This bill is one of the most significant pieces of legislation to come before Parliament this session. It deserves greater attention and more time for debate. For those reasons I support the amendment moved by the Leader of the Opposition.

The SPEAKER — Order! The Minister for Public Transport has moved that this debate be adjourned for two weeks, to which the Leader of the

Opposition has moved an amendment that the expression 'two weeks' be omitted and replaced with the expression 'five months'. 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, 53

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, Dr	Phillips, Mr
Doyle, Mr	Plowman, Mr A.F.
Elder, Mr	Plowman, Mr S.J.
Elliott, Mrs	Richardson, Mr
Finn, Mr	Rowe, 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 (*Teller*)	Turner, Mr
McGrath, Mr J.F.	Wade, Mrs
McGrath, Mr W.D.	Weideman, Mr
McLellan, Mr (*Teller*)	Wells, Mr
Maclellan, Mr	

Noes, 24

Andrianopoulos, Mr	Leighton, Mr
Baker, Mr	Loney, Mr
Batchelor, Mr	Marple, Ms
Bracks, Mr (*Teller*)	Micallef, Mr
Carli, Mr (*Teller*)	Mildenhall, Mr
Coghill, Dr	Pandazopoulos, Mr
Cole, Mr	Seitz, Mr
Cunningham, Mr	Sercombe, Mr
Dollis, Mr	Thomson, Mr
Garbutt, Ms	Thwaites, Mr
Haermeyer, Mr	Vaughan, Dr
Hamilton, Mr	Wilson, Mrs

Amendment negatived.

Motion agreed to and debate adjourned until Tuesday, 29 November.

DOMESTIC (FERAL AND NUISANCE) ANIMALS BILL

Message from Council relating to amendments considered.

Council's amendments:

1. Clause 3, page 3, after line 9 insert —

   "(d) the Democratic Cat Council Incorporated or any successor in law of the Council;".

2. Clause 96, line 7, omit "5" and insert "4".

3. Schedule, Column 2 under the heading "CATS", after "Incorporated" insert ", the Democratic Cat Council Incorporated".

4. Schedule, Column 2 under the heading "CATS", omit "either association" and insert "any one of those associations".

Mr W. D. McGRATH (Minister for Agriculture) — I move:

> That the amendments be agreed to.

The first amendment made by the Legislative Council provides for the Democratic Cat Council to be recognised as an applicable organisation. The effect of the amendment will be that cats being exhibited at shows conducted by the council will not require identification markers. The Democratic Cat Council is an organisation that promotes responsible pet ownership among its members and requires its members to adhere to a code of ethics restricting breeding. It requires the vaccination of kittens prior to any sale and specifies the minimum age at which kittens can be sold. It would appear to be sensible to make the amendment sought by the Democratic Cat Council.

The second amendment relates to pet shops. Clause 96 provides that the animals set out in the definition of 'pet shop' may not be sold in any place which is not registered under part 5 of the bill, which relates to the boarding of dogs and cats. The amendment will mean that they cannot be sold in any place other than premises registered under part 4, which deals with the registration and conduct of domestic animal businesses, or a private residence. The amendment will allow the animals to be sold in a pet shop registered under part 4.

The third amendment provides for members of the Democratic Cat Council to pay reduced registration fees. This facility is available to other registered or affiliated cat groups around Victoria. They have made application to be considered under the same arrangement and I have agreed to provide the facility to them. The Victorian Canine Association, the Feline Control Council of Victoria and the Governing Council of the Cat Fancy Australia and Victoria Inc. have this facility and have agreed to include the Democratic Cat Council in that group.

Amendment 4 is a consequential amendment arising from amendment 3.

Ms MARPLE (Altona) — The opposition does not oppose the amendments but would like to comment that the bill has caused a great deal of discussion within the community, which the opposition is pleased about. It is interesting to have read remarks about the bill from speakers of the Legislative Council.

We have all heard different stories about cats and dogs; however, I am surprised that the Democratic Cat Council was forgotten by the government, although perhaps I should not be.

An honourable member interjected.

Ms MARPLE — It is in relation to all things democratic and shows how things get put aside by the governments on the other side. Perhaps that is why this one got missed.

When looking at the schedule and the changes that have to be made it is interesting to note that there is one dog group, the Victorian Canine Association, whereas the cat groups have now been broken up into three groups. That could be indicative of the problems that we have had with cats but I am sure that is not so. It probably just shows that people are very interested in their cats, and I hope the bill and the amendments we are looking at today will ensure that the control of cats will be carried out in the way that has been expressed by many speakers on both sides of the house and in both houses.

We were required to consider how best to manage cats not only in the best interests of native wildlife but in the urban situation. Many people have been in touch with me since the bill was introduced wondering when some action will take place under the new act that we will have. We hope this will be the case as the bill is passed by this house today so that after all this time we can get on with the action that is desired by everybody as set out in the bill.

The DEPUTY SPEAKER — Order! As the second and third reading of the bill was passed by an absolute majority I am of the opinion that these amendments need to be agreed to by an absolute majority. As there is not an absolute majority 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.

LOCAL GOVERNMENT (AMENDMENT) BILL

Second reading

Debate resumed from 6 October; motion of Mr MACLELLAN (Minister for Planning).

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

Government amendments circulated by Mr MACLELLAN (Minister for Planning) pursuant to sessional orders.

The SPEAKER — Order! In view of the time I shall call the honourable member for Preston after the dinner break.

Sitting suspended 6.29 p.m. until 8.03 p.m.

Mr LEIGHTON (Preston) — I will try to keep my contribution down to half an hour. A number of provisions in the bill are sensible and the opposition agrees with and supports them. However, it disagrees with a couple of provisions and will oppose the bill on that basis.

The provisions we are particularly concerned about are, firstly, those relating to postal voting. I shall talk about that aspect in more detail shortly. I do not mean the normal arrangements where a person can apply for a postal vote instead of attending on the day to vote, but rather the provisions that give councils the option of conducting the entire election by postal vote.

Our second concern relates to the provisions for returning officers. Although there are some sensible features, including those giving individual councils the option of having another council or the State Electoral Office to run the election on their behalf, we are concerned that the bill also extends the powers of council chief executive officers to delegate responsibility down the line without reference back to the council. The third concern we have is for the future of the Prahran Market. I will also refer to that in a little more detail later.

As I said earlier, the bill contains a number of other provisions which the opposition believes are sensible and which it welcomes and supports. One is the move to elections to be held on the third Saturday in March. Like many other members from both sides of the house, I am grateful that in future I will not be handing out how-to-vote cards in winter, on the first Saturday in August. However, it is important to place on record now our concern that the establishment of a standard local government election time of the third Saturday in March does not mean for one moment that in March 1995 there will be widespread council elections for the councils that have been sacked. Indeed, although it is a matter for ministerial discretion and order to decide when the elections will be called on, it could well be taken as justification for extending to March 1996 the return of democratically elected councils.

Mr Maclellan — Would you suggest July or August?

Mr LEIGHTON — No, we suggest right now. The minister interjects, but in the same way that we did not agree that amalgamations of councils automatically necessitated their sackings, we believe these days the voter rolls are sufficiently computerised to enable elections to be held almost immediately. We maintain there is absolutely no reason why we could not return to democratically elected councils in March 1995.

The bill also contains a number of provisions to bring the financial year into line with other areas of government. I have already referred to the elections being held on the third Saturday of March 1996. There are also provisions relating to pecuniary interests, which require councillors to declare the nature of their interests rather than just that they have pecuniary interests. Other provisions deal with the extension of the pecuniary interest register to senior officers; the change in the provision of regional organisations to apply only to libraries; and the transfer of certain functions from the 1958 act to the Environment Protection Act.

As I said earlier, the bill contains a number of provisions with which we agree. However, overall the bill lacks vision. There is no indication whatsoever in the bill that the state government accepts local government as a level of government in its own right. There is no indication that it is prepared to work with local government as an equal partner. As I have said in previous debates, because local government is purely a creature of the state Parliament and is created through an act of Parliament, it could just as easily be abolished through an act of Parliament. It is a crying shame that back in 1988 the referendum on giving recognition to local government failed.

In many ways the bill is narrow and restrictive. The government could have done much more with it. It could have reflected a broader vision by recognising the role of local government, and certainly the government could have given some commitment to ensuring an early return to democratically elected councils. In going through the provisions I will make a few comments on those we support, and then I will return to the three areas about which we are concerned.

Clause 3 moves councils onto a 1 July-30 June financial year and makes consequent transitional arrangements for councils so that there will be no change in the amounts paid by a person in any one year. That has been discussed for some time and is a sensible arrangement. Clause 4 deals with the transitional arrangements. The 1994-95 financial year will be 1 October to 30 June. The 1994-95 budget will not be affected, nor will general rates and charges for that year.

Clause 5 brings council elections forward from the first Saturday in August to the third Saturday in March. That change, which has been contemplated for some time, is necessary partly as a result of changing the financial year. We believe it is sensible. Aside from the problem of having to campaign in the middle of winter, which nobody enjoys, it is necessary to have incoming councils elected earlier so that they can participate in the council estimates procedure. We also support that.

Clause 6 gives councils the option to decide that all voting in an election will be by post. That is our main area of concern and we strongly oppose it, but I will return to that later.

Clause 7 extends the pecuniary interest requirements to involve a councillor's spouse or de facto spouse. I am not sure what will happen if a councillor says his or her spouse will not reveal what interests he or she has.

A few years ago in the federal Parliament when members were required to put into the register the interests of their spouses several spouses made a point of saying publicly that they were not prepared to disclose their interests. We will have to see how the practice works in this case. It is reasonable that councillors should not be able to vote on decisions that could financially benefit their spouses. As a result of a recent court case councillors are required to declare not only that they have a pecuniary interest but also the nature of that interest.

Clause 8 requires, among other things, that all senior officers must lodge pecuniary interest statements. I think that is appropriate. It has been the practice throughout the public sector for some time. Clause 9 requires all senior positions, other than acting positions of less than 12 months, to be advertised externally before new appointments are made so that a person cannot act in that position for more than 12 months without the position being advertised.

Before the commencement of this debate the government circulated amendments which made it clear that this applied only from the date of assent; otherwise some officers in acting positions would pass that 12 month-period and, because of the changes that have been going on, be unable to regularise their positions.

While I am commenting on the circulation of the amendments I should like to thank the Minister for Planning for his cooperation in giving me prior access to the amendments in the form in which they have been circulated in the house and some briefing notes.

Clause 11 deals with the establishment and operation of regional corporations and allows a regional library to include itself with other regional libraries. Clause 12 in relation to regional libraries deals with community consultation and restrictions on borrowing money. There are several qualifications, including the requirement for the approval of the Treasurer, although it is difficult to see to what large extent municipal libraries will have on capital borrowing requirements. The clause provides for the preparation of corporate plans, the provision of annual reports and the appointment of auditors.

I should like to quote from two letters from the Municipal Association of Victoria (MAV) in which it raises technical concerns about libraries. The first states that there will be:

> inadequate provision for Technilib, inadequate winding up provisions (particularly relating to transfer of assets);
>
> limited borrowing powers;
>
> a lack of power in relation to some matters (such as the making of local laws) which will be experienced by regional libraries established under section 799D of the former Local Government Act and which will continue under the new legislation. In the MAV's opinion these fundamental issues ought not be ignored and we will be submitting a more detailed letter over the next week identifying the problems which exist.

The other letter states:

> The absence of reference to section 188 (power to accept gifts) in subsection (7) is curious as libraries regularly gain capacity through donations. It may be argued that the power to accept gifts is implied but the specific exclusion of such a provision may tend to suggest that Parliament wanted specifically to prohibit regional libraries from accepting gifts. Some of the provisions in part 2 are much less likely to have application but their inclusion appears to be harmless unless it is viewed against the assumptions to be drawn from inclusions of such powers and exclusion of a power such as section 188.

Those are the MAV's concerns in respect of regional libraries. Clause 16 allows councils to include regional library expenditure in their targets for compulsory competitive tendering. That makes sense because the requirements, especially in the third year, relating to the amount of council expenditure that has to go to tender — if regional libraries were not included — would encourage councils to opt out of regional libraries. I do not think that would be a satisfactory outcome. There is a lot to be gained from encouraging councils to join other councils in forming regional libraries. The economy of scale enables a wider service to be provided to borrowers. In the early 1980s the Heidelberg City Council, of which I was a member, established a regional library with three other councils and was a vastly superior service for having done so.

Clause 18 removes the requirement for police officers to be issued with separate identity cards. With the exception of enforcing certain local laws relating to alcohol use in public places, police officers will still have to be individually authorised by the relevant municipal council to enforce local laws. As well, police officers have had to be issued with their own identification by the relevant municipal council which is unnecessary, given that police officers carry their own identification. They will still have to be authorised by the council, except in respect of the provisions relating to alcohol, such as New Year's Eve on Phillip Island when police are able to enforce the provisions of local laws in respect of the use, possession and consumption of alcohol. That can be done generally rather than having to designate each individual police officer.

Clause 20 widens the scope of the persons who can be council returning officers. Until now the 1989 act had designated the municipal clerk as the returning officer. Under the bill the council CEO can be appointed the returning officer. But the opposition is particularly concerned that the CEO can nominate another council officer, or that persons appointed by the State Electoral Office, the Australian Electoral Commission or another council can be returning officers. I will come back to that later on because it is our second area of opposition.

The third concern we have is clause 25, which repeals the Prahran Market Act. In its briefings with both the Honourable Pat Power, the opposition spokesman for local government in another place, and me the department has maintained that the repeal of the 1979 act is basically a housekeeping measure; there is still widespread community concern about the future of the Prahran Market. I will also revisit that matter later in my contribution.

I skipped over clause 23, which validates name changes. There is a suggestion that a number of name changes had not been properly validated and that therefore councils could have been acting illegally. The provision clarifies that and removes any legal doubt.

Clause 27 allows for the establishment of waste management regions and regional waste management groups. A regional waste management group will comprise all those councils within the region that wish to form a group, and the other councils in the region will have an automatic right to join the group. A regional waste management group must submit a draft regional waste management plan to the Environment Protection Authority for approval. The regional waste management group and any other councils within the region, whether members or not, will be required to comply with the Environment Protection Authority's approved plan.

Clause 28 allows the EPA to evaluate, approve and monitor regional waste management plans. Clause 29 amends the Environment Protection Act to include the encouragement of litter prevention as a function of the Waste Management Council. The council will be responsible for ensuring consistency between regional waste management plans. Clause 30 will deem all existing regional refuge disposal groups to be constituted under the Environment Protection Act. The opposition has had separate briefings on the provisions relating to the EPA and is not opposed to them.

I return to the opposition's three main areas of concern: postal voting; the extension of the returning officer provisions; and the future of the Prahran Market. I make it clear that the bill does not simply introduce postal voting. That has always been available in cases where people are ill and infirm and unable to get out of the house or are going to be away or whatever. It is appropriate that they have access to postal votes. Furthermore, since the introduction of the 1989 act the provisions have been extended so that people are allowed to vote in person on days other than actual election days.

Mrs Peulich — Pre-poll voting.

Mr LEIGHTON — Pre-poll voting, thank you. It has been possible to vote almost immediately after nominations have closed. So over the past few years people's capacity to vote before polling day has been extended in a number of ways. The provision will not actually increase people's opportunities to vote. Rather, councils will now have the option of conducting the entire election and the entire ballot by postal vote. That is something the opposition objects to most vigorously.

Honourable members interjecting.

Mr LEIGHTON — It is far more fundamental than that. If we think of all things in life as a continuum, we have to ask ourselves whether we will have council elections at all a few years further down the track.

Mrs Peulich — They might be able to cast their votes from home.

Mr LEIGHTON — Yes, down the superhighway!

Mr Maclellan interjected.

Mr LEIGHTON — But after all, we have already had one local government identity advocate the abolition of council elections. I refer to Toni McCormick, who at the time was one of the commissioners of the City of Greater Geelong. She advocated doing away with council elections and bringing in procedures similar to those used to appoint Board of Works or Melbourne Water commissioners. At the time the opposition called on the Minister for Local Government to discipline her, but the government's response was to reward her by making her the sole commissioner for the Surf Coast Council. That seems to me to be an endorsement of her views.

As I said, the opposition sees the election process as being far more fundamental. It includes the colour and activity of the day, with people standing outside polling booths handing out how-to-vote cards while people stream inside to vote. In those circumstances it is quite clear that there is a vigorously democratic progress taking place. But that is not to say that is the only way people can vote, because they have a number of other avenues open to them if they are unable to attend polling booths on the actual day. However, the government is proposing to take away the entire process and relegate it to a process by post, which will have no more vigour and excitement than paying a bill.

Mrs Peulich — That's not exciting.

Mr LEIGHTON — No, it is not. I am suggesting that will also be the outcome of conducting local government elections by post.

Mrs Peulich interjected.

Mr LEIGHTON — One wonders whether the government will be happy for that to occur. Will the government be happy to have the whole process played down so that a few years down the track when the whole concept of local government elections has fallen into disrepair it can pick up Toni McCormick's suggestion and do away with elected councillors?

It has been argued that the postal voting provision will particularly assist rural councils, but it is in no way limited to rural councils. One of the faults of the bill is that a council cannot designate particular wards; in other words, it is all or nothing. There may be arguments in some rural councils for residents of particular areas having postal votes while residents of other areas do not. However, you will have no choice: the entire municipality must move to postal voting; otherwise voting by post cannot occur. There is no capacity to pick out particular wards. That is not limited to rural shires; it can apply to any municipality in Victoria.

The opposition is particularly concerned that compulsory competitive tendering and other things in local government are occurring at the same time that appointed commissioners are in place. It is not local residents or ratepayers making these fundamental decisions through their elected representatives but appointed commissioners, most of whom have no background and commitment to local government and to a democratic process. They see it as a bureaucratic function and, I suspect, they will be much quicker to make a decision to move to postal voting for bureaucratic reasons. They will not examine the issues I have outlined and to which elected local councillors would be far more sympathetic.

Even if the Minister for Local Government is not devious, other ministers are. I wonder to what extent they have considered extending this process to state elections. Why stop at postal voting for local councils if it is such a wonderful thing?

Mr Weideman interjected.

Mr LEIGHTON — The honourable member for Frankston says it is a bad thing. Why is it good for local government but bad for the state government?

Mr Maclellan interjected.

Mr LEIGHTON — That is also nonsense. It is nonsense to say there is no politics in local government. One need only read the classic text-book definition of politics relating to the science and history of the administration of government and the affairs of men. A political process occurs when people are elected to a level of government and make decisions about the administration, policy and budget. It is political, whether it occurs at the state or local government level. Debates in this chamber involve politics, but it is a nonsense to say when it takes place in local government it is not political. When I was in local government I saw politics at work.

Mr Cooper — Were you an endorsed candidate?

Mr LEIGHTON — Yes, I was an endorsed ALP councillor. My approach was far more honest than

one of the so-called independent councillors who sat opposite me in the chamber and who moved motions condemning the Labor Party for bringing politics into the council. He was the president of the Eaglemont branch of the Liberal Party and until he self-destructed he was one of the endorsed Liberal Party candidates for Templestowe Province, but he led me to believe that when he arrived at the door of the local council he took off his Liberal Party hat and was non-political. There is politics at the local government level just as much as there is in this chamber.

The point I am making is that it would be a bad thing to move to postal voting at state elections. I hope the government does not believe that would be a good thing. It would be a bad thing for state elections, just as it is a bad thing for local government.

Mr Weideman interjected.

Mr LEIGHTON — I am suggesting that is the path your government wants to take us down. The coalition is moving away from the community participating vigorously in the democratic process. It wants to send out the rate notice and the postal vote at the same time.

Mr Maclellan interjected.

Mr LEIGHTON — The Minister for Planning is excited at the prospect of ratepayers paying their rates and voting in the one process. The government is moving away from a process that is not only democratic and has vigour about it, to a process that will be a tedious chore. Having done that it will not be long before it takes up the suggestion of Toni McCormack of doing away with local government elections.

That would be a bad proposition for the administration of the state. If the government is serious about local government being a level of government in its own right it is equally bad for local government.

Mr Maclellan interjected.

Mr LEIGHTON — That would be far more democratic than what this government is proposing. I suggest the current arrangement should be maintained. If people cannot get out of their house they can cast a postal vote.

The bill sets a standard date for council elections on the third Saturday of March and the opposition believes that is a sensible objective for a variety of reasons. That in no way commits the government to returning to democratically elected councils next year. I have heard no suggestions that widespread council elections will be held in March 1995. It would not be a big exercise to produce a voting roll, given that so much of the information has already been drawn from state electoral statistics. Nevertheless, the government has made no such commitment.

By the time the elections for the Greater Geelong and Surf Coast councils are held in March 1995, the councils will have been in limbo for about 22 months. The government is obviously looking at March 1996 for the holding of most elections. Although they can be conducted at any time by ministerial directive, I suspect that once March 1995 has passed the government will say the remaining elections can all be held in March 1996 according to the dates specified in the legislation. If the government now said council elections would not be held until March 1996, there would be a public outcry.

Reviews are being held in the north-west and north central areas. The holding of March 1995 elections may not be too difficult for some, but March 1996 may be more realistic. One wonders whether some councils, including my old council of Heidelberg, will have elections in March 1996. The interim report of the Local Government Board has been handed down and a final decision is yet to be announced.

The appointment of commissioners is a farce. The suggestion, particularly around Heidelberg, is that the government is having trouble attracting enough people to appoint as commissioners before Christmas. People who say they are interested in being appointed only after Christmas certainly show their commitment to local government. The earliest election date will probably be March 1996 — and in some cases it will be March 1997.

Honourable members should understand that the stipulating of the third Saturday in March as the election date does not mean for one moment that the government is committed to early elections.

Mr Cooper — Wrong again.

Mr LEIGHTON — What is wrong?

Mr Leigh — You're always wrong.

Mr LEIGHTON — Tell us when council elections will be held.

Mr Cooper — You sit down and we will. Because you weren't told anything — that means nothing. You're wrong.

Mr Maclellan — You should ignore interjections from the backbench.

Mr LEIGHTON — Do you think Mr Acting Speaker agrees with that suggestion?

Mr Cooper — Why don't you get on with the debate.

Mr LEIGHTON — Although the government has set a new standard election date of the third Saturday in March, it does not mean that councils will return to holding elections in March 1995. A couple, such as Greater Geelong and Surf Coast, may hold elections, but the government has not given any commitment.

Another concern is the appointment of returning officers. Some provisions are sensible — for example, those that stipulate that councils can conduct elections or that the State Electoral Office can become involved. Clauses 1, 2, 3 and 4 of schedule 2 to the Local Government Act 1989 state:

1. An election must be held before a returning officer.
2. The municipal clerk is to be the returning officer.
3. The municipal clerk must appoint at least one deputy returning officer.
4. A deputy returning officer is an authorised person for the purposes of this act.

If a returning officer dies or becomes incapacitated, the deputy can take on the role; but the bill goes further. Obviously changes had to be made because of the move from town clerks and municipal clerks to chief executive officers, being the most senior council officers — but they do not have municipal clerk tickets! The bill allows the chief executive officer to go further by delegating the function to any other council officer.

Sometimes the powers of senior officers can be delegated while at other times they cannot. The opposition argues that on his or her own initiative a chief executive officer should not be able to delegate functions or powers to another officer.

Mr Maclellan interjected.

Mr LEIGHTON — The minister asks, 'What if his wife is sick and he has to go home?'. The provisions of the 1989 act would apply, which means one or more deputy returning officers could step into the breach. If it is argued that it should be someone other than the chief executive officer, that decision should be made by the council. Although it may be appropriate to appoint somebody down the line, the opposition does not accept that the chief executive officer should make the decision off his or her own bat. However, the opposition has no objection to the other election provisions.

The final concern of the opposition relates to Prahran Market. Many Prahran people are concerned about the fate of their market, especially whether it will be privatised or sold. Until now, the market has been owned by the council. The two-page Prahran Market Act clarifies that the council has the authority to own, develop and manage the market. The view at the time was that the council had been acting ultra vires in developing, managing and marketing the market. The Prahran Market Act makes it clear that the council has sufficient heads of power. However, the 1979 act will be repealed by this bill.

There is substantial concern in the local community about the market. I refer to the *Malvern Prahran Leader* of 2 November 1994 and the headline 'Group to seek market answers':

> Residents concerned about the future of the Prahran Market have formed a Friends of Prahran Market group as the state government considers whether to allow a 99-year lease.

The market is on a 50-year lease.

> Mr Moloney, who is also president of the Prahran Residents Association, said residents had received no answers to the many questions and rumours circulating about the market's future.
>
> 'I think a community meeting should have been called: the preferred developers (Lustig and Moar) were announced in August and there are no more answers today than there were then.
>
> 'We can't even establish when detailed plans of any proposed development will be released to the public', Mr Moloney said.

> The group's leaflet, *Top Secret Wanted*, asks for 'anyone who knows what is going to happen to our Prahran Market and surrounds' to supply answers.
>
> Mr Moloney said speculation about the market's future included demolition of all the market except for the Commercial Road facade, closing it for 12 months during redevelopment, the building of high-rise concrete car parks and a Chadstone on Chapel.
>
> Stonnington's commissioners last week moved to allay fears that the market would be sold, with chief commissioner Neil Smith stressing that the market would remain in council hands.
>
> 'There is no chance of that (being sold); it is a community asset, we will not sell it,' Mr Smith said.

Further in the article it is obvious the developers are not as committed to that:

> Lustig and Moar representatives have said they would not close the market unless necessary. If closure was unavoidable, the company would attempt to keep the market trading in some way, they said.
>
> The commissioners have also stressed they will ensure that fresh food remains the market's core and that its 'distinct' market atmosphere remains. Residents and traders have argued, however, that if Lustig and Moar received a 99-year lease, the market would be lost to the community.
>
> 'It's far too long: longer than our lifetimes', Mr Moloney said.

Mr Cooper — From what have you quoted?

Mr LEIGHTON — From page 5 of the *Malvern Prahran Leader* of 2 November this year. A number of Melbourne suburbs are fortunate to have markets with a wide range of stalls selling goods such as meat, fruit, vegetables and so on. The Preston Market is the place I like to do my Saturday morning shopping because it provides a range of quality goods at a reasonable price. Suburban markets are a great thing.

Mr Maclellan interjected.

Mr LEIGHTON — Absolutely! They certainly vote for me, anyway. The Preston Market is in private ownership, but there have been a couple of problems. Firstly, it has changed hands a number of times in quick succession. Several years ago one lot of owners bought the market just prior to the recession. They paid about $18 million, far too much, and were locked into high interest rates they could not manage. That has had a bad effect on the continuing management of the market. Secondly, in trying to plan for the entire area the local council has had some difficulty when the owners have been trying to go in a different direction. A market can be the hub of the local business district.

There is substantial concern in the local Prahran community and I do not believe that now is the right time to repeal the Prahran Market Act.

The bill contains a number of sensible provisions, such as the proposed change to the financial year and the movement of elections to a Saturday, but the opposition is opposed to councils having the ability to conduct entire elections by ballot. As with other local government legislation, this bill lacks any broad vision for the future of local government.

Mrs Peulich — Guided democracy.

Mr LEIGHTON — That is the sort of guided democracy we have seen in countries like Indonesia, and that is how this government views local government. One has to decide whether one will accept local government as the third level of government, with a commitment to democracy and a recognition that to a large extent it should be empowered to make its own decisions where there is a high degree of community participation. There has been no such commitment in legislation introduced over the past couple of years, and once again the government has passed up the opportunity. For those reasons the opposition opposes the bill.

Mr COOPER (Mornington) — I welcome the support given by the honourable member for Preston on behalf of the opposition for most of the provisions of the Local Government (Amendment) Bill. This is an omnibus bill that addresses a number of important reforms for local government and, as such, it has received the approval of the Municipal Association of Victoria and the Metropolitan Municipal Association as well as the Institute of Municipal Management.

I was surprised to hear the honourable member for Preston say that the opposition opposes the postal ballot provisions of the bill.

Mr Leighton interjected.

Mr COOPER — Absolutely. The honourable member for Preston called for immediate council elections. It is difficult, when going through a restructure process that has not been completed, to call for immediate elections for councils that have not yet been dispensed with and commissioners appointed. The honourable member for Preston is a little edgy, somewhat anticipatory, on this matter.

Although the announcement was made some weeks ago, the honourable member probably has not caught up with things because a couple of weeks is a little short for him. The government has announced that elections in Geelong will be held in March next year. We know that elections for most of the councils that have either had or are about to have commissioners appointed will be held in March 1996.

The honourable member's fantasy trip into a kind of other world by saying that elections will be held in March 1997 is welcome news for the government. What he is saying, by implication, is that the government will be re-elected, probably with an increased majority, in October 1996 and will therefore be in a position to make those decisions. I welcome the admission that the government is doing such a good job that it will be re-elected and am pleased that the opposition is confident of that.

The concern expressed by the honourable member for Preston about the repeal of the Prahran Market Act is based on ignorance, because he clearly does not know that the repeal of the 1979 act is to allow the market to operate properly. The honourable member gave some history when he read from a local newspaper, but it is clear that his research is flawed. The act was designed, as he correctly said, to validate a number of decisions made by the Prahran council about the operation of the market in 1979, but it now restricts the operations of the market.

The repeal of the Prahran Market Act 1979 will allow the market to operate under the Prahran council, or its successive body, and so free it up. So the concerns held by those people about the future of the Prahran Market — and they would be valid concerns — certainly are answered by the repeal of the Prahran Market Act and not by its continuation. That should answer the query of the honourable member for Preston. It is a matter of concern that the honourable member for Preston failed to do some homework on that issue.

I join the honourable member for Preston in being pleased that the Minister for Planning, on behalf of the Minister for Local Government, has circulated the amendments that will be moved during the committee stage of the bill. One very important amendment inserts a new clause after clause 5 regarding the exclusion of people of unsound mind from voter rolls. I pay particular tribute to Mr Trevor Cracknell, a resident of the electorate of Bellarine, and to the honourable member for Bellarine for bringing that to the attention of the government.

The case brought to the government's attention by Mr Cracknell concerned a lady suffering from Alzheimer's disease who was able to be removed from the state electoral roll but, because of a quirk in the legislation, was not able to be removed from the municipal electoral roll. This lady received in the mail each year a query from the council as to why she did not vote. That obviously caused concern to her family. It was clearly a nonsense to allow her to remain on that roll, as indeed it is to allow people in similar situations to remain subject to queries from councils concerning voting when they are obviously not able to cast a vote sensibly.

The amendment to be moved by the minister during the committee stage to exclude people of unsound mind from voter rolls is particularly designed to address that issue, a matter that would be of concern to most people in the community, particularly to those who, like me, have had a member of their family suffer from that appalling and debilitating disease. I hope — I am sure I will be rewarded in that hope — the opposition will support that amendment because it is necessary.

I congratulate the honourable member for Bellarine for his concern regarding that matter and for encouraging Mr Cracknell to provide him with that information, which has enabled the Minister for Local Government to frame the necessary amendment.

During his initial remarks the honourable member for Preston referred to elections and the appointment of commissioners and in general addressed the reform of local government this government has embarked upon. Such reform was certainly tried by the government of Premier Cain back in 1985-86, but that failed because of the way in which the Cain government went about it.

As this house has been previously advised, the Cain government attempted to reform the boundaries of local government in Victoria in a short space of time. The program it published started in one month and finished 11 months later. The reform program,

undertaken with such speed and devastation and without the necessary consultation and feedback from the community, was destined to failure. It was defeated by community opinion simply because the community did not have before it the kind of information it now has before it. As I have told the house on previous occasions, we now have active cooperation from local government and local communities around the state. That stands in stark contrast to what local members confronted in 1985-86.

What saddens me particularly during this time of reform is the attitude of the opposition. Opposition members acknowledge in part that the reform program the government has embarked upon is the reform program they wish they could have embarked upon back in 1985-86, but they turn around and say, 'Well, given that you are doing what we tried to do but failed, we nevertheless oppose it because we are in opposition'. That is what it all boils down to.

Some of the most extraordinary statements have been made in this place and the other place and in public. They do no credit to the people who make them. In particular I refer to the shadow Minister for Local Government, the Honourable Pat Power in another place, who has made some extraordinary statements, and on numerous occasions has made contradictory statements regarding the appointment of commissioners.

In the *Age* of 17 October this year he said he believed people who were appointed as commissioners should, if they have some political affiliation with the Australian Labor Party, somehow suffer a penalty for that affiliation and for believing in a local government reform program that was ALP policy and, I assume, having never seen anything to the contrary, still is — namely, changing local government boundaries.

Mr Power says in the *Age* of 17 October that these people should be either suspended or, as was suggested by one of his colleagues in another place, expelled from the membership of the party if they agreed to take on commissioner positions. He was referring in particular to Mrs Barbara Champion and Mr Frank Thompson, who are commissioners of the City of Yarra, and the decision by the commissioners to close Fitzroy swimming pool.

This brought out the underlying resentment of the Labor opposition towards those people who have a belief that goes beyond the narrow party loyalty of the Labor opposition. Those honourable members were saying that, as far as they were concerned, those people should be removed from the party rolls, although I must say in defence of Mr Power that he suggested they be temporarily suspended from ALP membership. In debate in the upper house last week, his colleague Mr Brian Mier a Labor member as we all know — —

Mr Maclellan interjected.

Mr COOPER — And a former minister of the Labor government — said, 'Forget about suspending them; they should be expelled from the party'. The ALP has an interesting line of argument. Its policy supports reform of local government boundaries, but if a person cooperates, agrees with and acts in accordance with that policy, as far as the shadow minister and other ALP members in the upper house are concerned, that person should be expelled from the membership of the party. That is a disgrace. Even worse — —

Mr Maclellan interjected.

Mr COOPER — The Minister for Planning says their policy is that there should be Labor reform of local government. He is quite right. That shows the single-minded, blinkered view that led the ALP to the catastrophe it suffered in 1985-86 when it set about reforming local government in the way it did.

Voting systems are germane to the bill. The question has been raised of who in the future will be eligible to be members of councils in this state. The Labor shadow Minister for Local Government, Mr Power, has said that when the councils are up for re-election the Labor Party will mount a campaign of having endorsed ALP candidates right around Victoria. They have sent the signal to local government and the local communities that they are going to turn the clock back to the early 1970s or the early 1980s, to a situation that Labor started to reverse when it realised the revulsion of local communities against endorsed party-endorsed candidates.

The honourable member for Preston said he went to the Heidelberg council as an ALP-endorsed candidate. He did not go there as his own person; he went on there as a mouthpiece of his party. No doubt he went there with the promise — and I assume pledge — that if the party said 'Jump', the honourable member for Preston would say 'How high do I jump?'. He tried to say that the honourable member for Ivanhoe, the Minister for Small Business, who was a councillor at Heidelberg at the

same time as the honourable member for Preston, was there on the same terms. He is wrong because the honourable member for Ivanhoe was there as an independent. Certainly he was a member of the Liberal Party. But the important difference is that he was not endorsed by the Liberal Party. He did not get instructions and no councillor who was a member of the Liberal Party ever got instructions from party headquarters.

We know about the discipline of the ALP because they boast about it all the time. We see it when there is a ballot in here for the Speaker or there is a ballot for something else in the house. They all show each other what they have written on their ballot paper before it is lodged. This is called trusting your colleagues! This is the attitude the Labor Party has to these kinds of things. We know all about the instructions that come from ALP headquarters to ALP councillors. Now we have Mr Power signalling to communities around Victoria that the ALP will be putting forward ALP-endorsed candidates at future council elections.

I quote from the *Age* of 17 October. I love the way this is phrased:

> Mr Power said a community team of candidates could include members and past members of the ALP, members of other political parties —

they would be sure to join in, wouldn't they? —

> or those with no party affiliations. They would (however) be approved by the executive.

We know all about them. He goes on to say:

> In keeping with the recent changes adopted by the ALP national conference in Hobart, 35 per cent of the candidates preselected would be women.

Isn't this wonderful! The article goes on:

> Mr Power said all candidates would have to comply with ALP policy on 'core issues' such as home and community care, or spending of state and federal grants.

Than he said:

> However, they would have autonomy on matters of immediate concern to the municipality such as the building of speed humps or the use of a sports pavilion.

How generous of Mr Power in particular and the Labor Party in general to grant the so-called community candidates who have to be approved by the ALP executive the power to talk about speed humps and the use of a sports pavilion! But how appalling that they are going to be controlled by ALP headquarters on matters such a the spending of ratepayers' money and the spending of grants from both state and federal governments. What an appalling signal to send out to the community of Victoria at a time of local government reform. The government is doing what the Labor Party failed to do in 1985-86 in its attempt to reform local government in accordance with the general direction of ALP policy. What does the ALP do? What is its reaction to the reform? The reaction is, 'We will turn the clock back 20 years and we will try and gain political control of local councils'. That is what the ALP is concerned about.

That leads me to the opposition expressed by the honourable member for Preston to the postal ballot provisions of the bill. The honourable member would have us believe that this requirement will be forced upon councils. He is saying this appalling thing could lead to all kinds of corruption and fraud and therefore it should be opposed. I say to the house and to the honourable member for Preston that he visits upon us the sins of his own party and the people who back his own party, that is, the trade union movement in Victoria and in Australia.

You have only to read this morning's newspapers where it is reported that a decision of an appeal judge has overruled a union election because of fraud and corruption and standover tactics.

How dare this man and how dare other members of his party come in here and say these kinds of things are going to be carried out by local municipalities in the conduct of their council elections! It is a disgraceful slur upon people who conduct council elections. It ought to be withdrawn and he should apologise for it.

He should also start apologising for his lack of research because this Labor lot come in here and start talking to us as if we are inventing some kind of new wheel in respect of postal ballots. The honourable member for Preston has failed to tell the house and the people of this state that postal ballots are nothing new. They are conducted in other parts of the world. They are conducted in New Zealand. They have been conducted as recently as this year in Tasmania. Is he trying to say that all sorts of fraud and corruption have occurred in New Zealand and

Tasmania because of the introduction of postal balloting? No, he cannot because it is not true — and he did not attempt to do so. What he did was come in here with the typical approach of the opposition, that is, slipping out the slur, the innuendo, the misrepresentation, the half-truth and thereby alarming the community through all areas of government in the state. We see it every day, either by the opposition directly or by their sycophantic followers who come out with all this slur and innuendo. The reality is that if the honourable member had done even the minimal homework he would not have been able to say truthfully what he has said in debate.

I took the time and the Minister for Local Government took the time to have a look at what has gone on elsewhere, particularly close to our shores. Earlier this year the Minister for Local Government went to New Zealand and spoke in depth with the people responsible for the system of local government elections over there, including the postal balloting system. I think it is reasonable to say he came back fairly convinced that the system had some potential for use in Victoria.

A few weeks ago, in company with the minister, I went down to Tasmania for a couple of days and spoke to people there. I spoke to councils, council officers and staff at the Office of Local Government. There was no doubt at all that giving councils the key option, as the bill does, to take on postal voting will be a good thing for municipalities. I make it absolutely clear that the bill does exactly that: it gives councils the option. They do not have to take it up. They are not being forced to do so; they can take up the option if they see an advantage.

Municipalities in Hobart told us that prior to this system being implemented only 15 per cent of non-resident ratepayers voted in municipal elections. However, when postal voting was tried earlier this year 54 per cent voted. You would have to say that is a victory for democracy! Do we not believe that those who represent us around the council table should be elected by as many people as possible?

However, every time the subject matter is mentioned the Labor lot over there bleat about the importance and sanctity of compulsory voting. They stand firm on compulsory voting, but when it is proposed that non-resident property owners, who are not required to vote under the present system, be eased into voting and given a better and easier way of participating in local government elections, they oppose the measure. They oppose it on the basis that it will revisit the sins of their party and union elections; they suggest those conditions will apply to council elections. That is a disgraceful slur on local government. They stand alone once again!

The MAV does not support the ALP view. Neither the MMA nor the IMM supports the opposition, and individual councils do not support it. The opposition stands alone: once again this lonely disgruntled political rump stands there bleating away. It is the opposition for the sake of opposition. The opposition is not prepared to give it a try.

The results of the postal voting conducted in Tasmania, a state that not only has non-compulsory voting but also voting at polling booths, makes you ask: why not try this to have better involvement in local government elections? The survey asked, 'Did you vote in the recent local government elections?'. Some 73 per cent said yes. The next question was, 'Do you normally vote in local government elections?'. And only 54 per cent said they did. Immediately one realises that a significant number of additional people are participating in the poll. The next question was, 'Why did you vote this time?'. Some 82 per cent said, 'Because of the new system'. The next question was, 'Did you vote by post or by attendance at the polling booth?'. Some 94 per cent said they voted by post. The next question asked, 'If you voted by post, what was your main reason for doing so?'. Some 92 per cent said it was because of convenience. That is the answer: it is convenient!

We must get people involved in the system; we must not push them away. The next question asked, 'Why did you decide to vote at the polling booth?'. Forty per cent said they did so out of habit but that they would change if they had a more convenient way of doing so. The next question was, 'Did you find any difficulties with the postal system?'. Some 98 per cent said there were no difficulties whatsoever. The next question asked, 'What were the difficulties?'. Fifty per cent of those who said they had difficulties — which was only 2 per cent overall — said they had difficulty getting the papers witnessed. The next question asked, 'What would encourage you to vote in future local government elections?'. Their positive suggestions are still being analysed by an independent review in Tasmania. However, they said they would be encouraged to be involved in local government elections if this system continued.

I am amazed the opposition is opposing a system that was brought in on the basis of giving councils

the option of trying postal voting. The system works satisfactorily elsewhere. There is no evidence that the system is corrupt or that more fraud occurs, and therefore it should be tried in this state.

Mr CARLI (Coburg) — I oppose the bill. The Labor opposition has given the bill careful consideration. Although the honourable member for Preston said the bill contains certain elements with which the opposition agrees and which it considers to be important reforms, it also contains fundamental flaws. It is because of those, if you like, errors in the bill and the errors made by the government in its local government reform program that we oppose the bill.

Although the opposition supports March elections for local government — the third Saturday in March is a good day — it opposes the government's intention for 1996 elections for councils currently going through the amalgamation process. The opposition believes elections should be held in 1995 to rectify the errors in the reform program, the attacks made on local government, the sackings of the councils and the contempt for local participation in local democracy. The opposition is also opposed to voting by post. This provision is an indication of the government's contempt for local government.

Mr Maclellan interjected.

Mr CARLI — We are opposed to voting by post.

Mr Maclellan interjected.

Mr CARLI — Absolutely, as the only option. We are prepared to accept the previous situation: that people have the option to vote by post. We are opposed to voting by post being the only option, as the bill suggests. It seems to be part of the government's contempt for local government. The government would not argue for postal voting for state or federal elections. It shows its contempt for the third tier of government because it is not treated in the same way.

The government would argue that at state or federal elections voters have the right to a secret ballot but that is not necessarily true of postal ballots. Many things can happen between the time the ballot paper arrives and the casting of the vote. It is indicative of the government's contempt for local government that it has a proposal that runs counter to its own beliefs in respect of state elections. The government would never accept a postal ballot system for state elections because it believes in the sanctity of the secret ballot: the right of a voter to collect a voting card, enter a voting station and cast a vote with no-one knowing for whom he or she voted. That cannot be assured for postal voting in a compulsory ballot system. I shall deal further with that matter later.

The honourable member for Preston also referred to the opposition's objection to extending the options for the returning officer. We basically believe the door has been left wide open. There are too many options, some of which are potentially undemocratic. We have problems with the bill as presently drafted. Although the opposition supports many other elements of the bill that it believes are necessary reforms, it finds itself in a situation of having to oppose the bill because of fundamental and deep-seated flaws which go to the heart of the government's reform program for local government.

The elements the opposition agrees with are the changes to the financial year, elections being held on the third Saturday in March and the regional library and regional waste management programs. We believe they are important reforms. Other organisations such as the Municipal Association of Victoria have also stated that they are important, and we approve of them.

It is the element of not being able to set an early date for an election to which the opposition principally objects. We have seen a program of reform that could best be called a program of pillage of local government, a program that has swept through, resulting in the sacking of council after council and forced amalgamations. We have seen situations such as that involving the Fitzroy swimming pool, a fine example of commissioners showing total contempt for the attitudes of local residents and acting without any regard for their wishes. It took thousands of people marching in the street, petitions and a public campaign to force those commissioners and that council to recognise the error of their ways and accept the possibility of changing their views and attitudes. The involvement of the City of Yarra and the commissioners in the swimming pool debate has been an important test and has basically changed the climate. It has created a much more critical and difficult climate for commissioners attempting to undertake programs at the expense of local residents and ratepayers.

Earlier the honourable member for Mornington made the point that Labor's reform program of 1985, which was also about amalgamations, failed because, according to him, it was rushed. In fact, it

failed largely because of the then opposition, and particularly the honourable member for Mornington, who was one of the staunchest critics of the reforms and the proposed amalgamation. But he has clearly been struck by a recent flash of lightning and become a convert to amalgamation.

In 1985 the honourable member for Mornington was the staunchest critic of council amalgamations and one of the then government's fiercest critics. In 1994 the same member suddenly says what a wonderful thing it is and that it should have been done earlier. In fact, he said the Labor government should have done it earlier. That is an extraordinary turnaround that can be compared only with St Paul's being struck by lightning and his sudden conversion to Christianity. Suddenly the honourable member for Mornington, who spent a considerable amount of time in 1985 and 1986 attacking the then government, its reforms and proposed amalgamations on the grounds of its failure to discuss, consult and do everything else, is saying Labor was at fault in 1985 because it tried to do it too quickly.

Meanwhile, the reform program undertaken by this government shows a total contempt for the third tier of government. We have seen the end of local democracy, with the exception of the Borough of Queenscliffe — and that was partly because of certain favours on behalf of government members.

The opposition agrees with the change to the date of elections in clause 5 from the first Saturday in August to the third Saturday in March. Why not? Of course we agree with it; it is prior to the start of the football season. It is not mid-winter and it should be a beautiful day — but it should be in 1995, not 1996! Clearly the government must move it forward. We are ready!

To give an example, the state electoral district of Coburg encompasses a good part of the City of Moreland. The City of Moreland favoured amalgamations — both the City of Brunswick and City of Coburg were prepared to be part of the amalgamation procession and were more than happy to participate and be involved as partners. What happened to them? They were sacked! They were told to see the minister and were sacked. Since then the City of Moreland has been run by commissioners — I am prepared to concede that we have had good commissioners in the City of Moreland — but they are now prepared to say that they have started the process and it is time they moved on. They are very keen to have a 1995 election. Why shouldn't they be? The process has worked well and the people are ready. The people are not asking for too much: they are saying, 'We are ready, let's have the election'.

Mr Maclellan — You would like to get the factions back in!

Mr CARLI — We would like to have that election and we would like to involve the people in the process. I am not scared of saying that the Labor Party intends to contest the election in Moreland and to do well. That is why the government does not want the elections to take place. Government members prefer to have malleable commissioners, people they can order around, rather than elected councillors.

In the City of Moreland, and I would argue in most municipalities where amalgamations have been undertaken, commissioners are no longer necessary. It is time they moved on. It is time we accepted that there are three tiers of government in this country. Often the current government's attitude is that there is only one tier — the state government — and forget the rest. There are three tiers of government and we have to recognise the importance of local government.

Local government has an important function, which has been recognised by many commentators, including Alan Goldberg, QC, President of the Victorian Council for Civil Liberties. Mr Goldberg came out strongly in support of democracy in local government, of the idea of people being able to decide on their representatives. In a letter published in the *Age* of 2 May, he states:

> To this end, the participation of individuals in 'local politics' and their access to local representatives has been essential to the management of issues of particular local concern within the larger context of state and federal politics.

In one sense that is a banal comment. It is important that people be represented at the local level, that they be able to mediate between state and federal governments. The current state government shows total contempt for that mediation. The government has basically been pushing projects ahead as quickly as possible, whether it be Albert Park, fast-tracking of certain programs, planning permits, Alexandra Parade, the Domain tunnel or anything else. It has been pushing through all those projects with no local representation or consultation, without input from the third tier of government.

I return to Alan Goldberg's point. It is important in our democratic institutions that there is the ability at the local government level for representatives to discuss, mediate and debate. That is what is lacking at the moment. The opposition has often made the point that, together with the judiciary and other elements that are independent of the executive government, local government is part of the checks and balances of government. Those elements are there basically to ensure pluralism, to ensure that there is mediation, debate and consultation and to ensure that we do not have authoritarian or dictatorial rule. On that basis I indicate that it is unacceptable that we are still talking about a 1996 election. It should be fast-tracked; we should be looking at a much earlier election.

The power of the commissioners is clearly extensive and excessive. At the end of the year most of Victoria bar Queenscliff will be under the control of commissioners who will be responsible for rates, the sale of assets, cuts in services and facilities, such as the closure of swimming pools, which we have already seen, and the administration of planning permits. These unelected commissioners will not be responsible to local constituencies; they will be acting not as representatives of the people but as agents of the government. There are no checks and balances on their performance, other than the sort of action we have seen in Fitzroy involving thousands of local residents petitioning, marching and demonstrating. Until now that has been our only means of redressing the fact that the commissioners are too powerful and unaccountable.

Other states have also gone through a process of amalgamation without having to rip the guts out of local government. They have maintained elections and allowed people to have their own representatives. Nevertheless, Victoria has flown in the face of those very good and successful examples in other states.

Another issue of real importance is that residents have increasingly lost control over the planning process. Not only have we seen the planning process being largely undertaken by commissioners, but we have also seen a very interventionist minister, a minister who has been more than happy to push things along at any cost. It is not surprising that projects like the grand prix and applications for planning permits are being pushed through quickly without any complaints from the local commissioners; matters are being fast-tracked at a cost to local amenities and the rights of locals.

There has been a strong debate about the loss of individual rights in relation to local government and about the intrusion of the planning process and a loss of amenities as a result of an interventionist planning minister for whom there are no checks and balances.

An interesting letter from Kate Shaw of the St Kilda Community Group was reported in the *Age* of 1 June 1994. She makes the point that commissioners will have total power to decide on these and many other types of development applications in local areas like St Kilda, where developments can be very controversial and where there are opposing interests. She makes a point about the combination of taking away the rights of local government and the interference of a very interventionist planning minister. She says:

> You don't need to be a conspiracy theorist to start making links between the cavalier exercise of ministerial planning powers, the loss of local electoral representation, the grand prix for Albert Park, the casino and all the other state activities that invoke the spurious notion of economic growth for the financial gain of a very few.

We are talking about the gravy train, the few who benefit in a process of what the government calls reform. However, it is far from being simply about reform; it is very much about changing the nature of business relationships in this state. It is fundamentally about altering local government practice in this state.

Because of the changes in local government and the refusal to call elections immediately, or at least in the foreseeable future and because of the power being centralised in both the Minister for Local Government in the other place and the Minister for Planning, the mediating structures of society have been damaged, and some possibly destroyed.

Another aspect of this bill that needs to be taken into consideration is its emphasis on the importance of compulsory competitive tendering. Compulsory tendering will ultimately transform the type, range and quality of services, and it is part of an agenda to cut back, privatise and bring about a system of user pays. I note the agreement from the government side that that is what it is about. Ultimately it is a very ideological agenda.

There are problems with the privatisation user-pays agenda. The empirical studies that are coming increasingly from both the United States and the

United Kingdom — where it has been part of the dogma of the 1980s — show there have clearly been some successes. However, there have also been considerable failures. There have been considerable incidents of the deterioration of services, increased costs or both. What concerns me is that by sticking to a dogma you may affect services in a detrimental way.

I believe it is on this government's agenda to fundamentally and ultimately shrink the service sector in local government. That is its fundamental role and strategy; it is clearly an ideological strategy which, at the end of the day, may see a major deterioration of services and fundamentally hurt the worse off at the expense of the better off.

The other issue of extreme concern is the postal vote. I take the point of government members that there will be a compulsory postal vote for everyone rather than simply the right to use a postal vote. I find the notion of a compulsory postal vote offensive because it is not something one would expect from the other two tiers of government. As the honourable member for Mornington correctly pointed out, in the worst-case scenario there is always the possibility of abuse of the system. We have to consider the worst case scenario. We have to consider issues of possible coercion, political patronage — —

Honourable members interjecting.

Mr Weideman interjected.

The ACTING SPEAKER (Mr Cunningham) — Order! The honourable member for Frankston!

Mr CARLI — Where councillors go to health community centres and sporting centres and say, 'We will make sure that will happen' — —

Honourable members interjecting.

The ACTING SPEAKER — Order! The honourable member for Frankston is out of his place and disorderly.

Mr CARLI — It is easy for government members to mock the possibility of corruption and to make wild assertions about union elections; but there is also the possibility of similar problems with this sort of system. Government speakers have already acknowledged that problems have existed with union elections, which involve relatively small numbers of voters who are widespread. In council elections where ballot papers all arrive at the same time there is the possibility of ballots being stolen, coercion, vote buying — all the worst elements. That is why we believe fundamentally in a secret ballot.

The opposition holds the belief that people have the right to enter the polling booth and cast a vote in the ballot box without any fear and without any coercion. That is and has been fundamental to our democratic society, and the opposition does not want to see that right lost or weakened.

It is extraordinary that the honourable member for Mornington should say that you get all sorts of abuses in the voting system in union elections but that such abuses cannot possibly occur in local government, when it can occur in local government and most probably will occur if this amendment goes through.

It is a considerable problem that needs to be faced, but it is certainly not faced in this bill. It simply says, 'It's all right, let it happen. It happens in Tasmania, and it happens in New Zealand'. We have a situation where people will no longer have the right to cast a secret vote on the Saturday, a secret vote that means they can cast their vote in a polling booth where no-one can look over their shoulder and where no-one is there to coerce them, which is so fundamental to our democracy. I find it extraordinary that government members should mock the possibility of a corrupt or a coerced vote.

The opposition strongly opposes postal votes. It fundamentally supports a secret vote in a ballot station, although it accepts the right of people who are going away, people who are sick, or people who are invalid or infirm to apply for a ballot paper, receive that ballot paper and vote. That is an important provision in the current act. It is only when one talks about a postal ballot for an entire seat or an entire municipality that the opposition holds deep concerns that should be taken as serious concerns, not simply brushed aside and mocked as being just a load of nonsense.

Currently we have a government that treats people as commodities. The debate that I have heard from government members about local government has essentially been about the bottom line, about efficiencies. It has not been about democracy or representation; it has been about people as commodities. The government does not value people and their beliefs, and there is no better example of that than the Fitzroy swimming pool. People strongly believe that swimming pool should be kept open, but the commissioners were basically

saying 'It affects the bottom line, it doesn't bring a return'. But, as someone pointed out in the demonstration, nor do footpaths, and we do not talk about getting rid of footpaths! Local government is about making serious decisions — —

An honourable member interjected.

Mr CARLI — They probably do want to get rid of footpaths! It is quite possible. It is important that democracy is not sacrificed to the bottom line, which is something the opposition will stand up for in local government. Democracy is important; we need to stand up for democracy. It should never be treated simply as something to be swept aside when it affects the bottom line. We need to develop the idea of participatory citizenship — this bill clearly does not do it — where people are involved and empowered and able to have a local vision and are able to express that local vision.

The honourable member for Mornington mocked the Honourable Pat Power in another house for his comments in the local paper about how the Labor Party would like to create that local vision and be involved in participatory citizenship. That is the type of vision the opposition has for local government: a local government that will see people in power, that will see local democracy strengthened, that will be inclusive and that will be about confronting real issues and making real decisions, not at the expense of the wishes and desires of the people but in support of the desires and will of the people.

It seems that every time the opposition brings up the issue of representation and democracy, it receives the loudest applause. It receives the loudest mocking from the government when government members scream about the factions and the Labor Party and this, that and the other — but they do not understand the Labor Party's vision for local government.

Honourable members interjecting.

Mr CARLI — The great surprise the government will face at the next election will be the renewal of a strong, participatory, community-based labour movement within local government, which will include members of the Labor Party and others beyond the Labor Party and which will bring great enthusiasm, light, strength and vision to local government. It will take the government on for all its contempt and for the way it has swept local government aside in the past.

Mr LUPTON (Knox) — I have sat here for about 2 hours and listened for 55 minutes to the honourable member for Preston, who I could not say was illuminating, but he was challenging, which is probably a good word. For the last 30 minutes I have listened to the honourable member for Coburg, whom I found to be rather uninteresting. He was boring and handled the truth carelessly.

Mr Hamilton interjected.

Mr LUPTON — I note that the honourable member for Morwell is interjecting. I said to him earlier, 'I thought your mob were in favour' and he said, 'I thought we were, but something has gone wrong'. The opposition has turned around and opposed this bill. It has accepted some provisions but opposes the broad concept of the bill.

This bill is about the reform of local government in Victoria. It is something the Labor Party tried to do in 1985-86 under the leadership of the former Premier, John Cain, but it was an absolute failure. I was involved in the proposed amalgamation process between the City of Knox and the then Shire of Sherbrooke. We had a number of meetings where we discussed the problems. We altered the boundaries and came to an amicable agreement between the two mature municipalities. Nevertheless, when we came to present those recommendations to the government, it suddenly had a change of heart. The former government had a Supreme Court writ served on it by people in the bush and the proposed reform suddenly went onto the backburner, so far back that it died in the hole.

In many respects that was rather soul destroying because many people believed that amalgamations and local government reform were an important part of Victoria's future, and many councils put a lot of work into it and believed it was the only way to go.

As a result of the local government reforms that have taken place over the past 12 months there have been a number of changes. In the area that I represent, the City of Knox, which is one of the second most efficient councils in the state, came out of it virtually unscathed. I cannot say the same for Footscray because the honourable member for Footscray still has that shadow hanging over his head for the various transactions that were carried on while he was a councillor for the City of Footscray.

Mr Mildenhall interjected.

Mr LUPTON — If he wants to keep on interjecting I am quite happy to wheel out the evidence that will bury him, the evidence of the way in which he and the council operated during the time he was a councillor for Footscray!

The City of Knox has grown bigger and stronger and has retained its independence. Some of the other councils around the area have been swallowed up and taken over. The honourable members for Coburg and Preston talked about elections, and said that we have to have the elections tomorrow. What they do not realise because they have never had their feet off the asphalt — they have never been more than 5 miles from the GPO and would not know what day it was — is that the majority of the outer suburban municipalities have not yet had commissioners appointed. They still have the old councils. This mob is saying we can appoint the commissioners tomorrow and by next March turn around and have elections.

How stupid and insincere can you possibly be? They are talking about a period of four months when they want commissioners to come in and then have elections straightaway. They do not realise that the outer suburban municipalities and many country areas still do not have commissioners. The councils are still operating as they have operated over the past 100 years. Members of the opposition have the little picture in mind. They have never been off the tram tracks, they have never been off the asphalt. The honourable member for Footscray has probably not even been over the other side of the Maribyrnong.

The SPEAKER — Order! The time appointed under sessional orders for me to interrupt the business of the house has now arrived.

Sitting continued on motion of Mr MACLELLAN (Minister for Planning).

Mr LUPTON (Knox) — The important thing is that many municipalities in Victoria still have councils operating and managing their affairs. For the Labor Party to suggest that we go to elections early next year is suicidal; it is absolutely stupid. It is quite apparent that they do not even know that the councils are still operating. That is the fundamental flaw. If you are researching surely you must see that the majority of municipalities still have councils operating. But no, the opposition says, 'We'll have an election next year'! How stupid can you be? For God's sake turn around, research and study, get your feet off the asphalt and get out into the country! Opposition members have criticised the commissioners who have been appointed in the various municipalities. Take the mob at Yarra who decided to close a swimming pool because it was no longer economically viable. Two of the commissioners are members of the ALP who have accepted the role given to them by the government. I am not saying I agree with their decision, but it was a business decision. They have said, 'We have a number of swimming pools within a radius of X kilometres. It is no longer financially viable for us to continue to operate the swimming pool in this area', and have made a business decision to close the pool. The figures stack up to show it is not financially viable. The people have not used it, so it is not financially viable. But because there is a bit of objection everyone and his dog goes to the swimming pool to jump in no matter whether the temperature is 20 degrees or 50 degrees.

Mr Baker interjected.

The SPEAKER — Order! I know the honourable member for Sunshine was previously a minister for agriculture and he has an affinity with Old English sheepdogs, but I ask him to remain silent. He is interjecting from out of his place and is grossly disorderly. And that goes for a couple of other members in the house at the moment.

Mr LUPTON — Thank you for your protection, Mr Speaker. No doubt these ALP members were appointed as commissioners because the government believed they were effective members of the community who had the capacity to operate as commissioners, and they have made their decision based upon financial and economic grounds to close these particular pools. The honourable member for Coburg painted them as big, bad, black devils.

I suggest, because of the way the ALP changes its mind, that if the commissioners had decided to keep the pool open they would still have been criticised. The ALP has already indicated its intention to force local ALP candidates to attack municipalities and to stand ALP-endorsed candidates. That will be a great political move by the ALP. It has been an abject failure in the councils I have been involved in in the eastern suburbs. All the ALP candidates have died in the backside. They have got nowhere.

Interestingly, the shadow Minister for Local Government in another place has indicated that the ALP candidates who win preselection and are appointed to the councils will be able to use their

intellectual abilities to a large degree. They will be able to use their community experience all the way, because the ALP will advise them on all matters with the exception of installing speed humps and what mob uses a sports pavilion. What a disgrace! That will be the platform of this discredited opposition in Victoria.

My municipality has a budget of $65 million. If ALP-endorsed candidates are elected — heaven forbid! — they will be allowed to enter the council chamber and determine where speed humps are to be put and whether they will allow the Boronia football club or The Basin football club to use a particular football ground. That is really great! That is generous of them! I am certain the people of Victoria will not be fooled by the stupid, inane procedure the ALP is trying to endorse. It will try to put ALP-endorsed candidates up for every municipality and then tell them how to operate.

They will sit in whatever little place the unions determine to put them, if the ALP headquarters building has not already been sold because they are bankrupt, and will tell the councillors how to vote. In other words, if there are seven ALP-endorsed councillors in a council of 12, they will have a little caucus meeting as they always do — it will always be in the dark after the sun goes down — and make their decisions based on what ALP headquarters tells them. Four of that seven will make a decision. The other three will be so gutless when it comes to having to vote in open council that they will vote as a caucus, as a clique, and suddenly the will of four people will be imposed as the decision of 12 people. That is the unfortunate part about it. That is what the ALP is going to do.

Mr Hamilton interjected.

The SPEAKER — Order! The honourable member for Morwell may have his back to me, but I recognise his voice very well. I ask him to stop interjecting.

Mr LUPTON — This is a very big concern of mine. Various interjections have referred to the Liberal Party. I am not aware of any case where Liberal Party members have endorsed a candidate for a council election. I was a member of the Knox council but I did not join the Liberal Party until January 1991 when I went to the Save Australia rally. After hearing the sad stories of the farmers who walked through the streets of Melbourne protesting against both a state Labor government and a federal Labor government I walked over and joined the Liberal Party. That is how my story started.

This ALP mob will endorse anybody so long as they bow down and bare their backsides and do what the ALP says. We must be aware that in a 12-member council you could have a caucus of four. If the candidates are ALP-endorsed they will control the entire council. People should realise that those four members will have their strings pulled from somewhere in the city. I do not believe we must accept that sort of situation.

It is an absolute disgrace that the ALP should want to be involved in controlling local government only because it lost the state election. They have been an absolute disaster. I thoroughly believe they will lose in the local government scene, and it serves them damn right.

The ALP claims it will oppose postal voting for a number of reasons. One of them is that there will not be a secret ballot, and the opposition is concerned about that. The City of Richmond is a shining example for local government. Anyone who had died within the preceding five years still had the opportunity to vote — they probably voted two or three times in the one election — but that was good because it got the ALP into power in Richmond. And who chucked them out? It was the Australian Labor Party government that chucked them out of Richmond, and if we look at Sunshine — what a magnificent mob they were: they were great! and Keilor — the list is endless.

An honourable member interjected.

Mr LUPTON — We will not talk about Footscray because the honourable member for Footscray is sitting in the house with a big shadow still hanging over his head about the way he operated when he was a councillor for Footscray and also the way he handled the evidence with the AAT about the grand prix: the list goes on and on.

If we look at the situation regarding postal voting we see it will not be a decision of the government but of the council of a particular municipality that all voting at an election is to be by postal ballot. That is something the previous speakers have forgotten about. The decision will be based on that of the councillors elected by the residents, and they are the ones who will determine whether to have postal voting as a right or whether people will be allowed to go along to voting booths as they have in the past.

One of the interesting things is that people can already make postal votes; they do not have to go to the polling booth now to vote for council elections. However, because the majority of people turn up but many other people make postal votes, there is this mismatch. Councils of local municipalities are being offered the opportunity to decide to allow all their ratepayers to choose to make postal votes. If they make that decision, everybody will vote by postal vote. That will be a council decision. I cannot think of anything more democratic than giving councils the right to decide how their residents or non-residents will vote.

Mr S. J. Plowman — What about those people who are dead?

Mr LUPTON — Thank you for your interjection, because in Richmond those letters would have come back and they would not be able to vote! We will fix up some of the anomalies in electorates such as Richmond.

An honourable member interjected.

The SPEAKER — Order! The house recently carried a motion that the sitting be continued. I now have some regrets that the house took that step because of the way interjections are flying. I ask the house to come to order.

Mr LUPTON — It is the right of the elected representatives of a particular community — the council — to determine if they wish to choose to make postal votes. Should they choose that, it will give everybody a fair and equal chance to vote for whomever they wish.

Various statistics have been trotted out and the honourable member for Coburg made a song and dance about the fact that it had been tried in Tasmania and New Zealand but why should we believe them because they are all different. A survey that was carried out asked whether people voted by post or by attendance at the polling booth. The results were: by post, 94 per cent; by booth, 6 per cent. In cases where a number of people cannot attend a polling booth because of time constraints or because they are too busy, cannot be bothered, are going to be away or are absentee landlords, if 94 per cent of the people in the municipality concerned vote by postal ballot that is terrific. When people are required to attend a polling booth the voter turnout is down to as low as 15 per cent. I would have thought that, even in the warped way the ALP looks at things, it would still think that was a fairer representation: a fairer way to determine who should represent them at the council. But the Labor Party is opposing it, and that is basically all it is opposing in the whole bill, except for the question of when the election should take place. What this is all about is that the municipality — the residents, the people who have the right to determine who represents them on the council — can vote by postal ballot should the council decide that it should be a postal ballot election. Surely those elected representatives have the right to do it. That is a basic democratic principle which we as a coalition government are fighting for.

The government is saying that if you have the right to govern your municipality you have the right to determine whether to have full postal voting or whether people are required to turn up at the polling booths.

If the ALP wanted to it could say that everybody can vote by postal ballot now; all people have to do is just say they will be absent and fill in a postal ballot form, so I do not see the argument holding up with any substantiation at all. It seems to be typical ALP policy to knock everything that the government puts up. If the government said today was Tuesday the opposition members would argue that it is two and a half hours before Wednesday; therefore it is Wednesday. That is how insincere they are.

An honourable member interjected.

Mr LUPTON — They would not know because it is not written on the wall. All we have is a quarter past ten.

The basis of the whole bill is the reforming of local government in Victoria. As I have said previously, it is quite apparent that a number of speakers on the ALP side have never even had a foot off the concrete. They have never been 10 kilometres out of the centre of Melbourne. They certainly have not been out to the eastern suburbs.

An honourable member interjected.

Mr LUPTON — We have quite a few, actually. Quite a lot of cattle, too. We have orchards. We do not have too many ALP voters, thank God, because sheep have more brains than they do. That is why they have put us through with a landslide majority; where the opposition lost four seats and the government took them all over, and there will be many more to come.

There are councils that are still operating under the control of councillors where commissioners have not been appointed as yet, and I do not believe the commissioners will be appointed before Christmas. Yet the honourable member for Coburg says we must have elections next year. If it is democratic, we have to do it. He forgets that probably about 80 per cent of local government in Victoria is still under the control of the councils that were elected.

If we have to put up with more of the drivel that we have heard for 55 minutes from the honourable member for Preston and for half an hour from the honourable member for Coburg we are going to be here for hours. The honourable member for Footscray is getting ready to get up and go on, and if he talks as he did in a couple of the last debates we will have everybody falling asleep. Therefore I do not intend to go on much longer. The government is saying postal voting gives councils the right to determine that the residents and non-residents of the municipalities should have the right to vote by postal vote. The figures stack up when 94 per cent of the people voted by postal ballot when given the opportunity. Before that the figure was down to around 15 per cent.

The other matter that the opposition believes is that the elections should be held earlier. As I have already indicated, the vast majority of municipalities in Victoria still have councillors operating and managing their councils quite effectively. It is only because of the amalgamation of councils and redistribution of boundaries that we will have to dismiss councils and put in commissioners. It is no longer politically viable to say, 'That council stays as it is; we will put commissioners in here', because this mob would go off its collective tree if it thought there was any sort of favouritism, so it's one out, all out.

That is the way the opposition is objecting to the bill. It is objecting on shaky grounds to anything the government puts up. No doubt we will talk on, we will have a couple of divisions and will be here until 11.00 o'clock. They will still get egg on their faces, and they will thoroughly deserve it.

Mr MILDENHALL (Footscray) — What a disgraceful performance that was from the honourable member for Knox! What an appalling performance! In local government language out where we come from he would be known as a Quisling and a traitor to local government. In vain we listened to hear him stick up for democracy in the electorate of Knox. After a lengthy and, I believe, at least on some occasions distinguished career in local government, you would think he would at least have the gumption and courage to get up in this chamber and say, 'We want democracy in Knox. What about democracy in Knox?'. But no, there is no democracy for Knox.

Honourable members interjecting.

The SPEAKER — Order! The honourable members for Knox, Wantirna and Mornington are grossly out of order. I ask them to come to order.

Mr MILDENHALL — Here we have a local government reform process, of which this bill is part, and the City of Knox remains largely intact. If ever there was a case and an opportunity for the government to say, 'There is no need for commissioners here', it is in relation to Knox. It should be able to say 'We have a council that is intact. We believe in democracy'. But no, it has let Knox go to the appointed commissioner system. Do we hear any protest?

Mr COOPER (Mornington) — On a point of order, Mr Speaker, this is all very interesting but it has nothing to do with the bill. I know the honourable member for Footscray would love to debate council amalgamations and a whole range of things relating to local government, but an examination of the bill will show you, Sir, as it would show the honourable member for Footscray if he had bothered to read it, that council amalgamations have nothing whatever to do with this bill. I ask you to bring him back to the bill.

Mr HAMILTON (Morwell) — I am sorry that the honourable member for Mornington is going deaf in his old age, but clearly he did not listen to the speech of the honourable member for Knox, who said nothing at all about the bill for the whole of his contribution. Indeed, Sir, if you are prepared to listen to what the honourable member for Knox said, and indeed what the honourable member for Mornington said in his lacklustre contribution, you will clearly see that the honourable member for Footscray is completely in order and that in raising the point of order the honourable member for Mornington is being quite frivolous and showing to all and sundry that he is well past his use-by date.

Mr MACLELLAN (Minister for Planning) — On the point of order, Mr Speaker, I urge you to give very serious consideration to the remarks of the honourable member for Morwell when he invites you to have regard to what other members have said

and puts to you that what they have said during the course of the debate was not relevant to the bill. If you accept what he says — and at this hour of the night you probably have every reason to accept what he says — it seems to me that he was entirely supporting the point of order raised by the honourable member for Mornington, who draws attention to the fact that the honourable member for Footscray is following in the tradition of this debate, waffling on and saying nothing at all in relation to this bill. I suggest that you, Sir, bring the debate to where it should be — that is, back to the bill.

Mr MILDENHALL (Footscray) — On the point of order, Mr Speaker, had the honourable member for Mornington been paying attention, he would have realised that I was less than 2 minutes into my speech and that I was clearly putting the bill into its context as part of the local government reform program. I would have thought that placing this bill into context less than 2 minutes into my speech would be entirely in order. The honourable member for Mornington was being too arbitrary and quick to judge on relevance when he leapt to his feet.

The SPEAKER — Order! I have heard sufficient on the point of order. Although I understand the points raised by various members, the minister included, I came in only on the latter half of the speech of the honourable member for Knox. But I rule that the honourable member for Footscray has every right to refute some of the matters raised by the honourable member for Knox and that he is in order at this stage.

Mr MILDENHALL — It is clear from the remarks of the honourable member for Knox — —

Mr Maclellan — In passing.

Mr MILDENHALL — Yes, in passing. It is clear that he has no commitment to democracy or to elected councils. He does not stick up for the community that elected him or the council that launched his involvement in community affairs. The other main theme in the honourable member's contribution was postal voting. His argument was that if a duly elected council wants to opt for postal voting it ought to be allowed to do so. What an extraordinary comment in the context of a bill that does not even allow councils to decide whether and how to advertise for their chief executive or senior officer positions! Although this bill tells your grandmother how to suck eggs, the honourable member for Knox says a duly elected council ought to be able to make up its own mind and choose from among a range of options how to conduct an election. The difficulty with the bill is that it continues the disgraceful theme this government has established with its local government reform process. It entirely removes options, choices and powers from local government.

Mr Finn — It is very popular in Keilor.

The SPEAKER — Order! I am not sure where the popularity is in Keilor, but the popularity in Tullamarine is not very high at the moment. The honourable member is interjecting from out of his place and is disorderly.

Mr MILDENHALL — The changes may not be significant in themselves, but in my view their importance lies in the degree of detail relating to forcing and requiring local government to act in the way that the bill sets out, taking away councils' powers and their range of choices.

Indicative of this approach is clause 3, which changes the local government financial year. When you look at it you might say, 'That is a reasonable idea. Why should local government have a 1 October to 30 September financial year? That does not make much sense at all in terms of consistency or reasonableness in dealing with the outside world'. However, because of the way the government has gone about it, I estimate that by the time this bill is proclaimed or receives royal assent, local government will have just over six months of this financial year left. Some way into the local government financial year this government will arbitrarily bring it to an abrupt end.

A range of difficulties will be caused by a lack of notice and by the way this measure is being put through. One example is the potential difficulties with cash flows. Most councils still get most of their income at around the mid-April deadline for rate payments.

As a result of this bill there is potential for cash flow difficulties if the rate of income is higher or is on a different pattern from that which was expected by the council and the council has less than two months before the end of the financial year to adjust expenditure patterns and balance the budget. In the normal course of events, if you were running a council budget with a high degree of planning to try to prevent that sort of occurrence you might be able to stagger the dates to bring your cash flow forward and to amend those final dates for the rate payments.

However, that is effectively pre-empted by the amount of notice being given to councils and there is no indication in the bill that any of the dates will be able to be changed. Halfway through the financial year we are changing the dates of the financial year. Typically, this is a discipline that the government would impose on local government but not on itself. It will not face up to the structural issue. The federal government has seen fit to bring its budgets in before the beginning of the financial year to which each budget relates. This government has seen fit to radically change the financial year for local government but has yet to apply that discipline to itself, and we still have the ludicrous situation of a state budget coming in in September, effectively three months into the financial year to which the budget relates.

Clause 5 changes the date of the standard municipal election to the third Saturday in March. At first sight that is a good idea; contestably, it is commonsense. Those who have campaigned in municipal elections know the discomfort of being involved in such elections because of the variable weather conditions that plague us at that time of year. However, we should ask why it has not been introduced before. This is one of a number of bills amending local government legislation that have been introduced — we must have had at least two every year since 1992 — so why did it not come in as part of the structural changes the government was considering?

The reason has been touched on by other opposition speakers: it provides another opportunity to extend the period of commission where there are no elections to ensure that the yes-men and yes-women contracted by the government to radically restructure and reform local government still have sufficient time to do it. In practice it means that commissioners will have their terms of office extended by another eight months, given the change in the date of elections from August to March.

Clause 9 requires that all senior positions be advertised at the expiry of the contract. Would the government impose this sort of instruction and constraint on itself? Experience shows that its own administration has not adhered to the principles contained in this instruction to local government. It prefers the convenience of flexibility. Surprise, surprise! I am sure most councils would enjoy the convenience of flexibility on these matters.

If a senior officer is performing to the entire satisfaction of a council, in practice the advertisement of his or her position would be a waste of time and money and would be deluding external applicants in the belief that a position was freely available in the sense that the council was disposed to make a new appointment when, in fact, it wanted to renew the arrangement, being more than happy with the performance of the officer. No doubt the government will say that this is the sort of private sector practice to which it aspires and is using private sector standards, but if that is what the government believes I refute that view and invite the government to name a company where that would be the case. Surely any reasonable employer or organisation in control of its own destiny would reserve the right and the flexibility to continue the employment of someone with whom it was entirely satisfied rather than going into the marketplace for the sake of form.

Clause 6 allows the possibility of an entire ballot by post. That has been the subject of vigorous debate. One thing that is incontestable about an entire ballot being conducted by post is that the opportunity for and possibility of fraud or malpractice increases markedly. The number of steps in the transaction and opportunities for undue influence or malpractice are magnified greatly by the postal vote. There are probably reasonable and justifiable arguments for large sections of a ballot to be conducted by post in remote areas, but to allow the possibility of the entire exercise being conducted by post opens the way for the very practices the government members in a chorus of interjections claimed were unreasonable and regrettable — —

Mr Weideman — What practices? Tell us some!

Mr MILDENHALL — The claims from the government side about fraudulent practices in previous ballots! If you were fair dinkum about the shock and horror in the history of some of them you would not support this clause. You would be looking to tighten it to ensure there was greater scrutiny and less opportunity for shady practices.

Mr Maclellan — Let's keep the honourable member for Thomastown out of it. The honourable member for Thomastown's printing will have to stop.

The SPEAKER — Order! The minister is out of order, as are the other honourable members who are interjecting.

Mr MILDENHALL — When I entered the chamber tonight there was vigorous debate about the decision to close the Fitzroy swimming pool,

which is a good example of the worst excesses of the commissioner system. I support the comments made by the honourable member for Coburg, because they illustrate the classic responsible-to-nobody, accountable-to-only-one-or-two attitude that is obvious in the government's arbitrary actions in appointing commissioners. It is a community ambush. There is no commitment to due process, no obligation to consult and no accountability to the community the commissioners govern.

The process is the worst part. If the government's claims had been at all accurate, if there had been a total financial disaster, if there had been a lack of community support for the facilities and if the process had been sufficiently open to explore the future planning possibilities and enable the community to be taken into the council's confidence, the process might have been accepted. But the ambush was the problem. The commissioners sneaked up on the members of that community and ambushed them, tearing away one of their prized facilities. If both the process and the administration of the council had been adequate, a range of other possibilities could have been explored.

Mr Maclellan interjected.

Mr MILDENHALL — One of the possibilities in the area involves looking at the marketing of the three aquatic facilities within the municipality.

Mr Maclellan — Not to mention the ones just outside.

Mr MILDENHALL — Each of them performs a different role in the community and attracts its own market.

Mr Maclellan — There is a big common feature: they all lose money.

The SPEAKER — Order! I will call the minister to close the debate at the appropriate time. In the meantime, I ask him to remain silent.

Mr MILDENHALL — The Richmond indoor 50-metre pool is an unusual facility that attracts the serious long-distance lap swimmer. The Clifton Hill-Collingwood leisure centre has a well-developed gymnasium capacity. The Fitzroy pool has a 30-metre outdoor pool that attracts that particular pool user who enjoys swimming outdoors, particularly lap swimming, in hot weather, whereas the other two are year-round facilities. I would have thought that a council that did its homework and commissioners who did their homework would have examined the different roles of those facilities and thought about how they could market them in one integrated financial exercise? I would have been interested to see the results of their being treated in that way rather than as separate cost centres. In looking at the financial performance of each in turn, I think a much more imaginative and responsible approach could have been taken.

The government's partly completed reform process has many regrettable features, some of which I have touched on tonight. Other significant features include the fatalism, the resignation and the surrender that are evident in the approach of many communities to participation in local government. Local government used to be an activity in which people participated. People would actively involve themselves in debating local issues such as those affecting the future of their municipalities: how big should our council be? What sorts of services should it offer? What sorts of facilities should we offer? How many councillors should we have? What form of election should we have — triennial or annual? Should we have votes by post? The government has succeeded in removing those debates from local communities.

Local people no longer feel they have the opportunity to participate in the future of local government. They are fatalist about the future. They know it is not within their province; they feel they do not have the power to influence what will happen in their towns. It is an extraordinary achievement! It is a regrettable achievement! Any small-l liberal worthy of the name — I do not think there are any left on the other side of the chamber — and anyone who claimed some commitment to participatory democracy, who cared about organised decision-making and who really believed in the principles that were being bellowed out before about people being able to play a role and have a say in and have a vote on the future of their towns, would not be committing the local government outrages and the electoral and democratic obscenities they are committing at the moment.

This bill is innocuous in itself, but it is part of a terrible process that is about snuffing out local democracy and overturning many of the traditions of and many of the services offered by local councils. We are entering a period in which, regardless of the needs of local communities, there will be massive job loses and massive reductions in services. It will take the next Labor government many years to repair the wounds inflicted on local government, but

we will do it. We will commit ourselves to the restoration of democracy and proper local government processes in communities throughout the state.

Mr STEGGALL (Swan Hill) — I move:

That the debate be now adjourned.

Mr LEIGHTON (Preston) — The opposition will not call a division — —

Mr Finn interjected.

Mr LEIGHTON — Unless you would like one. Would you like one?

Mr Finn interjected.

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

Mr LEIGHTON — It could easily be provoked. The opposition wishes to express its concern. After debate on the Local Government (Amendment) Bill is adjourned, I understand the government intends to move the second reading of a couple of bills, the consideration of which was postponed this afternoon. Presumably we will then debate the motion for the adjournment of the sitting. I suspect that means not only that debate on the bill has finished for tonight but also that when the notice paper comes out tomorrow we will find that the Local Government (Amendment) Bill is at the bottom of the list of government business and will not resurface. The next time there is any reference to it will be when the guillotine is applied at 5.30 p.m. on Thursday, when the bill will be put to the vote without further debate.

Although it can be argued that opposition members have had a reasonable opportunity to make a contribution during the second-reading debate, they will be denied the opportunity of debating the bill in committee.

This is a growing trend and despite some of the arguments put by some honourable members, including the honourable member for Swan Hill during the debate on the government business program, that it is up to the opposition to determine the length of debate, the facts are that we no longer have the opportunity of debating bills during the committee stage.

I would have happily foregone some of the second-reading contributions in order to debate this bill in committee, but that will not be the case because of the contributions of members of the government.

The government has circulated amendments and I would like the opportunity of examining them in committee. Additionally, I would like to test some clauses. Although the opposition has made it clear that it supports a number of elements of the bill, it objects to some of the principles. It would have assisted the consideration of the bill if those clauses could be tested during the committee stage. If a division called on one of the clauses was successful, it would go back to the house where further debate would be held on the clause.

A further useful benefit of a committee debate is that members can gain a better understanding of the intent of clauses in a way that they cannot during a second-reading debate. A number of members on this side of the house would like to raise certain issues with the minister in committee, especially regarding postal voting.

A committee debate allows members to make small contributions on each clause, while the minister has unlimited time. The government has been embarrassed recently during debates in committee because opposition members have taken the opportunity of asking specific questions and ministers have been left floundering. That occurred with the Minister for Finance during debate on a superannuation bill.

As I said during the debate on the government business program, in many ways members gain more useful information during a committee debate than they do during a second-reading debate. I may be pleasantly surprised when the notice paper is printed tomorrow and find that this is the first bill on the notice paper, but I have my doubts. Since the government business program has been introduced the growing trend is for two members on either side to contribute to the second-reading debate with the government then using its numbers to adjourn debate until the next day. The notice paper the next day places the bill at the bottom.

Opposition members have raised several objections about postal voting and they would like a response from the minister in closing the second-reading debate, but that will not occur. The debate is now left up in the air. I believe this will be the end of the debate on this bill. We will not have the opportunity

of examining the amendments, of debating clauses and of having the minister closing the second-reading debate.

I shall save the house the torture of a division but I record the opposition's objection about the debate being adjourned in this way.

Motion agreed to and debate adjourned.

Debate adjourned until next day.

SUPERANNUATION ACTS (FURTHER AMENDMENT) BILL

Second reading

Mr I. W. SMITH (Minister for Finance) — I move:

That this bill be now read a second time.

Reform of public sector superannuation has been one of the great success stories of this government. Honourable members will recall that two years ago the unfunded liability of the state's superannuation schemes stood at $18.5 billion and was increasing at an alarming rate. If no changes had been made, that liability would have risen to nearly $30 billion in the early part of next century.

Last year, however, after an extensive process of consultation the government reached agreement with public sector unions on a range of changes to reduce the costs of public sector superannuation and place the schemes on a more sustainable footing. Those reforms were embodied in the Public Sector Superannuation (Administration) Act 1993.

Since then, the turnaround in superannuation finances has been nothing short of remarkable. As the Treasurer revealed in his budget speech, the total unfunded liability has fallen by $3.8 billion to $14.9 billion as at 30 June this year. More significantly, that liability is now expected to flatten out at about that figure and then start to decline instead of ballooning out to the unsustainable levels that were previously expected. A key element of the government's reforms is that new public sector employees are being placed on fully funded accumulation schemes. This will enable the unfunded liability to be eliminated completely by the 2030s.

While last year's legislation made major changes to benefit design, the bill is mainly concerned with technical and administrative matters. Victoria's superannuation schemes have developed in a way that can only be described as chaotic: as new schemes have been created and new features added, the old schemes have been left in place or their benefits grandfathered into the new legislation. The result has been a patchwork of different acts, schemes and boards, many of them covering very small numbers of members, which defy comprehension and impose a huge and unnecessary administrative cost.

In 1988 the previous government made a start on rationalising the funds into industry groups but the process was never followed through; the old schemes continued to exist alongside the new ones they created. Increasing mobility within the public sector work force and the increasing complexity of commonwealth regulation have made matters worse than ever. The bill will improve superannuation administration in three main areas: the rationalisation of funds, the standardisation of legislative provisions, and the repeal of obsolete provisions.

Last year my officers were able to identify 91 separate public sector superannuation funds, although in some cases it was not clear whether there were any surviving members. A major part of the problem was addressed last year when five of the largest funds — the State Superannuation Fund, the Transport Superannuation Fund, the Casual Employees' Superannuation Fund, the SERB Fund and the MTA Fund — were brought together under the new Victorian Superannuation Board. It is intended that when the reforms are complete all of the budget sector schemes will be under one of three boards: the Victorian Superannuation Board, the Emergency Services Superannuation Board or the Hospitals Superannuation Board.

The bill will further that process by winding up the Police Pensions Board and transferring its assets and responsibilities to the Emergency Services Superannuation Board. There are no active members left in the Police Pensions Fund, but there are about 530 pensioners, whose benefits will continue unchanged. The move will save an estimated $250 000 per annum in administrative costs.

Another move towards the rationalisation of funds has been the transfer of former employees of municipal electricity undertakings from the local authority and City of Melbourne schemes to the Victorian Electricity Industry Superannuation Fund. This bill provides for the transfer of assets to accompany those members and for their former

employers to be charged for a sum representing any unfunded liability in respect of those who transfer.This is the method which will be used for similar transfers in the future, so the other superannuation acts are being amended to insert powers for the funds to charge specific amounts to employers for this purpose.

Under the heading of standardisation of legislative provisions a number of amendments are being made to bring the different superannuation acts more closely into line with one another and with the requirements of commonwealth law. For example, in most acts the definition of 'disability' does not appear to meet the test of permanence required by the commonwealth preservation standards. An appropriate standard definition is therefore being inserted into all the relevant acts.

Similar standardising amendments are being made to the definitions of 'contract officer' and 'exempt officer', to the quorum provisions in the Hospitals Superannuation Act 1988, and to the various provisions for benefits to legal or de facto spouses. These latter provisions are now fully consistent with the commonwealth Sex Discrimination Act, which applies to superannuation funds as from this year.

Another area requiring standardisation is the timing of disability retirement. Ambiguities in the Transport Superannuation Act 1988 last year allowed employees who had already left the work force to apply for and be granted disability benefits. This and other acts are now being amended to make it clear that a person cannot receive a disability benefit if he or she has already left employment for some other reason.

Where possible, superannuation provisions should be confined to the superannuation acts themselves; beneficiaries and fund administrators should not have to keep abreast of a whole range of other acts to determine superannuation entitlements. The superannuation provisions for school principals on salary packages, which are currently found in the Teaching Service Act 1981, are therefore being relocated to the State Superannuation Act 1988 and the State Employees Retirement Benefits Act 1979 and are being standardised along the lines of the provisions for other contract officers under those acts. This move has the support of the Victorian Principals Federation.

The third major area of legislative change is the repeal of obsolete or superseded provisions. For example, when the smaller funds were brought under the Victorian Superannuation Board, their old boards were kept on as advisory committees for a transitional period. Since these committees no longer function, the sections of the acts which govern them are to be repealed. Other outdated sections are to be found in the Police Regulation Act 1958, the superannuation provisions of which have hardly been touched since the 1970s. Only the provisions affecting the small number of remaining pensioners in the Police Pensions Fund will be retained.

The changes made last year to the frequency of pension indexation, which have never come into effect due to a decision of the commonwealth Insurance and Superannuation Commissioner, are also being repealed. The indexation provisions will all be restored to the way they were prior to 1 January 1994, at an additional cost of $7 million a year.

In addition to these three main areas of change, there are a large number of minor amendments which correct previous ambiguities or errors in the legislation. Among other things they will ensure that death and disability benefits for prescribed firefighters in the state superannuation scheme are calculated correctly and that members of the new accumulation scheme can vote in elections for representatives to the Hospitals Superannuation Board.

The measures in this bill will yield significant savings to the taxpayers of Victoria and will make public sector superannuation serve the needs of its members more effectively. They demonstrate the government's continued commitment to genuine superannuation reform.

I commend the bill to the house.

Debate adjourned on motion of Mr BRUMBY (Leader of the Opposition).

Debate adjourned until Tuesday, 29 November.

CASINO (MANAGEMENT AGREEMENT)(AMENDMENT) BILL

Second reading

Mr MACLELLAN (Minister for Planning) — I move:

That this bill be now read a second time.

Under the Casino Control Act 1991, a casino licence may not be granted unless an agreement has been entered into between the state and a proposed casino operator. The Casino (Management Agreement) Act was passed in 1993 ratifying the management agreement between the state and Crown Casino Ltd, the casino operator. Section 15 of the Casino Control Act provides that the agreement may be varied by the parties and that any variation must be ratified by the Parliament before coming into operation.

Crown Casino Ltd proposed a number of changes to the design of the casino complex which must be considered under the legislation. The government established a procedure for consideration of the proposals. An advisory design committee was established comprising Professor Peter McIntyre, Mr William Corker and Mr Peter Manger, who were members of the original design and siting panel. The government also consulted with the Victorian Casino and Gaming Authority.

The advisory design committee engaged in a consultative evaluation regarding the design changes sought by Crown Casino Ltd. Crown's proposals involved the deletion of some of the original features of the successful bid and modification to others, but the government advised Crown that to achieve any agreement to changes the amendments had to retain the major features of the original proposal.

The proposed changes have been examined by the Victorian Casino and Gaming Authority and by the members of the advisory design committee. These bodies have advised their support for the revised design proposals. The government has accepted this advice.

The amendments which have been agreed to include the expansion of the hotel from 360 to 1000 rooms, the deletion of the Ferris wheel, the expansion of the ballroom from 1600 to 2300 square metres and an expanded sporting facility which will have access to the roof garden. Retained will be the wintergarden and the roof garden at its original size and with a similar configuration. A 1500-seat showroom will also be retained complete with fly tower and a backstage area with a similar capacity to the original proposal. The showroom has been relocated within the complex to enable access to the garden terrace overlooking the river.

The amendments reflect other modifications which improve the design such as the reconfiguration of retail facilities to provide an internal streetscape between the gaming area and the river promenade. This enables visitors to walk the full length of the complex at ground level between Queensbridge Square and Clarendon Street without entering the gaming area.

Crown Casino Ltd is contractually bound to build a casino complex of high quality and design finishes.

The casino complex will provide an addition to the features which attract tourists to Victoria. The expansion of the hotel will improve the opportunities for Melbourne to attract larger conventions and conferences. It will benefit the tourism market and provide some support for the new exhibition centre to be built on the western side of Clarendon Street. The amendments provide for an upgraded facility which will enhance the performance of the casino. The benefits for Victoria will include increased tourism spending, additional employment in the construction and operating phases and the improvement of the facilities.

Clause 17 imposes an obligation on Crown Casino Ltd to pay liquidated damages for any delay in completion of the Melbourne casino. There is, however, no provision in respect of damages for late completion of the remainder of the casino complex. It is therefore proposed to extend the obligation to pay liquidated damages in relation to late completion of the entire Melbourne casino complex.

I turn now to the deed of variation. The deed reflects the proposed changes where they impact on the management agreement and may be summarised as follows:

1. The definition of 'Melbourne casino complex development proposals' is expanded to reflect the new design.
2. Crown Casino Ltd is obliged to create an extra 600 car parking bays on an agreed location in Whiteman Street. The car park is to be connected by secure and weather-protected means to the casino complex.
3. In the principal act any significant design changes are to be approved by the minister. It is the responsibility of the state's nominated representative to approve design and documentation at a more detailed level. The management agreement did not contain provisions for the state's nominated representative to approve variations to the representative's originally approved design

documentation. This obligation has been included in the deed of variation.

4. Formerly, liquidated damages were only to be imposed upon Crown Casino Ltd in the event that the Melbourne casino — that is, the gaming area — was not opened within the specified time. There were no sanctions if the casino was opened but the balance of the works on the site were not completed.

Due to the increased significance of hotel works and the generalised entertainment focus of the complex, it has been determined that separate liquidated damages should apply in circumstances where the total complex is not complete even if the casino itself is operating.

There is no change to the provision that damages will be levied at $50 000 per day if the casino is not opened and functioning by the completion date for the contract. However, in the event that the casino is operating but the balance of the complex is not complete by the completion date, liquidated damages will be levied at the rate of $5500 per day through to completion of the complex.

5. The relationship between Crown Casino Ltd and Tourism Victoria is recognised and benefits to the state will flow from a commitment by Crown Casino Ltd to participate in joint marketing programs with Tourism Victoria both interstate and internationally.

6. The deed of variation precludes Crown Casino Ltd from relying on any aspect of this redesign or its approval as being cause of delay to the project and thus deferring liquidated damages obligations.

I commend the bill to the house.

Debate adjourned on motion of Mr BRUMBY (Leader of the Opposition).

Mr MACLELLAN (Minister for Planning) — I move:

That the debate be adjourned for two weeks.

Mr BRUMBY (Leader of the Opposition) — On the question of time, I move:

That all words and expressions after 'adjourned' be omitted with the view of inserting in place thereof the words 'until a select committee of this house has examined the proposals contained in the bill and reported to the house'.

The second reading of this bill should have taken place this afternoon, but it is such disgusting legislation that looks after the mates who run Crown Casino — it is shonky legislation — —

Mr Rowe interjected.

Mr BRUMBY — You should see a psychiatrist. Go and have another drink, you drunk. Have another drink!

The SPEAKER — Order! The Leader of the Opposition should have more sense.

Mr MACLELLAN (Minister for Planning) — On a point of order, Mr Speaker, without wishing to provoke anyone at this time of night, I suggest that a withdrawal of some remarks recently made would be appropriate.

The SPEAKER — Order! I ask the Leader of the Opposition to withdraw his remarks.

Mr BRUMBY (Leader of the Opposition) — I withdraw. This bill is being introduced in the dark of night because this is a government that is running scared. It is not prepared to face the scrutiny of the public or media over legislation which is a disgraceful betrayal of the interests of Victorians.

The honourable member for Monbulk may sit there mimicking like an idiot, but the fact is that if he or other members had any concern this bill would have been introduced during the day when it could have been debated. What we have on the opposite side of the house is a number of ministers and backbenchers who look a little — —

Mr TANNER (Caulfield) — On a point of order, Mr Speaker, the debate now before the house is narrow. I must say that earlier this afternoon the precedent was broken in this house with a wide-ranging debate on the question of time.

On this occasion, Mr Speaker, I ask you to return to the precedents and traditions of this house and require speakers on such a debate to confine their remarks to its very narrow limits.

Dr COGHILL (Werribee) — On the point of order, Mr Speaker, one can assume that the honourable member for Caulfield is unaware of the amendment moved by the Leader of the Opposition, who has proposed an amendment that would require a wide-ranging examination of the bill now before the house, and as such it is entirely

appropriate that he should canvass the issues that may be the subject of that inquiry.

The SPEAKER — Order! I have examined the amendment moved by the Leader of the Opposition. The words are:

> That all words and expressions after 'adjourned' be omitted with the view of inserting in place thereof the words 'until a select committee of this house has examined the proposals contained in the bill and reported to the house'.

I believe the Leader of the Opposition is about to canvass those issues concerning his amendment.

Mr BRUMBY (Leader of the Opposition) — The legislation should be referred to a parliamentary committee. The Parliament should not be considering the legislation until a select committee of the house has considered it and reported back to the Parliament.

This major project for Victoria has been the subject of considerable and legitimate public debate — and I will turn to that in a moment — but the reality is that the changes to the design of the casino and the structure of the Crown consortium since 6 September 1993 when it won the right to build and operate the Melbourne casino mean that what is now proposed in the bill bears no resemblance whatsoever to what was proposed at the time the consortium was selected as the winning bidder.

The winning bid was won by a consortium that included Federal Hotels. Federal Hotels was included in the consortium because it was a term, indeed a condition, that an experienced casino operator be part of the consortium. Federal Hotels was used by the Crown consortium, and shortly after being announced as the winning bidder Crown consortium dumped Federal Hotels.

The original winning bid was for a 360-room hotel. We now have a 1000-room hotel and an apartment tower that the government is about to approve.

Mr Maclellan interjected.

Mr BRUMBY — It's in the speech. There is no way in the world that a proposal for a 1000-room hotel or anything resembling that size, including as it might an apartment block, is anything remotely like the original terms and conditions of the casino complex.

As freedom of information documents have shown — the committee would want to consider these matters — before the prospectus was finalised for the Crown consortium an application had been made to the Department of Planning and Development for approval for a 1000-room hotel. That was contained in a 37-page letter to the department. From recollection that application was made on 27 January, well before the closing date of the prospectus. So this consortium has never at any stage had any intention of honouring the commitments it gave. Worse still, however, massive changes have been made to the whole hotel and complex design.

Crown Casino plans to get into the real estate business. This is nothing to do with hotel or casino development; this is real estate. A number of apartments, probably about 400, will be sold off the plan to foreign offshore owners. A select committee should be looking at this. This government operates by nodding and winking and ringing up Mr Walker and Mr Williams to let them know what has been or might be decided in the cabinet room.

I understand that an application has already been made — before the bill has gone through the Parliament — to the Foreign Investment Review Board for approval of the sale of the apartments to foreign buyers overseas in flagrant breach of the commitments and undertakings in the legislation. We also learn that the casino complex has been drastically reduced in size from around 360 000 square metres to 265 000 square metres.

The SPEAKER — Order! I have listened carefully to the Leader of the Opposition. Although I have allowed him to build a case for the referral of the matter to a select committee, I suggest to him that he is not at liberty to canvass every issue raised by the bill and thus pre-empt the second-reading debate.

Mr BRUMBY — Thank you, Mr Speaker, I understand that. I am simply trying to highlight some of the matters that would be considered by the select committee.

Another matter relates to the appointment of Multiplex Constructions, which was the preferred builder of the casino. Despite its being the preferred builder, a contract has been signed by Grocon Pty Ltd, run by Mr Bruno Grollo and Mr Reno Grollo. Questions have been raised about a number of important probity issues. I will not go into those in any depth except to say that it is entirely appropriate

for a select committee to be considering those probity issues.

As I am sure you are aware, Mr Speaker, the instructions issued by the Victorian Casino and Gaming Authority concerning the successful tenderers make it absolutely clear that the state government recognises that an essential element of the Melbourne casino project is public confidence and trust in the credibility and integrity of the regulatory process and the casino operation. Because of that, the Victorian Casino and Gaming Authority made it clear that any persons associated with or connected to the development, ownership, administration or management of the operations or business of the Melbourne casino project will be considered with a view to excluding from participation therein persons or corporations with known criminal records, habits or associations and persons known to be deficient in business probity, ability or experience.

The select committee would need to consider that because the casino licence has been granted to an individual who, in a royal commission held in this state, said that he was basically guilty of paying bribes. Mr Lloyd Williams said, 'I am the person who authorised it. I am the person who did it', yet he has been given the casino licence.

In this legislation is the groundwork to deliver a gift of $50 000 to Mr Williams and Mr Walker through recent attempts by the Premier to blame the opposition and unions for delays on the casino site. I am pleased to see the Premier here. The original intent of the legislation was that if there were delays in completing the whole complex — not just the gaming complex — there would be a penalty of $50 000 a day. But, as the Premier knows, for a variety of reasons, mainly mismanagement by the government and Crown consortium, the construction will not be finished on the prescribed day. So through the bill the government has split the penalty arrangements to make it a nice cosy $50 000 a day just for the casino — —

Mr Kennett interjected.

Mr BRUMBY — No, you are excluding what was originally part of the whole package.

Honourable members interjecting.

Mr BRUMBY — You are stupid. The original legislation made it absolutely clear that the penalty of $50 000 a day was to apply to the whole complex. This is just another shonky deal to provide a benefit to the Premier's friends, Mr Walker and Mr Williams. Fundamentally the legislation provides private benefits for Mr Williams and Mr Walker, and that is why it should be considered by a select committee.

Other matters have been raised concerning the legislation. The *Herald Sun* editorial of 12 November, last weekend, under the heading 'The mystery by the Yarra', suggests implicitly that a select committee of the house should undertake an investigation of these matters. It states:

> Last century Melburnians were intrigued by Fergus Hume's *The Mystery of a Hansom Cab*. Today they are baffled by the enigma of the hole by the Yarra.
>
> The hole in question is very large. It will hold the foundations of one of the biggest developments ever to take place in Melbourne —the home of the Crown Casino's permanent gambling house and associated facilities.
>
> The extent of the work already done in this massive excavation suggests that the developers were supremely confident cabinet this week would approve the latest version of their plans.
>
> Yet the people of Melbourne and the shareholders of Crown Casino are still ignorant of the details.
>
> In February this year, after the share issue had closed, the *Herald Sun* revealed that Crown planned to expand the project as originally outlined in its prospectus.
>
> The new plan nearly tripled the size of the hotel from 360 to 1000 rooms and increased the cost of the permanent casino complex from $400 million to $500 million. The Casino Control Authority rejected the proposal for planning and traffic reasons.
>
> This week the *Herald Sun* revealed that Crown lodged its revised proposal while the original prospectus was open. It failed to make the change public.
>
> Nine months later, the Australian Securities Commission is still investigating the prospectus and the circumstances surrounding the fundraising. No breach of the law is implied.

The *Herald Sun* editorial concludes like this:

> The latest changes in Crown Casino's plans, if accurately reported, suggest the final version will be very different to the original concept. In particular, the

complex will be significantly smaller in area and the Mark II hotel will now be roughly half hotel and half apartments.

Mr GUDE (Minister for Industry and Employment) — On a point of order, Mr Speaker, it may be very interesting and even amusing perhaps for the Leader of the Opposition to quote ad nauseam from newspapers. The honourable gentleman has moved an amendment to the motion that the debate be adjourned. I suggest that you bring him back to the narrowness of the debate. He has gone way beyond the bounds of the motion and I suggest, with respect, that the honourable member be brought back to the amendment so that the house can get on with government business.

The SPEAKER — Order! I uphold the point of order and ask the Leader of the Opposition to relate his remarks to the select committee and the amendment he has already moved.

Mr BRUMBY (Leader of the Opposition) — The reality is that the motion I have moved refers this matter to a select committee of the house and what I am canvassing quite properly are the matters which ought to be examined by that select committee.

Mr GUDE (Minister for Industry and Employment) — On a further point of order, Mr Speaker, I raised a point of order — —

Mr Brumby interjected.

The SPEAKER — Order! The Leader of the Opposition should remain silent while the Chair sorts out this point of order.

Mr GUDE — When the Leader of the Opposition has finished mouthing off — —

Mr Brumby interjected.

Mr GUDE — Mr Speaker, I raised a point of order and you, as I understood it, ruled on the point of order in my favour. Now the Leader of the Opposition, who was not giving his ears a chance because his mouth was going a little too fast — —

Mr Micallef — What is the point of order?

Mr GUDE — If you wait, you will hear.

Mr Micallef interjected.

The SPEAKER — Order! The honourable member for Springvale will remain silent. I do not like his remarks; they are reflecting on the Chair. If he continues in that vein I will act against him.

Mr GUDE — If the Leader of the Opposition had been listening he would have known that you ruled on the point of order in my favour, that in fact he should now come back to the motion before the Chair.

Mr Micallef interjected.

Mr GUDE — Despite the inane interjection of the honourable member for Springvale — —

Mr Micallef interjected.

The SPEAKER — Order! Will the honourable member for Springvale remain silent?

Mr GUDE — If the honourable member for Springvale ultimately likes to look at the record of this debate — and I invite him to do so — he will find that the Leader of the Opposition was continuing to debate the point of order that I raised and that you, Sir, ruled on. I invite the Leader of the Opposition to come back to the narrowness of the debate and make it relevant in order that all honourable members can get on with the business of the house.

The SPEAKER — Order! On the point of order, I ask for the cooperation of the Leader of the Opposition. I have told him that he may not pre-empt the second-reading debate but he must confine his remarks as far as he is able to the question of his amendment and not go down the path of debating every clause and every facet of the major piece of legislation.

Mr BRUMBY (Leader of the Opposition) — Thank you, Mr Speaker. I will ensure that I keep strictly to your ruling and will only raise matters that might be considered by the select committee proposed to be established to examine the very serious matters the house is considering.

An honourable member interjected.

Mr BRUMBY — That will be for the Speaker to determine, but there are precedents for this type of resolution. The *Herald Sun* editorial — —

Mr Kennett interjected.

Mr BRUMBY — You have no integrity whatever, have you? You never have had.

The SPEAKER — Order! The Leader of the Opposition will ignore interjections.

Mr BRUMBY — This is what the *Herald Sun* editorial continued to say:

> Victorians are justifiably concerned over the extraordinarily ad hoc planning of this massive project; but even this might have been tolerated had the changes been out in the open.
>
> Such secrecy is unacceptable with any major civic project. But the controversial nature of a casino demands total frankness.
>
> Victorians have been treated with contempt.

That is the editorial of the *Herald Sun* of 12 November — last weekend. It suggests there has been a continual attempt by this government to shroud this whole casino project in secrecy and try as we might in Parliament, try as we might to get information from this government, try as we might in question time, try as we might through the legitimate processes of the house, this government does not want any questions answered about the casino.

It is no coincidence that at 11.20 at night the government reads the bill a second time because it is terrified of the media criticism that it might attract had it moved the second-reading motion during the day. That is the fact of the matter.

Mr Kennett interjected.

Mr BRUMBY — You could have done this at 3 o'clock this afternoon.

Mr Kennett interjected.

Mr BRUMBY — You could have because you adjourned it. Instead you have chosen to read the bill a second time in the dark of the night. The journalists who have been ringing the Premier and the ministers have not been able to contact them because the government is running scared. This is a deal to look after the mates of the government.

The SPEAKER — Order! The Leader of the Opposition will address the Chair in supporting his amendment.

Mr BRUMBY — The reality is that a range of issues need to be considered by the proposed select committee. They range from issues relating to the whole probity question of the project. For example, how is it that Mr Lloyd Williams, a person who confessed to the Winneke commission that he had authorised and paid bribes to Norm Gallagher, could be selected as the head of the Crown consortium?

They go to the issues of the plans and the intent of the legislation; they go to the issues of the secrecy which has surrounded this project; and they go to the issues of the consistency in terms of the proposals put forward by Crown Casino.

But above all, the select committee would want to consider what sort of personal and private benefits this legislation construed on Mr Williams and Mr Walker. This is a deal that the Prime Minister described as stinking like a dead cat in the middle of the road — and wasn't he correct?

The Premier made a speech at the opening of the Melbourne International Festival of the Arts and had 500 people boo him. Sheila Scotter described him accurately as a horrible little man.

The SPEAKER — Order! The Chair is not concerned with what the Premier did or said. The Chair is only concerned with your making an argument for referring the matter to a select committee.

Mr BRUMBY — Mr Speaker, the point is this: this is legislation which is being pushed through this Parliament in the dark of night. It deserves the scrutiny — —

Mr KENNETT (Premier) — On a point of order, Mr Speaker, the Leader of the Opposition in talking about this legislation as being put forward in the dead of night. As I understand it, this is a debate on the motion to adjourn the matter for two weeks.

Mr McNamara — In daylight.

Mr KENNETT — If the honourable member does not want to debate the issue, that is fair enough, but he is not addressing the processes of the house. All we are seeking to do is to adjourn the bill for two weeks to give the opposition time to prepare its material to make a constructive contribution. I suggest that the Leader of the Opposition, tragically, is demonstrating just how far out of touch he is.

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

Mr BRUMBY (Leader of the Opposition) — The legislation should be considered by a full select committee of Parliament.

Mr Kennett interjected.

Mr BRUMBY — No, by a full select committee which will consider it in detail and call witnesses so that it can talk to Mr Williams and Mr Walker to find out about the bidding process, to find out about the facts, to find out who you talked to and who you told matters.

The SPEAKER — Order! The Leader of the Opposition will address the Chair.

Mr BRUMBY — It can find out why cabinet made decisions about gaming machine licences and why you made the decision about the TAB and how Mr Williams found out — —

The SPEAKER — Order! The Leader of the Opposition may not address his remarks across the table to the Premier, he must address them through the Chair.

Mr Kennett interjected.

The SPEAKER — Order! The Premier will cease interjecting.

Mr BRUMBY — I will not respond to the Premier's interjection, but he asked why that should not be considered by the house. It will be, but it should be considered by the house after it has been considered by a full select committee with formal powers set out by the house. The committee would have the power to call witnesses and obtain information. It would have the power and the authority to report in detail to Parliament about the processes that have been followed with the casino. That practice has been followed by parliaments when there has been private benefit. There is no doubt whatsoever that the passage of this legislation provides a private benefit for a number of individuals, particularly Mr Lloyd Williams and Mr Ron Walker, the federal treasurer of the Liberal Party. It is because of the need for proper scrutiny and debate and because of the need for Parliament to accept the responsibilities given to it by the Victorian people that this matter should be referred to a select committee.

A select committee may want to consider other matters, such as the cabinet decision to place a moratorium on the number of gaming machines in Victoria. We now find that decision was based on the information provided to Parliament by the Treasurer without any Treasury advice whatever. There is no doubt at all in the SPC Dominguez documents that that decision by cabinet materially benefited one consortium more than another — Crown consortium.

Mr Wells interjected.

Mr BRUMBY — It is the SPC Dominguez document, you fool! They ask, 'Where is the evidence?'. It is in the SPC Dominguez document; have a look at it. The bidding was increased by an enormous amount. The question of the gaming machines is one matter that ought to be considered. There was a moratorium and a permanent cap placed on the number of gaming machines in Victoria. There is no doubt that that was of material benefit to the Crown consortium. There was also the changing of the bids and what occurred on 16 and 30 August.

A central element of the legislation relates to the plans and amendments provided in the bill. If honourable members read the minister's second-reading speech they will note the proposed hotel has been increased from 360 rooms to 1000 rooms, the Ferris wheel is no longer planned and other enormous changes have been made to the plans.

Mr Kennett interjected.

Mr BRUMBY — You don't understand. These are massive changes to the casino operation; the design bears no resemblance whatsoever to the design that cabinet approved.

Mr Kennett interjected.

Mr BRUMBY — No, it does not; it bears no resemblance whatsoever. There has also been a change in the marketing strategy for the casino. It is now being marketed to attract young Victorians. There is no doubt whatsoever that the marketing of video arcades and virtual reality is being directed at young Victorians.The marketing strategy for the casino is being mismanaged; it is being directed at young Victorians.

Mr Kennett interjected.

Mr BRUMBY — You are quite happy to see Crown Casino selling its product to young Victorians. You are happy to do that. You are endorsing this.

The SPEAKER — Order! I appeal to the Premier and the Leader of the Opposition to come to order.

Mr BRUMBY — A select committee would also want to examine the marketing strategy of the Crown consortium and the proposed changes now before Parliament. There is no doubt whatsoever that Crown consortium is aggressively marketing to attract young Victorians, and there is no doubt the change in plans is part of that.

Mr Kennett interjected.

Mr BRUMBY — The Premier continues with his inane interjections. The Premier is happy to have 14 and 15-year-olds in the casino. He is happy to have people who are under age gambling and drinking there. He is happy to see young people being corrupted. That is what the Premier wants. These are things that should be considered by a select committee.

There is a precedent for these matters. These are massive changes. The plans bear no resemblance whatsoever to the original casino plans. They deserve to be considered by a full select committee. The public deserves a full select committee.

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

Mr KENNETT (Premier) — I shall speak on this absurd amendment moved by the discredited Leader of the Opposition. The bill has been read a second time and, without any thought of looking at the plans accompanying the second reading of the bill, the Leader of the Opposition has moved an amendment to the motion providing that this matter should go before a select committee. What are the major variations that justify that? He suggests there are two: firstly, it was wrong to have a 1000-room hotel in the complex — the independent body assessed that a 1000-room hotel would be an enhancement to this state for tourism and for employment, and we all agree with that.

Honourable members interjecting.

Mr KENNETT — The Leader of the Opposition is leaving the house. Off you go! The greatest political coward in this place has just walked out yet again.

Mr Dollis interjected.

The SPEAKER — Order! The Deputy Leader of the Opposition has asked that the Premier withdraw the word 'coward'.

Mr KENNETT — I did not refer to you as a political coward! You can only ask for a withdrawal — —

Mr DOLLIS (Richmond) — On a point of order, Mr Speaker, the Premier made an offensive remark. You ruled previously in relation to comments about another member who was not in the house. The same rule should apply to the Premier.

Mr KENNETT (Premier) — On the point of order, Mr Speaker, if as you know — —

Mr Micallef — You have been asked to withdraw. Withdraw!

Honourable members interjecting.

The SPEAKER — Order! The Deputy Leader of the Opposition found the word offensive. Is the Premier willing to withdraw?

Mr KENNETT — I made a comment to the Leader of the Opposition, who withdrew. It was a personal comment directed at him; it was not directed at anyone else.

Mr Dollis — It was offensive.

Mr KENNETT — Why did you find it offensive? It was accurate.

Mr Dollis interjected.

Mr KENNETT — It was what?

The SPEAKER — Order! If the word is offensive, it can be declared to be offensive only by the person to whom it is aimed. However, it is an unparliamentary remark and I ask the Premier to withdraw.

Mr KENNETT — To save the Deputy Leader of the Opposition from gross embarrassment because he does not understand standing orders, I withdraw. I note that, having led a spirited attack in defence of a Ferris wheel, the Leader of the Opposition has fled the house, as he flees most areas of responsibility.

Mr Haermeyer interjected.

Mr KENNETT — We will forgive you; you have had a good honeymoon. You are a little — —

Mr McNamara interjected.

The SPEAKER — Order! Would the Deputy Premier please remain silent.

Mr KENNETT — The Leader of the Opposition was arguing on two points: firstly, that there should be a select committee because there was a hotel which has been agreed to by the independent panel as an enhancement to the project; and secondly, without even reading the legislation as it was introduced tonight, without even looking at the plans accompanying it, he relied on one point he has picked up that was in the original design that is not in this document, and that is the Ferris wheel.

I can understand the Leader of the Opposition being upset that he does not have a Ferris wheel. I can only assume that he has had a neglected upbringing because it is reflected in everything he does. He lost his federal seat when the public turned against him.

Mr Micallef interjected.

Mr KENNETT — This is a very serious motion, but the bottom line is that the Leader of the Opposition, little Johnny, wants a Ferris wheel! This whole casino attack over the past three weeks — —

Mr Thomson interjected.

The SPEAKER — Order! Would the honourable member for Pascoe Vale please remain silent. Would the Premier please delete the words 'Ferris wheel' from his vocabulary and address the house on the amendment.

Mr KENNETT — It was the Leader of the Opposition who raised the Ferris wheel, and it was in the original design. The Leader of the Opposition is correct that in the new design attached to this document today the Ferris wheel has gone. The state is about to come to a grinding halt! It is worthy of a royal commission! Little Johnny has had his toy removed.

The Leader of the Opposition made another totally inaccurate point when he referred to the effective level of fines that would apply if the casino were not completed on time. I think that runs in the order of about $50 000 a day. In contrast to that, if the hotel is not completed on time a fine of about $5000 or $5500 a day will apply. The difference between the two is simple: if the casino is not completed on time we as a government — and therefore the community — do not get access to a substantial flow of revenue that we are budgeting for to meet the provision of the museum, the exhibition centre and so on, whereas we get no financial benefit through a direct income stream from the hotel. We will get a benefit from Melbourne having the capacity to house a number of people in a 1000-room hotel and my colleague the Minister for Tourism will have the opportunity of selling that facility and bringing in new convention business, but we will not receive a direct stream of cash flow from the hotel, apart from payroll tax and so on.

So there is a very real difference. The Leader of the Opposition has tonight proved yet again how besotted he has become with this issue; how he totally ignores the reality of the facts. It has taken us about six weeks to find out what is the basis of the incredible campaign he has launched himself into which has now earned him the respect of 21 per cent of population: it is not the hotel, not Mr Williams, not Mr Walker — he is just upset because they have taken away his Ferris wheel. This is the man of great moment and strength, and Mr Williams and Mr Walker — —

Mr Micallef interjected.

Mr KENNETT — Eddy, they tell me you've still got the first dollar you earned. You would be the wealthiest socialist in this place. You ought to buy Johnny a Ferris wheel to keep him happy.

The amendment moved tonight by the Leader of the Opposition shows how puerile and irrelevant the opposition is. The Leader of the Opposition should have waited until we had moved to the second-reading debate. If he was then able to provide any substantial information we could have debated it after we had had time to absorb the second reading, look at the bill and consider the plans.

The only areas where there has been a fundamental change are in the hotel, which will enhance the city and, secondly, the removal of the Ferris wheel. The Leader of the Opposition also gets upset about some of the equipment that will be available for young adults to involve themselves in. Is he honestly suggesting that we should put in old equipment that is irrelevant to young people in 1994? Does he want us to play marbles there? This is a facility which is an entertainment — —

Mr BRACKS (Williamstown) — On a point of order, Mr Speaker, you have already ruled quite properly that the debate is about whether the amendment of the opposition should be supported and whether a select committee should be established. The Premier has spent almost 90 per cent of his speech debating the second reading of the bill, which you ruled was inappropriate. He has strayed, and I ask you to bring him back to the amendment.

The SPEAKER — Order! I have heard sufficient on the point of order. The Premier is legitimately able to refute matters raised by the Leader of the Opposition when he was canvassing his amendment. The Premier is in order.

Mr KENNETT (Premier) — I thank the honourable member for Williamstown. The greatest disappointment for us all is that he was meant to be a woman. He was going to be a female candidate, wasn't he? Mr Speaker, they are a bit sensitive about affirmative action.

Honourable members interjecting.

The SPEAKER — Order! Would the Premier please acknowledge the Chair and get back to the amendment.

Mr KENNETT — The Leader of the Opposition's motion is badly timed and ill-founded, and he has presented it without having looked at the legislation or the plans that are attached in the schedules. Those documents will clearly explain to all honourable members that the only fundamental changes in the legislation are changes to the hotel and the removal of the Ferris wheel, and that that does not warrant it going to a select committee.

Mr Thomson interjected.

Mr KENNETT — I was about to wind up but I thank the honourable member for Pascoe Vale for his inane interjection about a change from 360 rooms to 1000 rooms. The previous Premier and honourable member for Williamstown, the honourable Joan Kirner, actually commended that decision in her report on celebrating federation. I understand that the opposition may wish to disown her — it is not unlike the Australian Labor Party to deny its own — but the fact is that Mrs Kirner recognised the value of and recommended a 1000-room hotel. If we can attract more people to the city for conventions we can employ more people. It will enhance the project. For the honourable member for Pascoe Vale to stand up here and suggest we should not have it, again highlights how totally out of touch this so-called new-age Labor Party is in the Victorian community.

The motion moved by the Leader of the Opposition is a farce, as he is a farce. The real nub of his whole objection lies with the Ferris wheel. He is a very, very small man in the eyes of the majority of Victorians. He will continue to diminish both in stature and in reputation because he is not able to focus on any of the things that will deliver to the community the sort of growth and employment that this project is all about.

Mr DOLLIS (Richmond) — I will speak briefly on the amendment moved by the Leader of the Opposition. The reason this house must seriously consider referring this bill to a select committee is that it proposes to bring about major changes to the original application. If those major changes had existed at the first stage when all the competitors were trying to get the casino licence, the result may have been different.

I do not wish to take up a great deal of the time of this house except to say to the Premier that this is a serious matter. Whether you like it or not, you must consider that 360 rooms changing to 1000 is a major change.

Mr Kennett interjected.

Mr DOLLIS — The Premier accepts that; therefore we have agreement that that is one major change. Irrespective of the amount of laughter about the deletion of the Ferris wheel, when the original proposition was put a considerable amount of publicity — I refer the Premier back to the original announcement — was given to it. The proposition was not of major importance, but it was, nevertheless, an important component of the original design. That is another change.

The proposal for the ballroom has been expanded from 1600 to 2300 square metres — that is another change. The point of the debate is not to prejudge — —

Mr McNamara interjected.

Mr DOLLIS — I would watch it if I were you, Deputy Premier, because that type of remark does not go down very well at this time of night.

The SPEAKER — Order! The Deputy Leader of the Opposition will address the Chair.

Mr DOLLIS — The Premier cannot have it both ways. He cannot ask this house not to prejudge these matters and then come in and say, 'This is great; this is good; this is in between'.

If the Premier and the government want to take up any doubt about the application for modifications to the casino licence they have an opportunity to set up a select committee that can fairly quickly examine the appropriateness or otherwise of the proposed changes.

If we further examine the proposed changes we see that the casino is obliged to create 600 parking bays on an agreed location with that car park being connected by secure and weather-protected means to the casino complex. That could be another alteration to the original application, and the reality is that the proposed modifications have significantly altered the original proposition.

Mr Kennett interjected.

Mr DOLLIS — The Premier cannot have it both ways. Every bit of the hotel that went in is a very important economic component. I am absolutely certain that 360 rooms is different to 1000 rooms.

Mr Kennett interjected.

Mr DOLLIS — Absolutely; even you would agree!

Mr Kennett interjected.

Mr DOLLIS — Let us take it to the next proposition. Let us see — —

Mr Kennett interjected.

The SPEAKER — Order! Sit down! The hour is late; tempers have been frayed by the lengthy day. I suggest that the Deputy Leader of the Opposition address the Chair on the question and ignore interjections. I also ask the Premier to remain silent.

Mr DOLLIS — We were putting a proposition to the Premier, through you Mr Speaker — and the Premier quite graciously agreed — that 360 rooms to 1000 is quite a considerable change. Through you, Mr Speaker, to the Premier, that is correct, is it not?

Mr Kennett interjected.

Mr DOLLIS — Let us take it to the next logical proposition, to see where the Premier and the government will take us; 360 to 1000, right?

Mr Kennett interjected.

Mr DOLLIS — That is correct. Now 360 to 1000 also alters the economic balance in relation to the hotel. Is that correct — through you, Mr Speaker, to the Premier.

Mr Kennett interjected.

Mr DOLLIS — Absolutely correct. Through you, Mr Speaker, we are conveying that comment. The original bid has been changed considerably by this legislation.

The other point that I will make — —

The SPEAKER — Order! The Deputy Leader of the Opposition must relate his remarks to the amendment. I will allow him to build a case as to why this matter should be submitted to a select committee, but he may not canvass all the issues of the bill.

Mr DOLLIS — The other matter to be considered is whether there are any other examples of original applications for casino licences being modified in the way that this particular application has been modified in such a short time and in such a major way. That is a very important proposition that the government must also answer.

The reason the opposition wants the matter referred to a select committee is that it cannot see an example in this country — or indeed anywhere else — of a competition, theoretically speaking, that has been conducted fairly and squarely being altered so significantly in such a small period. If the government can refer to the remarks that were previously made by the Premier and justify these sorts of changes, we will then begin to have a fair and square debate. However, the following has happened: this legislation is brought into this house two weeks before Parliament is to adjourn for Christmas. According to the Premier, in the last week of Parliament we will be given an opportunity to have a debate. However, during the debate the Premier will not grace this chamber with his presence and give us his wisdom on this very important matter.

Mr Kennett interjected.

Mr DOLLIS — Indeed; you do that, Premier. I return to the original proposition that, if there is any decency left in this house, the motion to refer the bill to a select committee must be dealt with seriously and agreed to.

We can put this matter to rest fairly quickly. It is an opportunity for us to consider all matters about the casino that have been raised in this house. It gives us an opportunity to see whether there is another example in this country — I suggest there is not — or anywhere else for that matter, of a competition for a casino licence in which such modifications have been made to an original proposition in such a short time — less than two years.

It is an extraordinary series of events; it is also an extraordinary move by a government to read a bill a second time at almost midnight and to suggest that it be debated in the dying days of the sessional period.

Any government that is serious about being open to scrutiny, any government that is not frightened of the facts of the matter, would not be dealing with such an important piece of legislation in that way.

Because the opposition will have an opportunity over the next few days to raise all these matters, I conclude with the following points. First, there are considerable changes to the original proposition, and if they had been included in the first application, they may have produced a different result. Second, we do not have an example either in this country or internationally of a casino bidder who received the licence being allowed to modify the original application in such a major way that the modification would not only enhance the bidder's profitability but would take out of the original design any unprofitable components in construction.

Third, the hotel proposition, which, according to the Premier, is part of a major modification, is the same proposition which was before the government and which was rejected by the government, but according to the government it has now gone through a committee and will be accepted by Parliament with the minimum of debate.

Further modifications to the car park will also bring about a situation where the whole cost structure in terms of the construction and the benefits to the casino operators is changing. But, more importantly, and the final point is the $50 000 — —

Mr Kennett interjected.

Mr DOLLIS — You can have that too, Mr Premier! The final point is that the $50 000 per day penalty has now been modified from the original proposition to $5500 because everyone — —

Honourable members interjecting.

Mr DOLLIS — Everyone knows that in a construction proposition of such magnitude, it is more than possible to complete the casino component, but basically have the rest of the structure incomplete. Why is it that we are told now that the modification to the — —

The SPEAKER — Order! I understand the rhetorical question posed by the Deputy Leader of the Opposition, but I ask him to come back and relate his remarks to the amendment before the Chair. He is straying.

Mr Kennett — What time are you handing out cards for Petro?

Mr DOLLIS — A lot earlier than you are! The proposition before this house is that there is no change to the provision that the damages will be levied at $50 000 per day if the casino is not open and functioning by completion day. However, in the event that the casino is operating but the balance of the complex is not completed by the completion day and so on, damages will be levied at the rate of $5500 per day until the completion of the complex.

We could have had this sort of debate about the completion and the penalties when the original piece of legislation came before the house. We do not need this sort of debate on such a major alteration coming to us in the middle of the night. As I said, if there was any decency — and I doubt whether there is much decency in this house — the proposition for a select committee will be accepted. It would give the government an opportunity to clear all the matters that have been raised in this house; it would give the government an opportunity to work out a timetable, with the assistance of the Chair and the assistance of the house. The work of the select committee would be done in such a way not to disadvantage any of the proposed changes if they go forward. If there is nothing to fear from this matter, why not accept the Leader of the Opposition's proposition and put this matter to rest once and for all?

Mr GUDE (Minister for Industry and Employment) — I shall speak briefly on this inane debate. We have now had the final leg of the trifecta. At the beginning of the day we had the Leader of the

Opposition and other members of the Labor Party moving against the government business program for this week. They invested a little more than an hour in that debate. Then I thought we had almost the ultimate in inane spectacles in this place when that was followed by the Leader of the Opposition moving to oppose the deferring of a bill that would be read a second time later this day. We were at the point of saying later this day, but we are now into the next day, thanks to the same person!

I do not recall in my time in this place any member of any opposition being so inept and so transparently wearing L-plates as to call a division of the house on the deferment of a bill to be debated later this day. Now we find the Leader of the Opposition seeking to move an adjournment of debate on the bill that he had deferred, the casino bill.

Mr Kennett — And it is all because of the bloody Ferris wheel!

Mr GUDE — And it is all because of the Ferris wheel! The one thing we have not found out is which colour the Ferris wheel should be.

Honourable members interjecting.

Mr GUDE — I am not sure whether it should be a red Ferris wheel or a yellow Ferris wheel, whether the path of the Ferris wheel should be paved, and whether there should be a guide. Perhaps we should have a guide that takes little Johnny up to the Ferris wheel? Obviously if you could stand the wheel going round and round and round and —

Mr Micallef — With $8 million you could have a paid guide!

Mr GUDE — I have always said you were into money-making! That is one thing we know about you! You have to be the richest socialist on that side of the house! We know that about you!

The SPEAKER — Order!

Mr GUDE — As he goes round and round and round in the Ferris wheel, he comes off and he is giddy. What happens when he gets off and he is giddy? Has there got to be a guide on the other side to take little Johnny home?

To add insult to injury, we have seen the honourable member for Pascoe Vale on the weekend acting as if he were the Minister for Public Transport. Earlier today the Labor Party sought to adjourn debate on a bill also on the question of time so that the honourable member for Williamstown could succeed the honourable member for Thomastown — —

Mr Kennett — He is meant to be a female member!

Mr GUDE — He was probably meant to be a female member, but it is clear that he is now meant to be the shadow spokesperson for transport. Mr Speaker, I can understand at this stage you may have some difficulty linking these two matters, but they are all about the one thing. They are all about the Ferris wheel going round and round! Somebody has to drive the Ferris wheel, and obviously the honourable member for Williamstown, the chairman of the snouts-in-the-trough faction, has decided to be the engine driver. So we have this inane farce that has now taken the Parliament to 20 minutes past 12 on Wednesday morning as a direct consequence of the fact that the Leader of the Opposition, who is devoid of intelligence, devoid of policy, devoid of any knowledge of what it is all about, is now trying to have this matter deferred so that a select committee is established.

If I had any remote interest in the proposition, the Leader of the Opposition lost me when he suggested that the Speaker would appoint the select committee. Again I cannot recall an occasion in this place when a select committee has been established and the Speaker has chosen its members. For the third time we see the Leader of the Opposition with his L-plates on. It was embarrassing for the Deputy Leader of the Opposition — I know his heart probably was not in it, but he did his best.

Honourable members interjecting.

Mr GUDE — It is appalling! In two words, it is appalling and unbelievable! Here you have this inane person, this inane empty suit wandering around the place. It is all whine and carp. It is negative, anti-jobs, anti-Victoria and anti-development. This opposition is no different from the government of the Cain and Kirner years.

Mr Micallef interjected.

Mr GUDE — I don't blame them.

The DEPUTY SPEAKER — Order! interjections across the table are disorderly. The Leader of the House, on the amendment.

Mr GUDE — Indeed they are, Mr Deputy Speaker. However, it was a very good interjection on the amendment. What we have on the other side is a leaderless rabble. It is a rabble that is all about disruption; it is against Victoria. This rabble is against jobs. It will do anything to upset and try to muck up the arrangements and procedures of Parliament. The Leader of the Opposition is more interested in Ferris wheels than he is in anything else. He is dippy on them. I know some people say he was not well body trained, but that is probably where it started.

We are facing an opposition leader who has made or is making his party a joke, the laughing stock of this state. He is seeking to bring the entire Parliament into disrepute. I suggest that the opposition calls a halt to the farce of the past three days. The former Deputy Leader of the Opposition sits there looking grey and ashen faced, and I do not blame him. It is a good bit of jocularity, but he is ashen faced. He is embarrassed, and well he should be. This is an appalling performance by the opposition.

Mr Dollis — A brilliant performance!

Mr GUDE — I pick up that interjection. The Deputy Leader of the Opposition says it is a brilliant performance.

Mr Micallef interjected.

Mr GUDE — It is not the colour of your eyes! The Deputy Leader of the Opposition says it is all right to be disruptive and stupid. It is all right to be inane and anti-Victorian. It is all right to be anti-jobs, just as the Guilty Party was when it was in government. That is exactly what we have: negative, whine, carp, moan, defer, put off, do not make a decision, just carry on the way you are and allow the community to be cheated. This debate will read exceedingly well in *Hansard*. I invite anybody from the community who wants to look — —

Mr Thomson interjected.

The DEPUTY SPEAKER — Order! The honourable member for Pascoe Vale is out of his place and disorderly. The Leader of the House should ignore interjections.

Mr GUDE — Indeed, but the honourable gentleman is more worried about his preselection than he is about — —

The DEPUTY SPEAKER — Order! On the amendment.

Mr GUDE — I am speaking on the amendment because the honourable member for Pascoe Vale is the leader of opposition business in this house. By making that kind of interjection he supports this proposition. The leader of opposition business continues to babble on like a monkey at 12.25 on Wednesday morning. He knows full well the debate was to be adjourned until later this day. Let us ask the simple question: why is the debate adjourned?

A bill is adjourned in this place so that the community — and more particularly, one might have expected after tonight's events, the opposition — can determine its position on Ferris wheels. Clearly the debate is about Ferris wheels. We want to know what colour Ferris wheel the Leader of the Opposition wants and who will write the policy? We are about to have a Labor policy on Ferris wheels. We have a policy on marijuana. We have a policy that says you should continue to be in debt on the National Tennis Centre, and now we have the Ferris wheel policy. Bills are deferred in this Parliament so that the community can have an interest in them, so the opposition can consider its position and so the bills can be debated.

Rather than making a farce of the process and rather than spending his entire performance trying to justify the inclusion of a Ferris wheel and therefore indicating a very sad childhood, the Leader of the Opposition — —

Mr Dollis interjected.

The DEPUTY SPEAKER — Order! The Deputy Leader of the Opposition has had his say. I ask him to remain silent.

Mr GUDE — Rather than dwelling on his sad childhood and his lack of enjoyment of Ferris wheels — clearly a matter of great importance to him — the Leader of the Opposition should be getting on with the procedures of Parliament and putting a motion to adjourn the debate for two weeks, a motion that was moved originally by the minister responsible for the bill in this place.

Mr LONEY (Geelong North) — The amendment moved by the Leader of the Opposition is a very good and serious amendment. One of the things members of the public will judge when they eventually learn of this debate tonight is how the

Premier and the Leader of the House have trivialised the issues involved.

Mr Kennett interjected.

Mr LONEY — There goes the Premier again! It should be noted how the Premier is trivialising a very important community issue. It is probably the result of a very enjoyable dinner, but he should not come into this place and trivialise matters. The Premier should have more respect for the community of Victoria than he has shown tonight.

The amendment is about the Victorian community's rights and nothing else. It is about scrutiny, probity and integrity. One of the first questions that must be asked and why the matter should go to a select committee concerns the original plan submitted by Crown Casino. Was the plan on which it bid a bona fide plan? Was it ever intended that the casino would be built according to the plan submitted?

There is a fair chance that if a select committee ever got to scrutinise that fact it would come up with the answer that a fraud has been perpetrated on this community, that the casino plan in the original bid was never meant to go ahead and that it was always intended that it would be changed. The changes to that plan are substantial. They are not the minor modifications that the Premier would have us believe. Again the Premier wants to trivialise the matter. Don't worry about the Victorian community, just trivialise everything! That is the way the Premier acts all the time. He has no answers and then he trivialises the issue.

It is a serious issue that the public is entitled to have a look at. Daily outside the house, while the Premier trivialises the issue, the Victorian public loses confidence in the process surrounding what went on in the awarding of the casino licence, and things like the huge changes to the casino simply serve to undermine it even more.

It cuts away deeply at the public confidence. Establishing a select committee to scrutinise these matters is one way of getting some restoration of public confidence in the process because at the moment it is being eaten away. The public does not see any process at all attached to this. It sees it simply as a matter of Crown Casino coming in, asking for anything, being granted it, and then off it goes — no process. It is about time the public was able to have some scrutiny. The select committee is an appropriate mechanism in which scrutiny can be applied to this project. It is a very appropriate mechanism and one which should be pursued.

To what plan is Southbank currently being built? Is it being built to the plan that was originally adopted? Is it being built to the plan that is now being considered? Which plan is it being built to, and how does the public find out about that? People certainly cannot go to the Department of Planning and Development and ask because no plans are held there. If you walk into the planning office they will tell you they were never given any plans; you can't have a look at them, so how does the Victorian public find out? How does it find out whether there was ever any intention to go along with the original bid? The opposition contends that there was no intention that the plan contained in the original bid was ever going to be the casino; it was always going to be altered. It was simply a matter of, 'We'll put in a bid and fix it up later'. They are important issues that are entitled to be examined, and the select committee is the appropriate body to do that.

Further to that is the whole way that honourable members have gone about debating the issue of the casino today. The Leader of the House had a lot to say about the way events have occurred today. The Leader of the House also is only interested in trivialising the issue: the casino issue is a trivial issue to him.

The SPEAKER — Order! The level of interjection across the house is too high. I ask the house to come to order.

Mr LONEY — The Leader of the House and the Premier can trivialise the issue all they like, but others are allowed to debate it in a serious manner, and they will be judged for the way they trivialised it and will be held to account, and perhaps like the Ferris wheel they keep mentioning they will learn that what goes around comes around and will come to them.

The public is entitled to know what is going on, and people do not know what is going on at the moment. People in businesses adjoining that site have not been able to find out anything that is going on. Those businesses are being driven into the ground; they cannot get any information and cannot inspect a plan, yet the government wants to trivialise the issue. It does not care that businesses down there are going broke as a result of the huge and drastic changes taking place. The government does not care. The Leader of the House does not care, the Premier

does not care: they refuse to face up to those issues and simply trivialise them.

The amendments are substantial and this question needs to be asked and answered: what issue did the Premier and the Leader of the House fail to face up to in their contributions? The issue which they would not face up to and which they refused to argue was why a second reading of the bill did not take place at half past ten this morning. Why is it taking place at midnight?

Mr GUDE (Minister for Industry and Employment) — On a point of order, Mr Speaker, the honourable member asked why the motion was not moved at 10.30 a.m. today. I hate to point this out, but since the house did not commence the sitting until 2.00 p.m. it would have been a smidgin difficult. One can see it is not only the honourable member of the opposition who has L-plates on; it is also the member for Geelong North.

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

Mr LONEY (Geelong North) — We will take the trivial point from the Leader of the House, but the fact still remains that this item was listed as no. 4 on the second-reading list. The Leader of the House made an agreement with the opposition yesterday that he would second-read the bill in the first hour today. He did not do it and wimped out. He shunted it off until today and did not face up to that when he had his chance to make a contribution. He would not answer the basic question of why he shunted it off until midnight to be second-read. The changes that are made in the bill include 360 rooms to 1000 rooms, 1600 square metres to 2300 square metres in the ballroom: on and on it goes, and these are described as minor modifications. They are not in any way minor. They are substantial changes which require considerable scrutiny. The opposition understands that honourable members opposite are ashamed of what they are doing in the bill. They want to hide it and get it out of the sight of the public, but that is no excuse for not being able to consider it at a reasonable time of day in a proper fashion, for not giving the public the opportunity to consider those matters, to see the plans and for the plans to be available so that some questioning can take place to see whether the agreements amount to anything more than carte blanche for the developers to do whatever they like and make whatever future changes they wish. That is probably the case. All of those things are worth considering.

Take the extra 600 car parking bays located on Whiteman Street: how will that be achieved without having a considerable effect on the small businesses located around Whiteman Street? Have any of them been consulted in any way about this? How will they cope with the 600 extra cars parking outside their premises, interfering with them and cutting off their businesses? How will they seek redress? Under the current act, which the government introduced, there is no opportunity for those people to seek redress. The government and the Premier wipe their hands of them and reply, 'This is the private sector; it has nothing to do with us.' But then they come into the house with this sort of legislation. It is appropriate that the government and the bill be considered by a body that has greater integrity than that currently residing on the other side of the house. The appropriate body is a select committee that can consider and question it. It can call witnesses and ask them about the matter, and at least start working towards restoring some public confidence in the process.

That is what the amendment moved by the Leader of the Opposition is about: the restoration of public confidence, integrity in the process, probity, and some justice for people who are adversely affected by what is occurring in the carte blanche sorts of arrangements this government is prepared to allow the developers.

It is for those reasons that it is totally appropriate that this bill should go before a select committee. In fact, if members on the other side of the house lived up to the sort of integrity they claim for themselves, they would support this amendment rather than trivialising it the way they are doing tonight.

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

> That the question be now put.

The SPEAKER — Order! The debate on this question started at 11.17 p.m. There have been three speakers for the amendment and two against it. As the call would go to those against the amendment, I am prepared to put the question.

House divided on Mr McNamara's motion:

Ayes, 56

Ashley, Mr	McLellan, Mr
Bildstien, Mr	Maclellan, Mr
Brown, Mr	McNamara, Mr
Clark, Mr	Maughan, Mr

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

Noes, 24

Andrianopoulos, Mr
Baker, Mr
Batchelor, Mr
Bracks, Mr (*Teller*)
Brumby, Mr
Carli, Mr (*Teller*)
Coghill, Dr
Cole, Mr
Cunningham, Mr
Dollis, Mr
Garbutt, Ms
Haermeyer, Mr
Hamilton, Mr
Leighton, Mr
Loney, Mr
Marple, Ms
Micallef, Mr
Mildenhall, Mr
Pandazopoulos, Mr
Seitz, Mr
Sercombe, Mr
Thomson, Mr
Thwaites, Mr
Wilson, Mrs

Motion agreed to.

House divided on omission (members in favour vote no):

Ayes, 56

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

Noes, 24

Andrianopoulos, Mr
Baker, Mr
Batchelor, Mr
Bracks, Mr (*Teller*)
Brumby, Mr
Carli, Mr (*Teller*)
Coghill, Dr
Cole, Mr
Cunningham, Mr
Dollis, Mr
Garbutt, Ms
Haermeyer, Mr
Hamilton, Mr
Leighton, Mr
Loney, Mr
Marple, Ms
Micallef, Mr
Mildenhall, Mr
Pandazopoulos, Mr
Seitz, Mr
Sercombe, Mr
Thomson, Mr
Thwaites, Mr
Wilson, Mrs

Amendment negatived.

Motion agreed to and debate adjourned until Tuesday, 29 November.

Remaining business postponed on motion of Mr GUDE (Minister for Industry and Employment).

ADJOURNMENT

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

That the house do now adjourn.

Rugby stadium

Mr MILDENHALL (Footscray) — I raise for the attention of the Minister for Sport, Recreation and Racing the announcement on Saturday of a new 30 000-seat all-weather sports stadium for Melbourne to be built by 1996. It is proposed that the stadium, which is to be built by News Ltd, will house international standard basketball, soccer,

rugby and baseball. That is the extent of the detail available but, typically, it was embraced by the Premier without any further details being known.

There are two issues that the minister needs to address. The first is that a meeting is reportedly to be held this week to discuss a site. I suggest that the process needs to be undertaken in a manner that will avoid another appalling Albert Park situation of a community having its park ambushed or an area that may be of value being taken without notice or recourse.

The second issue is that the cost options need to be examined. If a new Super League competition is established and if benefits from that are to flow to the Victorian community we must consider not only that this extravagant new indoor 30 000-seat stadium would be extraordinarily large even by international standards but also the possible upgrading of Olympic Park. Its present infrastructure could be used at a fraction of the cost of a new indoor 30 000-seat facility. The stadium would need to have approximately 40 000 seats to compete with Sydney, which has first call on most events of the scale being contemplated for this facility.

The minister needs to investigate the proposal to ensure that Victoria does not become famous for yet another community outrage and yet another planning debacle, as has been the case with the grand prix. It needs to be investigated to ensure that the state captures the economic benefits and that the facility is not just a privatised option — —

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

Melbourne Water: charges

Mrs ELLIOTT (Mooroolbark) — I direct to the attention of the Minister for Natural Resources a problem facing a constituent, Mr Jennings, of Birkenhead Drive, Kilsyth, who sent me a copy of his Melbourne Water bill. The service charge for the period July to September 1994 was constant at $89.10 and will remain the same from 1 October to 31 December. However his consumption charge has risen from $20.65 for the period 23 May to 9 August to $73.45 for the period 9 August to 2 November. Mr Jennings assures me that the pattern of his family's water use has not changed, and he is bewildered by the increased charges.

When he rang Melbourne Water Mr Jennings was told it would cost $30 to have someone come out and check the water meter. He was told that if the meter were faulty, his deposit would be returned. He was also told that if the water meter were not faulty, he would lose his deposit.

I direct this matter to the attention of the Minister for Natural Resources and ask him whether he can investigate why Mr Jennings' water usage bill has risen so much without apparent cause and whether anything can be done to assist the family.

Fairway Primary School

Mr MICALLEF (Springvale) — I direct to the attention of the Minister for Industry Services the demolition of the Fairway Primary School in Spray Street, Frankston. It has been brought to the Labor Party's attention that the demolition site is not in a satisfactory condition for a number of reasons, including the fact that asbestos sheets are lying around the site, which makes it very unsafe. The issue has been raised by individuals and groups including the Asbestos Diseases Society of Australia, which has approached the local press and the ALP candidate for Frankston East, Colin Hampton, who after today's performance will probably be the next local member. That organisation and the local ALP candidate are certainly concerned about asbestos being on the site because they understand the seriousness of asbestos-related diseases. They have tried to get the Occupational Health and Safety Authority to inspect the site, but they seem to have had only limited success.

It is sensible that members of the community are concerned, given the experience with the demolition of the Joseph Banks Secondary College, which is in the electorate of the honourable member for Dandenong. A lot of publicity and a great deal of effort was put into trying to establish safe conditions on that site.

If social and economic vandals are going to pull down schools throughout the community, it is important that we ensure the sites are left in a safe condition. That is doubly so because the children who identify with the sites go back there to play.

A government member interjected.

Mr MICALLEF — If you weren't so stupid you would understand. They identify with those sites. They go back to play on school sites they still have some affinity with and affection for. School sites

attract children, which is why it is most important that the sites are kept in a safe condition. I ask the minister to investigate the complaints.

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

Roads: loss of land

Ms MARPLE (Altona) — I direct to the attention of the Minister for Agriculture the loss of valuable agricultural land through the development of freeways and highways and I ask him to take up this issue with his colleague in another place, the Minister for Roads and Ports.

The matter was brought to my attention by Mr Frank Coombs and Mrs Alison Coombs of Pembroke, Goulburn Valley Highway, Mangalore, who express their concern in a letter dated 24 October. Because their property borders the proposed freeway site they received maps of the development. They state:

> In regard to the maps that were sent to all land-holders, all comments written on these maps, which show the proposed rates, are related to conservation issues. What about the agricultural issues?
>
> Throughout the planning period, there were many impact studies done regarding Aboriginal, conservation and tourism. Again, why was there none done from the agricultural and farming aspect? This area's greatest industry fails to get a mention, with the areas adjoining the highway being highly fertile and productive.

The Coombs stress that they are not against progress or the development of freeways in general, although many people are concerned about the loss of land through the development of freeways.

Although the preservation of Aboriginal land and the development of tourism must be taken into account, it is surprising that productive and highly fertile land is not considered.

I ask the minister to take up with his colleague in another place whether an impact study can be done about the loss of productive, fertile land to individual owners and to the state as a whole.

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

Frankston railway station

Mr WEIDEMAN (Frankston) — The matter I direct to the attention of the Minister for Public Transport and, in his absence, the Minister for Industry and Employment, relates to the recent development of bus and taxi interchanges at the Frankston railway station. The project cost approximately $1 million to develop and honourable members who know the area would know that the train service proceeds from Frankston to Crib Point with the rest of the district being serviced by buses provided by the Peninsula and Frankston bus services. Unfortunately, inconsiderate people have been parking their cars in bus bays forcing the buses to double park while people are alighting from the buses. Police and traffic officers have been booking the buses for double parking at these stops.

The major bus stop at the Mount Eliza shopping village is outside a restaurant. On Saturday evenings and Sundays many motorists tend to park at the bus stops while buying food at the restaurant, and that causes the buses to protrude well on to the roadway. The council and police officers book the motorists accordingly. It becomes a nuisance for the bus proprietors, who instruct their drivers to drive on if a bus bay is occupied by cars. Passengers have complained that they are being stranded.

To try to get some sense into the situation will the minister take up this matter with his departmental officers who have responsibility for buses so that the bus operators can properly operate and allow passengers to board and alight? Without that service on the Mornington Peninsula, people are left to hire taxis. Young people travel on these services, and they and their parents have complained about being stranded in Mount Eliza and Frankston.

Wire rope fences

Mr HAMILTON (Morwell) — I ask the Minister for Industry and Employment to direct to the attention of the Minister for Roads and Ports in the other place the erection of wire rope fences as safety barriers on roads. I raise the matter on behalf of the Motorcycle Riders Association of Australia which is concerned about the installation of this type of barrier especially at the edge of roadways rather than on the median strips.

About 80 000 motorbike riders are registered in this state and this barrier can also cause danger to cyclists. Vicroads needs to reassess the installation of that type of barrier. It appears that the barrier is

being tested at Burke Road, Kew. I am advised that it is located some 4 inches from the edge of the road which means it is very easy for a motorbike rider or, indeed, a pushbike rider to be forced into the barrier if a car swerves in front of the rider causing the cyclist to take evasive action.

It is a dangerous piece of roadside furniture. The barriers have been tested overseas, notably in New Zealand. After some time the wire rope frays and acts like a set of razor blades, with a serious cutting action on anything or anyone coming into contact with it. The matter is of great concern. There are likely to be greater repair bills for damaged cars because the rope can cut through panels. The association asks the minister to reassess the dangers of this particular addition to our roadside furniture and take note of the concern of a large number of motorcycle and bicycle riders who are likely to be involved.

Frankston Freeway

Mr McLELLAN (Frankston East) — I ask the Minister for Industry and Employment to direct a matter to the attention of the Minister for Roads and Ports in the other place. I thank the minister for his prompt action on the matter I raised a few weeks ago concerning the Frankston Freeway.

I now move about a kilometre along the freeway to deal with the next matter. As a result of publicity gained from the minister's kind action, last Friday a Mrs Fox telephoned and said that I should come down to the corner of Skye Road and Gairlock Drive because the problem I had raised with the minister was minor compared to this one! I went down there on Friday afternoon. I walked into the backyard of Mrs Fox's house to be met by about another 10 residents and the local media.

They are concerned about the amount of noise coming from that section of the freeway. The rear of their houses are some 7 metres from the tarmac of the freeway. Over the past five or six years several vehicles on the 100 kilometre-an-hour stretch of the freeway have either left the freeway or failed to take a bend and landed in the backyards of the homes. Vicroads has indicated that if it erected barriers they would deflect the vehicles back on to the freeway which would create more accidents. I wonder at the wisdom of such advice when cars land in the backyards of these residences.

I know of a Mr Alan Sawyer who owned a Porsche. The police were chasing him and he left the freeway at 130 kilometres an hour and landed on the top of somebody's boat. Vicroads is not concerned about a car landing in somebody's backyard or going into somebody's bedroom but it is concerned about cars being deflected back on to the freeway.

I invite the minister to visit the local residents, who will be happy to put on a barbecue. The minister will not hear them telling him about their problems because of the noise of the trucks travelling along the freeway! Will the minister extend the sound barriers along the freeway to ensure that some time in the future these people feel safe?

Baby capsule program

Ms GARBUTT (Bundoora) — The matter I raise for the attention of the Minister for Roads and Ports in another place through the Minister for Industry and Employment concerns the baby capsule program. Members would be familiar with the fact that baby capsules are available for hire from local councils. Usually a small deposit of $20 or so is required for the few months that the capsule is required and when the baby requires some other form of vehicle restraint the capsule is returned. It has been a successful program and has saved parents large sums of money at times when often they are under great financial pressure.

New standards have been introduced and that means that new capsules will have to be bought to replace the current ones which meet only past standards. I believe a working party headed by Vicroads is considering this matter. However, it seems that the working party has come up with the option of scrapping the scheme and replacing it with a voucher system available to health card holders.

That would put many people in the position of having to buy a new capsule, which is worth more than $100. At that stage of one's life with a young child and often with one parent not working parents are often under great financial strain. It is a lot of money for young parents to have to find. Many would be forced into the position of having to take the risk of using capsules of poor standard or capsules that are old or have been borrowed.

The option paper is to be released tomorrow. There has been no consultation. I have been approached by some young mothers who are concerned about the risk the government seems prepared to take with the lives of young babies. It is consistent with the government's savage attack on families. This is the International Year of the Family, but the government

does not care about families. They are certainly not with its mates on the gravy train. The government is quite prepared to put the lives of babies at risk. I ask the minister to pick up the very large red pen and rule through that option.

Local government: proposed city of Casey

Mr PANDAZOPOULOS (Dandenong) — I ask the minister representing the Minister for Local Government in another place to direct to his attention an important matter concerning the City of Cranbourne. Earlier this year the city was given permission by the Minister for Local Government to change its status from the Shire of Cranbourne to the City of Cranbourne. Because of its changing status as the fastest growing residential area in the state the council sought to change from its rural focus to an urban focus. The minister rightfully gave his approval.

With the knowledge that local government changes were taking place, council was provided with some confidence that the minister would not allow a change of status to take place if it were not the intention of the minister that the City of Cranbourne would survive the reorganisation with only possible marginal changes. The City of Cranbourne incurred expenses in changing its corporate image, logo, stationery and signage, which cost the ratepayers about $50 000. It did that in effect with the support of the minister and the state government.

In recent times the Local Government Board report has been released. It creates huge difficulties for the City of Cranbourne because it is to be carved up five ways. The bulk is to join with the City of Berwick to form the new city of Casey, which will ultimately have a population of more than 300 000.

Both the cities of Cranbourne and Berwick want to remain intact. They are concerned about the dysfunctional nature of such a large municipality. It would be the largest municipality in the state; it would remove the 'local' from 'local government'. The honourable member for Cranbourne and I have the same view in that we support the City of Cranbourne having the opportunity to stand alone. It is disappointing that the coalition member for South Eastern Province in the other place Mr Ken Smith has a different view on this matter. I hope the minister will listen to the views of the honourable member for Cranbourne rather than the Honourable Ken Smith.

This is of great concern to ratepayers in the City of Cranbourne. It was known that changes were to take place to local government boundaries, so why did the minister allow a change of the status from the Shire of Cranbourne to the City of Cranbourne at a cost to ratepayers of $50 000? That $50 000 should have been saved. Why did the minister suddenly change his mind?

Responses

Mr REYNOLDS (Minister for Sport, Recreation and Racing) — Three days after the announcement by News Corporation of a 30 000-seat stadium to host rugby league, rugby union and soccer as well as provide for basketball, baseball and maybe concerts, the honourable member for Footscray is knocking it. He is anti-Victorian. The first time a reasonable proposal is put, he is knocking it.

Knock, knock. Who's there? It has to be a member of the Labor opposition. They are at it all the time. The honourable member for Footscray brought his own bucket of cold water and tipped it on the idea straight away. A private enterprise wants to provide Victoria with something it badly needs, and knock, knock, knock.

The honourable member is anti-soccer, anti-rugby, anti-sport and anti-Victorian; he is a member of the anti-party. I ask him one question: what did his government do when it was in power for 10½ years? It built the National Tennis Centre, which I concede is great, but it left us with a $146 million debt. It built a national water sports centre, which is in the wrong place and half finished. That was a real credit. What else did it do? Nothing. Now we are going to do something at Albert Park. Someone has offered to do something for soccer and rugby, and the honourable member wants to tear it to pieces.

Mr Mildenhall interjected.

The SPEAKER — Order! I ask the honourable member for Footscray to remain silent. He has raised this matter with the minister.

Mr REYNOLDS — I would have thought he would be more positive and offer to help us.

Mr COLEMAN (Minister for Natural Resources) — The honourable member for Mooroolbark referred to a constituent, Mr Jennings of Kilsyth, who received a water account which I understand represented a substantial increase on the previous account. The account for 23 May to

9 August showed that the household used 576 litres a day. For the period 9 August to 2 November the household used 1329 litres a day. Clearly, there was a substantial increase in the consumption of water and on the basis of the request — —

Mr Hamilton — On the meter reading!

Mr COLEMAN — That is the critical issue. It is a meter reading and, as the honourable member requested, I will have Melbourne Water examine the meter to check whether its readings are accurate. That will be the start of the process of unravelling the difficulty.

Mr GUDE (Minister for Industry and Employment) — The honourable members for Springvale, Altona, Frankston, Morwell, Bundoora, Frankston East and Dandenong raised a number of matters of for the attention of ministers. I will see that those matters are directed to their attention.

Motion agreed to.

House adjourned 1.27 a.m. (Wednesday).

Wednesday, 16 November 1994

The SPEAKER (Hon. J. E. Delzoppo) took the chair at 10.06 a.m. and read the prayer.

PETITION

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

Sodomy

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:

The act of anal intercourse or sodomy is:

a serious health hazard, almost always involving anal and rectal damage;

the means of transmission of disease in about 90 per cent of HIV/AIDS cases in Australia;

associated with a number of other serious diseases, including hepatitis A, B and C, gonorrhoea and syphilis;

described in the Bible as an 'abomination' to God.

Your petitioners therefore pray that the Legislative Assembly will:

pass a law to make the commission of sodomy (anal intercourse) a criminal offence, to prevent this serious health hazard from being promoted in the media and educational institutions as a valid form of sexual intercourse.

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

By Mrs McGill (104 signatures)

Laid on table.

AUDITOR-GENERAL

A Competent Workforce: Professional Development

The SPEAKER presented special report no. 32 of Auditor-General on a competent work force, professional development, pursuant to Audit Act 1958.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Building Act 1993 — Building Code of Australia 1990, as amended by Amendment No. 7, together with copies of the following documents as required by section 32 of the Interpretation of Legislation Act 1984, to accompany the amendment of the Code:

AS 1170.1 — 1989 — SAA Loading Code — Minimum design loads on structures — Dead and live loads and load combinations (as amended)

AS 1170.2 — 1989 — SAA Loading Code — Minimum design loads on structures — Wind loads (as amended)

AS 1170.4 — 1993 — SAA Loading Code — Minimum design loads on structures — Earthquake loads (as amended) (replaces AS 2121-1979)

AS 1288 — 1994 — Glass in buildings — Selection and installation (replaces AS 1288-1989)

AS 1530.2 — 1993 — Methods for fire tests on building materials, components and structures — Test for flammability of materials (as amended) (replaces AS 1530.2-1973)

AS 1603.2 — 1990 — Automatic fire detection and alarm systems — Point type smoke detectors (as amended) (new reference)

AS 1657 — 1992 — Fixed platforms, walkways, stairways and ladders — Design, construction and installation (replaces AS 1657-1985)

AS 1684 — 1992 — National Timber Framing Code (as amended)

AS 1720.1 — 1988 — SAA Timber Structures Code — Design Methods (as amended)

AS 1735.2 — 1993 — Lifts, escalators and moving walks — Passenger and goods lifts — Electric (replaces AS 1735.2-1986)

AS 1851.3 — 1985 — Maintenance of fire protection equipment — Automatic fire sprinkler systems (new reference)

AS 1926.1 — 1993 — Swimming pool safety — Fencing for swimming pools (replaces AS 1926-1986)

AS 2220.1 — 1989 — Emergency warning and intercommunication systems in buildings —

Equipment design and manufacture (as amended) (replaces AS 2220-1978)

AS 2220.2 — 1989 — Emergency warning and intercommunication systems in buildings — System design, installation and commissioning (as amended) (replaces AS 2220-1978)

AS 2293.1 — 1987 — Emergency evacuation lighting in buildings — Design and installation (as amended)

AS 2419.1 — 1994 — Fire hydrant installations — System design, installation and commissioning (replaces AS 2419.1-1988)

AS 2890.1 — 1993 — Parking facilities — Off-street car parking (new reference)

AS 3013 — 1990 — Electrical installations — Wiring systems for specific applications (new reference)

AS 3600 — 1994 — Concrete structures (replaces AS 3600-1988)

AS 3623 — 1993 — Domestic metal framing (new reference)

AS 3740 — 1994 — Waterproofing of wet areas within residential buildings (new reference)

AS 3786 — 1993 — Smoke alarms (new reference)

AS 4100 — 1990 — Steel structures (as amended)

AS 4072.1 — 1992 — Components for the protection of openings in fire-resistant separating elements — Service penetrations and control joints (new reference)

ANZS 4200.1 — 1994 — Pliable building membranes and underlays — Materials (new reference)

ANZS 4200.2 — 1994 — Pliable building membranes and underlays — Installation requirements (new reference)

Scientific Services Laboratory — Register of Accredited Products — Fire Protection Equipment

Confederation of Australian Motor Sport — Track Operator's Safety Guide — Edition 2 — June 1993

Code of Practice for Installation of Residential Life Safety Sprinkler Systems in Buildings up to Four Storeys

House Energy Rating — Energy Victoria — User Manual, June 1994

Timber Framing Manual — Timber Promotion Council, February 1994

Residential Care — Design Guidelines — Health Department Victoria, April 1991

Building Control Commission — Practice Note No. 07 — Residential Fire Safety Systems, October 1994

Building Control Commission — Practice Note No. 08 — Emergency Communication Systems, October 1994

Energy and Minerals Department — Report for the year 1993-94

Gas and Fuel Corporation Superannuation Fund — Report for the year 1993-94

Premier and Cabinet Department — Report for the year 1993-94

State Electoral Office — Report for the year 1993-94

Treasury Department — Report for the year 1993-94

Victorian Gaming Commission — Report for the period ended 2 June 1994

Victorian Health Promotion Foundation — Report for the year 1993-94.

SEXUAL DISCRIMINATION

Mr COLE (Melbourne) — I move:

That this house calls on the government to amend the Equal Opportunity Act 1993 to eliminate discrimination against people on the grounds of their sexual preference.

I support the motion I have just moved. It is long overdue that the right of individuals to be protected from discrimination on the ground of sexual orientation be enshrined in legislation.

The fact that the conservative parties have had two years to introduce this legislation and have not because of their own internal difficulties and that my motion has been reached shows yet again that the Labor Party opposition is setting the agenda on social issues in this state.

An honourable member interjected.

Mr COLE — We did, and it was opposed vociferously in 1984 by the National Party. I will come to that later. Stick around and see what goes on!

Honourable members interjecting.

Mr COLE — It does not take them too long to get into it when it the comes to questions of sexual orientation, Mr Speaker! The government has persistently refused to either raise or address these issues. This is the third time that legislation has been introduced in this Parliament by the Labor Party. It was once rejected by the conservatives in this house; it was rejected in the upper house when Labor was in government; and it was again introduced by Labor when in government but proceeded only to the second-reading stage. Finally, the issue is raised in the motion now being debated.

When I first introduced a private member's bill shortly following my re-election in 1992 I did so not only because of my belief in the right of a person not to be discriminated against on the ground of his or her sexual orientation, but also because I gave a personal undertaking, which subsequently became an undertaking on behalf of the opposition and the Labor Party in general, to introduce such a private member's bill, which I did at the first available opportunity.

There is no question of the Labor Party's commitment to the rights of gay men and lesbian women to be free of discrimination in our society. The federal Labor government and the Victorian Labor Party in both government and opposition, have shown enormous support for the gay and lesbian communities.

Recently the federal government introduced legislation to protect Tasmanian homosexuals from the law that says their sexuality is illegal. Unfortunately, as usual, in Tasmania it was a conservative government that opposed the right of men to have sex with men and supported legislation making it a crime. Even the conservatives at the federal level are having enormous difficulties coming to grips with the federal government's legislation. In the end their arguments opposing it are hidden under the cloak of state rights. As usual, when it suits them to do so the conservative parties put state rights ahead of human rights.

One has to wonder what the conservative position would have been if there were, by state legislation, a repeat of the genocide perpetrated on the Tasmanian Aborigines. Would the conservatives then have hidden behind the rights of the states to be supreme? One would hope not.

Our Premier has shown his usual lack of tact and total inability to look at the overriding principles involved by simply opting for the political position of supporting his liberal counterpart in Tasmania on the homosexual legislation rather than supporting the homosexual community here and in Tasmania by vociferously opposing the Tasmanian legislation and supporting the federal legislation. Clearly that is what he should have done.

I do not accept that it is merely an issue of state rights. As we have seen by the actions of this government in not addressing the issues of this motion, homophobia is alive and kicking in the conservative Liberal and National parties — and the Premier is supporting it.

Because this motion was somewhat down the list on the notice paper, I thought I would never have the opportunity to debate it. I am now proud to have that opportunity and to put my views on the matter. When I first introduced my private member's bill, both the Attorney-General and the chairperson of the all-powerful and all-embracing Scrutiny of Acts and Regulations Committee said that it was unnecessary because of the review that was being conducted by that committee into discrimination on the grounds of sexual orientation.

A review had already been completed by the Law Reform Commission before it was abolished by the Attorney-General for purely political and vindictive reasons. That review could quite easily have been enshrined in legislation, because the commission produced a report entitled 'Review of the Equal Opportunity Act'. It should have also formed the basis of the report of the Scrutiny of Acts and Regulations Committee.

Subsequent to the introduction of my private member's bill the Attorney-General pre-empted the review by the Scrutiny of Acts and Regulations Committee by introducing her own bill at the behest of the Premier and the Deputy Premier. The so-called restructure of the Equal Opportunities Commission was the Sack Moira Rayner bill; she was sacked once the bill was proclaimed.

At no stage did the bill contemplate let alone introduce any provisions to protect gay men and lesbians from discrimination. It would seem to me that a much more important priority than quelling the opposition from Moira Rayner would have been to restructure the bill to ensure that people are not discriminated against on the grounds of their sexual orientation.

The final report of the Scrutiny of Acts and Regulations Committee recommended that there be

provisions to protect against discrimination on the grounds of sexual orientation, and I understood it was to be introduced into Parliament this sessional period. We must congratulate that committee for coming to the conclusions it did and for the work it has done. But for the homophobia of many members of the coalition parties, it would have been — and should have been — introduced. However, the bill is now under a cloud and we do not know whether it will be introduced at all.

I am looking forward to some statement from the Attorney-General as to how much longer we will have to wait and when it may become legislation. It is extremely lamentable and totally unacceptable that in 1994 this government can still be dictated to by homophobic rednecks.

I also note that after the contribution of the Attorney-General the honourable member for Doncaster will open the batting for the conservative parties. Although I look forward to the debate, I indicate that it is all too typical that the conservatives will attempt to hide behind one of the few believers in the human rights movement in this country and, indeed, internationally. The fact that it missed Victoria is a cause for enormous regret. In view of the nature and flavour of this government it is neither surprising nor unexpected, more's the pity.

I know the honourable member for Doncaster will do his best in his defence of the indefensible; I hope he does it in the party room and I hope he is successful. I also hope that some of the people from parties who have opposed the matter in the past and who might be opposing this motion today come forward and articulate why they oppose it, rather than simply leaving it up to the Attorney-General and the honourable member for Doncaster. The very least they could do would be to come out and expose themselves to the ridicule and condemnation that so often is the lot of those they seek to oppress.

We say to the gay and lesbian community that with conservative governments in power you will have to struggle every step of the way to achieve the respect to which you are entitled. The opposition hopes it can make amends for the appalling lack of respect and concern of the conservative parties in this state for the members of the gay and lesbian communities.

Unlike the conservative parties, the Labor Party accepts that gay men and lesbians are so by orientation. It is our responsibility to ensure that the community understands, accepts and respects the rights of individuals to have male to male and female to female sex, as it does for female to male sex. The more society understands the nature of sexual orientation, the better off we will all be. Conservative parties have lampooned us for believing in the rights of individuals to engage in male to male sex and female to female sex. It has often been said that those who support the rights of gay men and lesbians are encouraging homosexuality.

Although we would never discourage those who are homosexuals from declaring so and being respected for what they are, we do not accept that it is possible to encourage people to adopt a certain sexual orientation. Our view is — I believe it is well placed — that people are what they are. It is a biological question determined by causes far greater than the Victorian Labor movement, however great that might be. We seek only to ensure that they are afforded the due respect they require and the protection they need — as any other group might need — from oppression and discrimination.

Some of the nonsense that the conservative parties and other people like Bruce Ruxton would have us believe is that we can legislate to stop what is a natural human act, and that moreover we should do no more to protect them. Recently I was shocked when I received a letter from Bruce Ruxton which — apart from the fact that it contained some of the most appalling English I have ever had the misfortune of reading — made me cringe when it referred to values.

An honourable member interjected.

Mr COLE — I am surprised you could even understand it!

An honourable member interjected.

Mr COLE — You come to the crease and get up and say what your view is and why you have not been pushing for it to go through your party room.

I was surprised by the nature of the letter I received from Mr Ruxton and his discussion about values. What Mr Ruxton omits to say is that while the world has changed dramatically in what it now perceives as legitimate, he has not. His reluctance to face the reality of marital breakdown and the concomitant alteration in society, shows that he is firmly ensconced in about 1950.

The attitude to gay men and lesbian women again shows on Mr Ruxton's part a lack of understanding

and acceptance. Most important of all he talks about values and those who made this country what it is today. I was not sure whether he was talking about those who fought in the war or the pioneers of this country, but in either case they were made up of about 10 per cent who were homosexuals.

Even though until recently the defence forces prevented homosexuals from being members of the armed forces, the reality is that when it came to asking people to die on the battle fields for their country, sexuality was not an issue. Moreover, the laws of probability guarantee that some 10 per cent would have been homosexuals, mirroring the rest of society where it was also illegal until recently.

To Mr Ruxton's proposition, and seeming abhorrence of homosexuals, I say let us not forget that some of Australia's war heroes were homosexual. I know one of the most decorated war heroes in Australia who is homosexual. Do we say of him that he is any less heroic because he is gay? The answer is no. If people bothered to find out about the sexuality of many of their heroes, including their military ones, they would be surprised.

Let us also not forget that famous comment of Sir Winston Churchill, who was first Lord of the Admiralty in the First World War — he was not the best one it had, either — when he said of the British navy that it consisted of rum, sodomy and the lash. I am proud to say this stands in marked contrast to the Australian navy which never in its history had rum or the lash!

Mr Baker — It is a bit too subtle for government members, I think!

Mr COLE — They don't want to laugh because it is all too true! Moreover, as a society — —

Mr Baker — Do it slowly, then they might understand!

Mr COLE — It is too much of a concession. Moreover, as a society do we reject the achievements of people like the late Patrick White because of his sexual orientation, or do we accept that he was a great Australian who contributed an enormous amount to world literature? Should we deny him his acclaim, including his Nobel prize for literature because he was gay? The answer is an unequivocal no.

The reluctance of the conservative parties in this state to introduce legislation after numerous reviews indicates that homophobia is influential in the Liberal and National parties today. We have, even today, seen Mr Downer in enormous trouble for his inability to stand up to the rednecks in his own party and in the National Party. When it came to the debate on racial vilification in their own party room, they had four people supporting the legislation to prohibit racial vilification and 22 opposing it! I would hate to be in the party room when they started to debate legislation to override those repugnant laws in Tasmania. It is true to say that the conservative parties in this state are clearly hamstrung as they are federally by their Neanderthal approach to social issues.

The evidence is overwhelming that there is discrimination against people in the workplace and other areas on the grounds of their sexual orientation. If people say there is not, then the very least we can do is expeditiously amend the Equal Opportunity Act to ensure there is no possibility of discrimination, or at least to give people the right to go to the Equal Opportunity Commission if they have been discriminated against.

It will also act as a message to all people that we must accept and respect the rights of gay men and lesbians and that we are providing some form of legislative support for them. The gay men and lesbian group called GLAD has documented more than 100 cases of discrimination on the grounds of sexual orientation — discriminatory acts which, if that happened to a woman, a black person, or a disabled person, would quite rightly give rise to a course of action under the Equal Opportunity Act.

My motion today attempts to address what is a clear discrimination against gay men and lesbians by this conservative government and by previous conservative oppositions. Let me comment on some of the surveys on discrimination conducted by GLAD, that is Gay Men and Lesbians Against Discrimination. Based on the responses of 1002 people to a GLAD survey, some 492 lesbian women and 510 gay men have suffered discrimination. In the area of employment, 45 per cent of lesbians and 45 per cent of gay men reported some form of discrimination or harassment, including loss of jobs because of their sexuality.

In the area of education, 29 per cent of lesbians and 26 per cent of gay men described problems, especially harassment and being given anti-lesbian and anti-gay course materials. In the area of public violence, 70 per cent of lesbians and 69 per cent of gay men reported being verbally abused, threatened

or bashed in a public place. Bashing alone had been experienced by 11 per cent of lesbians and 20 per cent of gay men.

In dealings with the police, 22 per cent of lesbians and 33 per cent of gay men reported problems ranging from inadequate or inappropriate responses to harassment and actual violence. In services, 41 per cent of lesbians and 25 per cent of gay men reported inadequate service or refusal of service on the basis of their sexuality.

I shall quote some of the other findings. Briefly the survey also suggested that lesbians suffer a double burden of discrimination by gender and sexuality; both lesbians and gay men regarded invisibility and self-censorship as pervasive and damaging forms of discrimination; and the more open lesbians and gay men are about their sexuality, the more likely they are to suffer discrimination and violence.

The major recommendations from the survey results were that the Victorian Parliament amend the Equal Opportunity Act to include the ground of sexuality and presumed or imputed sexuality, and that the Victorian and federal governments initiate public inquiries into the nature and extent of public violence and abuse directed against lesbians and gay men in Victoria.

The support that the gay men and lesbian community have received from groups other than the Labor opposition and Labor Party when in government does not stop there. The widespread community support they have, which is pointed out in the gay men and lesbian documentation, includes churches. They quote numerous churches, even the Council of Churches of Tasmania, the union movement, and business support groups, which I should like to comment on especially.

Those businesses are to be commended for what they have done. Businesses that have their own policy of non-discrimination on the basis of sexuality include AMP, Esso Australia, Shell Australia, BHP Ltd, ICI Australia, the Lend Lease Corporation, National Mutual Life Association, Qantas-Australian Airlines, Ampol, Metal Manufactures Ltd, Johnson and Johnson Australia, Amcor, Coca Cola Amatil, and Ansett Airlines.

As you can see from that list alone, Mr Speaker, the support from the business community, a business community that has acted of its own volition, is great. A number of professional associations and prominent individuals have also provided support. I will quote some material that demonstrates that support. The first is the 1993 review of the Equal Opportunity Act 1984 to which I have already referred:

> The committee recommends that the act prohibit discrimination against a person on the grounds of a person's lawful sexual orientation/sexuality.

I think there is some dissension about whether the word 'lawful' is required because there are other ways of excluding unlawful sexual acts, but that is probably a point of contention, and I will be interested to hear the Attorney-General and perhaps the honourable member for Doncaster on that issue.

Other great supporters of this include Victoria's Young Liberal Movement, whose members support not only the rights of gay people but also the right to smoke dope and believe in controlled-use heroin programs — —

Mr Perton — I think they also agree with the right to freedom of speech that your federal government is abrogating at the moment.

Mr COLE — Aren't you supporting racial vilification legislation?

The SPEAKER — Order! The conversation across the house is disorderly.

Mr COLE — I well remember the Premier, when he was the Leader of the Opposition, in the 44th year of the state of Israel saying that his government would give total support to racial vilification legislation. Since then he has actually said that he would support it. Perhaps that was just a convenient thing to say on the night to the Jewish community with no sincerity attached.

Members of Victoria's Young Liberal Movement, rightly or wrongly, for all the best motives or possibly the worst, support preclusion of discrimination on the basis of sexual orientation.

Mr A. F. Plowman — What do you mean by that?

Mr Perton interjected.

The SPEAKER — Order! I will call the honourable member for Doncaster at the appropriate time. In the meantime I ask him to remain silent.

Mr COLE — You know what these Liberals are like. They do tend to do things for opportunist reasons occasionally.

Mr A. F. Plowman — That was a discriminatory statement.

Mr Perton — That was a disgraceful comment.

Mr COLE — It was a political statement. Sir Frank Little, the Roman Catholic Archbishop of Melbourne, said:

> A person should be entitled to protection against adverse treatment on the basis of lawful expression of sexuality or lawful sexual practice.

It is tremendous that Archbishop Little made that comment, not only for the Catholic Church but for the church in general, which is a fairly big step forward in its philosophy on and approach to the rights of gay men and lesbians.

The Victorian Employers Chamber of Commerce and Industry states:

> Employers have no objection to the act prohibiting discrimination on the grounds of sexuality. We accept that a person's sexuality is part of his or her nature, like gender or race, and should be treated in the same way ... The expression of sexuality should be protected because it concerns a person's private life.

Of course I must mention the Department of Health and Community Services Victoria. In its submission to the Scrutiny of Acts and Regulations Committee during the review of the Equal Opportunity Act it said that research shows that the reinforcement of negative messages will increase the likelihood of risk behaviour and subsequent infection with HIV. I will refer to that issue later, but suffice it to say that discrimination and the closet approach to homosexuality is a luxury we can no longer afford.

It has been suggested that we could change the act and give homosexuals access to IVF programs. One of the reasons asserted by the conservatives — again by Mr Ruxton as a leader, and there has been other media coverage — for their being unwilling to support such a measure is the possibility that gay men and lesbians may be eligible for the IVF program. That is again a typical example of conservatives coming out of left field in a pathetic attempt to justify their homophobia or whatever other prejudices they may happen to have at the time.

The rationalisation of positions is something we have heard a lot about from this conservative government in the past. It is something they should have taken heed of when they were at school, that you do not in argument rationalise, yet this conservative government because of its prejudice has frequently had to resort to rationalisation, not only in relation to this matter.

Any alteration to the Equal Opportunity Act consequent to this motion could not possibly apply to the IVF program, no matter whether it concerns gays, the aged or any other group. The simple reason for that is that the Equal Opportunity Act has no application to the IVF program as it currently stands; it has no jurisdiction there. That means a person has no right, standing or capacity even to make an application to the Equal Opportunity Board concerning discrimination by those who manage the IVF program. If people were concerned about that issue they could amend the legislation to allow homosexuals access to IVF. But unless that change were specifically brought in they have no access. It would not matter at all to the IVF program that the Equal Opportunity Act had a provision to say that people cannot be discriminated against on the ground of their sexual preference because other criteria apply to IVF programs.

If people were concerned about IVF programs for gays they would have to worry about amendments to the Equal Opportunity Act. Any present concerns about IVF can relate only to lesbians, for obvious reasons, but there is nothing to preclude lesbians from having children now by having somebody father a child. One assumes the conservatives do not want to legislate against that. If there is concern about IVF it certainly does not come from the gay and lesbian community; they have expressed no concern about that matter whatsoever. It is not, I am informed, an issue for them. The whole issue is a complete nonsense. It is a furphy designed to throw everybody off the track for a time. It is essentially designed so the conservatives can hide behind their homophobia in just the same way as they hide behind state rights.

It is 10 years since the then Attorney-General, John Cain, introduced into Parliament the Equal Opportunity Bill that included provisions preventing discrimination on the ground of sexual orientation. Those provisions were withdrawn from the bill because of the strident opposition of the conservatives, and it appears that not too much has changed in the past 10 years. Some of the comments

made by members of Parliament were, quite frankly, disgusting.

I wish to relate some of those comments to the house, and I hope we have made some progress. Mr Ross-Edwards, the former member for Shepparton, said on 17 August 1983:

> One of the most serious matters is the homosexual problem. Honourable members know that it is virtually impossible for a homosexual to get a job in this country in certain occupations. I quote two occupations: members of the Victoria Police Force and teachers.

He obviously was a bit out of touch with both of those.

> The people who have been choosing recruits for those two organisations in Victoria have been justified in not choosing homosexuals.

You will be pleased to know, Mr Speaker, that the honourable member for Springvale made an interjection at that point, as he has been known to do. He asked why. The response by Mr Ross-Edwards to that question was:

> Parents of a Christian family want their children brought up in the Christian faith, and to them homosexuals are repulsive and their behaviour is contrary to their religious beliefs. It would be an incredible situation if one knew someone to be a practising homosexual and one knowingly chose that person as a teacher. He would have the control of children not only at school but in sport, on camping holidays and as a youth leader, and it is completely unacceptable to the National Party that one cannot discriminate against somebody who lives such an unconventional and unchristian lifestyle.
>
> Imagine the Victoria Police trying to uphold the law of the land if there were known homosexuals amongst its members. It would be a ridiculous state of affairs. I will make one prediction: in immediate years to come, if this bill becomes law in its present form about homosexuals, the Victoria Police Force will continue to adopt the policy it adopts now.
>
> Homosexuals would have no hope of being chosen for the Victoria Police Force in the future if they were known homosexuals, and that would have my complete support.

Mr Ross-Edwards went on to say, as reported at page 401 of *Hansard* of 17 August 1983:

> The point is that a private employer should have the right to choose the staff he or she wants. A private employer should be able to choose someone who fits in with the employer's moral standards. A private employer should have the right to set his or her own standards for those he or she wishes to employ.

That type of comment is what prompts us here today to say that we are extremely concerned that that reactionary, red-necked, ridiculous attitude is still being perpetrated in and around the conservative parties. We cannot but think that when the Premier makes comments in support of the legislation in Tasmania and refuses to support the homosexual community in that state all on the grounds of alleged state rights.

Those comments were made at a certain time and by a person of a certain age. I suppose that in some respects his comments and beliefs can be understood. Unfortunately-those beliefs are wrong, in my view, and it is incumbent on Parliament to ensure that we are not hamstrung by those types of attitudes that are all too common in the community, and certainly in the conservative parties in Australia.

It concerns me that people are still as ignorant of the nature of human sexuality and as hamstrung by their prejudices in 1994 as they were in 1984. It is both depressing and absolutely repulsive to me that we have got to this position. The new enlightenment that our society has by and large acquired over the past 20 years seems to have been lost on the conservatives in Victoria and elsewhere. That enlightenment saw the total freeing up of legislation in relation to homosexual men, one which allows us to accept and respect people for what they are and not for what people believe they should be.

In the 1980s the AIDS crisis struck Australia as it did the rest of the world. The combination of a federal and a Victorian Labor government saw the most enlightened approach to the most difficult and dangerous of illnesses. Victoria's approach to the issue was second to none in Australia and very highly regarded around the world. We believed then as we do now that the AIDS crisis had to be handled in a constructive and sensible fashion, free of the prejudice and discrimination that occurred among some people at the time and that had certainly existed in the past.

The result has been that Australia and Victoria have largely isolated the virus. While it is still a cause for concern and a tragedy of monumental proportions, at least it is not spreading rampantly within our

community or at all. This is unlike the situation in many other countries such as the United States of America and particularly many of the African nations.

In Mr Ruxton's letter to me of 26 October 1994 he said:

> The spectre of AIDS which is destroying hundreds of thousands of human lives is continuing because of the attitude of Australia's 'free thinkers'.

Heaven forbid that in a democracy we should have free thinkers! Most importantly, the so-called spectre of AIDS has not occurred in Australia precisely because of the free thinkers, and I must say it has occurred by and large in a bipartisan fashion.

To reflect on democracy and the fact that we live in one, and to reflect on the some of the illnesses that afflict people today, I believe we cannot afford to have those types of prejudices and policies dominating the social issues that need to be addressed by legislation.

I cannot understand people's prejudice against homosexuals. I never have understood it and I suppose I never will. I say that in the context of a few friends who have passed away due to AIDS and people who have suffered discrimination within the community. It is a discrimination that is unfair and at times almost impossible to counter when people come forward with arguments about their religious beliefs, saying that you have no right to do what you do and you should stop it when the fact of the matter is that they cannot.

I can understand people's prejudices that develop from a very early age. Things are inculcated in people's minds, people quote the Bible and people are told that homosexuals are bad or whatever, and I may be able to understand the cultural factors that cause it. In 1994, however, under no circumstances can we accept them. We have to oppose the view that discrimination is okay or that we are not prepared to acknowledge the right of people to practise as homosexuals. If the conservative parties refuse to act to outlaw discrimination against gay men and lesbian women, they are saying that they support discrimination.

We live in a democracy, however limited that might be. In the Second World War we fought against fascism, as Mr Ruxton and other people so often tell us, which in the case of fascists in Nazi Germany included putting homosexuals into concentration camps where the majority of them died. We could not possibly support that type of discrimination. How can a state like Victoria endorse at least not attempting to prohibit discrimination against homosexuals and lesbians? The answer is that it cannot. It is time to act and say that discrimination against homosexuals is unacceptable, and we must stop offering excuses for homophobia. We must also remember that the many issues that we need and seek to address with respect to discrimination may require appropriate drafting of legislation to ensure that there is no doubt as to what we are seeking to ensure is not discriminated against.

Personally, I cannot believe the Attorney-General would not want to introduce this type of legislation and support the Scrutiny of Acts and Regulations Committee. I am sure that we can achieve this legislation in the not-too-distant future. I say that because, while I have said that there has been reluctance to address the issue and while I believe the Premier was completely out of order even in commenting on the Tasmanian legislation and supporting Premier Groom and that some reactionary forces have been making unbelievable comments all around this country and this state, today they are very much a minority group. What is dangerous, though, as we know all too well, more's the pity, is that at times a vocal minority group, certainly within political parties, can dominate the agenda. I hope that is not the case. I hope that legislation can be introduced in less than the next two years — before the next session — and that we can give a signal to those members of the community who are discriminated against at the present time. Most important of all, we cannot let these issues hang around in perpetuity because we cannot get the legislation right.

At some stage we have to take a step in the right direction. I also point out that other issues need to be addressed. However, it does not take a great deal in legislative terms to alter, change and adapt what we currently have to reflect a more appropriate position on human rights issues. We need to address this matter immediately and then get on with some of the other issues of government.

During this conservative government's past two years in power social issues, social policy and social problems have changed dramatically, unfortunately for the worse. The government has been reluctant to accept what the experts in the field are saying. I shall refer to only one instance of what I perceived at the time to be bad legislation; it was unnecessary and homophobic and dealt with people using syringes

and, more specifically, deliberately infecting somebody with the AIDS virus. We knew then, as we know now, that such situations were adequately covered by existing legislation. It was a nonsense, because the increase in the maximum penalty would exceed the life expectancy of the person who had the virus, so it did not even warrant imposing that penalty.

More to the point, since that legislation was passed, no cases of misuse of syringes carrying the virus have been reported. Since that time there has been a remarkable increase in the number of people using syringes without blood or the virus in them. At that time, the government introduced a piece of legislation that discriminated against people with the virus. The problem should have been dealt with by more general legislation. In any event, existing legislation adequately covered the situation — it was called attempted murder or murder if the victim died. That would have been the way to approach the situation, not by introducing specific legislation and singling out a particular group in the community that is afflicted with the illness. I suppose that is the danger of social policy.

We have also seen the government's inability — the matter will be addressed later today so I will not go into it in depth now — to come to grips with the major social issue of prostitution, and even sexual behaviour. The government finds it impossible to come to grips with the major social issue of homelessness and other issues affecting homosexual youth. That is another cause of concern which we in the community have to address in the near future.

I hope I have made our position very clear. The Labor Party in this state is very committed — in fact, totally committed — to the members of the gay and lesbian community to ensure that their rights are protected from outside forces that might prevent them carrying on what is the result of their sexual orientation. We want to enshrine in our community, as we do with religious beliefs, the need to respect other people's rights. In this case we are talking about respect for people whose sexual orientation is to have male-to-male or female-to-female sex.

However much people may not like or accept that, the fact is that that is the way they are. The opposition believes that is the way people are and no amount of legislation can change it. Of course, we would always put a rider on that and say, as in the case of heterosexuals, that does not apply to non-consenting participants. Also it does not apply to paedophiles — homosexuals seem to be singled out in this respect far more than heterosexuals. Paedophilia is not confined to the homosexual community. In fact, it is as much, if not more — I think it is significantly more — of a problem in the heterosexual community, but the difficulty is that it is not uncovered as early.

The fact that in his speech Mr Ross-Edwards talked about teachers and police who are gay not being employed was of concern. If he wanted to believe that, he was welcome to do so. But of course it was certainly not true and it is still not true today — thank God for that!

Mr Perton — He was a product of his time.

Mr COLE — I mentioned that earlier, but it does not make what he said right, and it does not make right what the conservatives did in 1984. The crisis really hit in the early 1980s and it was beyond the pale that we could accept those views.

Mr Perton interjected.

Mr COLE — As the honourable member for Doncaster points out, they were the views of his time. I think I went to great pains to point that out, but obviously the honourable member did not hear it. We can still accept that those things happened because of the way people were brought up. It is a luxury we cannot afford these days because of the AIDS situation. We should be more enlightened than that.

I hope the conservative parties — even if it applies to a minority of members — will not prohibit the legislation from going through. That is my concern. I can accept that certain people were brought up with certain prejudices. I must confess that I was, too. We were all brought up in a certain way, but that does not justify having discriminatory legislation. We certainly cannot accept it in 1994, and I hope we will not accept it in 1995.

I conclude by acknowledging the work of the honourable member for Albert Park on behalf of gay and lesbian people. The St Kilda area has the highest percentage of gay men and lesbians and the work of the honourable member for Albert Park with them on myriad issues has been fantastic. The Peter Knight Centre, the gay men's health centre, has also been at the forefront in trying to remove discrimination against homosexuals in the workplace and in other areas. It maintains that these days we cannot afford to have discrimination

against gays because of the problem with the AIDS virus.

I hope the Attorney-General can resolve any problems in her party room. With legislative drafting I hope she adopts the report of the committee chaired by the honourable member for Doncaster. I am sure the Attorney-General believes, as I do, that we must get rid of this type of discrimination and we must do it very quickly.

Mrs WADE (Attorney-General) — It has been quite clear to all honourable members present this morning that the motion moved by the honourable member for Melbourne is about political point scoring. Clearly the honourable member has been engaging in a political exercise rather than actually trying to achieve anything for people who may be discriminated against.

Yesterday the honourable member for Melbourne asked me whether the government would go ahead with equal opportunity legislation. I advised him that the only reason we had not introduced legislation this session was that the proposed legislation, which is quite extensive, involves drafting difficulties and complexities of a high order. I shall return to that and explain the position later.

I advised the honourable member yesterday that legislation substantially amending the Equal Opportunity Act is still being prepared. It will go through the normal consultative and decision-making processes. Anyone interested in equal opportunity issues will appreciate that the motion moved by the honourable member for Melbourne this morning has been moved not to assist anyone but rather to make mischief. It will not do so, but that is clearly the honourable member's intention. I must say that in its early years — from 1982 to 1984 — the former Labor government considered equal opportunity legislation. It can be commended for the work that was done leading up to the 1984 Equal Opportunity Act.

As I am sure you would be aware, Mr Acting Speaker, the act picked up groundbreaking legislation that was introduced by a Liberal government in 1977. The then Liberal government introduced Australia's first sex discrimination legislation.

Mr Perton — It was introduced by the Premier himself!

Mrs WADE — As the honourable member for Doncaster points out, the legislation was introduced by the then Premier. Between 1982 and 1984 the Labor government revised the legislation and re-enacted it in substantially the same form but with additional grounds. The Labor government is to be commended for that, but that was the extent of its action on equal opportunity.

After 1984 other states throughout Australia regularly released equal opportunity anti-discrimination legislation and added new grounds. Victoria had nothing but rhetoric.

Mr Cole — We couldn't get it through the upper house!

Mrs WADE — The honourable member for Melbourne is referring to supposed difficulties in the upper house. I will come back to that. The upper house invited the previous government to make amendments to the Equal Opportunity Act but it did not make them. When we came to government the act had significant deficiencies in respect of existing grounds. There are loopholes in the act; the sections do not properly match up; some areas that should be covered are not covered; and grounds that should be included are not included.

In restricting today's debate to the issue of sexual preference the honourable member for Melbourne has failed to recognise that a number of other grounds that have been recommended for inclusion in the Equal Opportunity Act are included in equal opportunity anti-discrimination legislation in other states. Those matters need consideration.

In 1990 the former Victorian Law Reform Commission prepared a report on the Equal Opportunity Act. The honourable member for Melbourne referred to that report during his contribution. The commission made 188 recommendations for change, which clearly indicates the number of deficiencies in the act, and they are certainly not restricted to the issue of sexual preference. Having read the report at the time I felt that despite the 188 recommendations some issues were overlooked by the commission. However, as the honourable member for Melbourne has said, the commission recommended that sexual preference be added as a new ground and suggested that pregnancy, which was not properly covered under the existing legislation, should have been added as a new ground. I would have been better pleased this morning if the honourable member for Melbourne

had included that ground as part of his concern about discrimination.

Another recommendation in the report was that the act should include provisions to prohibit compulsory retirement. Those recommendations did not have the support of the Trades Hall Council. There is no point in having an act which does not work or which does not provide remedies for individuals who can be shown to suffer discrimination. We would all agree on that. The commission made it clear that the act is inadequate in 188 different ways and its report of October 1990 contained a draft bill for consideration by the then government. Although it had those recommendations the Labor government did nothing.

The honourable member for Melbourne has berated the coalition government for not implementing the report of the former Victorian Law Reform Commission. I point out that although we have had two years and are working on it, the ALP had two years and did absolutely nothing. From October 1990 to the end of 1992 the recommendations of the commission were ignored by the Labor Party.

Honourable members interjecting.

Mrs WADE — By interjection the honourable members for Melbourne and Albert Park suggest that the ALP did nothing only because it would not have got the legislation through the upper house. I suggest that it would have got some parts of the legislation through the upper house.

In May 1990 the coalition parties in the upper house passed a motion calling on the former government to include age as a ground for discrimination under the act. They indicated that if the government went ahead with discrimination legislation that included age as a ground it would have the support of the coalition parties.

Mr Cole interjected.

The ACTING SPEAKER (Mr Richardson) — Order! We will not have conversations across the table.

Mrs WADE — The motion moved by the Honourable Haddon Storey in the other place at that time states:

> That this house supports the principle of legislation outlawing discrimination on the ground of age and abolishing compulsory retirement on the ground of age.

During the course of the debate the Honourable Haddon Storey is quoted as saying:

> I believe the minister should be setting a lead and saying that the government will take action on this matter. While it may be desirable to consult on the details of the matters I have talked about, the fact is that the Law Reform Commission has already produced a draft bill which would give effect to this change — amongst others — to the Equal Opportunity Act — —

Honourable members interjecting.

The ACTING SPEAKER — Order! The honourable members for Doncaster and Albert Park should have their conversation outside.

Mrs WADE — I will repeat that:

> ... the Law Reform Commission has already produced a draft bill which would give effect to this change — amongst others — to the Equal Opportunity Act, and the community is waiting for action to be taken.

The invitation was there for the Labor government to take action by adding at least age to the grounds and to consider the other recommendations made by the commission.

Honourable members interjecting.

Mrs WADE — I am coming to that. Just relax, guys!

The ACTING SPEAKER — Order! I have been tolerant with the honourable members for Melbourne and Albert Park. The honourable member for Melbourne was heard in silence. I am finding the interjections very irritating and I ask the honourable members to remain silent.

Mrs WADE — As I was saying, the coalition parties called on the then government to include age as a ground and to consider the other recommendations of the commission. Nothing was done from May 1990 to October 1992. Those recommendations and that motion were ignored by the former Labor government, notwithstanding the fact that legislation to prohibit either age discrimination or compulsory retirement was in force in all states except Victoria and Tasmania. Such legislation had been introduced in the United States

of America in the federal sphere in 1967, and New Zealand also had abolished compulsory retirement. It is clear that the Cain and Kirner governments had no real commitment to equal opportunity after 1984. They were not concerned about adding any new grounds, whether they be age, sexual preference or any other, to the act after 1984.

Honourable members interjecting.

Mrs WADE — No consideration was given to other people who may be affected by discrimination. The honourable members for Melbourne and Albert Park are asking why it has taken us two years to look at these issues. The answer has to be that those issues were neglected from 1984 to 1992. There are a number of issues that now have to be considered, such as the grounds that have been added in other states.

As the honourable member for Melbourne will know, when I revise legislation I like to revise it overall. I do not want to have to come back to it session after session; I like to get it absolutely right. I am looking at all the grounds that have been added by the other states, and I will be putting all those issues to the members of the coalition parties.

I am concerned that pregnancy is not adequately addressed in the legislation. One issue which I have raised but which was not raised either in the Law Reform Commission report or in the Scrutiny of Acts and Regulations Committee report is discrimination on the ground of physical appearance. Both of those reports overlooked that issue. I do not think any legislation in any other state covers discrimination on the ground of physical appearance or physical attributes.

Mr Cole interjected.

Mrs WADE — The sort of thing I am talking about is not, as the honourable member for Melbourne suggests, wearing a tie. I do not feel there is any problem in people being required to wear ties! However, there are some physical attributes that result in people being discriminated against. A person who is considerably overweight can be discriminated against, and it appears that men who are short are also discriminated against. I was particularly interested to read the results of a study conducted by two British professors who reported on 12 536 people who are now aged 36. They discovered that overweight girls and short boys had incomes significantly below average. They found that 16-year-old girls who were in the most overweight 10 per cent of their age group earned less than their peers who were not obese, and that boys who were shorter than average at 16 were still earning less than others in their age group when they were 23. I am sure honourable members will be interested to hear that the professors found that each 10-centimetre increase in height resulted in earnings rising by an average of 2 per cent. That is obviously a matter of concern!

One of the things I found particularly interesting about the study, which indicates there is no connection between performance and either height or weight, is that the height of teenage girls does not affect their incomes and the weight of teenage boys does not affect their incomes. That shows that weight and height are not really relevant to performance but that the perception that they may can lead to discrimination in employment.

Another issue that should be considered in any total revision of the Equal Opportunity Act is the position of people who care for elderly and sick family members. As honourable members will be aware, at the moment our act provides a remedy for people who are discriminated against because of their parental responsibilities, but it does not provide a remedy for people who are discriminated against because they have responsibilities to other family members. Again, that is an issue that needs serious consideration.

The motion moved by the honourable member for Melbourne makes it plain that the opposition has not given any real consideration to these issues. As I said earlier, the motion has been moved for reasons of political point scoring. If the honourable member for Melbourne had been really concerned about equal opportunity in its best sense, he would have moved a motion that at least attempted to deal with some of these other issues.

I return to the question of sexual preference. The opposition's motion reminds me of the situation in 1992 immediately before the last election. As you will recall, Mr Acting Speaker, at that time the Labor Party was trying to dredge up every last vote. The homosexual and lesbian lobby groups seized the opportunity to ask Labor to give a commitment to include sexual preference provisions in the act. The then Attorney-General, the Honourable Jim Kennan, apparently responded to the homosexual and lesbian groups who were asking him to give such a commitment by saying he would not introduce a bill to extend the Equal Opportunity Act to cover sexual preference unless it was agreed to in advance by the

coalition parties, and by me in particular. The people who had been talking to the Honourable Jim Kennan came to see me and explained his problem to me. They said he really wanted to introduce amending legislation but would be unable to do so unless he had my permission.

I have a letter stating that Mr Kennan said he would be prepared to put up a bill if I were prepared to recommend to the coalition parties that they approve its passage or that they allow it to go to a free vote. I was asked whether I would be able to respond affirmatively to the request, and I was told they would be grateful if I could respond by ringing Mr Kennan's office rather than contacting them directly.

I explained to those people that Mr Kennan had never had a problem such as that with any other bill and that he had never previously asked my permission to introduce legislation. I advised them that I believed Mr Kennan should go ahead and introduce the bill he wished to introduce, if indeed he wished to introduce it, and that the coalition would consider its position once it saw the bill, just as it did with any other piece of legislation.

I also assured the groups who saw me about the issue that a coalition government would revise the Equal Opportunity Act after the election and that revision would include all the issues that had been put to the coalition at that time, including a consideration of whether sexuality should be included as a ground. Indeed, we are giving that matter our consideration.

Nothing really happened after that exchange of letters and comments in August 1992. One group that was somewhat disappointed by Mr Kennan's failure to take any action was Brother Sister Enterprises, which summed up its feelings very neatly in the following terms:

> The ALP claims to be the social justice party, but for gay people there has been little evidence of this. Quite frankly we are sick of waiting for justice and will send a strong message at the state election.

Finally, on the last day on which a Labor government sat in the house, the last day on which we sat on the other side, the Honourable Jim Kennan gave notice of a bill to limit discrimination on the grounds of sexual orientation. I think we all agree that that was merely a token gesture.

I wrote down some words used by the honourable member for Melbourne earlier this morning. He said, 'How can a state government endorse not acting against discrimination against homosexuals?' I ask: how could the government of which he was a member endorse failing to take action in that regard?

Mr Cole interjected.

Mrs WADE — You could have introduced a bill.

Mr Cole — We did, and you knocked it off.

Mrs WADE — Not while I was in Parliament. On this subject the Labor Party has a poor record. Its promises were never fulfilled under the former Attorney-General, the Honourable Jim Kennan, and it is clear the honourable member for Melbourne, in putting forward this motion, is now unable to implement the proposal.

By contrast, I examine the coalition's actions. In 1977 the Liberal government introduced the first sex discrimination act in Australia. In 1984 the coalition largely supported the amendments put forward by the then Labor government. In 1990, as I said earlier, the coalition did its best to encourage the Labor government to include a new ground of age discrimination in legislation. During the 1992 election the coalition reiterated its promise to include age discrimination as a ground, and since then we have embarked on a full review of the act to ensure that once the legislation is drafted we will have the most up-to-date and effective legislation in Australia.

In order to achieve this, shortly after coming to government, the coalition government gave the Scrutiny of Acts and Regulations Committee a reference to report to the Parliament on the Equal Opportunity Act. The reference was in the widest possible terms and enabled the committee to look at all previous work being done, to review the recommendations made by the former Victorian Law Reform Commission, to look at the legislation in other states and to hear submissions.

The committee came up with 60 recommendations. Some of those were contained in an interim report produced by the committee in October 1993 and those recommendations were implemented in a bill put forward by the government and introduced in that same month.

That bill dealt with some matters that the government considered to be most urgent at that

time. It created the new Equal Opportunity Commission, which has resulted in a much more efficient and accountable equal opportunity office. I make it quite clear that when I use the word 'accountable' I am not talking about accountable to government. I am talking about a commission accountable to its clients. The difference between the former Office of the Commissioner of Equal Opportunity and the Equal Opportunity Commission is that the commission has some part-time members who are able to oversight the work of the office and ensure that if there are complaints from clients their files can be investigated totally away from government so that any action that needs to be taken can be taken.

The honourable member for Melbourne referred, as did many other members, to the previous Commissioner for Equal Opportunity, Moira Rayner, being sacked. That is not entirely correct. The legislation that provided for an Equal Opportunity Commission provided for a position equivalent to the former commissioner's position only its name was chief conciliator. It also provided for part-time members. The legislation was exactly the same as much of the legislation passed during the Labor years reconstituting statutory authorities. The question of Moira Rayner taking that position as chief conciliator had not been considered at the stage immediately after the legislation was introduced when she indicated she would not be interested in the job and that if the legislation passed she would leave. So it is not correct to say that she was sacked.

Honourable members interjecting.

Mrs WADE — Amending equal opportunity legislation will, I am sure, be introduced into this Parliament. There is no way Victoria wants to be in the position where its legislation is not equal to or better than legislation in other states. When the legislation is passed the Equal Opportunity Commission will be in a much better position to deal with complaints made under new and old grounds than was the case with the former Commissioner for Equal Opportunity. I felt it was most important for the 1993 legislation to pass because it enabled Parliament to have a revised act and a new commission that would operate well, as indeed it is already, and be able to cope with the new legislation.

Just on that issue, I point out that in 1993-94 the Equal Opportunity Commission dealt with 15 605 inquiries, more than 2000 inquiries above the previous year, and an increase of 17 per cent. It also dealt with 1616 complaints — an increase of 43 per cent. It had to deal with a large number of complaints mainly because of the enormous backlog left behind by the former commissioner. The new commission performed more than adequately in handling the large number of complaints following the changes to the Equal Opportunity Act.

One of the important reforms was the separation of the investigation of complaints functions from the conciliation of complaints. That was an extremely important change because many people who had complaints made against them felt that when a person carried out an investigation and decided the complaint was appropriate to go to conciliation, he or she may have been biased in carrying out the conciliation. The separation of the conciliation and investigation functions has proved very successful in providing greater confidence in those people involved in conciliation.

The Equal Opportunity Commission has also had to adopt a strategy to eliminate a backlog of complaints found after the establishment of the commission. On 1 March this year, after looking back through all the files in the office, it was found that there was a backlog of 555 complaints not dealt with at all. Procedures were put in place to ensure that backlog was handled expeditiously and the commission has advised me that by the end of this month that backlog, left behind by the previous Commissioner for Equal Opportunity, will have been dealt with in the investigations carried out and complaints either declined, conciliated or referred to conciliation. The commission finalised 167 more complaints in 1993-94 than in 1992-93.

It is quite clear that everything is going well and I am pleased to report that the commonwealth government is equally impressed by the commission's performance. We are continuing to deal with complaints under the commonwealth legislation as well as under state legislation. I have had nothing but cooperation from the commonwealth government following changes to the Equal Opportunity Act.

Mr THWAITES (Albert Park) — On a point of order, Mr Acting Speaker, the Attorney-General is now straying far from the motion which is a motion calling on the government to amend the Equal Opportunity Act to eliminate discrimination against people on the grounds of their sexual preference. The Attorney-General is not referring to sexual preference and has not indicated whether her government will support the motion.

Through you, Mr Acting Speaker, I call on the Attorney-General to come to the point and to say clearly whether her government supports the motion.

The ACTING SPEAKER (Mr Richardson) — Order! There is no point of order.

Mrs WADE (Attorney-General) — The Equal Opportunity Commission is now functioning so well that the government is considering a large number of amendments to the Equal Opportunity Act. The amendments will be based on both the Scrutiny of Acts and Regulations Committee report and other issues that have come to the government's attention. I remind the honourable member for Melbourne that the Scrutiny of Acts and Regulations Committee report includes the ground he has raised this morning, so that matter is under consideration. As I have said, the legislation is being drafted. The government will ensure that its legislation is at least as good if not better than the legislation in other states.

I have been endeavouring to point out to the honourable members for Melbourne and Albert Park that due to the total lack of action from 1984 to 1992 as well as the breadth of the proposals under consideration, the drafting of amending legislation has been more difficult than anticipated. Given the way the honourable members have been behaving and interjecting, it is important that I explain the difficulties in some detail. That is particularly important because of the opposition's claims that the only reason amending legislation has not been introduced is homophobia among coalition members.

The honourable member for Melbourne accused coalition members of homophobia. I make it clear that there is no question of any homophobia. The legislation has not been introduced simply because it is still being drafted, and the government has not gone through the consultative and decision-making processes.

The honourable member for Melbourne also referred to the coalition's attitude to the commonwealth legislation regarding Tasmania, the reactions to which he claimed were evidence of homophobia. Our concerns about that legislation were based on our desire to ensure the states continued to play a role in criminal law and discrimination legislation. In many cases Victoria has been far ahead of the commonwealth in both those areas.

Our reform of the criminal law — for example, the Theft Act, which was introduced in the 1970s by a Liberal government — is only now being picked up by the commonwealth. Our reforms are perhaps 20 years ahead of anything the commonwealth has done. We want to be able to continue to act quickly in areas of law reform, particularly in criminal law.

I am also concerned that the commonwealth legislation covers a wider field than the Tasmanian legislation and that it covers all states. For instance, it could have an effect on legislation on prostitution or pornography. I do not believe the commonwealth has properly considered the measure. Over the next few years we may see High Court decisions relating to the commonwealth legislation that will not be acceptable to either side of the house. Our comments were not in any way related to homophobia; they related entirely to the issues I have just mentioned.

In addition to explaining to the honourable members for Melbourne and Albert Park about the drafting problems, it is important that I ensure that the people who are waiting for the legislation also understand some of the drafting difficulties so they can assess the remarks of the honourable member for Melbourne in a proper context.

Many people, including a large number who have corresponded with me, have been waiting for the legislation — and in particular, for the inclusion of the ground of age discrimination. I would have preferred to tackle that more quickly, but it has not been possible. A large number of complexities are involved in drafting this legislation.

Age discrimination involves questions such as those relating to youth and training wages and the legal capacity to drink alcohol, buy cigarettes and enter into contracts. Questions also arise about charities that provide assistance to particular age groups, as do questions about insurance, the availability of concession cards and entry to various clubs and associations. All those must be sorted out before a government legislates against age discrimination. The task is harder than I anticipated when I embarked on the exercise.

As to sexual preference or unlawful sexual activity, we have to ask ourselves whether we want to follow the New South Wales legislation, which provides remedies for homosexuals and lesbians but not for heterosexuals. What about exemptions? New South Wales has exemptions for employment in private households, in small businesses with fewer than five employees and by private educational authorities.

The Queensland Labor government has a wide range of exemptions dealing with lawful sexual activity, as it is termed in Queensland, including those applying to work involving the care or instruction of minors. I would be interested to know whether the opposition would like that exemption to be included in our legislation. Another Queensland exemption concerns employment in domestic service. An exemption applies to anyone employed as a child-care worker in a person's home or in a health-related institution for religious purposes. An exemption also applies to employment by a non-state school authority, to shared accommodation in a person's home, and to the ordination of priests, ministers of religion or members of a religious order. I would be interested to hear the comments of the opposition on the Queensland Labor government's exemptions.

Mr Thwaites — That is the government in Queensland.

Mrs WADE — Is the Victorian Labor Party on the same wavelength as the Labor government in Queensland?

Other states have exemptions, all of which require careful consideration. I refer again to the question of sexual preference. The Department of Business and Employment was consulted, as were other departments. It was concerned about the unfair dismissal of homosexuals as it may apply under the small business exemption. That issue must be examined. The government may want to change the small business exemption so that a complete exemption applies to people offered employment in small businesses — that is, businesses with three or fewer employees.

Mr Thwaites — We have had this for 10 years.

Mrs WADE — The honourable member for Albert Park recognises that there are considerable difficulties. Although there should be an exemption for small business, there could be an exemption for the actual employment of a person in small business. Once a person is employed in a small business, maybe the protection of the act should apply to any other subsequent actions.

Mr Thwaites interjected.

Mrs WADE — There appears to be a problem. Apparently the honourable member for Melbourne is not aware of the small business exemption that was introduced by the Labor government in 1984. As I understand it, he is suggesting that there should be such an exemption, which there is in legislation in most other states.

I am of the view that the exemption introduced by the Labor government in 1984 is somewhat broader than it should be. That is a matter under consideration in relation to the particular ground I was talking about as well as other grounds. I am looking at the question of physical attributes, such as fatness, height and birth marks. I make it clear that the government is not talking about lack of cleanliness or inappropriate dress. Neither is the government planning to protect inappropriate behaviour.

In conclusion, there has been a lot of misinformation about the proposed measure. As the honourable member for Melbourne said, misinformation has been given to some members of the public. I am not sure who has been responsible for that, but it has been suggested that the proposed legislation could affect IVF and adoptions. As the honourable member for Melbourne made clear, that would not be the case, but I understand a number of people have expressed concern, no doubt to all members of Parliament, on this issue.

The *Herald Sun* of 20 October published an article that was incorrect in a number of respects. It reported the IVF and adoption story, which was incorrect, and it reported that there had been several heated meetings of members of Parliament in relation to the measure. To the best of my knowledge there is no truth in that statement. I certainly did not attend any meetings heated or otherwise in relation to the measure prior to 20 October; nor have I attended any heated meetings since that date.

The ALP had the opportunity from 1984 to 1992 to improve the equal opportunity legislation. It failed to do so. It ill becomes the honourable member for Melbourne, and I anticipate the honourable member for Albert Park, to bluster around trying to cause trouble with this motion in those circumstances.

Mr THWAITES (Albert Park) — I hope that by her last comment the Attorney-General was not anticipating debate. This government prides itself on being a can-do government, but when it comes to the human rights of gays and lesbians it is clear the government is a do-nothing government. It has been in office for more than two years and has done nothing to protect the rights of gays and lesbians. It has been in government for 12 months since a

bipartisan parliamentary committee recommended amending the Equal Opportunity Act to prohibit discrimination against gays and lesbians, but has done nothing. Indeed, the way the government has conducted the debate today reflects its do-nothing approach.

The Attorney-General has not had the courage to say whether she supports or opposes the motion. She has tiptoed and prevaricated, but what she has not done is give an indication of whether the government supports these amendments to the Equal Opportunity Act.

We are told the opposition is guilty of political point scoring and that this debate is an exercise in political point scoring that shows we had nothing else to do. I was a member of the Scrutiny of Acts and Regulations Committee that inquired into the Equal Opportunity Act, and spent many hours listening with great interest to numerous submissions put by members of the community on this issue. I then participated in a bipartisan fashion in the report that was given to the Attorney-General a year ago, yet nothing has happened. It hardly seems fair for the government to criticise the opposition for political point scoring when one year later we ask, 'How about doing something about protecting gays and lesbians?' The opposition has done everything it can to introduce this type of legislation to protect gays and lesbians in a bipartisan and non-political fashion.

For the past 12 months we have sat back and waited for the government to introduce legislation based on the recommendations of the committee, but nothing has happened. Indeed, in her response to the committee's report the Attorney-General said that a bill would be introduced this sessional period. Where is the bill? Will it be introduced or has the Attorney-General again misled the house about the proposed legislation? She said that a bill would be introduced in the spring sessional period. Where is it? It is not here, yet the opposition is accused of political point scoring.

All the opposition has done is to bring forward the measure the Attorney-General said would be introduced by the government. She said it was not necessary to move this motion because the bill would be introduced. It has not been introduced because the redneck backbenchers are not letting it through.

Mr Perton interjected.

Mr THWAITES — I understand that in your party in this state you have rednecks who do not understand the present act and do not understand that gays and lesbians in the community ought to have rights equal to the rights the rest of us have, just like the coalition rednecks in the federal Parliament.

Mr Perton — And in the Labor Party, as well.

Mr THWAITES — There may well be rednecks in the Labor Party, but the fact is that the opposition is prepared today to support such legislation while the government is not.

Honourable members interjecting.

Mr THWAITES — Let us have a vote.

The DEPUTY SPEAKER — Order! We are whipping ourselves into quite a frenzy. A little earlier I listened to the Acting Speaker who said people were getting excited. It is good to have animated debate, but there should be some control at the same time.

Mr THWAITES — Point 1: our side of the Parliament has twice introduced legislation which has not been passed because of the rednecks on the other side. Point 2: the motion is being moved by the opposition. If the government parties want to vote on it, let us vote on it today. We are prepared to vote on it. Let us see where people stand. When I conclude my contribution to the debate, let us call a vote and see whether you are fair dinkum.

Mr Perton interjected.

Mr THWAITES — When you sit down after you have made your contribution to the debate we can vote on it. If you do not, we will know that government members talk out the sides of their mouths. They go to the gay and lesbian groups and say, 'Yes, we are considering it'. As the honourable member for Tullamarine said, he is uninterested. He is probably from the redneck faction and claims to be against freeway tolls. It is unclear because his position changes daily. In fact, the honourable member for Tullamarine shows the same courage of his convictions as the Attorney-General shows; they are not prepared to stand up for what they believe.

I know the minister supports the legislation. She, like the honourable member for Doncaster, understands equal opportunity. Such members are not the problem — and, no doubt, neither is the

honourable member for Mooroolbark — but it is some of the others like the honourable member for Tullamarine, who yesterday decided to withdraw his tollway motion because he could not get it through, who do not have the courage of their convictions.

The Attorney-General said the legislation is difficult and its drafting has caused the delay, a delay of more than 12 months now. I saw the minister in opposition. I heard how she would criticise departments for any delay. I should have thought a 12-month delay was vastly excessive.

To make this amendment is not difficult; I could help the minister if that would be of any assistance. All that is needed is for the definition of status to be amended to include sexuality or sexual preference. That could be inserted in section 4 of the act after the definition of services. In the definition of status a new paragraph concerning sexuality could be inserted after that dealing with race. That would achieve the necessary change. Two other minor amendments to sections 21 and 28 would ensure that appropriate exemptions apply as well. It is quite simple.

It is no excuse to say that the legislation is difficult. That is not the real problem. We know legislation can be drafted quickly when required, just as it was last year when the minister made the amendments to the Equal Opportunity Act that she wanted. When it comes to sacking the former equal opportunity commissioner and charging people who want some recourse to equal opportunity rights, the government rams legislation through in record time. The government can get through legislation imposing costs and undermining the equal opportunity system. When it wants to get stuck into workers' rights it can put legislation through in the middle of the night and get that over and done with in a few days. But when it comes to giving human beings human rights, that takes over a year.

Mrs Wade interjected.

Mr THWAITES — The minister keeps parroting, 'You took two years' — maybe it was not done properly, but she is the minister now, not the shadow minister. She should look after her own problems and forget about that. She should fix the problems she has now.

The changes to outlaw discrimination on the grounds of sexuality are easy, but we know why it cannot be done. We read about it in the *Herald Sun*. Matthew Pinkney, who is not known as someone particularly antagonistic towards government parties — he is necessarily unbiased; he is a reputable journalist who will report the facts — reports on 20 October that backbenchers contacted the *Herald Sun* yesterday and were alarmed that the legislation could have unintended consequences. He reported that the new antidiscrimination laws have been stalled by a fierce campaign by state government MPs who say that homosexuals could win access to IVF technology and adoption. Either Matthew Pinkney is lying or it is a fact that those backbenchers are stalling the legislation.

Mr Perton interjected.

Mr THWAITES — He reports that backbenchers were alarmed the legislation could have unintended consequences. Did they say that to him? Are backbenchers saying to Mr Pinkney that they are alarmed about the legislation? If that is not true, if they are not saying that, clearly government members believe Mr Pinkney is a liar. I certainly do not believe that. The minister talks about age, pregnancy and personal appearance, but all of those — —

Mr Perton — Are they important?

Mr THWAITES — They are all of the utmost importance, but so is sexual preference. That is what the debate is about. Government members should not spend their time tiptoeing about the issue of sexual preference; they should talk about it. They should come out and state their view. I am prepared to say that I support the prohibition of discrimination on the grounds of age and pregnancy and I am also prepared to say I support it on the grounds of sexuality, but this government is not prepared to stand up and say that because it fears the political consequences. It does not have the courage of its convictions, just as the honourable member for Tullamarine does not have the courage of his convictions.

We need legislation to prohibit discrimination on the grounds of sexuality, and we need it now. Why do we need it? I believe the Scrutiny of Acts and Regulations Committee summed that up in the opening paragraph of its report on this issue:

> More and more jurisdictions are recognising that homosexual individuals are precluded from enjoying many of the rights and freedoms people normally expect to enjoy in a democratic state, and that legislation should attempt to rectify that denial of rights.

That is as well as it can be put; it is about a denial of the rights that we all expect to have in our society. Gays and lesbians suffer a denial of rights and are subject to discrimination in a range of areas, including employment, education and delivery of services, particularly medical services.

The climate that has been created of discrimination against gays and lesbians leads to violence. Some frightening and appalling cases of violence against gays and lesbians have been seen. That is one of the reasons why sexuality should be a prohibited ground of discrimination in Victoria's Equal Opportunity Act. Lesbians and gays suffer violence, discrimination and harassment. The fact that discrimination against gays and lesbians is allowed is one of the reasons they suffer violence. As honourable members opposite should know, a key role for the Equal Opportunity Act is education. When discrimination against women was outlawed, as under the initial legislation, it was not only — —

Mr Perton interjected.

Mr THWAITES — I will come to that. It is a good example. Not only is there a direct remedy and compliance mechanism in the act, but also a message is sent to people that it is not proper to harass and discriminate against gays. Usually young males are the perpetrators of physical violence. The condoning of harassment of gays leads to violence. I will talk about a personal experience.

Mr Perton interjected.

Mr THWAITES — Just listen — you will get your go. I will talk about a personal experience that highlighted this to me as recently as last weekend. I was at a meeting called by gays and lesbians to discuss discrimination issues and which sought, among other things, changes to equal opportunity law. Just as the meeting had started, four young males suddenly rose to their feet and started abusing people, saying, 'You will die. How does it feel? What will it be like to wear a colostomy bag?'. Then they quoted, of all things, the Bible.

Those people purported to be Christians. They came up to me, not realising that I was the local member of Parliament, and presuming I was gay, saying, 'How could you do those disgusting acts?'. Two of them were quite physical about it. I could see in their eyes that they were looking for a fight. Their chests were heaving. One of them was using his arms in a punching manner. Another went to a fellow with AIDS and made comments about dying. All of that behaviour is essentially condoned because the act says that gays and lesbians can be discriminated against.

Mr Perton interjected.

Mr THWAITES — Just listen for a minute. You should support this.

The DEPUTY SPEAKER — Order! The honourable member for Albert Park has been in this place long enough to know that if he makes comments directly across the table he will get them back and that is what is happening. The honourable member for Doncaster is not helping by being out of his place and by responding. I encourage the honourable member for Albert Park, without turning the debate into a boring or non-lively issue, to direct his comments through the Chair and therefore eliminate the across-the-table banter that gets too heated from time to time.

Mr THWAITES — The point I make is that the Equal Opportunity Act does not outlaw discrimination against lesbians and gays. Essentially it allows harassment and discrimination to continue, and that sends a message to the thugs who attended this meeting that it is okay to behave as they did. One of the key points in favour of the legislation is that it sends the right message to these types of people to ensure that they know it is not okay to harass and discriminate. If the government ever gets around to supporting the motion it will send a message that will lead to the community being educated and it will ensure that the frequency of this type of behaviour is reduced. It will not be eliminated but it will be reduced, just as the frequency of outright sexism has been reduced — although not eliminated — over the past 10 years. The sorts of comments that people make are very different from those they made 10 years ago because of the legislation and because of resulting changes in attitude.

The level of discrimination suffered by gays and lesbians is astounding. SARC heard evidence of that from Gay Men and Lesbians Against Discrimination (GLAD), which carried out a survey on the ways gays and lesbians suffer discrimination. One of the first and foremost areas of discrimination is in relation to employment. They are refused jobs, refused promotions and they suffer harassment at work. Indeed some 32 per cent of female and 31 per cent of male respondents to the survey said they experienced harassment at work as a result of their sexuality. Some 14 per cent of women and 10 per

cent of men were found to have been pressured out of their jobs or sacked and some 20 per cent of women and 16 per cent of men suffered because of breaches of confidentiality at work. The committee heard evidence — I believe the honourable member for Doncaster heard it, too — from a Ms Pearce who experienced gross discrimination in her employment. She worked for Greenpeace from July 1991 until October 1992. She is a lesbian but her employer did not know about that at first, and her performance was highly commended. For three months prior to December 1991 that information was not disclosed. However, when it was disclosed it was quite clear that she suffered harassment and discrimination in her employment, largely from her fellow employees.

I will give an example of how discrimination works in practice. It is not a theoretical but a practical issue. The following sorts of things happened. Fellow employees asked her why she did not like men and what she did in bed. She went to a work function and was told by one of her fellow workers:

> Greg tells me you are gay. All you need is a good f..k and you will be all right. I will make you all right.

She said he then attempted to rape her.

The DEPUTY SPEAKER — Order! Even though I understand the honourable member is quoting a statement, the Chair cannot accept that sort of language in Parliament. We certainly cannot have that sort of language appearing in *Hansard*. I ask the honourable member to be selective about using that sort of language. I ask that he use his imagination and initiative to substitute something for that word. We should seek to ensure that such a word does not appear in *Hansard*.

Mr THWAITES — I will certainly endeavour to do so. Perhaps I should explain that my experience of these matters is in the courts where the words actually used are reported in court cases because they are essential to understanding the circumstances. However, I am quite prepared to use other words.

The key issue is the sort of harassment and language that was used against this woman in her employment. When she raised the issue with her employer, Greenpeace, the response was basically that this was too much of a problem for the employer. She was moved from her position and told that she could work only at certain hours. She was told not to use Greenpeace vehicles but to use her own car and that she could work only during certain hours. She was interviewed by management in Sydney and they told her she could not speak to her supervisor about the issue because she was taking up too much of her supervisor's time. That led to her resignation.

I referred to that case because it is a practical example of how discrimination occurs at work. Amendments to the legislation will go some way towards reducing that behaviour, just as types of behaviour that were frequently suffered by women in the past are gradually being reduced because of the legislation against sexual discrimination and harassment. The Attorney-General — and I am sure the honourable member for Doncaster — supported that legislation to the hilt. That is why we need to proceed in a bipartisan way so that we can ensure that sort of behaviour does not continue against members of the gay and lesbian communities.

Case after case was referred to in the survey of discrimination in employment conducted by GLAD. It reported that in 1988 a lesbian did not receive promotions when her sexuality became known to her senior manager. Prior to that she had been promoted regularly. She said that another heterosexual manager pressured her by not awarding pay rises, even though prior to disclosure her performance appraisals had always received the highest grading. She was ultimately forced out of her job. That is the sort of experience these people are suffering in their employment.

It is hard for those who are not gay to understand the situation. After the weekend meeting I gained more of an understanding of the issue. Although I have not experienced that sort of discrimination myself when you hear about overt discrimination or harassment you develop a bit of a feeling for what these people are going through.

There was found to be widespread discriminatory practices in educational institutions, including a person being told that it was not possible to be gay and to be a social worker. So the person believed he or she could not undertake a social work course.

A relatively smaller percentage of respondents reported discrimination in their access to housing, mostly because of the actions of landlords and rental agencies. It is interesting that housing is not such an issue; it seems discrimination is more of an issue in the employment and education areas.

Many respondents referred to suffering discrimination in the medical services area. In one case a respondent filled out a dental questionnaire and declared himself to be gay. After a cursory examination he was told that he had no decay problems. Shortly afterwards he consulted another dentist who found plenty of decay and did several fillings. In a number of cases discrimination in obtaining medical services arose because of a misunderstanding about gays and HIV.

The report refers to public violence. Although I have already referred to that subject, one of the most disturbing aspects of the survey was the finding that gays and lesbians are very prone to harassment and violence from strangers in public places. Some 69 per cent of women and 63 per cent of men reported being verbally abused in a public place and some 11 per cent of women and 20 per cent of men were actually bashed or physically abused.

That is quite a frightening statistic, and there are cases of lesbians and gays being physically bashed. The feeling in sections of the community that the discrimination and harassment of gays is okay is partly attributable to the fact that we do not have legislation making it clear that it is not.

A number of gays and lesbians also responded about discrimination in their dealings with police. I know some senior police are most concerned about that matter. In my former role as Mayor of the City of South Melbourne I took up the matter with senior police at the South Melbourne police station and they tried to fix the problem. However, they say it is not something they can easily control because some of the younger police officers have prejudiced responses to gays and lesbians that affect their police work. A gay police liaison unit has been established and is doing some good work, but through changing the legislation we need to make it clear to young police officers that discrimination against gays is just not on.

Support for changes to the Equal Opportunity Act to outlaw discrimination against gays and lesbians is very widespread. It is not just from this side of the house and from the bipartisan committee; it is even from organisations such as the Department of Health and Community Services, certain officers of which I may not always agree with.

In its response to the committee on this matter the department said:

> Sexuality/sexual preference ... should be included for the following reasons:
>
> The inclusion of this factor is consistent with Victorian legislation generally, which does not provide that homosexuality is illegal.
>
> The department's infectious diseases program area is concerned about the direct affect on public health of discrimination of this nature. Given that 90 per cent of reported HIV/AIDS cases in Victoria are from gay men, campaigns aimed at encouraging those at risk are significantly undermined if discriminatory attitudes are apparent. Research shows that the reinforcement of such negative messages will increase the likelihood of risk behaviour and subsequent infection.
>
> The department's juvenile justice branch believes that this factor further adversely affects their client group of young offenders who, due to their status, are already fighting against discrimination.

The Department of Health and Community Services clearly supports this legislation. The committee heard evidence or received submissions from numerous private sector bodies that support this legislation, including VECCI, the private sector EEO association, the administrative law section of the Law Institute of Victoria, and the Council for Equal Opportunity in Employment, a body jointly established by the Business Council of Australia and the Australian Chamber of Commerce and Industry.

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

Mr PERTON (Doncaster) — It is with some pleasure that I join this debate because the issues are of great importance to this community and have been well canvassed in debate both in this Parliament and in other places. The Attorney-General has made clear that it is an important matter by indicating that it is part of her review of the Equal Opportunity Act.

The thing I found most disappointing about this debate were the attacks by members of the Labor Party on both the Attorney-General and the government parties. Equal opportunity and equality of treatment are not socialist principles; they are liberal principles.

I had great interest in the submission made to the Scrutiny of Acts and Regulations Committee by the organisation known as Gay Men and Lesbians Against Discrimination (GLAD). Its submission

dated 30 March 1993 included the statement that antidiscrimination legislation advances a long-held libertarian principle that limits would be placed on the right of any state to interfere in the lives of its citizens.

However, in the words of John Stuart Mill in his famous essay *On Liberty*, the liberty of the individual must be thus far limited. He states:

> ... the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others.

The submission from GLAD goes on to say:

> From this principle, Mill deduced three requirements:
>
> (a) the liberty of opinion and its free expression;
>
> (b) the liberty of tastes and pursuits including framing the plan of our life to suit our own character; of doing as we like ... without impediment from our fellow creatures, so long as what we do does not harm them, even though they should think our conduct foolish, perverse or wrong;
>
> (c) the liberty of combination among individuals — freedom to unite for any purpose not involving harm to others: the persons combining being of full age, and not forced or deceived.

Mill wrote another important essay in relation to equal opportunity for women, entitled, *Subjection of Women*:

> Though the truth may not be felt or generally acknowledged for generations to come, the only school of general moral sentiment is society between equals. The moral education of mankind has hitherto emanated chiefly from the law of force, and is adapted almost solely to the relations which force creates. In the less advanced states of society, people hardly recognise any relation with their equals. To be an equal is to be an enemy. Society, from its highest place to its lowest, is one long chain, or rather ladder, where every individual is either above or below his nearest neighbour, and wherever he does not command he must obey. Existing moralities, accordingly, are mainly fitted to a relation of command and obedience. Yet command and obedience are but unfortunate necessities of human life: society in equality is its normal state.

Of course, he was writing in the middle of the 19th century. He went on to say:

> Already in modern life, and more and more as it progressively improves, command and obedience become exceptional facts in life, equal association its general rule. The morality of the first ages rested on the obligation to submit to power; that of the ages next following, on the right of the weak to the forbearance and protection of the strong. How much longer is one form of society in life to content itself with the morality made for another? We have had the morality of submission, and the morality of chivalry and generosity; the time has now come for the morality of justice.

From the beginnings of liberal philosophy, the need for equality of treatment and the need for justice has been recognised.

One of the really sad features of the address this morning of the honourable member for Melbourne was that he did not take cognisance of another statement made by John Stuart Mill in the second chapter of *On Liberty*.

Honourable members interjecting.

Mr PERTON — The honourable member for Albert Park challenged me to talk about what is happening now. Let me read this to him and to his fellow members:

> He who knows only his own side of the case, knows little of that. His reasons may be good, and no-one may have been able to refute them. But if he is equally unable to refute the reasons on the opposite side; if he does not so much as know what they are, he has no ground for preferring either opinion.

That is the problem with the honourable member for Melbourne. He does not understand the counterarguments to the position that he and I hold, and he does not understand the mechanics of achieving change in a society such as ours.

You cannot foist proper conduct on people. You cannot force people to change their behaviour merely by the signing off of a new law or a new statute. The problem is in the hearts and in the minds of people. As the honourable member for Albert Park said, one of the very important features of equal opportunity legislation is the educative factor, the need to inform people, the need to educate people and the need to bring them into contact with other people whom they might otherwise be prejudiced against.

One of the problems in the equal opportunity debate has been the fact that the Labor Party has been prepared to grandstand. With the exception of those members who worked on the Scrutiny of Acts and Regulations Committee review of the Equal Opportunity Act there has been a lot of political bluster and deliberate attempts to misunderstand the position of members. There are people both in the Liberal Party and in the Labor Party who oppose the extension of the existing equal opportunity laws.

Mr Thwaites interjected.

Mr PERTON — There are significant differences within both parties about the question of age discrimination. We all believe people should not be discriminated against on the basis of age.

We then come to the difficult drafting problems raised by the Attorney-General. They are: what does one do with youth training wages and what does one do with compulsory retirement ages? These are all matters that need to be argued out with the greatest degree of cooperation. I think all parties agree on the extension of equal opportunity law to specifically state the ground of pregnancy.

Mr Thwaites interjected.

Mr PERTON — We will come to that; we will come precisely to that point.

Mr Thwaites interjected.

Mr PERTON — I will address it immediately in response to the interjection of the honourable member for Albert Park. The problem with the honourable members for Melbourne and Albert Park is that all they are prepared to do is grandstand in this house.

Mr Thwaites interjected.

Mr PERTON — The Attorney-General referred this question to the Scrutiny of Acts and Regulations Committee. That committee undertook — —

Ms Marple interjected.

Mr PERTON — If the honourable member for Altona would just shut up and listen for a change she might actually learn something!

The committee conducted hearings and it came down with a series of recommendations. The Attorney-General has not only indicated that she is addressing the questions the committee raised but she is showing her own courage and imagination in this debate by going on to deal with the very serious question of the personal appearance of individuals. The honourable member for Albert Park and I sat on that committee and that was something we did not even turn our minds to in any deep and meaningful sense. For the Attorney-General to openly raise that in this debate indicates her own courage and commitment. Let me come to the period following the completion of that inquiry.

Honourable members interjecting.

Mr PERTON — I have not jumped the question, because I am trying to address it directly. Since the completion of the inquiry — —

An honourable member interjected.

Mr PERTON — Sorry, what have the honourable members for Melbourne and Albert Park done? They have placed a motion on the notice paper and the honourable member for Albert Park has attended some meetings in a political, partisan role. But what has happened in the public debate? What has happened in terms of trying to turn the suggestions of the committee into concrete provisions in an act?

Mr Thwaites interjected.

Mr PERTON — Let us talk practical problems. The groups that are most active in canvassing public debate on this question are those who are intolerant. Not only are those people the ones who do not believe in extending the law of equal opportunity on the basis of sexual preference, but many of them reject the entire concept of equal opportunity law as such.

These people have been very active. I have had access to the League of Rights newsletters which condemn not the Labor members of the committee but the Liberal members who did the hard work and took the hard decisions. The Honourable Bruce Skeggs, I and other Liberal members of the committee have been vilified in the League of Rights propaganda and have been subject to letterwriting campaigns.

The debate has extended, and a number of religious groups in the community have expressed their deep concern about the legislation and said that they reject the extension. They have been very active. They have approached members of Parliament. I

suppose they have approached Labor members of Parliament, but Liberal and National party members of Parliament have certainly been visited by large numbers of their constituents; they have received letters and phone calls. Part of the obligation that those of us who support the extension of equal opportunity law have is to actually get those tolerant people, the middle-class people — middle Australia — to express their opinions.

Mr Thwaites — They support it.

Mr PERTON — The honourable member for Albert Park says they support it: I agree that they support it, but in the real life of politics sometimes there is an obligation to act, not to just sit. I concede that I have an obligation to act, but so do others: so do those who support the principle; so do those who support tolerance. They have an obligation to say to their members of Parliament, 'We believe in antidiscrimination law; we believe in the extension of equal opportunity law'. Instead of criticising the Premier when he says the legislation will be introduced next session, they ought to be getting about the process of showing that the legislation is constructive, and that the extension of equal opportunity law is progressive and will have a desirable effect on our society.

It ought not just be left to a small body of men and women in our community to undertake these responsibilities. What it involves is a commitment by people who believe in the principles of equal opportunity and tolerance to have their say and express their views because, as the honourable member for Albert Park interjected earlier, the majority of Australians are very tolerant people. They believe in giving people a fair go. They believe that equal opportunity law is all about giving people a fair go.

The Attorney-General is drafting the legislation and preparing it in a proper format which means it will be acceptable not only to the men and women who make up the coalition parties but also to the broad range of people in our community.

I have had the personal experience — the honourable member for Albert Park talked about personal experience — of talking to someone who told me he was implacably opposed to the extension of equal opportunity legislation to cover the position of homosexuals. I said, 'What are those concerns?'. We worked through those concerns and worked out that the legislation would not have the deleterious effects that were emblazoned on the front page of the *Herald Sun* as quoted by the honourable member for Albert Park. That person turned from being an implacable foe to being someone who could say, 'I will support an extension of the legislation'.

You will not achieve that sort of change; you will not achieve a consensus in this debate by parading as the honourable member for Melbourne does and accusing the coalition parties of being homophobic. There are probably as many people who are discriminatory on the grounds of homosexuality in the Labor Party as there would be in the Liberal and National parties. Let us not forget — and it was a product of their time — that the Labor Party was the greatest supporter of the continuation of the White Australia policy.

Human rights law has developed over this century. Not only Australian society's but international society's understanding of the principles and the protection of human rights has developed extraordinarily over this century.

Let us not forget that the first United Nations World Conference on Human Rights took place only in 1968. The second conference took place only in 1993. Although Australia is a model society of democracy, tolerance and giving people a fair go, many people in the rest of the world do not enjoy the rights we enjoy. Plenty of people out there do not have the access to the courts and tribunals that we have.

However, to show that development has taken place I refer to the proceedings of the United Nations conference in 1993. In a spirit of unity between more than 160 nations the conference came up with the following formulation based on its understanding of discrimination. Paragraph 8 of the final declaration states:

> Respect for human rights and for fundamental freedoms without distinction of any kind is a fundamental rule of international human rights law.

Paragraph 10 states:

> Considering the importance of the promotion and protection of the rights of persons belonging to minorities and the contribution of such protection to the political and social stability of the states in which such persons live:
>
> > the World Conference on Human Rights reaffirms the obligation of states to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental

> freedoms without any discrimination and in full equality before the law ...

That declaration had to be made last year because many nations do not abide by those fundamental principles. But Australians do, and the Liberal Party has been one of the driving forces. The honourable member for Melbourne referred to the Tasmanian law that still makes it a criminal offence for people to engage in homosexual acts. No Liberal Party in any other state supports that legislation. The arguments about that legislation relate to the right of the commonwealth to exercise its dominion over the rights of other states.

Mr Hamilton — Don't be naive.

Mr PERTON — The honourable member for Morwell accuses me of being naive. My view is the same as that of the Human Rights and Equal Opportunity Commission headed by Brian Burdekin: states' rights are extremely important. They are fundamental to our federal system and our federal constitution, but they cannot be used as a shield to protect those who would infringe the human rights of others. A liberal philosopher, not a socialist one, actually said — again I refer to John Stuart Mill — that the tyranny of the majority can indeed be more harsh than the tyranny of the dictator.

Let me demonstrate the record of Liberals in relation to homosexuals and their rights. In 1980 in Victoria the Hamer Liberal government introduced legislation decriminalising homosexuality. That legislation was passed in the Legislative Assembly by 72 votes to 7. In 1973 it was John Gorton, another Liberal and in this case a former Liberal Prime Minister, who introduced a bill in the House of Representatives to decriminalise homosexuality. The legislation was passed, and that occurred as a result of the debate being led and instigated by a Liberal member of Parliament.

On 28 November 1990 in the Queensland Parliament the then Leader of the Liberal Party, Denver Beanland, said:

> The Liberal Party has long maintained the tradition that, on moral issues, individuals should maintain the right to hold, express and vote in accordance with their individual views.
>
> Unless laws reflect the views of the bulk of society —

I emphasise those words —

> there is no prospect that those laws will be respected. In this instance that does not mean that the majority have even to condone homosexual activity; it merely means that they recognise the rights of a minority in the community.
>
> I do not regard the state as an arbiter of individual morality. I believe it is the role of the state simply to set parameters in which individuals are free to make decisions about their personal behaviour. Unfortunately, the law as it stands today does not meet those criteria.

I could go on and on quoting the remarks of Liberal members of Parliament who have led debate on the protection of people's private lives. The Liberal Party has consistently voted in federal and state parliaments to protect the privacy of individuals. Often they have been forced to speak in those circumstances because Labor governments, federal and state, have attempted to diminish individuals' rights to privacy.

Let us not forget that the Labor Party tried to introduce identity cards to the Australian community. Labor members are a very selective lot when it comes to protecting rights. A fundamental reason why a bill of rights has not been introduced in Australia and will not be introduced certainly in the short term is that the Labor Party is incapable of joining the Liberal Party in enumerating fundamental rights relating to private property. It is not capable of setting aside its ideology to protect the individual and civil rights of the bulk of the community.

The honourable member for Albert Park talked about the problems of violence in parts of the gay community. He talked about a horrifying incident in which he and someone dying of AIDS were threatened last weekend. The Victorian criminal law covers those sorts of incidences and I believe both the police and the government would use the full force of the law and prosecute people who engaged in that sort of conduct.

The honourable member for Melbourne mutters to himself or to his colleague behind him, one of the two colleagues who have joined him in the chamber for this debate. The fact is that the government is committed to protecting the dignity of individuals. We are committed to protecting the dignity of all Victorians. We are committed to providing an economy in which all of us are better served both by

government and others. We are joined in that commitment not only by people of the same political persuasion; employers also recognise the desire of the government to improve the operations of the economy and the private sector.

In a submission the Scrutiny of Acts and Regulations Committee received from the Council for Equal Opportunity in Employment — which was jointly established by the Business Council of Australia and the Australian Chamber of Commerce and Industry and which is chaired by Mr Nobby Clark, AO — strong support is gained for the cause being pushed by the honourable member for Melbourne. The government is currently also examining and working on it. The council comprises some 150 of Australia's major private sector organisations and government business enterprises. In its submission to the committee it states:

> The council draws the committee's attention to the movement of relevant state and federal legislation towards extending the grounds of discrimination ... It also notes significant community opinion in support of abolishing compulsory retirement, and concerns that in a time of disastrous youth unemployment, young people's protection under award youth wages may be lost without appropriate exemptions for such.

Under the heading of additional grounds it goes on to say:

> The council supports the addition of the grounds of sexual preference/sexual orientation and trans-sexuality in the interests of moving the act to a position where it is compatible with other relevant Australian laws and consistent with community attitudes which recognise the fact of alternative sexual preference.
>
> The council submits that such additional grounds are unlikely to create a significant resource drain on the commission and that much of the public education work will be taken up by external interest groups.

That comment was verified by the South Australian Equal Opportunity Commissioner. When I discussed those matters with her one very interesting fact emerged: the elimination of age discrimination in that state led to the lodging of an enormous number of complaints, which resulted in an enormous burden being placed on the commission. However, the extension of equal opportunity on the ground of sexual preference did not generate a vast number of complaints.

A number of conclusions may be drawn from that, but my knowledge of people who are homosexual is that most of them are perfectly ordinary professionals, business people and the like, who tend to be reasonably successful in their work and careers. Not only do they tend to perform as well as other people, but in many cases they are extremely successful. The extended ground suggested by the Attorney-General would strengthen the act: not only those people but also other people in the community who feel they are being discriminated against would gain additional legislative support for the contributions they make to the social and economic life of our community.

In conclusion, the motion is very narrow. It deals only with including one additional ground in the Equal Opportunity Act. Rather than contributing to the debate and allaying the fears of a significant section of the community, the honourable member for Melbourne has attacked the coalition parties, accusing us of the peculiar attitude he refers to as homophobia.

As I said earlier, the Labor Party has been as discriminatory as any other party — in fact, even more so. I suspect the honourable member for Melbourne must be looking at his preselection numbers very closely, knowing that the Labor Party is determined to move to a quota system that requires 35 per cent female parliamentary representation. The interesting thing about the Liberal Party is that, as an examination of our most recent preselections shows, without quotas and without mandatory requirements there is more equality for women in the structures of the Liberal Party than has ever been found in the Labor Party.

The Attorney-General has said she is reviewing the act and that amending legislation will be introduced next session. I say to the honourable member for Melbourne and his colleagues that they would be better off contributing to a constructive debate and assisting with the appropriate drafting of the legislation than attempting to attack an Attorney-General who has shown her commitment to the process and who, as a former President of the Equal Opportunity Board, has contributed a great deal to equal opportunity law in this state. The opposition should stop its carping and negativity and for once in its life be positive and contribute to a fairer community.

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

Mr HAMILTON (Morwell) — This debate is about a most serious blight on our society. The last thing I want to do is get involved in naming names and doing the very things the motion is designed to prevent. There is no doubt about it: this is not just about homosexuals not being tolerated; it is about the hatred and the vilification that is aimed at those people. That is a terribly sad comment to make on society.

I do not think we ought to lower the level of this debate to accommodate the so-called rednecks in the Liberal and National parties. 'Redneck' tends to be an all-encompassing term to describe people whose views and actions discriminate against others. But the motion is not about that at all. As the honourable member for Albert Park said, it is about an educative process — a terribly important process.

The first thing we ought to make clear in this place and in the community is that the issue is not about sexual preference. I listened carefully to the contribution made by the honourable member for Melbourne. He very correctly, properly and carefully referred at all times to sexual orientation. There is no doubt that homosexuality is not a preference. Good heavens, how many people would choose to suffer all the vilification, verbal abuse, physical abuse, economic abuse and discrimination that goes on? Quite clearly, the answer is no-one! It is clear that we are dealing with a genetic condition — or make-up or however one wants to describe genetics — which has always been part of our community but which has forever been a subject of vilification.

There is nothing more disturbing to me as a professed Christian than to hear people quoting the Bible to condone acts of vilification. The very word 'Christian' connotes a commitment to emulate Christ's attitude to people. His commandment was that we should love one another. You cannot follow that commandment while hating, vilifying and discriminating against people who are homosexual.

I have always been interested to understand why any matter related to sex tends to heighten people's emotions. Goodness gracious me, most of us, indeed all of us, spend less time engaged in sexual activity than we do in any other activity.

Mr Perton — Speak for yourself!

Mr HAMILTON — Perhaps it is a sign of age.

The DEPUTY SPEAKER — Order! This could turn into the true confessions of an MP.

Mr HAMILTON — The point I want to make is that although sex is a very important part of people's lives, it is a minor part of their day-to-day activities. A critical aspect of this debate is that over the years our community has accepted that sex is a very private matter. It has never been the community's understanding that we should parade our sexual activities in public. One of the very sad things about the attacks on gay men and lesbians is the notion that has been suggested in previous drafts of legislation, that they can be discriminated against if they happen to be in small business or teaching or whatever else. There is no other activity that should be further removed from our everyday life than sexual activity.

It is clear that, over the years, the media — and, I guess, politicians and other public people — have created an image of gay men and lesbians as outcasts from society, as people who go around committing all the dastardly acts under the sun simply because of the nature of the discrimination against homosexuals. As the honourable member for Doncaster said, that is patently not true. There are probably more heterosexual deviants than homosexual deviants.

We do not say, 'You cannot be a schoolteacher because you may be a sexual deviant'. We do not say to somebody in small business, 'You cannot seduce other members of staff'. That sort of activity often occurs in the workplace. When it does, by and large the law handles it or it is swept under the carpet — as has happened, according to a number of recent reports on sexual abuse.

I wonder whether our attitude to homosexuality demonstrates our lack of sexual confidence and whether we have a need for a basis from which we can launch attacks on others. Quite clearly, by far the majority of community violence against homosexual people — both gay men and lesbians — would be committed by men. There seems to be a macho approach, a notion that it is all right to bash those people or to discriminate against them in other ways. That is a sign of weakness by the perpetrators.

We then come to what is a most difficult situation. I agree that the Equal Opportunity Commission would find the drafting and the subsequent implementation of legislation on homosexuality a difficult task. We should be given an indication that governments of whatever colour are determined to

protect human rights and to give the lead in educating the community about the importance of our attitudes towards one another.

The honourable member for Doncaster quoted John Stuart Mill at length. I also claim to have read John Stuart Mill. We do not need to quote philosophers of the past or the present to make the essential point in this debate. I have no argument with the image of liberalism portrayed by the honourable member. The only problem is that the Liberal Party in government has given liberalism a bad name, because of its inequitable approach to property law, corporate law, Workcover and a number of other areas.

Although it is very difficult, it behoves every member of the house to be part of the education process and to stamp out this most unacceptable, vile, reprehensible and terrible part of our society that encourages people to believe they have the licence to abuse others for whatever the reason. We must examine the whole issue of violence towards others and our apparent right to abuse one another rather than being tolerant.

Whether we talk about liberalism or socialism, I believe humanity needs to be promoted — in particular, our need to care for each other and to recognise that we are all different. Goodness gracious me, it would be terrible if every member opposite had the same image as the honourable member for Doncaster or the honourable member for Monbulk! We are all different. There is no excuse to abuse one another.

Mr Perton interjected.

Mr HAMILTON — I am sorry the honourable member for Doncaster trivialises what is a very serious matter. Although we may have serious debates and arguments, I hope we move towards making good decisions — given that not everyone will agree with them. We should not vilify each other. The Chair would be most upset if we engaged in physical violence across the chamber! That would not be tolerated here, and it should not be tolerated in the community.

There are a number of other issues on which I would like to comment, but I wish to allow the honourable member for Mooroolbark time to contribute to the debate.

Mrs ELLIOTT (Mooroolbark) — It will not be easy to say a great deal in the remaining 5 minutes. In debates such as this one all the time comes up against an intellectual brick wall. I am certainly not a redneck; and like the honourable member for Doncaster, I believe myself to be a true liberal in the best sense of the word.

I was brought up in a tolerant household. My father was a tally clerk on the wharves, and he brought lonely, young Chinese seamen home for dinner. From that I learnt about racial tolerance. I was at university when the last hanging took place in Victoria, and I learnt to abhor capital punishment.

There is consensus across the house that this is an important issue and that tolerance is at the base of it. However, tolerance must be able to bend to those with different points of view from ours. Like other honourable members who have talked about constituents visiting them to raise particular points of view, I suspect that those who have spoken this morning — and I regret more honourable members are not here to listen to the debate — are moderates on the surface and that they have different points of view from many in the community. However, if we are to be true representatives of the people, we must listen to their views and extend to them the same tolerance we hope to extend to others of a different sexual inclination — not 'preference' — by amending the Equal Opportunity Act.

We are not doing our duty if we do not take into account the views of those people. Members of the Exclusive Brethren religious sect have put their views to me. As I am sure opposition members will acknowledge, I understand there is a range of opinions on this matter on both sides. Those views must be considered if we are to be genuinely tolerant. I know we are moving towards amending the Equal Opportunity Act; but as the Attorney-General said, the issue must be carefully considered. Any amending legislation must be the result of a great deal of thought and planning and a consideration of the views of all the individuals and groups who want to have a say on this matter.

I abhor discrimination or intolerance on any basis. I agree with the Attorney-General that discrimination against a person based on his or her weight or physical appearance is as much a cause for regret as discrimination on the basis of sexual inclination. To accuse the Attorney-General of a lack of courage, as the honourable member for Albert Park did, is to ignore the reality of the situation. The Attorney-General has been more courageous than many of her predecessors in her willingness to address the many issues in her portfolio and to take

on the many disparate interest groups in the community to achieve change within the legal structure.

It is not about a lack of courage; it is about the Attorney-General's demonstrating a great deal of thought and careful consideration. She is extremely tolerant and, moreover, extremely concerned about discrimination wherever it occurs. Legislation such as this cannot be rushed. It must be considered carefully. The community must be given time to adjust. As the honourable member for Doncaster said, it must be given time to educate itself and to understand why we intend to amend the Equal Opportunity Act to ensure it is acceptable to most people. At least those who cannot accept the amending legislation may come to understand the reasons for it.

The gay bashing that has been described by honourable members is abhorrent to everybody. It is illegal, and the law has means of addressing the problem. As the honourable member for Doncaster said, most gay people lead public lives of great moderation: they are successful in their jobs, they lead fulfilling lives and they are able to cope. When the appropriate bill is introduced I will wish it a speedy passage, as, I am sure, will members of the opposition. But there is no reason to hurry.

The DEPUTY SPEAKER — Order! Unfortunately, the time for debate has expired. The honourable member for Mooroolbark will have the call if and when the issue is next before the chair. The house will resume at 2.00 p.m., when questions without notice will be called.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.04 p.m.

QUESTIONS WITHOUT NOTICE

Crown Casino: probity checks

Mr BRUMBY (Leader of the Opposition) — Given the extensive knowledge the Premier has displayed in the house of the probity requirements for the casino licence, will he inform the house whether probity checks on Hudson Conway included the company's extensive business dealings with the Bjelke-Petersen government, including dealings with the former Minister for Local Government, Main Roads and Racing, Mr Russ Hinze and his wife, Fay?

Mr KENNETT (Premier) — I do not know why the Leader of the Opposition has assumed that I have extensive knowledge of the conduct of the probity rules. That is grossly incorrect. I was not part of the procedure. I do not know who the people conducting the probity tests of any of the applicants met with or spoke to on behalf of the state. Once again the Leader of the Opposition has made an incorrect assertion.

I certainly cannot answer the second part of the question relating to probity, though it seems to me a little unusual. Mr Hinze is certainly dead, and I do not know about Mrs Hinze; I hope she is in good health. This question is another indication that the Leader of the Opposition is grabbing at straws and, more importantly, as we said last night, it explains what has happened. Poor little Johnny has lost his Ferris wheel.

The SPEAKER — Order! The Premier may not refer to the Leader of the Opposition in those terms.

Mr KENNETT — The Leader of the Opposition has lost access to his Ferris wheel, and he is obviously very upset about it. We understand that, but to continue this stupid line of questioning which has now been followed for weeks only reinforces in the public's mind that, with the exception of his Ferris wheel and the hotel, the overall casino is fundamentally exactly the same as in the plans originally submitted. Now that the plans have been released even the Leader of the Opposition knows that.

Those on this side of the house will continue with our vision of the development of things good for the state while, sadly, the opposition will continue under this leader who remains opposed to just about everything in the state. He sets himself up as an example of all the sad things in our society. He is a sad sack.

An honourable member interjected.

Mr KENNETT — Probity is not a sad thing. We have answered the question of probity. What is important is that the poor Leader of the Opposition, in all of these weeks, has not been able to prove one claim. The only thing he has had any emotion about is that he has lost his Ferris wheel. That is the big issue. He is a sook.

Yarra south precinct

Mr McARTHUR (Monbulk) — Will the Premier advise the house of the progress that has been made with the government's proposals for the development of the Yarra south precinct adjacent to the city and of the government's consideration of the importance of this development to the lifestyle and international reputation of Melbourne?

Mr KENNETT (Premier) — Since the election the government has pursued the vision of a development extending from the Treasury Gardens, down what will be a tree-lined boulevard to Flinders Street to what will eventually become federation square when we remove the Gas and Fuel towers, I suspect just in advance of the 1996 election. That was promised by many governments over many years. I remember former Premier John Cain saying that those towers would come down, and of course nothing happened. This government will make that happen.

Southbank will continue to be developed. The Esso building is being completed. The casino is now being developed together with the hotel. Beyond that is the new exhibition facility, with its $120 million worth of building construction. Beyond that, over time the turning circle in the Yarra will be reutilised. There will be a marina, and over the next 10 to 15 years housing and other activity will extend down to the West Gate Bridge. On the north side — —

Mr Micallef interjected.

The SPEAKER — Order! The honourable member for Springvale is out of order. The Premier will ignore him.

Mr KENNETT — You can even buy a pie and pastie if you wish. On the north side of the river there will also be improvements all the way down to areas that will ultimately become part of the Docklands development.

There is no doubt that the utilisation of the areas around water by the government and the community is refocussing Melbourne's traditional layout. As the years roll by we will find that both the Yarra River and the Docklands will provide the community with a real opportunity for long-term development. Recently, as part of that development, some of my ministerial colleagues and I received a report on the economic viability of developing Docklands from Jones Lang Wootton. The projections are very good.

Mr Micallef interjected.

The SPEAKER — Order! The honourable member for Springvale is out of order. The Premier will please ignore interjections.

Mr KENNETT — It is very promising. I trust that shortly we will be able to announce a major advance on one section of Docklands that will allow the development of a communication research and development zone that will lead to a lot more development and more jobs. It will continue to build the reputation of this city and this state as being at the forefront of technological research and development.

There is no doubt that what is happening in Victoria at the moment is creating a new level of activity that is substantially increasing the confidence levels in the state. This is happening not only in the city, it also happened on Monday in Ballarat and it is happening in areas like Tongala and Gippsland. It does not matter where you look, there is evidence of substantial growth in activities and in employment.

It is unfortunate that only the opposition remains opposed to anything visionary; it opposes anything that constructively answers that vision and provides employment. The Southbank precinct project will run from Treasury Gardens down to West Gate. It will continue to unfold during the next 10 to 15 years. It will give Victorians a new focal point and, most importantly, along the way it will provide them with a great deal of employment.

Crown Casino: contact register

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to the stringent requirement of the Victorian Casino and Gaming Authority that every meeting and conversation between authority staff and the bidders for the casino license were to be logged and their purpose noted. Will the Premier make available to the house details of all meetings and correspondence between members of the cabinet casino subcommittee and the staff of the authority? Will he table in the house the contact summary register of the Victorian Casino and Gaming Authority?

Mr KENNETT (Premier) — In Canberra, from the Prime Minister down, they refer to the Victorian Leader of the Opposition as the Ferret, not because

of what he achieves but because of the petty way he conducted himself when he was a member of federal Parliament. Ultimately he lost his seat because he was not able to generate the support of his local community. Clearly, his question shows he does not understand whatsoever the cabinet process. The Leader of the Opposition is not requesting information to back up anything he has, he is trying to throw mud on a project or at some people. He then says, 'I have the evidence in this documentation'.

For a whole range of obvious reasons no government of which I am aware, federal or state — not that you were ever in federal cabinet, which is understandable, and nor will you ever be at a state level — ever releases its cabinet records on meetings. Given your appalling record, if you believe a good government is going to set a precedent by answering your suggestive questions, you are dead wrong.

Mr Brumby interjected.

Mr KENNETT — Pardon? It is not for me to release them. It is not within my authority; it is within their authority. It was set up by the former Labor government.

Mr Brumby interjected.

Mr KENNETT — I am not the minister.

The SPEAKER — Order! The Leader of the Opposition will remain silent.

Mr KENNETT — Since he started this attack he has messed up almost every question. He continues to do so, and that is why his name is well earned!

Equal Opportunity Commission

Mr McLELLAN (Frankston East) — Will the Attorney-General inform the house of recent developments at the Equal Opportunity Commission.

Mrs WADE (Attorney-General) — I am pleased to advise the house that the Equal Opportunity Commission will shortly have its functions under commonwealth legislation increased. Members of the house will be aware that the Equal Opportunity Commission already deals with and resolves complaints under the commonwealth sex discrimination and race discrimination legislation. Honourable members will also be aware that in April the Leader of the Opposition had a public brawl with the commonwealth Attorney-General, Michael Lavarch, because Mr Lavarch refused to remove those functions from the Victorian office after the establishment of the new Equal Opportunity Commission. The *Age* reported that the Leader of the Opposition accused the commonwealth Attorney-General of hypocrisy in that regard.

The Leader of the Opposition proved to be embarrassingly wrong when he suggested that the commonwealth would not have confidence in the new Equal Opportunity Commission and that the commission would lose its existing delegations from the commonwealth. Not only did Mr Lavarch ignore the Leader of the Opposition in April and leave those delegations with the commission, he also proposes to give the commission increased functions. Shortly, the commission will receive and resolve complaints under the commonwealth disability discrimination legislation, and it will receive additional commonwealth funding to carry out those functions.

This is a substantive demonstration that in commonwealth eyes the new structure of the Equal Opportunity Commission does not contain any of the offensive characteristics that the opposition and its supporters have been suggesting. In fact, the Equal Opportunity Commission is providing an improved service to clients. It is dealing with more complaints than ever before, more quickly than ever before and it has just about disposed of the enormous backlog of 555 cases that it inherited from the former equal opportunity commissioner. There is no doubt that the federal Attorney-General is right to have confidence in the Equal Opportunity Commission.

Department of Health and Community Services: secretary

Mr THWAITES (Albert Park) — Does the Minister for Health endorse all the comments made by Dr John Paterson in her department's annual report about Mr Brian Burdekin and Mr Justice Fogarty?

Mrs TEHAN (Minister for Health) — What a predictable question! What a sense of deja vu! The annual report for 1993-94 covers a wide range of activities in the Department of Health and Community Services. It is written by unit directors from across the very broad range of activities provided by the department. The foreword is written by Dr John Paterson, and that has been his

practice and the practice of all secretaries of all departments. The other eight directors contributed in respect of their areas of expertise.

I commend the story in the annual report to all honourable members and to anyone else who is interested in the delivery of Victoria's health and community services. It is a story of remarkable achievement during 1993-94. It sets out clearly the achievements in providing additional services across every single unit at a reduced cost, with quality and sensitivity.

Mr THWAITES (Albert Park) — On a point of order, Mr Speaker, I indicate that under standing order 127 the minister is simply debating the matter and not addressing the question, which she is required to do according to the Speaker's ruling which appears at page 134, volume 401 of *Hansard*. Former Speaker Coghill said that the minister must make his remarks relevant to the question asked. That ruling was also followed by you, Mr Speaker, on 4 November 1992 when you said:

> I ask the minister to stick to the terms of the question.

The question was plain. Does the minister endorse the comments of Dr Paterson about Mr Brian Burdekin and Mr Justice Fogarty or not?

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Albert Park seems to be somewhat confused on the point of order. Standing order 127 deals with the debating of a question, which is clearly against the standing orders. The rulings he has quoted from are precedents regarding the question of relevance. He may raise only one point of order at a time. However, I will deal with both of them.

In respect of standing order 127, I believe the minister is not debating the question. On the question of relevance, I rule that the remarks of the Minister for Health are relevant.

Mrs TEHAN (Minister for Health) — I could debate whether the honourable member for Albert Park is a pretty face or not and I could debate whether he is flexible with the facts or loose with the truth.

The SPEAKER — Order! The minister is now straying from the question. The Minister for Health will conclude her answer.

Mrs TEHAN — However, in relation to the original question, I have completed my answer.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mill Park seems somewhat agitated. I ask him to sit back in his seat and relax.

Cultural and theatrical initiatives

Mr TREASURE (Gippsland East) — Will the Premier inform the house of recent government initiatives to further enhance Melbourne's reputation as a major cultural and theatrical centre?

The SPEAKER — Order! The question is very broad. I ask the Premier to be as brief as possible.

Mr KENNETT (Premier) — I thank the honourable member for his question. Yesterday the government and the grand prix authority released the refurbishment plans for Albert Park, which included the location for the track. Today I am happy to announce that, in association with Michael Edgley and Kevin Jacobsen, the government has announced that in July the Disney corporation will stage here in Melbourne the first overseas production of its very successful musical now playing on Broadway called *Beauty and the Beast*.

Honourable members interjecting.

Mr KENNETT — The community would understand, or should understand, the importance of the decision by Disney. As we know, Disney has been a major player in entertainment — particularly in films. But its movement towards live theatre is a new addition to its activities and *Beauty and the Beast* is currently the largest grossing musical in America. It will play in about six or eight different locations around — —

An honourable member interjected.

Mr KENNETT — It is coming also. The importance of *Beauty and the Beast* is that it is coming to Melbourne first — before any other city outside of America. This probably means that — —

Mrs Wilson interjected.

Mr KENNETT — Isn't it a pity? Dear old Dandenong North. Here is more good news, Mr Speaker; she has massive unemployment out there and she is an absolute joke to her community.

Honourable members interjecting.

The SPEAKER — Order! I remind opposition members that they have the next question; they are wasting time and will lose their opportunity.

Mr KENNETT — The importance of this decision is not only that it will come to Australia and to Melbourne before any other country and city, but that in the years to come a whole string of other musicals will come from Disney. If we can prove this up as well as we believe we can, Melbourne will be in the situation with this particular production and with *Sunset Boulevard* where it can put together three or four important productions at the same time. That will be a major plus in attracting tourists because people will be able to come to this state for two, three or four days and take in three or four of the newest and most major shows anywhere in the world.

There is no doubt that this will continue to add to Victoria's reputation as the arts and cultural centre of Australia. We hope it will lead to the development of a new industry that will provide for the production of sets that can be used not only here in Victoria but throughout the country.

It is interesting that every time — it happens almost every day — there is good news that involves the growing reputation of Melbourne and Victoria overseas, the opposition simply knocks it. It probably has not recognised yet that right around this state there is a whole range — —

Honourable members interjecting.

Mr KENNETT — We will forgive the honourable member. He is still a bit hyped up over his last entertainment act.

There is a whole range of activities now taking place in Victoria. They are all good news. They will all create jobs and energise this state, and the opposition is the only group that consistently says no to everything that is good. People in the community will welcome this new production to Melbourne, and I trust that in exercising consistency in the opposition's role we will not see any of them down at the opening of the new casino as we saw them at the opening of the temporary one, drinking Mr Williams's champagne by the bucketful as fast as they could.

Honourable members interjecting.

Mr KENNETT — Not you, Mr Speaker, because you are not a drinker, but the Leader of the Opposition and Mr White in another place — their faces were absolutely disappearing in the bucket — snout and trotters!

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

Mr KENNETT — No doubt the honourable members for Springvale and Yan Yean will not accept freebies to *Beauty and the Beast* when this great show comes to the city.

Government members interjecting.

The SPEAKER — Order! The government benches will come to order.

Bus contracts

Mr BATCHELOR (Thomastown) — Will the Minister for Public Transport guarantee that any new contracts between private bus companies and the government will be the subject of an open and competitive tender?

Mr BROWN (Minister for Public Transport) — I thank the outgoing opposition spokesman for transport for his final question. I am somewhat surprised that he has the gall to stand up in the house and publicly advocate that the National Bus Company model for the contracting out of buses is the one we adopt for all time in the future. However, I thank him for the belated recognition that what the government did was good, right, proper and in the public interest. What he is aware of now, with hindsight, having criticised the process in the past, is that we put to public tender the former MTA bus fleet and some 80 per cent of it went to the National Bus Company, which is now operating far better services far more reliably, covering a far greater number of routes for far more hours of the week.

Mr BATCHELOR (Thomastown) — On a point of order, Mr Speaker, I raise the question of relevance. I did not refer to the National Bus Company; I spoke about open and competitive tendering and new contracts, not the sham one from the past.

The SPEAKER — Order! The question of relevance is always difficult for the Chair, but at this stage I judge the minister's remarks to be relevant on the grounds that he is on the subject of the question. How he answers the question is up to the minister. It may not be to the satisfaction of the honourable

member who asked the question, but it has long been held that a minister may answer a question in any way he desires.

Mr BROWN (Minister for Public Transport) — It is clear that the honourable member is embarrassed about his final question because yet again he has been shown for what he is.

The SPEAKER — Order! The minister should concentrate on the question and not reflect on the honourable member.

Mr BROWN — What he is asking me in effect to do is to ensure the government does not enter into contracts as his incompetent mob did in the past with bus proprietors, but to make sure they are all like the National Bus Company's tender. That is what he is asking us to do, and I again welcome his belated acknowledgment of the former government's gross incompetence in selling taxpayers down the drain.

Under the contracts the former government signed up, bus proprietors in Victoria are now running buses empty often through the day and invariably at night, and they get paid per kilometre: it has nothing to do with the numbers carried. It is no secret: the government has the desire to move over to a contract system where the bus proprietors are paid on performance related to the number of people they carry, not necessarily the mileage they run with empty buses.

If by negotiation we can come to an agreement with the bus proprietors before the expiration of the current two-and-a-half-year contract, that could save taxpayers tens of millions of dollars because the government is paying out $130 million a year in subsidies.

As always, the government will do what is right, proper and best in the community interest, unlike what the Labor Party did when it was in government.

Eastern Energy: chief executive

Mr ASHLEY (Bayswater) — Will the Treasurer inform the house of arrangements regarding Steve Blanch's engagement as chief executive of Eastern Energy?

Mr STOCKDALE (Treasurer) — Last Thursday the Leader of the Opposition raised a question substantially similar to this and at that time I was unable to answer it in detail. I expressed doubt about its veracity and undertook to provide details to the house. I thank the honourable member for his question and the opportunity to provide those details to the house.

The Leader of the Opposition in substance made three allegations: that Mr Blanch was paid $300 000 a year; that he left the SEC 15 months ago; and that he took a voluntary departure package. I do not think anybody in the house will need to guess how many he got right out of the three allegations. Every one of those allegations is wrong.

An honourable member interjected.

Mr STOCKDALE — I would think that when you got it so wrong you would sit there and listen, but no, no, of course not!

The SPEAKER — Order! The Treasurer will address the Chair and ignore interjections.

Mr STOCKDALE — The Leader of the Opposition did not get the first allegation correct. Mr Blanch's salary, as I suggested at the time, is nothing like $300 000. In fact, his package is $225 000 a year and — —

Mr Brumby interjected.

Mr STOCKDALE — I pick up the interjection. This angry young man who is totally out of his depth says, 'Plus super; plus car; plus other benefits'. You are wrong again, buddy!

The SPEAKER — Order! The Treasurer would be quite aware that he may not address the Leader of the Opposition in those terms. He will refer to the Leader of the Opposition in correct terms and address his remarks through the Chair.

Mr STOCKDALE — It does not trip off the tongue to say 'the Honourable Leader of the Opposition'; it just doesn't jell! He is wrong because the fact is that the package includes all the entitlements of Mr Blanch.

Mr Brumby interjected.

Mr STOCKDALE — He interjects again. You're wrong again. Who would believe me? Who would believe you! The Leader of the Opposition not only got it wrong last Thursday; he is getting it wrong again right now. This is a total remuneration package. It covers things like the value of any car he

has. It covers any other perks he has attaching to his position and covers even things like fringe benefits tax on the benefits he is provided with. It is a total remuneration package entitlement. In common with a number of other business arrangements he is also entitled to an up to 15 per cent bonus entitlement, but only in the event that he achieves performance targets negotiated with the company. Even if he were to achieve the full bonus his remuneration would not come within a bull's roar of what the Leader of the Opposition alleged.

It is a great pity that we cannot move the camera over here and let the people of Victoria see just what their Leader of the Opposition is like.

The next claim was that Mr Blanch left the SEC 15 months ago. Wrong! Mr Blanch left the SEC in 1988. Mr Blanch has actually held three positions since 1988. He did not leave the SEC 15 months ago; in fact he left in 1988 to take up a position in New Zealand. Nor did he take a VDP. He did not take a VDP. Indeed at that time there was no such thing as a VDP. Mr Blanch had 30 years service with the SEC, and one could hardly argue that he has no experience in the electricity industry.

The more important question for the house is: why was this question asked? It is totally baseless. Nobody told these facts to the Leader of the Opposition because there is no basis on which anybody could have put them.

Clearly the Leader of the Opposition made up the allegation. There is no foundation for it. There could be no foundation for it and it reflects the fact that when the Leader of the Opposition comes into the house making allegations in the form of questions, the people of Victoria are entitled to take the prima facie position that what he alleges is not true. This is a case where it is possible to verify that what he said was not only not true but that there is no possible basis for it. He made it up.

GAS INDUSTRY BILL

Second reading

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — I move:

> That this bill be now read a second time.

This bill is enabling legislation for the commencement of reforms to the gas industry in Victoria. It marks an important beginning to the restructuring of the Gas and Fuel Corporation of Victoria (GFCV) and to the reform generally of the gas industry in south-eastern Australia.

The government's key objectives for the reform of the gas industry are to achieve the lowest sustainable gas prices for Victorian consumers, ensure long-term security of supply and reduce public sector debt. To achieve those objectives, the reform strategy will aim to:

> encourage greater competitiveness in the industry through new gas exploration and development, and the development of an efficient national gas market;
>
> enhance the efficiency of government business enterprises in the gas industry;
>
> enhance customer choice by maximising competition; and
>
> provide a light-handed regulatory framework that encourages commercial behaviour while protecting captive customers.

This bill focuses on the first step in the government's reform agenda of the gas industry. It will provide for the disaggregation of the Gas and Fuel Corporation of Victoria to facilitate the necessary first step towards an efficient and competitive Victorian gas industry structure.

This legislation is consistent with the government's policy to support the efforts of the Council of Australian Governments (COAG) to implement Hilmer recommendations, and similar provisions are being implemented by commonwealth and state governments around Australia.

Although the government itself accepts the responsibility for the reforms, it is important to note that Esso and BHP have recently confirmed their support for the government's gas reforms as an important step in achieving the objective of free and fair trade in gas.

Subsequent reforms, such as the development of an economic regulatory system to be administered by the Office of the Regulator-General, the implementation of a third-party access regime to pipelines and the facilitation of the free and fair interstate trade in gas will be introduced in subsequent legislation. At that time responsibility for technical regulation currently undertaken by GFCV will be reviewed.

GFCV has contracts with many parties, not least of which are the gas supply contracts with Esso-BHP — the joint venture producers that developed the oil and gas fields in Bass Strait. The government will respect the commercial integrity of the existing supply contracts with Esso-BHP. Contracts with Esso-BHP will be transferred to the gas distribution corporation (Gascor).

In effecting the restructure, care has been taken to ensure that the legislation does not adversely affect the producers' position in relation to the contracts. In reforming the gas industry, the government is committed to safeguarding the interests of the preference shareholders of GFCV. Under the restructuring, GFCV's preference shareholders have been offered the choice of:

1. retaining their preference shares with all their existing rights, including the right to receive a fixed dividend yield and the right to elect preference directors to the GFCV board; or
2. selling their preference shares to the state for a price determined by an independent expert to be fair and reasonable.

The government will also provide a guarantee to GFCV to ensure that it will always be able to meet the obligations — that is, dividends and return of capital on winding up — to the preference shareholders who elect not to sell their shares.

Furthermore, the legislation will expressly authorise the directors of GFCV to pay dividends to the preference shareholders, even if there are no profits in GFCV. The preference shareholders' interests will therefore be safeguarded by the state.

To give preference shareholders the option of selling their shares for a fair and reasonable value, the government has obtained an independent expert's assessment of the value of the preference shares. Based on that assessment, the government has offered $2.36 for each 6 per cent preference share and $2.00 for each 4 per cent preference share, which is the top end of the range of values assessed by the independent expert.

The intention of the legislation is to transfer all of GFCV's assets and liabilities to the Gas Transmission Corporation (GTC), Gascor or the state, except for certain assets and liabilities retained by GFCV — these transfers are detailed in the bill and schedules. Thus, the legislation itself clearly allocates assets and liabilities. Anything not remaining in GFCV or being transferred to GTC or the state will be vested in Gascor. Therefore, on the passage of the legislation, neither the directors of GFCV nor any minister of the Crown will have any discretion in the allocation of GFCV's assets and liabilities to GTC, Gascor or the state, or the retention of any of those assets or liabilities by GFCV.

Part 1 states the purpose of the bill and includes definitions. Part 2 provides for the establishment of the two gas corporations, GTC and Gascor, and sets out their functions and powers. GTC will perform a gas transmission function and will be prevented from trading in gas to ensure that it provides an independent transportation service. Gascor will provide a gas distribution service and trade in gas.

Part 3 provides for the transmission and distribution of gas. Part 4 provides for elements of technical regulation. These provisions are largely modelled on similar provisions in the Gas and Fuel Corporation Act and deal with such matters as tariffs and conditions, billing, protection of domestic consumers, gas quality, and meter installation.

Part 5 generally replicates the Gas and Fuel Corporation Act and provides Gascor and/or GTC with the necessary powers to acquire land and to undertake works on public and private land. It also contains similar penalty provisions to the Gas and Fuel Corporation Act.

Part 6 deals with easements of GTC and Gascor. Elsewhere, the bill also provides for all easements currently held by GFCV to be converted to statutory easements and to be transferred to Gascor and/or GTC. It is not anticipated that this will affect the rights of landowners in any practical sense.

Part 7 provides for the transfer of property, rights and liabilities to the new gas companies. Various assets and liabilities will be retained by GFCV, which will manage the residual and property matters. Transfers to the new gas companies will be at 30 June, 1994 book values, although the directors and management of both companies will be able to review these values during the course of the financial year. The ownership of GFE Resources Ltd, the wholly owned exploration and production subsidiary of GFCV, will be transferred to the state pending a possible future sale.

Part 8 provides for the transfer of staff from GFCV to Gascor. All entitlements, including superannuation and continuity of service, will be preserved. Staff will not initially be transferred to GTC, as GTC will be operated under service agreements with Gascor.

In due course, the board of GTC will make offers of employment to staff.

Part 9 deals with general matters and contains provisions in relation to emergencies, offences, evidentiary matters, ministerial delegations, Treasurer's guarantees and regulation-making powers.

Part 10 contains transitional provisions in relation to the preparation of financial statements by the new gas companies and GFCV for 1994-95.

Parts 11 and 12 of the bill provide for consequential amendments to the principal act, the Gas and Fuel Corporation Act 1958, and other acts. Part 13 of the bill relates to the statutory novation of certain financial obligations of the GFCV and deals with technical issues which have arisen as a result of the statutory novation.

The bill will have no impact on end prices to gas consumers. In the long run, as is outlined below, the reforms initiated by the bill and subsequent reforms will lead to the lowest sustainable prices to gas consumers. The separation of transmission from distribution is merely the first step in the reform process.

This legislation further demonstrates the government's support for the work being done by COAG to encourage and implement free and fair trade in gas between states so as to create a competitive eastern Australian gas market. However, it is important to recognise that there is a major impediment to the reform of the gas industry that requires resolution. This is needed not only for reforms to proceed in Victoria but also for there to be free and fair trade in gas between the states. Of course, the impediment is the commonwealth's Petroleum Resource Rent Tax (PRRT) which was levied on Bass Strait gas production from July 1990. In addition to the discriminatory application of this tax to Victorian gas, a complex arbitration is in progress as to which of the parties is liable to bear this tax.

GFCV and Generation Victoria are disputing any liability and the GFCV arbitration is soon to begin. Victoria's ability to comprehensively implement its gas reform agenda is dependent on the satisfactory resolution of these PRRT disputes. This will require the active involvement of the commonwealth government.

It is proposed to introduce further legislation in the autumn 1995 session of Parliament to establish a comprehensive economic regulation framework, which will include a third party access regime and transportation tariffs. These arrangements will be developed in conjunction with the Office of the Regulator-General.

In summary, the bill represents a major step towards achieving the government's objective to restructure the Victorian gas industry. While the government recognises that many of the benefits of reform are long term, it should be remembered that the gas industry is founded on long-term investments. The separation will provide the necessary environment and stimulus for a competitive gas industry to develop. It is a key step towards encouraging further gas exploration, development and production as well as moving towards an environment that will deliver the lowest sustainable prices to Victorian consumers.

I commend the bill to the house.

Debate adjourned on motion of Mr HAMILTON (Morwell).

Debate adjourned until Wednesday, 30 November.

WATER INDUSTRY BILL

Second reading

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

That this bill be now read a second time.

This bill introduces a number of reforms to the Victorian water industry to facilitate its long-term development and to extend the application of commercial practices.

While Victoria has a well-developed water industry, the industry is suffering from a legacy of debt due to a history of capital misallocations, and there has been insufficient incentive to improve customer service and reduce costs. The reforms introduced by this bill build on recent progress in both Melbourne Water and the non-metropolitan water authorities. The reforms aim to provide greater efficiency and competitiveness, to empower consumers and to reduce state debt.

The purpose of the bill is to provide for an environment and structure which facilitates the

efficient running of the various water retail licensees as commercial businesses. These licensees will thus be encouraged to make commercial decisions on matters such as investment, service delivery and asset management within a regulated framework to protect consumers interests. This bill is a key part of ensuring that water companies reduce costs, improve services, behave in a commercial way and maximise efficiency as corporatised entities. The bill does not privatise any water authority in Victoria, nor does it presuppose the eventual privatisation of any part of Melbourne Water or any other authorities. Rather, it provides a mechanism that is compatible with continued public ownership combined with improved efficiency through a greater commercial focus.

Consistent with the shift away from a rating basis for charges for water and associated services, the bill provides protection for consumers in terms of consistency of supply. Provisions concerning the maintenance of supply and limitations on restriction of supply are translated from previous water industry legislation. Provisions concerning resource management continue through the application of the Water Act 1989. This protection will be enhanced by the licensing conditions and through the oversight of the Regulator-General. Credit management policies will be subject to licence conditions designed to ensure that deposits are confined to customers with established poor credit records. The changes associated with corporatisation are designed to maintain industry practices, existing industry standards and security of water supply to household customers who face financial difficulties.

A variety of concessions are currently provided to domestic customers. The three major concessions are:

pension rebates providing a maximum $135 rebate on annual charges;

waivers of charges, either partly or wholly, for people in necessitous circumstances; and

the provision of additional time to those experiencing financial difficulties in prompt payment.

There are similar provisions in respect of the non-metropolitan water authorities. The government recognises the social importance of these concessionary schemes and the bill provides for their continuance.

Water supply, sewerage and drainage services are currently provided by the Melbourne Water Corporation in the greater Melbourne area and by various water authorities in the rest of the state. Melbourne Water Corporation is constituted in accordance with the Melbourne Water Corporation Act 1992 and provides services in accordance with obligations and powers primarily contained in the Melbourne and Metropolitan Board of Works (MMBW) Act 1958. The other water authorities exercise powers under the Water Act 1989. Melbourne Water Corporation and the water authorities also perform other functions including waterway management, flood plain management and, in the case of the Melbourne Water Corporation, the establishment and operation of metropolitan parks and the management of industrial waste.

In September 1993, the government signalled a program of reform for the water sector through its report entitled *Reforming Victoria's Water Industry: A Competitive Future*. The reforms signalled included a clearer separation between the public good functions (regulatory and community service) and commercial functions (customer services) within the water industry, and greater financial transparency and accountability.

Consistent with those principles, this bill introduces an operating licence system in which licences contain all the key operational and customer service parameters. Licences may be issued for the provision of water supply and sewerage services, the establishment and management of water supply headworks (dams, treatment plants, etcetera), the establishment and management of sewage treatment works, and the provision of drainage services. The licences will be defined in terms of geographic areas.

The first group of licences will be issued to three new state-owned corporations servicing the Melbourne area, which will hold water and sewerage licences. The new companies are City West Water Ltd, Yarra Valley Water Ltd and South East Water Ltd. Each of the new corporations will have its own customer base; and although they will not compete directly for each others customers, they will compete by comparison in the service they each offer their customers. Each business will have full responsibility for service delivery, asset management and financial viability.

Water will be sold from the headworks business to each of three regional distribution businesses at a price reflecting the future costs of maintaining

Victoria's access to a secure water supply. The resulting price will ensure that no-one is denied water while ensuring that water is used in a way that reflects its true economic value. The government's policy is to increase the emphasis on user-pays pricing. This focus on payment for water used rather than property value means that consumers will have some control over their water bills and will have an economic incentive not to waste water. This contrasts with the former system, which gave consumers no incentive to save water, and, indeed, actually encouraged its wasteful use.

Other important aspects of demand management, such as community education, research, planning and developing, and implementing programs for conservation are incorporated in the bill. All licensees will be required to develop programs for demand management for the approval of the Minister for Natural Resources.

Since July this year, the parks and waterway functions of the Melbourne Water Corporation have been carried out by a state body, Melbourne Parks and Waterways. The bill establishes Melbourne Parks and Waterways as a statutory corporation with a charter of managing and controlling open space, parks and waterways within the metropolitan area for the purposes of conservation, recreation, leisure, tourism and navigation. Melbourne Parks and Waterways will also manage the hydraulic capacity and water quality of some waterways.

Under the bill the management of parks and the recreational, educational and leisure-value-related functions of waterways, together with the drainage and water quality aspects of certain waterways, will be transferred to the new statutory authority, Melbourne Parks and Waterways. The corporation will be responsible to the Minister for Conservation and Environment but will have its own skill-based board of directors and chief executive. It will be funded by rates or charges on landowners in the specified metropolitan area, which will be in lieu of the metropolitan improvement rate, and it will have the power to enter into arrangements with others to collect its revenue. The corporation will acquire assets from the Melbourne Water Corporation and employ some of its staff. It will have all the powers, including powers under regulations, needed to establish, operate and manage parks and open-space facilities, and it will have Melbourne Water's existing powers to develop, maintain, protect and enhance the aesthetic, recreational, educational and leisure values of the waters, lands and works provided for in the Melbourne and Metropolitan Board of Works Act 1958.

Catchment and waterway management responsibilities are a mix of regulatory and commercial functions. As such, they are inconsistent with the strong commercial focus of the new regional businesses. The government recognises that catchment management needs an integrated approach. The elements of policy, water resource assessment and regulatory activities which more appropriately belong under the policy arm of government will be transferred to the appropriate government department or agency. Melbourne Parks and Waterways will have responsibility for integrated planning. The government recognises that the division of responsibilities between Melbourne Water and metropolitan municipalities for urban drainage need to be rationalised. This matter is currently under review.

The Melbourne Water Corporation will retain the ownership of all dams, sewage treatment works and other headworks. The bill provides that the three new state-owned companies and Melbourne Parks and Waterways will have other Melbourne Water Corporation assets transferred to them.

The Water Act continues to provide for the integrated management of the water resource and defines the bulk entitlement to water for the licensee. For areas of the state which are not subject to a licence, the Water Act continues as the relevant legislation. Licences will eventually be issued throughout the state.

Some special powers are necessary to enable each licensee to perform its functions. These powers, such as entry to land, etcetera, have been kept to a minimum, and licensees will be fully accountable for their actions. To ensure that licensees comply with their obligations and to maintain a fair pricing structure for consumers, the supervision of licensees becomes the responsibility of the Office of the Regulator-General. In accordance with the Office of the Regulator-General Act 1994, competitive market conduct will be fostered and possible misuse of monopoly power prevented.

Under the Water Act 1989, flood plain management functions are vested in declared authorities including the Melbourne Water Corporation. Under the bill all flood plain management functions previously vested in the Melbourne Water Corporation will be vested in the Minister for Natural Resources. While the minister and the

department will oversee the regulatory and policy aspects, the bill enables operational (including technical) matters to be delegated to service delivery agencies.

The division of assets and activities between Melbourne Parks and Waterways, the Melbourne Water Corporation and the state-owned companies will be effected by administrative processes. It will be necessary for some staff to transfer from the Melbourne Water Corporation to Melbourne Parks and Waterways and to the three state-owned companies. Provision is made for such officers and employees to remain with the existing superannuation fund.

Consequential amendments to other legislation have also been necessary. The Melbourne Water Corporation formerly made certain payments out of the Metropolitan Improvement Fund in connection with the Melbourne Underground Rail Loop Authority. These payments will no longer be made, and the Transport Act 1983 has been appropriately amended.

Part 1 of the bill sets out preliminary provisions. Part 2 establishes a licensing system for the provision of water, sewerage and drainage services throughout the state. The water industry is declared to be a regulated industry for the purposes of the Office of the Regulator-General Act 1994. There are also provisions creating customer contracts that entitle all customers to definitive and enforceable legal rights with respect to the cost and quality of the services provided.

Licensees are authorised to charge fees for the various services — initially for water and sewerage usage — but those fees will not be a charge on land. Rates, which will continue to be levied by the Melbourne Water Corporation, pay for services including water catchment, bulk distribution, water treatment, sewage treatment and reticulation. All fees and rates will be collected by the licensees to simplify customer payment. This will create uniformity with other providers of essential services. Existing exemptions from certain fees have been preserved. Inspectors will be appointed to monitor technical aspects of a licensee's business. These controls will be in addition to existing monitoring programs operated by the Environment Protection Agency and the Department of Health and Community Services.

Part 3 of the bill covers the functions, obligations and powers of licensees. The licensees will be required to manage, operate and maintain the relevant systems of works as well as to plan for future needs, conduct appropriate research and educate the community. To enable licensees to carry out their allotted functions, powers are provided to them to administer Crown land, enter land for the purpose of reading meters, close roads, control connections to their works, require works to be carried out and, in the case of sewerage works, compel connections. Licensees will be legally liable to compensate any person who suffers damage as a direct result of their conduct, including damage resulting from flows of water caused by a licensee's negligence. Licensees will be required to keep separate accounting records relating to their license functions and must make regular reports to the responsible minister, the Regulator-General and their customers.

Part 4 of the bill provides for the establishment of Melbourne Parks and Waterways (MPW) as a statutory corporation. MPW is constituted to acquire, hold and manage all parks and waterways in the Melbourne metropolitan area for the purposes of conservation, recreation, leisure, tourism and navigation.

Part 5 of the bill deals with the transfer of assets, liabilities and staff from the Melbourne Water Corporation to the retail licensees. Such transfers will be at the minister's direction and subject to an allocation statement. Part 6 of the bill contains general administrative provisions relating to the making of regulations and the service of documents.

Part 7 of the bill contains numerous amendments to the Water Act 1989 and generally extends the operation of the provisions of the Water Act to include persons holding licences and Melbourne Parks and Waterways. Part 8 of the bill effects amendments to the Melbourne and Metropolitan Board of Works Act 1958. Part 9 amends certain other acts.

I commend the bill to the house.

Debate adjourned on motion of Mr HAMILTON (Morwell).

Debate adjourned until Wednesday, 30 November.

PROSTITUTION CONTROL BILL

Government amendments circulated by Mrs WADE (Attorney-General) pursuant to sessional orders.

Second reading

Debate resumed from 21 October; motion of Mrs WADE (Attorney-General).

Mr COLE (Melbourne) — I rise on behalf of the opposition to oppose this bill. The bill again demonstrates the inability of the conservative forces in this state and this country to come to grips with major social questions. The opposition has proposed substantial amendments which will be the subject of debate if we get to the committee stage.

Prostitution legislation is an important issue, and the conservative parties have repeated what they did in 1986 when prostitution legislation was introduced by the then Labor government after an extensive review and the definitive work on the topic by Professor Marcia Neave. The conservative parties compromised on the planning of prostitution regulation in this state in the same way then as they have done today, yet again acting in a potentially dangerous, even disastrous, manner.

The Neave report and the government legislation was a response in 1986 to the conservative government's inability to come to grips with the problem of prostitution legislation in the 1970s and early 1980s. They did what they so often do: they put their heads in the sand and said, 'So long as it is called a massage parlour we don't want to know about it'.

Mr E. R. Smith — That is not true. It is a misrepresentation.

Mr COLE — I have only read three paragraphs. Stick around for the rest of it.

The SPEAKER — Order! The honourable member for Glen Waverley will have the opportunity to refute what the honourable member for Melbourne is saying later in the debate. Until that time, I ask him to remain silent.

Mr COLE — I do not want to go into the problems the conservatives had in the 1970s and early 1980s in trying to address this problem because that is not the subject of debate today. The subject of today's debate is legislation that in my view does not resolve or address the major planning and social issues attached to prostitution.

At the outset I must say that I was shocked by the Attorney-General's final bill. I do not say that in a disparaging way, but a review was conducted by her department through a committee, headed by the Honourable James Guest, which reported to her. That committee's report is not available to me or the general public — even through FOI, I might add. The Attorney-General's original public statements on this bill were quite positive and affected the outcomes of the review. Although we have to accept that they were only preliminary statements, it seemed to me that I was in agreement with the Attorney-General on everything other than street prostitution.

I do not know whether the Attorney-General changed her mind, was rolled in the party room or it was simply decided to go down a different path, but from what I know of the Attorney-General I cannot believe or accept that she supports what she is submitting to the house today. Although we have had our disagreements, I was sure she would have an outlook on this topic that reflected something akin to social awareness, as I perceive it. I also find it hard to believe that the Attorney-General could embrace such an illogical and flawed bill as she has presented to the house today.

I do not wish to labour the point too much, but it must be said to prove my bona fides that when the Labor Party held a Sunday afternoon policy forum at the St Kilda bowling club on the topic of prostitution reform, which many members of the public attended, I made a few observations on the government's approach to this topic — this was after the review was completed and after initial statements had been made by the Attorney-General.

I highlighted the dangers as I saw them before and during the review. I then went on to explain that, based on the minister's public statements, it seemed that most of our concerns did not come about. As I have already suggested, it seemed that the only point of contention was the issue of street workers. I praised the Attorney-General for her position on the bill as I understood it at that time.

Unfortunately the legislation is not to be as we first thought, and that is indeed lamentable. However, at least the Attorney-General did not do what she said the then Labor government should do in 1992. In her second-reading speech she even expressed the belief that we should have carried out the wishes of the elected Parliament back in 1986; in other words, follow what the upper house did and merely proclaim the bill in its entirety. As she well knows and as is evidenced now, that would have been an unmitigated disaster.

When in opposition the Attorney-General offered the rhetoric of swift action, but she knew full well that she could not possibly implement that when in government. It would have been the wrong thing to do. To have proclaimed the bill and carried out the so-called wishes of Parliament — it was a recalcitrant upper house at the time, and I do not think she was even a member of the opposition in those days — would have been a dangerous act, particularly regarding licensing provisions and local government planning requirements.

When I first heard the original position the Attorney-General was proposing after the review was completed it seemed that, other than on the subject of street prostitution, the bill was, in effect, the original bill introduced by the Labor government which largely reflected Professor Neave's report. I am not sure, but it seems to me that, considering some of the protestations from the Liberal backbench and National Party and some of the provisions in the bill, the forces of reaction in the party were able to overcome the original proposal. We are now left with what is a bit of a mess.

This proposal reflects all the prejudices and biases one can imagine the conservatives dreaming up. It does nothing to resolve the problems of prostitution regulation, in fact, it exacerbates many of them. It replaces an ostensibly planning approach to prostitution regulation with a punitive one.

The opposition is pleased that the original position of the Premier has obviously not been accepted — namely, giving total planning control to the local council with no avenue of appeal to the AAT concerning the granting of planning permits for brothels. I raised this matter in the adjournment debate some time ago after the moratorium was imposed. I referred to the fact that in his speech to the Essendon rotary club, which was reported in the paper at the time, the Premier said that by this method of planning he would stop the brothel proposed for Mount Alexander Road. Under the current proposals, it is possible that the brothel proposed for that road will go ahead because the council may refuse the permit but the application can go to the AAT.

At the time it showed a review had been put in place — not a public review but an internal departmental and parliamentary Liberal and National review. But at least it was a review. The Premier was trying to pre-empt the review. After all the vagaries experienced, the changes to the bill and the vicissitudes of the conservative parties the one crucial issue — the question of planning for brothels — was not put in place. The Premier has either changed his position dramatically or he was rolled.

The opposition supports some provisions of the bill. No-one would object to the harsher penalties imposed on child prostitution and sex tour promoters. This provision dovetails with the federal legislation, and it is to be applauded. I have received representations from the Australian Federation of Travel Agents on a peripheral, but nevertheless important, issue. The federation is concerned about part 2, which deals with offences connected with prostitution, and specifically clause 5 and the evidentiary requirements to prove that a proprietor is engaging in the promotion of or effectively causing or inducing a child to take part in prostitution. This may cover sex tours. If the tour operator knows the tour is being provided for the purpose of sex with children in another country it ought to be an offence. I shall be pleased if I can obtain an explanation about that during the committee stage. There may be other specific provisions but I could not identify them. The swift approach taken by the Attorney-General should be applauded. We and the community share her view that this issue must be addressed. The penalties in the bill are appropriate.

Child prostitution is a very difficult issue. It is a real and serious issue for street sex workers who do it of their own volition but who may be under age. That is a separate issue. The more important issue is that we are moving towards preventing people from travelling overseas to take advantage of children in other countries. We want to ensure that does not happen. Clauses 5, 6 and 7 address that issue.

For a short time — but not for long — I was concerned about clause 7, which deals with agreement about the provision of sexual services by a child. The provision places the onus upon the person alleged to have used a child for sexual purposes for money. It is fair that they should have to prove they made the proper investigations about the age of the person. Although I believe we should be conscious of reversing the onus of proof, in this particular case it is imperative that the wording is couched in terms such that the onus of proof is on those persons to make proper inquiries and to prove in court that they did so.

Normally I would discuss this clause in the committee stage. But, because many other amendments are to be moved, I may not get the

opportunity. It is an important provision. We do not want brothel owners and others deliberately choosing under-age people because of a particular market they wish to supply. We want to ensure that does not happen and that we have stringent guidelines not only dealing with health but also dealing with the selection of prostitutes to ensure they are of the legal age. We must have strong and strict guidelines.

I also say for the record — I do not wish to overstate my influence in the world, but it may be a matter for interpretation in the future and I believe it is important and realistic that it be said — that clause 6(4)(b) provides that the accused must have believed on reasonable grounds at the time the offence is alleged to have been committed that the person concerned was aged 18 years or more. We now have drivers licences with photographs, and there are other ways of identifying people such as birth certificates to ensure they are of legal age. This provision must be interpreted strictly not only because of the distress of young people who believe they need to engage in prostitution but also because of client demand for under-age girls. This good provision must be strictly interpreted, and I am pleased it is included in the bill.

We must come down hard on agencies that run sex tours and others who are involved in this trade. I understand from Bernadette McMenamin, a friend of mine who works with the United Nations in Bangkok, that although the police are able to keep track of paedophiles they do not have the mechanisms or laws to stop them travelling to other countries. We must call on the Australian Federation of Travel Agents and non-members to develop standards and apply them rigorously. Their standards are very good. Although we can take away licences, there is an enormous onus on the federation to ensure its members are not engaged in this activity and to ensure it does not put its hands up to its eyes and pretend it does not occur. It does not take too much thought to realise that a large number of the people who travel to certain countries are not going there just to drink beer. If the police know about these activities and they can inform travel agents, the travel agents should be working more closely with police to ensure that those tours do not go ahead.

The licensing of brothels and escort agencies is also long overdue. Unfortunately, because of the difficulties with the licensing provisions in the 1986 act, licensing has been restricted over the past nine years. It is a shame we did not have licensing provisions in place some time ago. Fortunately the proposals for licensing by the conservatives in the upper house have been rejected and do not form part of the bill. I appreciate that. Planning will be decided by local government with appeals to the Administrative Appeals Tribunal. Many of the opposition amendments relate specifically to planning and the way the opposition addresses prostitution. At all times it should be done according to planning methods.

Clause 7, which is very important, deals with a person who allows children to take part in prostitution. The provision is strict, but imprisonment of four years is appropriate. I hope the licensing provisions will prevent this sort of activity, but there is no guarantee. With a little luck and with the health requirements and other issues involved, I hope we will not have to rely on clause 11 too often. However, it will require a lot of work by the police and others in the industry, including the Prostitutes Collective and the workers. It is an important issue that is addressed very well by clause 11.

The opposition either has grave reservations about or opposes most of the rest of the bill. I will move some 47 amendments during the committee stage. However, the Attorney-General should not worry too much because more than half of them are consequential. They are based on a thematic approach to prostitution rather than going through individual legislation to carve it up.

I believe some of the provisions within this bill are basically stupid and again show the residual though dominating extreme of the government. Conservatism is alive and well in the conservative parties here. We used to have the wets and the dries; after reading some of the provisions contained in this bill — which I cannot believe the Attorney-General supported — I now believe we have the wets and the arids. I should have thought some of the specific provisions would have been best left out.

It will be an offence for a client to be found at an illegal brothel without an excuse. That raises some extraordinarily difficult evidentiary problems. It would be reasonable for a person to say, 'We were not aware they did not have a licence'. A person would not necessarily know it is a legal brothel and one could even say — —

Mrs Wade interjected.

Mr COLE — Yes; the Attorney-General has raised a very good point: they have to have a notice on the door. But that assumes that all clients know they must have a notice on the door. They could also have a fake notice on the door. There are all sorts of evidentiary problems. The most important one, which has not been addressed, is that people do not go into brothels asking the question: has it got a licence? They go there for other reasons and probably have not got their minds on the job — well a different job anyway.

One could ask whether the provision is reasonable. Rather than punishing the clients we should concentrate on the requirement of the illegal brothel owners to have licences. If they have not, they should be subject to the provisions of the act — not the clients.

Although the government's measure may seem like a good thing to be doing, I think it would be very hard to enforce. I would prefer to see us reduce the criminal application of these particular laws as much as possible. I would prefer to see the clients absolved from responsibility for going into an illegal brothel because of the problems inherent within it. The people who should be punished are the brothel owners for not having licences — and that should be it.

The provision will enhance the criminal environment, and we do not want that; we do not want people to be seen to be criminals when they do this. We may not like it or support it, but we should take it out of the criminal framework and keep it as a planning issue — that is, brothel owners should be operating with licences or planning permits, or whatever the case may be. During the committee stage I will move an amendment to the effect that it should not be an offence to be in an illegal brothel.

The provision regarding living off the earnings of a prostitute is a completely stupid and illogical provision that, to a large degree, is a residual hangover from the older days of prostitution regulation — or non-regulation as the case may be.

We acknowledge that some changes have been made with regard to families living off prostitutes' wages and so on, and that is to be applauded. However, I cannot for the life of me see how it can be an offence and a criminal action to live off the earnings of a prostitute who does not have a licence when it is not an offence to live off the earnings of a prostitute who has a licence. The sin or crime is not living off the earnings, but not having a licence to do it. In my view the legislation should be amended accordingly to ensure that we are not a complete laughing-stock on this issue and so that regulation of prostitution is treated as a planning issue and not as a crime. Every time we put a criminal element into this we up the ante for everybody and increase the chances that organised crime groups will become involved.

Although it sounds good to say a person should not be allowed to live off the earnings of a prostitute, the fact is that the legislation condones it. That is the reality. A planning method should be used to resolve it; the owners have to have licences.

The provision that small towns with fewer than 25 000 people cannot have a brothel is the rural rump of the conservative coalition at its best. It is absurd to think that I can drive home past brothels — admittedly I am the honourable member for Melbourne and the area I represent probably has the highest number of brothels in the state — which are not unobtrusive while country people cannot. I cannot see why somebody in the city has to put up with it while somebody living in a town with only 25 000 residents does not. That should be a question for the local council to decide on the basis of planning issues. It should not be ruled from the government level. The local councils of townships with fewer than 25 000 people should be able to decide that. If they do not it should go to the AAT — as it should in any other area.

With all the moralising, comments and protestations that go on in the bush you would think small country towns would not need that protection because the average brothel would probably go broke anyway. It seems to me that the government is detracting from democratically elected councils, which people in the bush support so much, as well as the AAT.

It is an absolute nonsense and mockery of everything to do with proper planning in this state if country people or the government are worried about country titles for brothels, such as The Hayshed Ride or something like that. The local council can make rulings to ensure that the signs are not as obtrusive as they are at 20 Anderson Street, West Melbourne, as you drive through Dynon Road.

An honourable member interjected.

Mr COLE — Yes; with a dirty great big red light. You have to be careful about things like that. One time I walked in the city and saw a red sign, 'City

Limits' and wondered how a brothel got there. However, as I discovered, it was a residential premises and the honourable members for Ballarat East and Bendigo West were living there at the time. You have to be careful about what constitutes a house of prostitution! However, because they are ex-police officers, in the normal course of events, they would be able to tell the difference.

People in country areas must accept the availability of and use of prostitutes. I do not know whether part of the regional development policy is to push them all into the big cities and away from the small cities with less than 25 000 residents. However, it is not an appropriate way of planning the regulation of prostitution. The opposition is moving an amendment accordingly.

The matter that most disturbed me and the one about which I am most disappointed is one and two-person brothels. It is ludicrous on the one hand — as the Attorney-General has suggested — to allow one or two-person brothels to operate without a licence while on the other hand restrict them to non-residential areas, where of course they will have to apply for planning permits to operate.

Owner occupation, of course, was the key. We were trying to achieve the situation of unobtrusive, anonymous and unlicensed women being allowed to operate from home in the same way as other owner occupiers do, such as solicitors. It would have been a way of maintaining anonymity and ensuring that they continued to have a right to practise in their way without having to go off to a larger brothel. However, that was not to be.

I believe an illegal industry will now operate because few of those people will go about obtaining planning permits — either that or they will be confined to brothels, which will eliminate an enormous amount of competition. If they are not in brothels, they will be precluded from working at all or they will go out on the street. In one sense when the government decided on this provision it must have been in a complete time warp.

The government did not consider the effect of forcing people into non-residential areas when it is quite capable of doing it in residential areas in the same way, again on planning grounds. I notice the City of Melbourne comes under different regulations; in fact we have to get more, not less, and certain conditions apply. For instance, in the City of Melbourne operating out of a house would be acceptable in the normal course of events because it is considered owner occupation. But in the City of Melbourne it quite rightly does not apply to attached houses because of the various problems, but that is exactly the same principle that applies to other businesses.

An Honourable Member — So you are saying they operate in residential areas?

Mr COLE — That is exactly what I am saying: the same as a solicitor or a doctor operates. That is the way it should be done under the particular planning scheme of that area. An owner occupier, single or two people, should be allowed to operate under the same conditions as everybody else. What is happening now is that people are being forced to act illegally, which is what will happen, and the police and local planning authorities being what they are, they will probably — more than likely, with a bit of luck, and again, on the record — leave them alone unless there are massive complaints about the comings and goings there, which invariably there are not because they are unobtrusive. Many of the recommendations of the Marcia Neave report and all of the studies show that it is not a major problem in the residential areas.

If it is a choice between that and a drive-through McDonalds or a pub or whatever I think I know what I would want: you know what you would opt for in preference to this.

However, that is the government's decision. The opposition has an amendment to force it back to a situation where these places will be allowed to operate according to local council guidelines. I do not see it as a major problem but obviously the government saw fit to say no. The government does not want it in residential areas. That is a narrow view of a very complex problem and contrary to all the advice that has been given on the topic, particularly in the Marcia Neave report and the work that has been done since then.

An honourable member interjected.

Mr COLE — To operate from home? It does not worry me if they are doing that. The honourable member raises that issue and I will comment on it. I had one right alongside my office for two years. I did not even know it was there until the newspapers rang me up.

An honourable member interjected.

Mr COLE — Yes, we had them in our street in the City of Melbourne. We had to drive past one every day. There is nothing much you can do about it. That is just how it is. It is much better than having it operate in an illegal atmosphere, and much better to have it planned according to town planning regulations. I have no problem with single or two-person brothels in my street operating out of a house. It is better than some of the things that go on.

We are not talking about whether you condone or accept prostitution; we are talking about planning and regulation. People do not realise that by doing this such things will still go on; they will just be illegal. The government is acting contrary to all the advice it has been given. I think that that is an important issue. It does not matter whether it will be alongside my house or your house but that the advice was given. It certainly would not worry me.

The opposition disagrees totally with the government's approach on the issue of street prostitutes, or the non-approach as was originally proposed by the minister in her statement about not doing anything about it. We accept that it is a vexed and difficult question to address. Apart from the ludicrous fines that are intended to be imposed on all and sundry, which will exacerbate the problem dramatically, again, by not adopting a planning approach to this issue the government has ensured that problems associated with street workers will be with us for some time to come.

I had better pre-empt the honourable member for Glen Waverley because I am sure he is going to ask if I want to drive down the road and let my kids see the street workers. The fact of the matter is that they are there and the kids do see them. We have a few, and we can pretend that by issuing some legislative edict saying they are not allowed to do it they will go away; but, they don't. The other option is to try to regulate the industry properly and consider some of the issues associated with it.

The opposition believes — and it is the only area of great concern — that the time has come for St Kilda council to be given the capacity to designate certain areas for street prostitution, as was requested by the former St Kilda mayor, Tim Costello, and others. Thus it would not be a crime to use those areas for sex.

The 10 reasons for change published and distributed by the Prostitutes Collective clearly outline why this should occur. I shall go through the reasons briefly. I do not want to labour the point too much. First and foremost is that prohibition does not work. If we decriminalise prostitution we will allow sympathetic planning initiatives. Further, decriminalisation will aid in preventing violence.

I must reflect on this. According to statistics collected by the Prostitutes Collective of Victoria an average of two rapes a week are suffered by street prostitutes. At least one assault a night is reported to outreach workers. Street prostitutes are constantly robbed of any money they may have on them. The murderers of two street prostitutes this year remain in the community to strike again. While street prostitution remains a criminal act, women will not report acts of violence to the police, and dangerous and predatory males will continue to jeopardise the safety of all women in St Kilda.

The fourth reason is that decriminalisation will stop a costly legal merry-go-round, which it is, of course. It states:

> Currently, street prostitutes are arrested and fined regularly. Given that they are the poorest workers in the sex industry, and that they have no other means of income, they are then compelled to spend more time on the streets to pay these fines, only to face another arrest. Unable to pay these fines, increasing numbers of women are being sent to prison. Upon release, and unsupported, they return to the streets. The cycle is never-ending. The taxpayer is burdened by enormous legal, policing and prison costs. Decriminalisation saves everybody time and money.

Other reasons are: decriminalisation will increase the effectiveness of HIV education. It also will enable the community to focus on drug addiction among street prostitutes. Decriminalisation will aid uncovering and addressing homelessness and poverty. Decriminalisation will alleviate the stigma associated with street prostitution. It will keep families together and decrease state government child protection costs.

Forty-six per cent of women working as street prostitutes are mothers, the majority being single mothers. Because they are engaging in illegal activities by working on the streets, they are likely to have children removed from them by child protection workers even though, like women working in brothels, they may be earning extra money to support their families. They risk having their children removed from their care. Many have already lost their children. Children in care cost the state government thousands of dollars a year per child.

The final reason in my view is probably the most important for the community to understand, and it is:

> Decriminalisation will dramatically decrease the number of street prostitutes within five years.
>
> A substantial decrease in the number of prostitutes will occur if the criminal nature of the activity is abolished. Decriminalisation will allow specialist agencies and workers greater access to street prostitutes. Services and strategies such as drug detoxification centres, exit and retraining programs and housing programs will be more effective and provide opportunities and a better lifestyle to those who currently have so little.

Those 10 reasons are profound and compelling, indeed. Frankly, I cannot understand how members on the government side of the house do not accept what is proposed. I can put it down to only two very simple reasons: firstly, they are absolutely ignorant about the way to resolve this problem; and, secondly, it is beyond their moral comprehension that we should somehow decriminalise street worker activity.

Street workers are often the homeless, the dispossessed, the most vulnerable and the mentally ill. Also, they are unable to obtain jobs in brothels and could not work as escorts. They are often on drugs and present the greatest health risk. Street workers are the most vulnerable to attack, as was pointed out in the 10 points I read earlier.

Police time is taken up enforcing or attempting to enforce this law. Antipathy towards the police and police practices is again of great concern to the community. No doubt can be cast on the proposition that the police are losing the battle against the street workers at an enormous cost to the police, the street workers and the community. If police had the common decency to come out and say — which I think some of them have done — they cannot resolve the problem and never will be able to, maybe this government would come to the party and at least attempt to decriminalise this activity.

The number of street workers in prison pales into insignificance alongside the amount of fines that are paid. The cost to our community of these women and men, but mostly women, being in prison is extremely high. All the time we are increasing the problem for one of the most underprivileged and vulnerable groups in our community, the real victims of our society, which the government cannot even begin to try or even talk about trying to address.

Just to make sure that the stick of four-by-two is firmly planted across the heads of the vulnerable, the fines will be increased for soliciting near a church, hospital, school or public place regularly frequented by children. In our desire to protect our young we do more harm than good by taking such action.

Of course, when you are not doing anything about the problem in the first place I suppose it is good to look like you are taking remedial action to protect our kids. The fact that many of the street workers are only young kids anyway does not seem to have occurred to anybody on the government side of the house or, if it has, it has not come through in the legislation. Of course, protecting children always sounds good.

In reality this is merely a pathetic attempt to cover up for the conservatives' inability to resolve the issue or, more to the point, accept that we can recognise that people pay for sex. Everyone accepts it is happening; however, it seems to me that the more that we can hide it the better the conservatives will feel. All it will do is make the vicious cycle that little bit more vicious.

Churches are of particular interest. Most churches have supported endeavours to resolve the problems. I would have thought the churches, with their benevolence and charity, would accept that it is only a homeless person or a vulnerable, meek person trying to survive as best as she or he can by being a street worker. But, no, we will do the opposite and ensure that the flock do not have to witness any of this, even when the church is closed, by saying street workers are not allowed to go near it. In one case, the people who go to the Sacred Heart Catholic Church in St Kilda will be in real trouble. The government does not realise that most of the street workers go there each day to have some lunch. On Sundays they have education classes on health and other issues.

Mrs Wade interjected.

Mr COLE — I will get to that. The Attorney-General says there is no problem with that. If you go down to the streets and see the way the police interpret the laws, you will see there is a significant problem. In fact, it may become easier for the police to pick up these people at lunchtime rather than having to go all over the place.

Mr E. R. Smith interjected.

Mr COLE — The honourable member for Glen Waverley would not know how many of these people have been strip searched, assaulted and so on by the police. If the police put as much time into catching burglars as they put into catching street workers we would be a lot better off. But you would not accept that, would you? You hide behind the moral high ground of some church facility. I will go on to that, and I will talk about Mary Magdalene later, if the honourable member wants me to go on for 3 hours, because she had a bit to do with prostitution as well.

Surely the churches should do the exact opposite of what this legislation provides and have the street workers as close as possible to the place of worship. I cannot understand the churches not reaching out to help these people. I am astounded that they would support such legislation, if they do.

As for increasing the penalties for people doing blockies looking for a street worker, this is another feel-good provision that will do absolutely no good whatever. But the lot opposite will all feel good about it because they are doing something. It will not be enforced and the women and men out there will be more and more victimised by society and by the legislative pen that makes members opposite feel very happy about what they are doing, which is totally contrary to any sensible advice and research on the topic.

I return to the point the Attorney-General made earlier. If street workers are walking down the street to have lunch at the Sacred Heart Catholic Church in St Kilda, although they may not be soliciting for the time they are there, I do not know whether it will really be a good excuse for them to say to the police officers, who are invariably young, 'We are going up to the church for lunch'. Will that be acceptable to the police? I doubt it very much. The fact is that the lot on the government side would not know because they have not been down there. They do not listen to the people who know. When they listen they reject what they hear because it is too difficult. As a result we will have more rapes, assaults and probably more murders.

I refer now to the provisions relating to charging the clients who are doing the blockies. I doubt very much whether the police will bother with that because they do not care about the clients. The officers are invariably male, too. Invariably it is the males who are doing the work, and their work is to get rid of the obtrusive street workers. That is what they are paid to do. Recently a street worker stole a client's wallet. The client went to the police, who went on a search-and-destroy mission to find the woman who had stolen his wallet. At no stage did the police bother to charge the male client; they never have and they never will. The reason for that is very simple: they are trying to look at the obtrusive, these people who might — heaven forbid! — go near a church on Sunday morning.

Mrs Peulich — That is an instance of police turning a blind eye.

Mr COLE — What is?

Mrs Peulich — The stolen property, the wallet, being retrieved. You are telling just one side of the story.

Mr COLE — I am not telling one side of the story; I am telling it as I see it. The police may well have retrieved the wallet — maybe they did or maybe they did not — but the fact is they would not charge the man. They may not have charged the woman, but I am sure they would have got her the next day.

Mrs Peulich interjected.

Mr COLE — If the honourable member for Bentleigh cared to look at the statistics on the number of women and men who have been charged multiple times and gone to gaol, she would be extremely embarrassed by the proposition she has put forward, because it is not mere speculation — it is fact. It is directed at the street workers and we do not see the clients getting charged.

That example once again clearly demonstrates that if you take somebody's property the whole world will come down on you, but if you carry out some offence, assault or whatever, what happens? There is a saying, 'You can rape them and murder them, but don't take away their property'. Of course, honourable members opposite would not know about such sayings, either. An overall increase in fines for street workers or clients will make the problem much worse.

As has been pointed out, it will only perpetuate the current vicious cycle. In any event, I may not like people either selling their bodies for sex or paying for it; but that does not mean I believe, as the government does, that the only way of stopping it is by imposing harsher penalties. That is absolute nonsense! I have got used to that over the past two

years, because everything has to be done by punitive means, which does absolutely no good whatsoever. All it will do, as all honourable members opposite should know — if they do not, they have not read the literature — is exacerbate the problem.

Mrs Peulich interjected.

Mr COLE — Yes, I'd decriminalise it in certain areas.

Mrs Peulich — You would allow it to occur everywhere, wouldn't you?

Mr COLE — I dunno! Of course it's not occurring at the moment — but it's illegal! Have you ever been down there to look? It is amazing how much of it is going on. It is going on every day. Because it is illegal the government intends to up the penalties, claiming that that will solve the problem. It will not do anything like that. It will just make the problem worse. In 12 months time I will be telling you how much worse it has become because of this stupid legislation and because of your government's inertia. The government is dominated by people like the honourable member for Glen Waverley, who thinks the police never do anything wrong, never tell lies and are all good and proper people.

Mr E. R. Smith — I never said that.

Mr COLE — My father was a policeman, so I know all about it.

Honourable members interjecting.

Mr COLE — So was my brother and my father-in-law. I know something about the police force and the difficulties they confront; you people do not. The government just jumps on the police force bandwagon for its own conservative reasons.

An honourable member interjected.

Mr COLE — With all due respect, I do not think the honourable member would have much say in the party room because he talks too much sense for this mob. This should be treated first and foremost as a planning issue, with designated areas in which prostitutes can work. At the very least that ought to be tried. The current system is not working, and the bill will only exacerbate the problem. At the very least, leave it up to the council to decide. The issue has been put in the too-difficult file because the moralistic mob on the other side cannot stand the thought of legalising the activities of people as overt and obtrusive as street workers.

I am sure that in 12 months time the government will look back and say it has achieved absolutely nothing other than to exacerbate the problems faced by street workers. That is the terrible tragedy of this bill and the way in which the government has approached what are very difficult issues.

The opposition supports the thrust of the licensing provisions but not their content. Licensing is not a panacea for all the ills in the prostitution industry. Brothel owners will now be licensed, and existing brothel owners will enjoy a windfall increase in the value of their assets. I do not accept that is something that we can do anything about, because a licensing system must begin at some stage. I do not believe it is wrong because it involves government regulation or deregulation. It is almost unavoidable.

However, I am concerned that although the bill centres on a concern about the criminal element — namely, organised crime — it is silent about many other issues, particularly the conditions and rates of pay of the workers. The only concession to that is the reference to concern about escorts who may be subject to abuse because they have to attend premises unknown to them. I applaud the government for including that in the bill, but its attempts to address the many issues involved, including the continued exploitation of prostitutes, are still insufficient.

The legislation makes no mention of the need to prevent any exploitation arising from traditional business practices. There is no provision for a minimum award for sex workers employed in brothels or escort agencies. The licensing provisions are so restrictive that one could guarantee that, based on his admissions to the royal commission, Lloyd Williams would never get a brothel permit; but the bill is silent on the types of conditions that determine how much sex workers will be paid.

The licensing provisions have been included not on planning grounds but almost totally because of the need to keep the criminal element out of brothels. Nobody can dispute the need to keep the criminal element out, but the alleged extent of the present danger is somewhat overrated. In my view, we should concentrate on proper planning regulations and not be hamstrung by overcompensating for the so-called criminal element in the industry. There is no doubt a criminal element was involved when brothels were illegal. But the legalisation of the

industry — and in particular, the health requirements — have led to a reduction in the criminal element. Just as the abolition of prohibition removed organised crime from the alcohol industry, I am sure that once we decriminalise prostitution we will reduce the involvement of the criminal element. The same would apply if we decriminalised the use of marijuana and other activities where, quite frankly, prohibition does not work.

There is no doubt that keeping the criminal element out would be a good thing. However, the licensing process should be one of ensuring that the right people obtain licences — in other words, those who are not criminals — rather than relying on stringent rules to get them out of the industry once they are in it.

I am sure I will again get into trouble for police bashing when I say that in practically all states, Victoria included, a great deal of corruption results from the involvement of police in illegal brothels. I know of one person in particular — two, in fact — who cost the Legal Aid Commissioner and the Director of Public Prosecutions between $5 million and $6 million and who almost sent the Victoria Police Association broke. That was mainly to do with corruption, but it also entailed other things. If too much control is given to police, we may well find that corruption again creeps in. We do not need that degree of police control because the control is provided by the licensing board.

I am sure the Attorney-General has been informed that since she implemented the moratorium approximately 154 illegal brothels have been established in Victoria. If this were such a serious issue for the police, as one assumes it is — —

Mrs Peulich interjected.

Mr COLE — It is considerably up. If there is no right to establish a legal one, you have to go for an illegal one.

Mrs Peulich interjected.

Mr COLE — I am informed that 154 have been established since the moratorium was put on. If it were such a serious issue for the police, surely the force would have done something to address it. Obviously it does not have a high priority unless some other criminal activity is going on. Of itself, an illegal brothel — that is, a brothel that is operating without a planning permit — is not necessarily a matter the police would need to put a lot of time into. I also oppose the police having the right to enter illegal brothels without a warrant, because the power is open to abuse. At this stage the social ills caused by illegal brothels are not so great as to warrant the granting of such sweeping powers. That is not to say we do not care about illegal brothels, because we do. In particular, we care about the health factors that are involved. Unless we have proper licensing systems and adequate health checks, we run the terrible risk that illegal brothels will give rise to major health difficulties. Without those processes the workers are more likely to be exploited, an issue we must be conscious of. As I pointed out, the opposition cares about the operation of illegal brothels. However, I do not see the need to give the police that power. We should not hand the police the power to conduct searches at will, as is proposed. To be perfectly fair to the Attorney-General, there are a lot of safeguards. For example, they have to get retrospective approval, which is to be applauded. I still believe it is not necessary to give them those powers.

I am concerned about prostitutes who have sexually transmitted diseases (STDs). The provisions do not remedy the problem or address other health-related issues. I have not heard of anybody — certainly not the Gay Men's Health Centre — who is involved with prostitutes who supports the provisions. However, we have seen excellent examples of the self-regulation of STDs by prostitutes and sex workers. We respect the work done by the Prostitutes Collective of Victoria, which, along with many others including the health workers themselves, ensured that this potentially very dangerous issue was addressed at an early stage.

We do not want a change in emphasis that leads people to believe there are those who are safe and those who are unsafe. We are much better off encouraging safe sex practices in brothels, which minimises the risk of infection. Even if people are not infected, the community must be given the message: assume nothing. Members of the community must continue to be told about the importance of practising safe sex — and that applies to sex workers and their clients.

The bill requires sex workers to have STD tests every two weeks, which seems incredibly onerous. Moreover, I am led to believe there are no guarantees that fortnightly checks will slow the spread of STDs. This provision represents reasonableness gone absolutely balmy! It will cost an enormous amount and will not be complied with. A sex worker will not say, 'I will have my check every

two weeks in case I have something — and then I will do something else'. The provision is unnecessary. According to all the groups who have been approached — remembering that the coalition did the wrong thing while it was in opposition — the licensing provisions emphasise that fact that more can be achieved by education, support and encouraging the community to engage in safe sex than by instituting punitive mechanisms that introduce a concept of unreasonableness by requiring sex workers go to the doctor every two weeks. If you were tested for AIDS every time you visited the doctor, it would cost a fortune because the procedure is very demanding.

The introduction of those types of measures is regarded as representing a punitive rather than a caring or planned approach. Although one can hardly be too critical, I am also struck by the fact that the bill at no stage talks about check-ups on the health of the workers. It is all about check-ups to discover what they may or may not have transmitted to others. No attempt has been made to provide the resources to ensure that the health of the workers is properly addressed.

Parts of the bill ensure that money will be made available for support programs and so on — but at the lower end of the scale. It concerns me that we do not regard the health of sex workers as important. We are concerned only about what they may give to somebody else! A concern for the health of the workers would be a real achievement! It should be unnecessary to require sex workers to undergo medical checks of that magnitude. The only proper guarantee is to educate them to practise safe sex. Any worker who engaged in any unsafe activities would particularly not care about the penalties involved. That is more likely to be true of street workers, because the bill attaches a criminal sanction to that scene and pushes it underground.

When it comes to the question of the AIDS virus, Victoria has done some excellent work under the auspices of the federal Labor government. There is no doubt that we are a model for the rest of the world. Many Victorian people involved in the AIDS issue have been asked by the United Nations to work in places that are trying to handle the most difficult of AIDS problems, particularly in the African nations. We have adopted an enlightened and by and large bipartisan approach to the handling of the crisis, on which we should be commended.

I do not wish to restrict our examination of the issue, but I believe there are three major areas of concern: firstly, the transmission of the disease through homosexual, male-to-male sex; secondly, the transmission of the disease by HIV-infected drug users; and thirdly, the possible transmission of the disease by prostitutes or sex workers. As it has transpired, in Victoria all three groups have been successfully isolated. We have not been scared to either talk about it or address the problem. The state should be congratulated on the manner in which it has approached the issue.

We cannot therefore rely on punitive measures such as increased penalties for deliberately infecting another person when the real issue is about handling the virus on a day-to-day basis, as has been done with sex workers and the HIV issue. In that sense I treat the homosexual communities separately.

We must knowledge the great work done by so many people, who have worked in a caring and compassionate fashion to ensure that our communities have been able to isolate the HIV virus. Unfortunately, there has been little consultation with the groups in the field — for example, the Prostitutes Collective of Victoria and the Peter Knight Centre, which is known as the Gay Men's Health Centre — about the damage that can be caused and the struggle to contain the virus. I am concerned that if we place this onus on sex workers, issues to do with their health will not continue to be handled in a caring, compassionate and effective manner but will be based on ridiculous and punitive measures just to placate the clients and to give them a false sense of their not having to practise safe sex.

That is a dangerous message to give to the community, which the people in the field acknowledge. The government is wrong in what it is doing. It represents a big shift from an educational approach to a punitive approach. It is precarious, because although we have done great work, the AIDS virus still has the potential to explode. One redeeming feature is that, by and large, most people ignore this government, so they will ignore the provisions. With a lot of luck things will continue as they are and the bill will not have a deleterious effect on the education and health of sex workers. We must continue to handle the issue carefully, not in the ridiculous way in which the recalcitrant and reactionary group in the conservative parties would have us behave.

I am concerned about the composition of the advisory committee. I do not see the need for so

many lawyers, because the law is clear and straightforward. It is proposed that the committee include three lawyers and that the chairperson be a lawyer. In some respects that may be a good thing in years to come — when I leave politics — but it is not appropriate now.

We need those in the industry, particularly sex workers, to be involved. My amendment suggests that a nominee of the Prostitutes Collective who is a sex worker or has recently ceased to be a sex worker should be on the advisory committee. That person need not necessarily be a nominee of the Prostitutes Collective, but I do not know of any other way of ensuring that an accountable body funded by the state ensures that this occurs.

In conclusion — and I must warn the Attorney-General that it is a long conclusion — I will quote from Marcia Neave's speech to the fifteenth annual John Barry memorial lecture, entitled 'The failure of prostitution law reform'. That speech was made when Labor was in government.

Mr E. R. Smith — What was the date?

Mr COLE — It was some time ago. It was delivered on 12 September 1988, which was almost a month before I was elected — so it is not my fault. Professor Neave describes a blueprint for reform. Her presentation of ideas and analysis and, no doubt, commitment to the issue are clear within this lecture. It also highlights the essential issues that need to be addressed. Professor Neave talks about four principles. In the interests of brevity, I will not relate all of them in detail, only the first.

Before doing so, however, I point out that, while we as a community have come to accept that prostitution is the order of things and rather than prohibiting it we must try to regulate it, that does not mean we support it. The conservatives probably agree with that proposition — in fact, that is stated in the second-reading speech — but they seem to come from a different direction to those on this side of the house and certainly Professor Neave. While they have difficulty coming to grips with the problem, they do so for moralistic and outdated reasons, hence the problems with this bill.

I will quote Professor Neave's first principle because it is vital that we all understand it:

> The first principle requires a recognition that the prime cause of prostitution is the economic and sexual inequality of women. The business will continue to exist until women are able to control their own sexuality and men abandon the view that they are entitled to sexual release at all costs. It will vanish only when desirability to men ceases to be the only real form of power exercised by many women.
>
> In the short term, and on a more practical note, we must abandon the idea that prostitution is inevitable and adopt policies which increase occupational choices for women. Prostitution is not the only women's job which includes a sexual component. Models, barmaids, waitresses, air hostesses, receptionists and secretaries are often selected for their attractiveness. Inequality is the basic cause of prostitution and there is considerable evidence that women who become prostitutes often have their job choices restricted by poor education, limited employment skills, homelessness and the need to care for and support children.
>
> Apart from modelling (and the relationship is not coincidental) prostitution is the only occupation where a woman can earn more than a man for comparable work ...
>
> The second principle requires repeal of criminal laws penalising the act of prostitution and related activities ...

I heartily endorse that.

> The third principle, closely connected with the first and second, is that laws which affect the business of prostitution should be designed to empower prostitutes, so they can exercise greater control over the circumstances of their work, and have the practical ability to resist coercion by employers and clients ...
>
> The fourth principle concerns the control of the aspects of prostitution which the community finds most offensive. Much of the concern about the visible aspects of the business may be summarised in the comment, I don't care if there are brothels, I just don't want to know where they are'. Social policies towards prostitution should not be based on hypocrisy. If there is a demand for the purchase of sexual services, we should address the reason for that demand, rather than pretending it does not exist.

We cannot do that in the case of street prostitution.

Professor Neave's comments are the definitive statements on prostitution reform. The opposition endorses those sentiments entirely and hopes our society will attempt to address the inequality inherent within it and that people will come to understand the nature of power relationships and inequality in general. The conservatives have a long

way to go because, by definition, they are conservative. They do not want to relinquish the positions of power they hold in society.

Finally, on a totally different note, I wish to acknowledge again the work of my parliamentary intern student, Craig Walsh, on prostitution regulation. Sadly, he passed away recently. I did speak on the circumstances of his death in the address-in-reply debate, so I will not take that any further other than to say that, through the kindness of our chief librarian, Bruce Davidson, we were able to bind his report on prostitution regulation and send it to his parents.

Before we did so, we had the bound report signed by a number of people. I would like to thank those people who signed it, first and foremost, the Attorney-General. The report was done for me, and I have used it extensively in this debate. However vociferous and uncompromising debate might be at times, I felt it was important to have a bipartisan approach to his report.

I thank the Premier, the Leader of the Opposition, the Minister for Planning, the honourable member for Mildura and the Speaker for signing the book. Mr and Mrs Walsh were extremely proud of their son, and their son's report was a gift of enormous value and support to them. While it will never replace their lost son, it did much to acknowledge what he did in his short life, and I am sure it will be cherished forever by them.

Further government amendment circulated by Mrs WADE (Attorney-General) pursuant to sessional orders.

Mr E. R. SMITH (Glen Waverley) — No-one could doubt the sincerity of the honourable member for Melbourne but, to use Labor Party terminology, his caring speech gave the impression that he was the fount of all knowledge in this area and that no-one else had ever had anything to do with this or experienced the effects of prostitution on society. I am rather staggered to think that the honourable member was able to get his party's approval for many of the amendments he put forward.

He made the extraordinary claim that he would not mind having a brothel next to his place and that that was part of the reality of living. I have news for him. From a practical, commonsense viewpoint, that is not the view shared by the vast majority of the community. I am sure it is not a view shared by the vast majority of members of his own party.

The feedback we got when drafting the bill was that people realise prostitution is inevitable; it has always been there. One of the things any caring government would want to do would be to provide for those people, particularly the street workers, to make life easier so they do not have to go into that activity. However, that activity is inevitable and, like tax gathering, it has been around since time immemorial. The honourable member for Melbourne is a lucky person because his party supports him in aspects such as that.

What I found extraordinary was that all we have had from the Labor Party in the way of policies since it was in government was the decriminalisation of drugs. Today, however, the honourable member for Melbourne came up with a second policy, which the community will surely find incredible — the decriminalisation of street prostitution. That is not a reality. The majority of people in the community do not want that.

Although I can tell that the honourable member is sincere, he is not living in the real world if he thinks that is what the community wants. The community is represented by organisations such as the Family Council of Australia, which was formed recently. It has given me some legal views on the Prostitution Control Bill because our party allows open debate. I will give the house some of the views put by the Family Council of Australia. It has delegates from the Australian Vietnamese Council, the Australian Family Association, the Baptist Union of Victoria, Call to Australia, the Islamic Council of Victoria, the Salvation Army, the Presbyterian Church and the Knights of the Southern Cross. It is a representative organisation and it has mainstream views.

We live in a society in which there is freedom of speech. It allows the honourable member for Melbourne to have a view and to take his party along with some of the views he expressed today, but this organisation has another view, and I will attempt to give some other views on the bill. The view was written on behalf of the Family Council of Victoria by James Bowen, chairman of its legal committee. James Bowen is well known to many politicians. These opinions are not his views but those of the Family Council. In respect of the Prostitution Regulation Act 1986 he said the key provisions in that Labor-initiated attempt to legalise and regularise prostitution were not proclaimed, including the provision to establish the brothel licensing board. The Labor government did not proclaim that provision and it also failed to proclaim the provision allowing local councils to control the

establishment and location of brothels. The Labor government also failed to proclaim another most important aspect: that of granting powers to the police to enforce compliance with the law.

By refusing to give local government the power to prevent self-employed prostitutes setting up small brothels in residential areas next to family homes, the government put the interests of prostitutes before those of families. The majority of people do not want to have brothels set up in their streets or nearby. The bill prevents that from occurring. It is a general feeling in the community.

During his contribution the honourable member for Melbourne responded to my question about whether he would like his children being exposed to prostitution by saying, 'This is reality'. He is entitled to that view but that is not the view of the community in general. The federal and Victoria police claim that failure to proclaim those provisions has permitted criminals to infiltrate the legal brothel industry. The honourable member for Melbourne said that the criminal influence in the brothel area had diminished since the legislation was enacted, but that is not the case. As a result of not proclaiming those three provisions, criminals have been allowed to infiltrate the legal brothel industry and it has permitted drug addicts, disease-infected and under-age prostitutes to be employed in brothels. The Victoria Police Force acknowledges that prostitution is very attractive to criminals. It claims it has been denied the powers it needs to control problems associated with prostitution.

The bill is a realistic and practical approach to a problem that, realistically, we will never solve. We have to provide ways of regulating the industry so that it has as little effect on the general community as possible. The Attorney-General needs the support of the whole house for her attempt to provide a practical solution to the problem.

Some of the main features in the bill that are dealt with by the Family Council include its comment on clause 59, which gives police the power to demand proof of age of any person in a brothel to establish whether children are present. It says that this provision closes a gap in the 1986 act, which created major problems for police dealing with under-age prostitutes in brothels. They support it. Throughout the letter the council basically supports the bill and the Attorney-General. However, it has made other comments that I will share with the house. It says that it is an offence under clause 5 to cause or induce a child to take part in prostitution, and it states:

> If we are serious about keeping children out of brothels and escort agencies this offence should also encompass a person who permits a child to take part in prostitution.

The next comment is central to the contribution made by the honourable member for Melbourne. The council states:

> Planning controls will prevent licensed brothels from operating within areas zoned as primarily residential or within 100 metres of dwellings or within 200 metres of places of worship, schools, kindergartens, other places frequented by children for recreational and cultural activities. Less restrictive controls will apply within the central City of Melbourne.

Obviously that is not an area where, at this stage, many people live. We are trying to isolate brothels from residential areas. It is commonsense, and I would have thought most sensible people would accept that. The Family Council continues:

> The bill provides in clause 7 penalties for persons who agree to provide sexual services by children. This provision may be intended to encompass those who organise overseas sex tours for persons interested in sex with child prostitutes.
>
> Proving the agreement for provision of sexual services by a child is likely to be difficult. Paedophiles are very cunning operators, and it can be expected they will choose as service providers people who are adept at evading a law of this kind.

Clause 16 provides for a new offence for offensive behaviour towards prostitutes. The council makes the point:

> Presumably this provision has been inserted at the behest of the Prostitutes Collective. Is it intended to apply to street prostitutes? If so, they are engaged in an illegal activity under clause 13. Why should their illegal activity attract a privileged status and special legal protection against offensive behaviour not available to ordinary citizens? It appears —

to the family association —

> that the situations particularised in clause 16 are probably already police offences, e.g. offensive behaviour, indecent behaviour, threatening words. In St Kilda it is probably commonplace for a householder to tell a prostitute soliciting outside his or her house or engaging in sex with a client in his or her front garden to move off. If the prostitute responds with insulting

words and the householder responds to her insulting words with similar insulting words the householder is liable under clause 16 to imprisonment for three months or a fine of $3000.

The Family Council of Victoria makes the point that this absurd result appears to be clearly open from clause 16. It then goes on to say:

It will be a criminal offence to permit alcohol to be sold, supplied or consumed in any brothel.

It further comments:

The ban on alcohol made more sense when it was also linked to explicit sexual entertainment, i.e., tabletop dancing. The consumption of alcohol can reduce inhibitions such as those that cause people to control the gratification of their sexual instincts. The relevance of such a ban in the context of tabletop dancing venues is clear. The client leaves those venues with sexual instincts aroused but not gratified. The relevance of such a ban in a brothel is not clear, unless the government is concerned about the impact of alcohol on the sexual performance of brothel clients.

That point made by the family council is one I believe the Attorney-General might like to comment on later, because the family council would like a response to it.

I have received a number of letters from people living in St Kilda, most of whom express concern about street prostitution. I will read from one of those:

My basic concern is with street prostitution. I support the general intention of the government's bill. It seems to me that it is a sensible endeavour to regulate and control a difficult industry and to do so in a way which protects vulnerable people and has regard for the sensitivities of the community ...

The writer finishes by saying:

The government has firmly stated its opposition to street prostitution. It has been generous in enabling other outlets. It should now remove the de facto street prostitution which exists in Melbourne.

By this he means the areas of Grey Street and other areas the honourable member for Albert Park would be aware of because he is the local member and they are all part of his electorate.

An honourable member interjected.

Mr E. R. SMITH — I will come to that in a moment. The writer continues:

I would ask that you seek the minister's commitment and the support of the opposition for the enforcement of the law. There will be some who will make a plea for the law not to be enforced or who will argue that the law cannot be enforced.

Let me answer by saying that such enforcement is not easy but that the other provisions in the bill provide both an opportunity and an obligation. There has never been a better time.

It will be further argued that street prostitution cannot be controlled. The same could well be said about rape and murder because, in spite of the law, rape and murder continue. Does anyone argue for turning a blind eye to those breaches? The enforcement of the law is directly related to the resources allocated.

The letter continues:

And it is necessary to enforce the law. A society which allows the law to be flouted is a society in the process of disintegration and a Parliament which does not have the will to enforce its own legislation proves itself to be irrelevant.

In other words people in some areas of the community feel very strongly about such things as street prostitution.

Mr Thwaites interjected.

Mr E. R. SMITH — I did not give the name because, as the writer said in the first part of the letter:

I will set down some of my concerns in writing and am happy for you to use my letter to you in debate in the Parliament but I do not wish my name to be used. My reason is that there is too great a likelihood of myself and my family —

I believe he has a young lad and a teenage daughter —

being targeted by prostitutes either collectively or individually and obviously I do not wish that to happen.

He asked the honourable member for Albert Park a number of questions, including what he has done to improve the ambience and values of the law-abiding citizens in that part of his electorate. The honourable

member for Albert Park is now very careful not to live in that part of the electorate.

Mr Thwaites — I do.

Mr E. R. SMITH — You do? He did not think you did. He also said that he had not heard the honourable member for Albert Park condemning illegal activities such as street prostitution. Has the honourable member been vocal about the plight of law-abiding residents who have to pick up condoms and needles on a daily basis, sometimes in their back gardens? The writer says his seven-year-old son has sighted needles in his back garden and has asked his father, 'Why do they do it?'.

The gentleman asked when the honourable member for Albert Park last took up the very real concerns of his law-abiding constituents in St Kilda and whether he would table the letters of complaint he has written to the police or the number he has written on behalf of worried law-abiding constituents. He asked how many questions the honourable member has asked in Parliament regarding breaches of the law in St Kilda, particularly in relation to street prostitution. The honourable member for Albert Park would obviously like to remain quiet on the issue, but the gentleman challenges him to make a clear statement of whether he is in favour of street prostitution.

We know the attitude of the honourable member for Melbourne because we have heard a very compassionate and moving speech from him. He is in favour of decriminalisation. We would also like to hear the attitude of the honourable member for Albert Park on this matter. If he does indicate his attitude, I will let the gentleman know because he and the residents of the area certainly do not know the position of the honourable member for Albert Park.

Mr Thwaites — I don't know why; I have said it publicly.

Mr E. R. SMITH — You have said it publicly, but you can make a point of it in your speech and let the people down there know what it is.

According to this gentleman, the honourable member for Albert Park is so obsessed with the environment and the loud exponents of the Greens that it mystifies him why he and his supporters are not protesting about the effects of street prostitution on the local St Kilda environment. He asked when the honourable member would be leading a march of the citizens of St Kilda about this offensive commercial activity. In other words, in the opinion of this constituent of his — a very well-known one — the honourable member for Albert Park, who has been very closely associated with criticism of this government, has been letting his constituents down, because the law-abiding — —

Mr Thwaites interjected.

Mr E. R. SMITH — Have no fears; you will get your chance.

Mr Thwaites interjected.

Mr E. R. SMITH — Of course I am not, and I have given you the reason why I am not.

An honourable member interjected.

Mr E. R. SMITH — Of course he would. Does he support a prostitutes' ghetto where the law would have no force? According to my contact, this honourable member is the first member of the ALP to consign part of his electorate to second-class citizenry. That is how the people who live there and who have lived there for a long time feel about the representation they are getting. If the ALP is not supporting the legislation, is it saying to law-abiding residents with children that they should not be considered in the same way as other citizens or that they are less equal than the prostitutes in the area?

This has become a very big issue with people who live there, people who have moved there and people who want to lead normal lives. They can see the value, and people such as this gentleman — —

An honourable member interjected.

Mr E. R. SMITH — He is not interested in the property values; he is interested in his children and their upbringing. He sees the value of the bill; he has seen it and he has been through it. He represents many people who live in that part of the area. Another whimsical letter received was from the Burglars and Thieves Collective of Beaconsfield Parade, Middle Park, and it states:

> Dear Mr Smith,
>
> We are a recently formed collective which has received encouragement from the success attending the activities of like organisations such as the Prostitutes Collective. We are however a more worthy organisation since we do not seek to enlarge the range

of our illegal activities nor even to have certain areas set aside for the untrammelled practice of our skills.

All we want is to be treated the same as other illegal activities.

We notice that in the present bill prostitutes are to be protected from abuse and harassment whilst about their activities. Could you ask that a clause be inserted providing our members with the same protection. Of recent times there has been quite an alarming increase in the tendency of our victims and potential victims to heap abuse upon our members. One of our members was even subject to physical constraint which just shows how dangerous it is not to provide protection in the first place.

Some will no doubt bring up the old, tired argument that we should simply give up our illegal activity. To that we simply say that this is unrealistic. Crime has always existed and cannot be stamped out. It would be better and more in accord with modern thinking to ease up on our members and let the police get on with more revenue-raising activities like harassing motorists.

We exist to bring more dignity to our members and all we want is to have the same privileges accorded to others.

It has been used in justification for seeking privileges for prostitutes that many are drug dependant. Many of my members are also dependent — some on alcohol, some on sex and all on high living. As you will appreciate these dependencies are not easily overcome but we do not ask for special consideration because of this.

In conclusion let me also say that we have an expanding membership and let me warn you that we are increasing in political influence. We have received a government grant and are continuing to recruit across Australia, particularly in Western Australia —

I suppose he means Burke and Parker there! —

where there are some particularly high profile potential members.

It is signed I Steel and U Rob, joint assistant secretaries.

The bill before the house brings reality back into the control of prostitution in Victoria. The Labor Party bill of 1986 had the main provisions, brought in no doubt at the behest of the Liberal Party at the time, but they were ignored. They were not proclaimed. As a result, we have had an industry that was not properly regulated and that the police were not able to supervise properly. What we need are the provisions contained in this bill.

The honourable member for Melbourne made an impassioned plea to decriminalise street prostitution. I am quite sure that his experiences over the years and what he has seen — and as he has pointed out to many of us on previous occasions, he has seen these things at first hand — are not what the community wants. I know that it is virtually impossible to stamp prostitution out, but we need to be able to control it. The only way to control it is to have it operating in areas where it will not cause the offence it causes to the man who wrote to me from St Kilda asking those questions of the honourable member for Albert Park.

We need to be able to produce for society something that people can say the Liberal Party and the National Party in government were able to bring in: realistic, commonsense legislation that will give the authorities — whether they be the planning authorities, the council authorities or the police — the guidelines and the force of law to enable them to ensure that we have in the prostitution area realistic, practical legislation that will work.

Like the honourable member for Melbourne, I believe no legislation is perfect, and as the honourable member for Melbourne probably does not know, the government will examine these matters continually. The Attorney-General's committees will be examining these matters and if the honourable member for Melbourne has anything practical to contribute from time to time, the committees will be pleased to hear from him because the government is trying to improve the form of legislation within Victoria in all areas, including the new Prostitution Control Bill.

It is easy for the honourable member for Melbourne to say that nobody is listening. We all listened attentively to him while he made the points that he did. We now need to ensure that any of the provisions in this comprehensive bill that will not work in the best possible way and can be improved are brought to the attention of honourable members and the Attorney-General and fixed. The bill was examined by an enthusiastic committee. It worked on the bill for a considerable time and came up with the main conclusions contained in it. Admittedly in some areas there have had to be compromises in order to make things work properly. Perhaps we may have compromised too far in some cases, but

what has been produced is a practical, commonsense means of providing for the authorities legislation that the government believes will work in the best interests of the whole community.

The government believes it has the support of the mainstream Australia. I made the point before that the honourable member for Melbourne must have had incredible difficulty convincing some of his backbench colleagues to go along with some of his proposals for the decriminalisation of street prostitution. He must have had some difficulty there. The normal Labor Party thinking person does not want the sort of thing that he is suggesting. What the government is saying is that there are penalties designed to keep street prostitution away from areas where there are children. This has been one of the views that has been strongly expressed throughout by all members on this side of the house. It is also ludicrous for the honourable member for Melbourne to say that the honourable member for Ballarat South had no influence on any of these proposals. The honourable member for Ballarat South is a former policeman and has had a lot of influence in the area of law and order since he came into this place. He and I find it offensive that he is relegated by the member for Melbourne with a sweep of the hand.

What we have here today is new legislation that will be able to be enforced; workable legislation that has a practical and social value that I believe we will all be proud of. I congratulate the Attorney-General for the amount of work she has done in bringing this forward today, and I wish the bill a speedy passage.

Mr THWAITES (Albert Park) — As the honourable member for Glen Waverley indicated, I represent the seat of Albert Park where the issue of street prostitution is more prevalent than it is in most other areas of Melbourne. Every night of the week men drive from suburbs all over Melbourne, including Glen Waverley, Oakleigh and Bentleigh, into St Kilda for two reasons. Some of them go there because they want to engage the services of sex workers and be clients, and others just want to be there to ogle and cause a nuisance. The fact is that this is occurring. It is a fact of life. The Neave report indicated that there are thousands of men engaged in prostitution every week. The current situation is that prostitution is illegal, and the bill has not changed the fact that men still engage in this practice, so there is nothing in the current system that removes the sorts of concerns that the honourable member for Glen Waverley claims to have.

Before I go on to detail what residents think — I will address that issue because the honourable member raised it — I shall talk briefly about some of the people involved. Firstly, there are the women themselves — they are mainly women, although there are some men — who are carrying on their sex work in a way which, while the honourable member for Glen Waverley might find it morally objectionable, is certainly not an issue that is causing great concern to residents in my electorate. The problem that they have is the associated nuisance — the noise, the cars and the yahoos. That is what they are mostly concerned about, and I will give a clear indication of that shortly. I can only pay tribute to most of those women, because they are not causing any particular problem: they are going about their business and have become involved in the whole process of trying to get a sensible bill before the house. I was very proud to be able to walk with them and a number of community members on a vigil to remember the prostitutes who were murdered earlier this year and to call upon the government to decriminalise prostitution so that at least it would be out in the open and there would be a better mechanism which police and others could use to protect sex workers. They are the second group.

The third group I would like to refer to are the various social workers who work with sex workers in the community, and I particularly note the Sacred Heart Church in St Kilda and many of the workers there, because a number of people involved in sex work have various problems in their lives, whether economic, psychiatric or social problems. I can only pay tribute to the magnificent work being done by people at the Sacred Heart church and other organisations.

The next group to which I pay tribute is the Prostitutes Collective of Victoria, which became involved in the process of this legislation. It has come up with a very good set of reasons why we should consider decriminalisation. The collective is assisting prostitutes in Melbourne and providing a very good service that is leading to a healthier Victoria — because, of course, one of the key issues we have to be concerned about in dealing with any sort of sexual practice, whether it be prostitution or ordinary sex, is the transmission of sexually transmitted disease. The Prostitutes Collective is at the forefront of preventing the transmission of disease by education, distribution of condoms and the like and, above all, by the promotion of safe sex practices.

Unfortunately, far from encouraging safe sex practices, the bill will have the opposite effect. It will actually encourage unsafe sex practices through the provision that allows brothel owners to have given, as a defence, evidence that prostitutes are tested fortnightly for sexually transmitted diseases. If you want to promote safe sex that is the most ridiculous thing to do. I ask members opposite to read what the experts such as the intergovernmental committee on AIDS have to say on this issue. In all cases the experts have said that the last thing you want to do is promote some sort of compulsory testing system. Of course, that leads to a false sense of security and to prostitutes and others being pressured into having unsafe sex.

Also, the sex tests themselves are completely useless because, as people should know, HIV does not show up immediately; there is a three-month window period during which it does not show up. Therefore, if a prostitute or any person has a sex test, it is meaningless; it does not mean that person is not infected.

Mr McLellan — You have led a very sheltered life.

Mr THWAITES — The honourable member for Frankston East obviously does not know the medical facts of HIV. There is a three-month window period.

Mr McLellan — It's not the only sexually transmitted disease.

Mr THWAITES — Of course it is not the only sexually transmitted disease, but if someone has it and is tested, it does not show up. So having a test every two weeks is useless. It will also promote a false sense of security. It will lead to people who have passed such a test believing they are not infectious, and that will lead to unsafe practices because greater pressure will be put on people not to practise safe sex.

Mr E. R. Smith — Do you believe in decriminalising street prostitution?

Mr THWAITES — The honourable member asks whether I agree with decriminalising street prostitution. The answer is yes, because, having considered all the factors involved, along with most experts in the field, I believe this is the best and safest way to go. Not only do I believe that, most of the residents believe it.

The honourable member for Glen Waverley quoted one letter from one resident. If he had bothered to come down and meet all the residents of the area who are affected by this practice he would have seen that the majority of residents support decriminalisation. I have spoken with and received letters from them. Unfortunately, the honourable member for Glen Waverley was either ignorant or had not talked to all the people in the area, or he was just relying on one letter from one person to support his argument. I shall quote from a statement released by Greeves Street residents. Greeves Street is particularly affected by street prostitution. The residents state:

> It is important that we make it quite clear that we are not objecting to prostitution, in fact we support its decriminalisation.

That is a clear statement:

> We have no grievance with the local sex workers who, already vulnerable and marginalised, are not a legitimate target. We object to the unacceptable violent behaviour of the occupants of the huge volume of vehicular traffic that is attracted to our residential back streets.
>
> As residents and ratepayers we have to suffer constant abuse from passing traffic as we enter and leave our homes. A large majority of these men who prowl our streets do not come here to actually engage a sex worker, they come to exercise male power over women with violent physical and verbal abuse from their cars. They come to take in the spectacle of what they perceive to be available and worthless women in the St Kilda area. They apply their violent behaviour indiscriminately to both sex workers and ordinary residents. The recent brutal murder of a sex worker, whose clothing was discovered in one of our residences, is testimony to their violent potential.

The Greeves Street residents also say:

> Our objective is to make it obvious to these men that they are not welcome in our street and if they want to engage sex workers they can do so out of the shadows of our homes on the well-lit main roads or in designated legal areas.

That is quite clear. I know many of these people started off being opposed to decriminalisation. They were opposed to it because it is a natural reaction. They believed criminalisation would somehow get rid of the problem but now these people, who actually have to live through these problems, have

come to realise that decriminalisation is the only answer. They are not saying they want it or like it, but that it is the only answer. They make quite clear demands such as:

> We want prostitution decriminalised or legal areas designated for sex workers so they have a choice of workplace and aren't forced into residential back streets.

It could not be much clearer than that. Mr Craig Bird, a resident of Greeves Street, wrote to the local newspaper about the issue, saying that special attention should be given to the victims of crime. He referred also to the Attorney-General's refusal to release the report of her working group which was looking at possible solutions for dealing with problems associated with street-based sex work. He and other residents of Greeves and Irwell streets support the contention that decriminalisation is the only answer.

Another group was set up by the St Kilda council. It was a community group comprising residents and councillors who were concerned about street prostitution. The St Kilda Street Prostitution Strategy Committee, as the group became known, produced a report, the executive summary of which states:

> 1. The St Kilda Street Prostitution Committee was established as a result of continuing concerns of residents over the effects of street prostitution. Council's view was also that the Prostitution Regulation Act had done nothing to alleviate problems arising from street prostitution.
>
> Following a great deal of research and intense analysis by the broadly based strategy committee the conclusions reached were that street prostitution must be accepted as a reality in St Kilda for the immediate future and that improvement for residents (and sex workers) in the future will best be in some form of decriminalisation of street prostitution itself coupled with new measures to control unacceptable behaviours and protect the amenity and lifestyle of residents.

These statements come from the residents and councillors who comprise the committee. Perhaps the honourable member for Glen Waverley might have investigated the matter further, instead of relying on only one letter from one resident, by talking with the council, the street groups and all the residents.

The honourable member for Glen Waverley has emphasised the fact that an ill-informed person can have too big an influence on the government parties. That results in their making a decision based not on proper information but on information provided by one individual. That is not good enough. I recommend the report to the honourable member. If he is interested enough to read it, he will find that it draws a number of conclusions about the way prostitution is working in St Kilda. For example, one of the conclusions is that the existing legal situation, which is set to continue, is unworkable for sex workers, their clients, police and St Kilda residents.

The second conclusion is that street workers favour decriminalisation. The report suggests that any proposed model should take into account the safety of the sex workers and the residents. Thirdly, it says that street prostitution does not produce any victims. It would therefore be logical to remove the laws that make criminals of street workers, because it would enable the government to concentrate police resources on crimes that produce victims.

The honourable member for Glen Waverley has exhibited great concern for the victims of crime, which is very proper. If police are spending all their time chasing street prostitutes who are committing victimless crimes, they are not doing the job they ought to be doing, which is protecting the victims of crime — people who are bashed, robbed or whatever. I drive past that area almost every day, and I see police cruising up and down in their cars. They always seem to be talking to the women sex workers.

Mrs Peulich — Rubbish!

Mr THWAITES — Virtually every time I drive to my electorate office or drive home I see them talking not to the men but to the women. That is what is happening. We all know that women sex workers are the real victims of the current system. They get picked up by police, they go to court and they get fined. But the only way they can raise the money to pay their fines is to go back onto the street. Is that the system you want to promote? It is just a merry-go-round. People are fined, harassed and discriminated against. After they go to court they have to go back onto the street to raise the money to pay their fines. That is not a system that protects the real victims of crime, whom the honourable member for Glen Waverley ought to be concerned about.

If the current legislation is not working, the bill will not work. It will make the situation worse because it will continue an unworkable means of decriminalising prostitution. It is totally inconsistent

with the recommendations of all the expert reports. For example, it is inconsistent with the Neave report. In her well-researched report Marcia Neave made numerous recommendations that were aimed at helping women get out of prostitution. One of the ways she suggested was allowing one or two prostitutes to work from home under a deregulated regime. She argued that that would enable them to more easily free themselves from the control of the people involved in prostitution and to operate anonymously and away from contact with the law. She argued that once they paid off their bills and whatever else, they would have the opportunity to get out of prostitution. The bill makes it almost impossible to set up any sort of legal brothel anywhere.

The honourable member for Glen Waverley referred to brothels in residential areas. My understanding is that brothels have to be 200 metres away from any school and 100 metres away from any residence. Under the bill there would probably be only two or three locations in Melbourne — perhaps out in the middle of a paddock or maybe somewhere in the middle of Waverley Park — where someone could establish a brothel.

Mr Cole — You might be able to in Parliament House.

Mr THWAITES — Parliament House may be the only place left. Who are the real beneficiaries of this legislation? Are they members of the community? Are they the women involved? The answer is no. The real beneficiaries are the existing brothel owners, the ones who already have licences. They now hold tickets worth millions of dollars. They now have no competition: no-one can set up in opposition to them. If the government were concerned about prostitution, it would close down all those brothels too — but it is not. I repeat: current brothel owners are the real beneficiaries because the government has made it almost impossible for anyone to set up any new brothels.

As the shadow health minister I have real concerns about the health issues. Clause 19 disturbs me greatly. The clause provides that a person who manages a brothel commits an offence if he permits a prostitute to work when he knows that that prostitute is infected with a sexually transmitted disease. But it also offers the owner a defence against being charged if the prostitute has been undergoing regular fortnightly medical examinations.

The clause sets up a system that will force women who work in brothels to have various tests for sexually transmitted diseases every fortnight. That in itself will be unworkable. It is unrealistic to expect the women to go off and have tests every fortnight. But even if it happens, what effect will it have? One effect will be that men visiting brothels will presume that the women do not have sexually transmittable diseases. That presumption will be completely false. As I said before, the latency period for HIV and other sexually transmitted diseases is such that the tests will not always pick up the people who are infected. I refer the house to the recommendations of the Legal Working Party of the Intergovernmental Committee on AIDS which, as I understand it, have been signed by the Minister for Health. The working party recommends against testing such as that. Recommendation 6.1 on decriminalisation says:

> Laws (statutory and common law) criminalising sex industry work in brothels, escort agencies and on the street should be repealed.

It could not be much clearer than that. It argues that those laws should be repealed. I emphasise that these are the recommendations of the intergovernmental committee on AIDS, which was made up of representatives of every government in Australia. It is clear that the committee understands the health issues involved, unlike the government. The recommendation also states:

> Laws applying to those associated with the sex industry such as living off the earnings of prostitution, except for offences relating to violence or coercion and exploitation of minors, should be repealed.

Of course the legislation is a direct breach of the recommendation:

> If the application of special laws controlling the operation of the sex industry is chosen by governments in addition to decriminalisation, no regulation should be made which requires identification or mandatory testing of individual sex workers.

That is what the government is setting up — a system that requires the mandatory testing of individual sex workers. It will not work. It will lead to unsafe sex practices as people wrongly believe that certain persons do not have sexually transmittable diseases. The legislation is all about punishing prostitutes and forcing them to have tests on a weekly or fortnightly basis. I would be very surprised if the Minister for Health supported such a

provision because it is inconsistent with her thrust to prevent the spread of HIV/AIDS in Victoria.

I want to give other honourable members the time to contribute to the debate. But I emphasise that there are 10 good reasons why making prostitution a crime does not work and why prostitution in regulated and planned areas should be decriminalised. This should be a planning issue, not a moral issue or an issue for the criminal law. The best way to deal with prostitution is through planning. It is the only way we can achieve a situation in which the women are better protected than they are now and are not continually assaulted or, in some cases, murdered.

Residents would have not only better security but also a better environment in which to live because their streets would be free of hoons driving up and down harassing sex workers. In the eyes of those people, sex workers are not their equals, are not entitled to be regarded as full citizens. But we must treat them as full citizens because that is the only way we can protect the health of all Victorians.

Mrs McGILL (Oakleigh) — I am pleased to contribute to the debate. The house may be aware of the expression, 'Every dog has his day'. This is mine!

Today I have the opportunity to speak on the bill as a woman, as a parent and, I expect, as a member representing the silent majority. I speak of the patronised and oft patted-on-the-head majority, who are constantly told they are the cornerstone of society but who at both state and federal levels are increasingly legislated against in favour of minority groups. I am particularly talking about families.

I shall comment on the history of the Prostitution Regulation Act. When the Labor government introduced the legislation, the coalition believed the provisions were inadequate. In the Upper House the coalition put forward several amendments dealing with the regulation and policing of brothels, which the government eventually accepted. However, once the legislation was passed the Labor government took the contemptible, despicable and unprecedented action of not proclaiming the amendments. It treated the state's families and citizens with scorn and contempt, and in doing so it denied the community of Victoria the benefits of the natural processes of a democratic government.

I well recall the comments made by the Attorney-General of the day, Jim Kennan, who said that hell would freeze over before he would proclaim the amendments. Today must be the day — and hell must be starting to freeze over!

In 1987, after being elected to the Oakleigh council, I became aware of the shortfalls in the legislation, particularly the extent to which it represented community viewpoints. I found that Victorians had been duped, scorned and deceived by the then government. I discovered that Oakleigh had four legal brothels, and they are still in operation today. It also has many industrial and residential areas abutting it. Because the amendments had not been proclaimed, I was greatly concerned about the detrimental effects the legislation was having on Oakleigh. Because the act placed only minor restrictions on brothel owners and presented no great hurdle to dubious applicants and operators, Oakleigh had all the potential of becoming a new red light district.

Initially the legislation provided that brothel owners could not own or have an interest in more than one premises. When that provision was not proclaimed, what can only be described as chain store brothels sprang up throughout Melbourne. Brothels now change hands for nearly $1 million each. As a result of its own deceit, the Cain government made prostitution a legal multimillion dollar business. Under the former government's act, pimps and madams have become big businessmen and businesswomen.

Mr Cole — Are they all rich?

Mrs McGILL — I do not personally know, but that is the suggestion. Brothels operate without many of the tight business controls that apply to other Victorian businesses. It is far more difficult to obtain a permit to run a hotel, given the character checks that are required, than it is to operate a brothel.

This bill establishes a Prostitution Control Board to regulate the prostitution industry in Victoria. The board will have seven members. Several speakers have commented on the value of the Neave report. I have some concerns about the potential and value of the report because it states that only 115 of the supposed 4000 prostitutes in Victoria at the time were interviewed, which I consider a very small sample. However, the bill picks up many of the recommendations in the Neave report that I fully support.

As a consequence of the 1986 legislation escort agencies have proliferated. The bill empowers the

board to impose conditions on licences for brothel operators and escort agencies, including special requirements for escort agency licences that relate to the safety of employees. Escort agency work is inherently dangerous. But now the law will impose conditions requiring escort agency operators to provide communication systems for their employees.

The bill provides that licensees and approved managers can have their licences suspended or cancelled if they are found guilty of misconduct in the operation of the businesses. Any convictions for drug-related or other indictable offences will result in the cancellation of licences or approvals. The police will have a right of automatic entry to any licensed operation and will have the power to obtain warrants to search any premises suspected of carrying on unlicensed prostitution.

There will be a new enforcement power that will give police officers the right to enter such premises outside business hours without a warrant if they suspect that any delay in getting a warrant will result in the loss of evidence.

The Magistrates Court and the board must be notified of any exercise of the power of entry without warrant. Any evidence obtained in that fashion will be inadmissible if there are no proper grounds for exercising the search. Police will have the power to demand proof of the age of any person on a premises where prostitution is available, which is designed to identify whether children are present. The existing regulations that restrict the size and content of advertisements for licensed brothels will be extended so that they apply to escort agencies.

The planning controls in the existing act concerning the location of brothels are inadequate. The government has recognised community demands for more strictly defined limitations on the location of brothels. The planning controls in the bill will ensure that brothels are not established within 100 metres of dwellings or within 200 metres of places of worship, hospitals, schools and other places frequented by children for recreational and cultural activities.

The government recognises that the provisions allowing for the total prohibition of brothels in individual municipalities could result in prohibitions throughout Victoria, thus rendering the principal legislation ineffective. I am sure that would happen. When concerned Victorians examined the act, they could not see any restrictions that clearly guaranteed that brothels could not be located close to homes, hospitals, churches and facilities used by children.

With such uncertainty in the legislation there was community demand for councils to have the power to ban brothels entirely.

The bill sets out clear restrictions. The government is confident that, with improved planning restrictions governing the location of brothels, it is safe for normal planning practices to apply. From the proclamation of the act, a brothel will not be able to operate with more than six rooms being used for prostitution. A person may not have an interest in more than one brothel.

Many Victorians will be relieved to know that this bill clarifies in unambiguous and fixed terms the planning controls applying to brothels. The provisions of the Town and Country Planning Act 1961 relating to the proscription of illegal brothels will be consolidated under this legislation.

As previously mentioned, applications to close down brothels previously had to be made to the Supreme Court but will now be accepted by the Magistrates Court. The process will be faster and hence illegal brothels will be closed down much sooner.

I am pleased that an advisory committee will be established, comprising persons from the prostitution industry and those with a knowledge of religion and community interests.

I conclude by discussing community initiatives relating to the bill, but before I do that — I am trying to hurry the process so that other members will have the opportunity to speak — I must comment on previous debates in this house on prostitution. It is fascinating to note that a number of members of Parliament claim that the legalisation of brothels in Victoria prevents the exploitation of women. What a joke! Eight years later many more men and women are legally making big money by exploiting women in the crudest and most demeaning business of all, a business that preys and thrives on exploiting the unfortunate, the uneducated, the young, the homeless and the drug-affected. For that reason the community initiatives to be put in place are most helpful.

The community initiatives do not seek to regulate prostitution but acknowledge that the conditions that lead to prostitution must also be addressed. A function of the Prostitution Control Board will be to

assist organisations involved in helping prostitutes leave prostitution and to disseminate information about the dangers of prostitution, including health dangers, especially in the case of street prostitution.

I will not go through all of the initiatives of the Department of Health and Community Services. I simply mention the department's AIDS and STD unit and the drug and alcohol abuse programs that will be available.

The bill establishes the Prostitution Control Board; introduces licensing provisions; introduces a one-licence, one-business arrangement; includes in the provisions of the legislation escort agencies; gives extra policing powers; puts in place clearly defined planning controls; incorporates provisions of the Town and Country Planning Act that proscribe brothels; establishes an advisory committee; and provides assistance for those wishing to escape the hell hole of prostitution. In large measure the bill makes amends for the contempt shown by the previous government. I am happy about that.

Several years ago I was asked by a young journalist: 'After having accepted that we have four legal brothels within the community of Oakleigh' — and we still do — 'where else do you expect them to go?'. If I were asked that question again, I would respond in the same way. My response that day was, 'How far can you row your boat?'.

I thank the house for the opportunity to speak on the bill. I support the extra regulation, the policing and the community initiatives the bill provides. I conclude by taking some licence in quoting a song of recent times: 'I right the wrongs that make the young girls cry'.

Ms GARBUTT (Bundoora) — I rise to oppose this bill, which is obviously a compromise. It is an old-fashioned camel. Our first dilemma is to decide whether the Attorney-General was rolled or is just being hypocritical in presenting this bill. For years, when she was the shadow Attorney-General, the current Attorney-General told the then government to proclaim the regulations that have not been proclaimed. She had a chance to do that when she became Attorney-General. That was the first thing I expected her to do, but she did not do that. She set up a review. We do not know what came of that because the report has never been released publicly. Members of the opposition and others who are interested in it have not seen it.

The Attorney-General came out with a series of encouraging comments that were totally different from what she had been saying as shadow Attorney-General. That was the second series of comments she made. Now we see in this legislation yet another position — a third position.

The question that has not been answered is whether this legislation is the result of monumental hypocrisy or whether the Attorney-General has been rolled. I will be generous and say that she has been rolled because this bill contains a host of conservative, punitive prejudices. We can just about pick the clauses where the honourable member for Glen Waverley and others have had their say.

Mr Cole — He did want capital punishment to be reintroduced.

Ms GARBUTT — He missed out on capital punishment; he is still there. The second dilemma facing us is the embarrassment of the Attorney-General after the contribution of the honourable member for Oakleigh. This bill does not put into place those regulations the honourable member wants. The honourable member has made a mistake; she should read the legislation. This is a different position altogether. The last contribution was based on a fallacy.

This bill ditches the careful approach to prostitution regulation using planning laws and replaces it with the conservative prejudices of those opposite and a punitive approach that will not work. The straighteners and punishers have got to this legislation. They have ditched the philosophy that we regulate prostitution through planning laws. Ultimately they have put in place an arrangement that will not work in practice because it is not soundly based. There is no consistent, underlying philosophy that we should use planning laws to regulate this industry. The government has taken a punitive approach.

The opposition supports some parts of the bill. My colleague has outlined those measures we support, in particular the child prostitution clauses, the outlawing of sex tours — that follows the lead of the federal government — and the licensing of brothels and escort agencies, but the legislation messes it up. It does not come to grips with the real problems of the industry and does not put into place laws that will solve those problems.

If the minister had consulted more widely she might have got somewhere, but she has listened to those

on her side of the house and nobody else. For example, the Prostitutes Collective of Victoria, which represents a large number of sex workers, has not been consulted at all.

One of the major disappointments in the legislation is the attitude taken to street workers. The government has not come to grips with one of the major issues that many people have been working on in their local communities. The bill fails to address this, other than by increasing penalties. We can always rely on the Attorney-General to increase penalties, no matter what is involved. It is a quick, off-the-top-of-the-head reaction that fails to analyse causes and effects and come to grips with real problems.

I was interested to listen to the Attorney-General earlier this morning speaking in a previous debate. She said there is no point in having an act that does not work. I agree with the Attorney-General; but she is introducing a bill that will not work, a bill that smacks of compromise, that is not soundly based and that will not work.

A range of groups and people involved in the industry has agreed to some of the basic approaches to street workers. Some of the groups I have spoken to support the decriminalisation of street prostitution. I received a letter from the Women's Electoral Lobby, which commented on the bill. It states:

> WEL Victoria strongly agrees with the arguments put forward for decriminalisation by the Prostitutes Collective of Victoria, the more so because the collective is committed to exit programs. Women on low incomes or addicted to drugs often resort to street prostitution rather than work in licensed brothels because they see it as casual or temporary work. They frequently find themselves in a trap that cannot be sprung because recourse to helping agencies may expose them to criminal charges. For the same reason, some suffer violence because they avoid contact with police when under threat.

This is a clear voice for decriminalisation. The Women's Refuge Referral Centre, which contacted me earlier this week, also criticised the bill for not decriminalising prostitution. The Victorian Council for Civil Liberties also supports decriminalising street prostitution. The president, Mr Robert Richter, QC, states:

> Despite numerous recommendations from advisory committees at both a state and national level the government has failed to take the necessary step of decriminalising street prostitution.

More importantly at the local level in St Kilda where the problem occurs, the residents support the legalisation of street prostitution. They have worked hard to come up with proposals that will work in their community. It is unfortunate that they have been ignored by the government. I was pleased to hear the honourable member for Albert Park so eloquently support his constituents when putting forward their views. The residents of Greeves Street, St Kilda have said on many occasions that they support the decriminalisation of street prostitution in designated areas. The residents state:

> It is important that we make it quite clear that we are not objecting to prostitution, in fact we support its decriminalisation. We have no grievance with the local sex workers who, already vulnerable and marginalised, are not a legitimate target. We object to the unacceptable violent behaviour of the occupants of the huge volume of vehicular traffic that is attracted to our residential back streets.

They list their demands:

> We want prostitution decriminalised or legal areas designated for sex workers so they have a choice of workplace and are not forced into residential back streets.

> We want to be able to walk in our streets without being confronted by violent and abusive men with mis-formed and unacceptable attitudes towards St Kilda residents in general and women in particular.

As I said there is support for designated legal areas for street prostitution. It is disappointing that the Attorney-General ignored this support, turned her back and resorted to increasing penalty.

The Prostitutes Collective of Victoria put out a media release in which it commented on a number of issues in the bill. I shall not go through them all because it has tackled this issue in some detail. I will keep my remarks brief so that others can have a say. The Prostitutes Collective recently released a 10-point plan on reasons to decriminalise street prostitution. They are: firstly, prohibition does not work — that is probably the heart of the argument — and it emphasises that the Attorney-General has got it wrong; secondly, decriminalisation allows sympathetic planning initiatives; thirdly, decriminalisation will aid in preventing violence — the collective quoted quite

horrifying statistics of an average of two rapes a week, at least one assault a night, frequent robberies and, most tragic of all, two or three murders of prostitutes this year. The collective comments:

> While street prostitution remains a criminal act women will not report acts of violence to police and dangerous and predatory males will continue to jeopardise the safety of all women in St Kilda.

Fourthly, decriminalisation will stop a costly legal merry-go-round; fifthly, decriminalisation will increase the effectiveness of HIV education; sixthly, decriminalisation will enable the community to focus on drug addiction amongst street prostitutes; seventhly, decriminalising will aid in uncovering homelessness and poverty; eighthly, decriminalisation will alleviate the stigma associated with street prostitution; ninthly, decriminalisation will keep families together and decrease state government child protection costs; and tenthly, decriminalisation will dramatically decrease the number of street prostitutes within five years. The major point is that the collective is aiming to decrease the number of street prostitutes by helping them to move out of the industry, not by closing them down or locking them up but undertaking practical steps to assist these people out of a dangerous situation.

These people are the most vulnerable in our society with some of the most intractable problems imaginable. Those 10 points indicate the extent of some of the problems such as homelessness, drug addition, HIV problems, violence and, of course, constant battles with the law.

The proposal for specific areas agreed to by the local community have much support in St Kilda and in the wider community as well. That proposal was based on a detailed analysis of the problems and a logical analysis of what could be done to overcome these problems. We do not see that sort of basis underpinning the bill.

It is also disappointing that the Prostitution Control Board and the advisory committee being established by the bill have no representative from the sex industry. They have lots of lawyers but it is not a legal problem. The advisory committee will be much poorer for not having an industry representative, particularly someone representing the Prostitutes Collective. However, that is consistent with the lack of consultation with that group.

I shall now touch on the health issues, because the bill puts at risk the successful policy on HIV and AIDS. That is of great concern to organisations such as the Victorian Aids Council and the Gay Men's Health Centre which have written to me, and I presume to other members as well, saying that the bill is misguided and has particular drafting problems. They state:

> These sections exhibit a lack of understanding of HIV/AIDS prevention.

A test every two weeks will not show up those who have HIV. They can have HIV for three months before it will show up. Emphasis is placed on the wrong things. People may believe they are safe because of the checks but that may not be the case. I emphasise that the focus should remain on education for safe sex, but the bill undermines that. The Victorian Aids Council and Gay Men's Health Centre state:

> ... the final report of the IGCA legal working party clearly suggests that such an approach would be counterproductive.

That should be a concern for the Attorney-General. If it is not intended, she should take the opportunity to remedy that provision. It is interesting that there is no health requirement for clients. In fact the health awareness of the workers is often greater than that of the general community.

In summary, I believe the bill is punitive and reflects all the conservative prejudices that we have seen for many years. It fails to tackle the real issues.

Mrs PEULICH (Bentleigh) — I have listened to a number of opposition speakers and I am absolutely astounded that we keep getting the same lines: that the bill does not resolve the problems; it is disappointing; it is conservative; and it is punitive. That is despite the fact that the problems facing the industry have spanned many years and many continents.

Although it has been canned as a bill of compromise, it is a good bill. The attitude of the opposition reminds me of a little joke I heard during question time. It was one of those knock-knock jokes where the person on the other side of the door asks 'Who's there?' and the answer is the ALP. That is all the ALP does: it knocks, knocks and knocks.

An honourable member interjected.

Mrs PEULICH — I actually thought it was a fairly good joke. What we had heard from the honourable member for Melbourne and subsequent opposition speakers was just one side of the argument. Although that side should not be forgotten, we must not forget that we are governing for everybody and legislation we enact should try to strike a balance between competing interests and meet the various needs of the community.

I am not an expert in the field; I have not been on any advisory committees and I have not had involvement in the industry either actively or passively. I speak much like the honourable member for Oakleigh, from the point of view of a woman, of a mother and of a migrant.

Ms Garbutt interjected.

Mrs PEULICH — Hang on.

Ms Garbutt interjected.

Mrs PEULICH — Absolutely.

Ms Marple interjected.

Mrs PEULICH — Hang on, Carole. If you want to say your piece — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Yelling matches across the chamber are disorderly and are unacceptable to the Chair. I ask members to conduct themselves in a manner befitting their position.

Mrs PEULICH — Thank you, Mr Deputy Speaker, for your protection; I really needed some from the fairly vicious comments from the other side.

I will speak from the point of view of a mother, a wife, a migrant, a teacher and a representative of my community. Yes, it is an ageing community and it is fairly typical. It is typical insofar as it has been described by many as the microcosm of Melbourne. The views of my community were very much summed up by the honourable member for Melbourne in a quote he referred to as hypocrisy. I cannot remember the precise source of the quote, but he said, 'I do not care that there are brothels, as long as they are not next door'.

The reality of the situation is that that is precisely the view of the community. The majority is not anti-prostitution per se; they understand it is a very long-established industry which can probably never be suppressed and which at times serves a functional purpose. But all we have heard from the opposition is that there should be reduced control by police, that the proposed health checks are too onerous, that there should be decriminalisation of street prostitution and that 46 per cent of prostitutes are mothers while on the other hand there should be heavier regulation of the industry through awards, work conditions and so on and very strong support for brothels in residential areas.

The people whom I represent have the view that brothels probably serve a purpose, do exist and will exist irrespective of the legislative framework; but they want the government to protect their lifestyle and their amenities and not put brothels next door to them. You might call them conservatives, Tories, unenlightened, uninformed, or whatever else, but they are people who have views, and those views must also be taken into consideration. I believe the Attorney-General has struck a delicate balance between competing interests very well throughout this bill.

My electorate has about three illegal brothels which are in residential areas. One has been an absolute headache for the local residents because many of the clients knock on the doors of adjoining residences at all times of the night and it has become a pain in the neck. I hear a lot of their complaints.

We also have one legal brothel. I think it wanted to call itself Southern Comfort, but the name was already patented so they went for Blue Heaven, or something like that. Honourable members may recall that it attracted quite a lot of attention — it is located in a light industrial area — when it advertised a lunchtime special of a pie and sauce with chips, a can of coke and a lady of your choice for $49.95. There was such outrage in my electorate and in my council when the permit was granted that there was a vigil outside that brothel. And guess what? Trade probably dropped off dramatically. We want to avoid — —

An honourable member interjected.

Mrs PEULICH — No, we want to put in a framework that will take — —

An honourable member interjected.

Mrs PEULICH — No; that not only takes cognisance of the nature of the industry but also the nature and wishes of those communities that

actually have to put up with the brothel. Of course prohibition will not work, and it is certainly not the intention of the bill to do that.

I believe the Attorney-General has struck a balance between the interests of the industry and the silent majority who also have a right to be protected from the negative activities and elements of the industry. It is irrefutable: the local police say to me that even in the industrial area the local crimes statistics around the brothels are higher. They attract some undesirable elements. It is not necessarily the prostitutes themselves, but it might very well be some of the clients who go there to use the service.

Prostitution is one of the oldest professions in history; to completely suppress it is not the objective of this legislation. So long as there is a demand for that kind of commercial sexual service prostitution will continue whatever the law. Although we would like to perhaps think otherwise, I believe it will, unfortunately, always exist. The solution — —

Mr Baker interjected.

Mrs PEULICH — Some would actually extend that and say they will not tolerate it at all. I believe the solution is a system of regulations to protect the community and the industry against organised crime, as well as protecting children from the effects of prostitution and the undesirable elements associated with the industry.

Some of my female opposition colleagues have said that 46 per cent of prostitutes are mothers. If that is the case, to those who support brothels in residential areas in which the prostitutes live I indicate the reality: should they be conducting their operations in the same venues in which they live with their children? May I suggest that many of them would probably prefer not to do that. I do not believe there are strong arguments to do that. In fact, I think many of the prostitutes who are mothers go to great lengths to protect their children from the sorts of lifestyles they themselves may have been forced into.

I believe the bill appropriately regulates and controls the industry. The police have not been satisfied with their enforcement powers with regard to brothels, both legal and illegal. There have been concerns about the effects of organised crime and there is the nuisance associated with illegal brothels, especially in residential areas and so on.

I applaud the establishment of the Prostitution Control Board, which will licence operators of brothels and escort agencies; I believe that is certainly the way to go. I also believe illegal brothels and associated organised crime constitute a major concern not only for the police but also for members of the community and, I imagine, the prostitutes themselves. Police will have the right of automatic entry.

An honourable member interjected.

Mrs PEULICH — There are three legals in my electorate.

An honourable member interjected.

Mrs PEULICH — I am not sure.

The DEPUTY SPEAKER — Order! This is all very interesting, but across-the-chamber debate is not the normal procedure of this house.

Mrs PEULICH — There have also been allegations made that my constituents use some of the brothels in St Kilda. Although there might be a small proportion, my electorate has the fourth-highest number of people in the over-65 age group, and they would have a much greater need for the health services provided at the East Bentleigh Community Health Centre than the services provided by prostitutes in St Kilda.

An honourable member interjected.

Mrs PEULICH — I believe the enforcement provisions are appropriate. Obviously there will be checks on the criminal history of applicants and their associations and on whether licensees are financially sound and business structures transparent.

The opposition said that it supports brothels in residential areas. This is the most contentious issue in the community, and basically ordinary members of the community, who perhaps have not had much contact with the prostitution industry, do not want to see it in the residential areas, and I suggest that many of the prostitutes working in the industry probably would not want to use their homes for that purpose.

The nuisance and the effect on children are issues of paramount importance. I commend the Attorney-General for making sure there are sufficient provisions to ensure that no brothels are established within the vicinity of the areas where children congregate, whether they be schools or

recreational and cultural areas or perhaps even bus stops. The planning controls will ensure that brothels are not established in undesirable areas and they will not be prohibited. The number of brothels probably will not be reduced again because of the commercial demand.

The provisions of the bill with regard to child prostitution and child sex tours are strong, and the Attorney-General should be commended, especially for introducing the new offences that apply to Victorians who organise child-sex tours for paedophiles to travel overseas. Obviously it will continue to be an offence to solicit for prostitution in a public place. There have been strong arguments from the honourable member for Albert Park to suggest otherwise. The Attorney-General rebuts that argument strongly by saying in a letter to the *Age* of 10 November 1994:

> The main argument for the legalisation of street prostitution is that legality will allow police to monitor the activities of prostitutes in certain areas and thereby increase their safety. This argument is flawed.
>
> The essential nature of street prostitution is that prostitutes are picked up off the street and taken in cars to unknown destinations.

So the two unfortunate prostitutes who were murdered in St Kilda may have unfortunately come to the same tragic end. I do not believe legalising street prostitution will necessarily improve the safety of those workers in the industry. Some aspects of the bill will enhance the conditions under which they work, especially the provision with regard to hoons who make offensive comments and so forth.

The health-related provisions, the community initiatives — I will not go through all of them — and the various programs of the Department of Health and Community Services addressing the social problems of the industry will ensure that the very issues the shadow Attorney-General raised will be monitored and addressed. It is obviously impossible to wipe out prostitution but I believe it puts in place a sensible mechanism to control or regulate the industry.

Finally, I quote from the opening paragraph of the *Sunday Age* editorial headed 'Facing the facts of life':

> Like it or not, prostitution is a fact of life in Melbourne, as in most other cities of the world. Neither moral posturing nor heavy-handed law enforcement will alter this enduring reality. For our legislators the question is ... how best to control it.

The bill and the provisions with regard to offences by clients, offensive behaviour towards prostitutes, and especially the special provisions for small owner-operated businesses provide an important balance between the needs of those who work in the industry and the broader community which has to live with the often undesirable consequences of that industry.

I have pride in supporting the bill and look forward to its ongoing monitoring by the structures the Attorney-General will establish.

Mr SERCOMBE (Niddrie) — The problem with this bill, as with the approach the coalition parties have taken on difficult and complex social issues of this type for a long time, is that essentially they are engaged in humbug. They are heavy on rhetoric when it comes to matters of social issues that impact particularly on the criminal justice system, but in the substance of what they propose they are strong on humbug.

The realities are that this legislation will not achieve the objectives the Attorney-General suggests it will. In 1986 when the then government had legislation before Parliament based substantially on the Neave recommendations, the then opposition butchered the legislation and created the current shemozzle that continues in Victoria with prostitution. In her second-reading speech the Attorney-General has the cheek to refer to one of the local government amendments she moved at that time. Her second-reading speech states:

> The government recognises that the provisions allowing total prohibition of brothels ... could result in prohibitions throughout Victoria, thus rendering the legislation ineffective.

That was certainly true in 1986 when the coalition put the proposition forward and it is certainly true now. So at least in one small area of humbug there is recognition of that approach. But in another area of humbug — the question of one or two sex workers, primarily women, I would imagine, working from their own home — there is a cocktail type of arrangement in the bill where the intention of Professor Neave in that respect is clearly missed. The Neave proposal, as I understand it, was that that type of proposal was an important way to help women working in brothels who may need to pay debts and who would get out of prostitution more

quickly if they were not involved in the organised commercial aspects of the industry.

The Attorney-General seems to miss that intention of the Neave proposal in the proposition she has put before the Parliament. Once again, frankly I believe it is humbug.

Why has it taken the Attorney-General so long to get any legislation into the Parliament on this matter? Perhaps later tonight honourable members will talk about some other legislation on which there has been a great deal of rhetoric from the Attorney-General: the anti-stalking legislation. Once again, with both pieces of legislation it has taken an enormous period of time to get proposals into Parliament for debate.

Mr Baker — Because she is hopeless.

Mr SERCOMBE — Perhaps it is because she is hopeless.

There are some features of the bill which in my generosity I would concede have some merit. The honourable member for Bentleigh referred to the amendments to the Travel Agents Act which ultimately enable the disqualification of a travel agent involved who is in offences with respect to travel associated with prostitution, particularly overseas child prostitution. That is part of the government's response on a concurrent basis with the commonwealth to its initiatives to attempt to put to rest the shame involved with paedophiles, particularly those visiting Thailand and the Philippines. That clause ought to be supported for that reason.

The licensing of escort agencies is clearly a long overdue and appropriate initiative. An article in the *Sunday Age* of January last year described the extent of that industry in Victoria. It described one particular person who presides over 70 per cent of Melbourne's escort services whose businesses are estimated by the police to turn over about $4 million a year. The article states:

> The Victorian Corporate Affairs Commission lists more than 30 escort agencies against her name, but police say she also controls at least 50 stripper and erotic modelling agencies. These are linked by hundreds of telephone numbers advertised in the downmarket press, and operate through a large switchboard in an office suite in St Kilda Road.

We are looking at a very substantial industry, and the government recognises that some form of legislation is required to address the problems of prostitution in our society. It is not explained to my satisfaction in the legislation how the Attorney-General proposes to regulate some of the complexities and difficulties of the escort agency industry.

However, it is worthy of note that it is included in the legislation. I note also that in her second-reading speech the Attorney-General refers to the necessity to provide elements of protection for escort agency workers. That is also consistent with the opposition's approach. It is obviously a potentially dangerous occupation in circumstances that honourable members can well imagine, but one wonders why the government does not extend the same sort of consideration to street workers.

The Attorney-General recognises the danger of particular aspects of the prostitution industry, yet she simply turns her back on the critical issue of street workers and looks at adopting a punitive approach. The reality is that street prostitution will inevitably remain a fact of life in our community. For a whole host of complex reasons — whether they are associated with drug or chemical dependency or the psychiatric condition of the prostitute or other factors relating to the lifestyle of the person concerned — there will always be a significant number of sex workers who do not want to work in or will not be offered employment in a brothel or an escort agency. Nonetheless, those workers will certainly carry on their trade.

As the honourable member for Bentleigh said, this sort of legislation is always about attempting to reconcile or recognise competing interests. The residents of places like St Kilda certainly have legitimate interests, but those interests are not served by the government's humbug approach, which seeks to push those street workers even further back into the shadows and into more dangerous situations. The interests of those residents are not served simply by increasing police powers to harass those workers.

As has been suggested by the honourable member for Melbourne and others, the solution to the issue is to decriminalise street prostitution, particularly in designated areas. That is a matter that perhaps requires further consideration of how it might be implemented, but it is one the government has simply not had the guts to address. By not addressing what clearly is and what everyone

recognises will be an ongoing issue and problem, the government simply demonstrates again its humbug approach to this issue.

The failure to address the issues associated with street prostitution also impacts on health matters. Decriminalising the activity provides some capacity for more effective education and health intervention. They are factors the government appears to be simply ignoring in this bill. This is essentially a victimless crime. The honourable member for Albert Park described the government's approach as simply putting people on a merry-go-round: the street prostitute is arrested, brought to court, convicted and fined and then has to go back on the street to earn the money to pay the fine. This bill does nothing about addressing the issue.

The health issues have been adequately addressed by others, so I will not go into them. One of the things we can be grateful for is that the health minister's proposal of last year has not been picked up in this bill. She proposed that clients be charged a $5 'love tax' every time they visited one of Victoria's 70 legal brothels. An article on the proposal reports:

> Dubbed the state erection levy, the tax would be collected by brothel owners and managers.

Fortunately, so far as I am aware, that proposal has not yet been included in the health minister's budget proposals.

Protecting competing rights and interests, to which the honourable member for Bentleigh referred, can best be achieved by the planning scheme. I have serious doubts about the aspect of the bill dealing with planning issues.

As a local member of Parliament, I was involved in working closely with groups of residents in my electorate on opposing in the Administrative Appeals Tribunal two applications for brothels. On both occasions we were successful in having the AAT dismiss appeals from the applicants for a permit. The planning laws in that respect were absolutely effective in achieving the results residents wanted.

In one case, the ground on which the AAT rejected the application for a permit was that across the road from the site — it is in an industrial area, but there is a residential area nearby — in Airport West was a factory that had been let to a business providing recreational and hobby pursuits which was frequented by children. Quite appropriately, based on the planning laws in force in Victoria, the AAT was able to effectively protect the competing interests in that regard and reject the application for the brothel permit. Another application in Airport West was rejected on similar grounds. In the interests of saving time I will not into the details, suffice it to say that the planning laws in my own electorate successfully protected residents' interests on two occasions.

What concerns me about the more prescriptive approach proposed in the bill is that by being more definitive you may well create a circumstance where the flexibility the AAT can exercise in respect of knocking out proposals for brothels may become somewhat circumscribed. If a particular application narrowly falls outside a defined range, that might be regarded as a prescriptive target or benchmark rather than simply a guideline that should be interpreted alongside other considerations. I am concerned that, rather than assisting and advancing residents' interests, the proposals in the bill relating to planning amendments may well undermine their interests.

I also have concerns about the way the police powers of entry are set out in the bill. There is concern that we might be dealing with the thin end of the wedge in this regard. I am not convinced that the quite extraordinary powers the Attorney-General proposes are necessary.

I am not sure about the proposal relating to no liquor being allowed in brothels. I read a press report some time ago about a particular establishment in Elsternwick, I think, that claimed it was a fairly high-class brothel. Part of the deal there was that the clients were able to have a social drink. It seems to me that under some circumstances that should be a reasonably civilised arrangement. Assuming the article was correct in saying it is possible at present for clients in some establishments to obtain a drink, I am not sure why the Attorney-General believes there is a case for automatic exclusion of that particular service. On the face of it, it does not seem a problem to me.

Overall I do not believe the bill goes anywhere towards solving the problems and meeting the competing interests to which the honourable member for Bentleigh referred. It will not improve the quality of life of residents in places like St Kilda. In fact, it is more likely to push prostitution even further into the shadows and criminalise it even more, creating a whole range of unsatisfactory features around it.

We are all aware of the experiences in places such as Queensland where punitive measures were taken against prostitution. We are all aware of what that can lead to in terms of the efficiency and the probity of police. Overall, what we are dealing with here is a case of humbug rather than substantive initiatives in the interests of the community.

Mrs WADE (Attorney-General) — I thank all honourable members who contributed to the debate: the honourable members for Melbourne, Glen Waverley, Albert Park, Oakleigh, Bundoora, Niddrie and Bentleigh. They raised a number of diverse issues relating to the bill.

I think I can distil from the debate that all honourable members agreed with the provisions directed at keeping children away from prostitution. I am also inclined to think the opposition is prepared to agree to the licensing of brothels and the proposed licensing of escort agencies.

A number of opposition members objected to quite a number of the provisions, and I am willing to believe there concerns regarding those provisions were genuine. They reached a different view on those issues than was reached by the coalition parties. Interestingly enough, the opposition is not prepared to believe the coalition is similarly trying to establish a system which provides an appropriate balance between the various rights of interested and affected members of the community.

I will clear up a misconception put forward by various opposition members. I make it clear that although I do not believe there are any easy answers to the issues I raised in relation to the prostitution industry, this bill is the best I could do. I am quite happy with the provisions contained in the bill, and the government will do its best to ensure it operates as effectively as possible. Of course the government will be bringing it all into operation. Unlike the previous government, we provide for all our bills to come into operation within a specified time frame.

There was some concern about clause 10, which continues the offence of live off the earnings of prostitution. I point out to opposition members that it is a very limited provision that is really directed only at illegal brothels and escort services. It does not pick up families or other people who are not involved in the management. It is really about the exploitation of prostitutes.

The question of street prostitution is an area where we will obviously have to agree to differ. The government gave very considerable thought to this matter and we looked at the safety issues. I have already set out in a letter to the *Age*, which was referred to by the honourable member for Bentleigh, the reasons why we did not decide in favour of red-light districts. I do not think there is any way that one can satisfactorily supervise these areas, particularly as the people who tend to use the services of street prostitutes are basically doing so to remain anonymous. The street prostitutes get into their cars and go away with them. I do not believe there is any way that one could take down the number plates in a satisfactory fashion and provide for any improved safety.

A number of honourable members raised the question of police harassment and police charging prostitutes with offences on a regular basis. I asked someone to ring my office to get some statistics on that. I understand that in 1993 only 96 people were charged with soliciting. I think only 2 per cent of those — —

Interjections from gallery.

The SPEAKER — Order! Any communication between the gallery and a member on the floor is against the standing orders.

Mrs WADE — Even where fines were not paid, only 2 per cent of those cases ended in custodial sentences. The question of medical examinations of prostitutes was raised. I understand that in legal brothels it is not a matter of prostitutes going out to seek medical examinations but medical persons attending the brothels. I understand the medical examinations are more for the purpose of protecting the persons working in the brothels rather than their clients.

The honourable member for Niddrie raised the issue of liquor in brothels. At present, most, if not all, of the brothel permits specify that no liquor will be available in the brothels. My understanding from talking to people involved in the industry, which I have done, is that people tend to turn up at the brothel after having already consumed quite an amount of alcohol, they then continue to consume non-alcoholic wine and beer and apparently they tend also to continue to get more and more drunk as the evening progresses, notwithstanding the fact that actual alcohol is not available. Perhaps I should say they think they get more and more drunk as the evening progresses. That is the advice I received.

It was a most interesting debate. I pay tribute to the shadow Attorney-General's parliamentary intern. I think it is clear to us all here that the work he did on his report has been very useful to the shadow Attorney-General in this debate. I am sure that he contributed significantly to the statesperson-like contribution of the honourable member for Melbourne this evening.

House divided on motion:

Ayes, 53

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

Noes, 22

Andrianopoulos, Mr	Hamilton, Mr
Baker, Mr	Leighton, Mr
Batchelor, Mr	Loney, Mr
Bracks, Mr (*Teller*)	Marple, Ms
Brumby, Mr	Pandazopoulos, Mr
Carli, Mr (*Teller*)	Sandon, Mr
Coghill, Dr	Seitz, Mr
Cole, Mr	Sercombe, Mr
Dollis, Mr	Thomson, Mr
Garbutt, Ms	Thwaites, Mr
Haermeyer, Mr	Wilson, Mrs

Motion agreed to.

Read second time.

Ordered to be committed later this day.

House adjourned 6.34 p.m. until 8.04 p.m.

PERSONAL EXPLANATION

Mr BROWN (Minister for Public Transport) — I wish to make a personal explanation. The second-reading speech of the Melbourne City Link Authority Bill, which was read yesterday, referred to a power to acquire land for the project. I have since been advised by the Melbourne City Link coordination team that this power was not included in the bill and was inadvertently referred to in the second-reading speech. I wish to inform the house of this correction.

CRIMES (AMENDMENT) BILL

Government amendments circulated by Mrs WADE (Attorney-General) pursuant to sessional orders.

Second reading

Debate resumed from 20 October; motion of Mr COLEMAN (Minister for Natural Resources).

Mr COLE (Melbourne) — On behalf of the opposition I rise in support of the bill. Although I will move an amendment at a later stage, the opposition supports the general thrust of the bill. I have concerns about some aspects of the bill but certainly not about the principal provisions concerning stalking and amendments to the Crimes (Family Violence) Act. The bill deals with stalking, arson, contamination of goods, bomb hoaxes, restrictions on granting bail for certain offences and makes some important amendments to the Crimes (Family Violence) Act 1987.

This is a small but potent and important bill for a number of reasons. First and foremost it extends the concept of individual relationships by introducing stalking legislation and amending the Crimes (Family Violence) Act. It is an important day when we can debate in the chamber the nature of domestic violence and discuss stalking legislation and a new way of looking at impinging upon a person's privacy and rights putting fear into somebody from a distance or perhaps close up, engendering fear without physically hurting a person or without even posing a physical threat.

The stalking legislation is very important. Before we embark on any discussion of it with impunity, we

should at least consider that we must be careful in creating such legislation, as we should be in creating any legislation. A new crime is being introduced to the statute book. We support its introduction, but we still have to be careful whenever we create new offences, in particular offences of this type.

In introducing stalking legislation, we must ask ourselves how profound a message has to be before it is considered a threat. Does somebody have to be subjected to physical harm or only feel threatened for the legislation to come into effect? I will refer later to standard of proof and other subjective and objective tests that are important in the consideration of what constitutes stalking. I will also refer to a letter from the North Melbourne Legal Service, which I think many people would have received.

The North Melbourne Legal Service letter was sent to the Scrutiny of Acts and Regulations Committee. I received it in my capacity as shadow Attorney-General and I believe the Attorney-General would be acquainted with it.

It is important that we take notice of the comments made by the North Melbourne Legal Service because it has experienced a case where a person was charged with an offence that was the equivalent of stalking before the introduction of this bill. The person was found not guilty; in fact it was found there was no case to answer. There are issues that must be addressed. The North Melbourne Legal Service expressed concern about the nature of the bill. Although I do not share its view I believe we have to take cognisance of its opinion and, for the purposes of interpretation, what is said here this evening is important for what may happen in the future.

The amendment I will move in the committee stage relates to the extension of the concept of a legitimate activity that does not constitute stalking. I will seek to add a paragraph (f) to proposed section 21A(4), which deals with stalking. The amendment concerns those involved in industrial, political or other public disputes or issues carried on in the public interest. I shall talk about that later. I believe the foreshadowed amendment will fill a gap. It also mirrors the Queensland provision dealing with the matter.

Stalking is an offence that is not covered by other provisions in other legislation. There are many different components to stalking. Although people could be charged without the enactment of the legislation, the problem is the degree of difficulty and the need to match the crime to the person. Most important of all is the need to prove under other legislation that a person is actually trying to hurt another person under the definition of 'assault'. It is a difficult nexus. It does not cover the fundamental problems that the bill addresses. The crucial point is that the offence of stalking fills the gap and, by creating an offence, it removes the difficulties and doubt associated with charging a person with other offences.

It has been mentioned in academic journals and not-so-academic journals that provisions already apply for these types of offences. If a person makes a threat it is an offence. The difficulty with telephone calls is if a person makes innumerable telephone calls, it is a question of whether the offender understands the situation. It gets back to an objective test that could be extremely difficult for the court to interpret. If we state our views on the matter, which I believe will be unanimous, it should be able to make an interpretation.

I acknowledge the work of the North Melbourne Legal Service. Its submission to SARC and its whole approach to the topic deserves support. It is to Victoria's credit that it has excellent legal services. I worked with the Flemington-Kensington Legal Service before I entered Parliament. The North Melbourne Legal Service is down the road from my office and, of course, the Federation of Community Legal Centres has been a consistent and good contributor to law reform. Although we might not always agree with it there is no doubt that the support it has received from the government and from former governments shows that it is an important part of our legal system.

Page 2 of a letter from the North Melbourne Legal Service refers to the definition in proposed section 21A. It states:

> The definition of the physical aspect of stalking given in paragraph (2) of section 21A covers an extremely wide range of activities in which people engage in every day life, and which generally would have no criminal element, for example, walking behind someone along the street, making telephone calls ... If these things constitute stalking, the criminality of such behaviours must be explained and needs to be understood by the public.

There is no truer statement than that. Walking behind a person and making telephone calls, of themselves, are not offences. The difficulty is where

to place the dividing line. Again we must have a subjective test to say at what point it becomes a moderate form of annoyance, and then harassment. The next step is when it actually becomes a case of a person stalking another person and causing that person pain. It will be very difficult. Although I do not wish to flag this in a preventative fashion, we will be talking about the extreme examples of stalking. I do not mean by that a person walking down the street with an axe in his hand who is about to kill another person — and that is a possibility — but about extremities when a person is obsessed, will not back off, will not get the message and consistently carries out certain behaviour causing concern, dissension, and upset for the individual receiving the attention.

The word 'attention' is a good generic term for the matters laid out by the North Melbourne Legal Service. If you are subjected to a high level of attention by a particular person it can cause you upset. For instance, I am the shadow Attorney-General who shadows the Attorney-General; it can cause upset — I use that analogy deliberately. It is not a crime. However, if we take the situation of a person shadowing another person that action may not be a problem until it reaches the point of annoyance or the other person is suffering illness or is in danger. It is the timing that is the difficult question, and that is a matter the North Melbourne Legal Service highlighted. It is important that it experienced a case of alleged stalking — in fact it was not stalking because we did not have the legislation in place. However, the principle is still the same.

The North Melbourne Legal Service refers to proposed section 21A(2), which deals with exemption. It states:

> ... we note that this would appear to go directly to the essence of the general interpretation of stalking where the offender's intention is to cause harm.

I agree with that proposition. The letter continues:

> As this is a subjective test with respect to the offender's state of mind, which must be proved by the prosecution with clear evidence, we acknowledge that this part as drafted may give adequate protection to an alleged offender.

The crucial point is determining the subjective intention of the individual carrying out this action. We can go one step further — and this is where I diverge from the legal service's view and that of some journal articles:

> However, we note that there is no requirement that injury to the victim be proved, and conclude that this omission has been made on the basis of injury in the form of induced fear is considered irrelevant to this part.

My interpretation, and I defer to the Attorney-General with her experience as a parliamentary draftsperson, is that I do not read it that way. You have to prove fear. You may not have to prove injury but you have to prove fear.

Mrs Wade interjected.

Mr COLE — We are; good! It is a question of interpretation, which will be difficult. I do not know whether you can actually apply an objective standard to whether a person should have been frightened or not in the circumstances.

If they say they are and there is enough evidence, then of course we have the fall-back position — and I say that reservedly. For the purposes of this provision an offender also has the intention to cause physical or mental harm. Proposed section 21A(3) states:

> ... or ... that the offender ought to have understood ...

The crucial point is that the person was scared and the offender should have understood. That of course brings in the objective test. The North Melbourne Legal Service takes even further the objective test relating to if the offender knows by saying:

> If this part is in fact aimed at addressing recklessness on the part of an offender, this should be stated.

I do not believe it is to do with recklessness; recklessness would be almost a defence to an act of stalking. Doing something which was causing harm which was indifferent or reckless is different to having a specific, subjective intention to cause a problem.

What this legislation is trying to say — and the application of this objectiveness makes this a very important provision — is that it is not about recklessness; it is about whether a reasonable person would have known that their actions would have caused the other person to fear. For instance, if you consistently make myriad phone calls at 7, 8 and 9 o'clock in the morning and at night to a person's

home — you may not even be making threats; you may just not be leaving the person alone — and that person is frightened, that may constitute stalking.

I may be drawing a pretty long bow by saying that, but it is a major issue with phone calls. You can have your phone number changed to a silent number, and all sorts of things like that, but there is still the issue of whether a reasonable person should have known when he or she rang that that would cause fear in the mind of the person they were ringing. In my view it has nothing to do with recklessness; although we could see cases where people could be reckless.

The North Melbourne Legal Service submission was very good on that point. To an extent the experience of the service has dictated its view on the whole question of stalking legislation, but, nonetheless, the submission is very good. I am sure — as has been pointed out to me — the issue of whether this particular provision needs to be expanded to make allowance for telephone calls has been suggested by the Attorney-General because I am pleased to hear that that will occur.

The legislation also overcomes the hiatus between domestic violence and non-domestic matters. For a long time the whole question of harassment of partners or ex-partners was a major issue of domestic violence and family law. However, we have never had an effective equivalent charge for consistent harassment — I think the only alternative was a charge for breach of the peace or assault or some other offence — which would prevent a person from being continually harassed or bothered by someone that person did not want much to do with.

Although I think it should apply only in extreme cases, stalking legislation will be a very good instrument to protect individuals who fear — and who are living a real fear of — physical violence being inflicted upon them. That was the case with family law provisions and the Crimes (Family Violence) Act 1987.

Crimes which have only recently been recognised in domestic relationships have been occurring because of the difficulties with charging people due to the strict provisions applying to restrictions imposed by injunctions and so on. I do not know whether a reduction in the number of those crimes has been achieved, but at least in particular individual cases we have been able to ensure that a person cannot go within a certain distance of another person who has been threatened.

This legislation covers that hiatus, and it is long overdue. There has been almost a revolution on both sides in the treatment of domestic violence, assault and relationships; individuals relating to other people and threats of violence or harassment or whatever. The change has been substantial and, by and large, bipartisan. Our attempt to address most of these issues is long overdue.

As I read them, these provisions cover a case of accidental stalking. That will always be a question of proof, but one would think, particularly given the provisions of proposed section 21A(3), there would be a fairly rigid or strict interpretation of what actually constitutes stalking. In any event, proposed section 21A(5) provides an added alternative to the stalking legislation and covers many of the difficulties and problems we currently have. It provides an alternative to taking out charges against the person stalking because it relates to the non-relationship situation. That is a big step forward; in fact it is an enormous leap. I will refer to it a bit more later on.

I will relate to the house a very personal case of stalking. I am sure many other members of Parliament have endured the same problems with recalcitrant or difficult people coming to their electorate offices. Normally we have an open-door policy in our electorate offices. By and large the doors are open unless there is some big protest on at the time when you would lock the doors and hide under the table — not that I would ever do that — and that is the way it ought to be.

The particular case to which I refer involved my electorate officer, who was the victim of a severe case of stalking. It is all too typical. She was going out with a bloke for some six or eight months and then decided that the relationship should cease and that she did not want to be involved any more. That was her choice and certainly her prerogative. Because the office was open, he began to visit all the time, and make phone calls every day, every morning, every night — all the time. It was consistent harassment which crept up over a period of time.

Suddenly the following would happen. She would be driving down the road at 1.00 o'clock in the morning returning from a function when suddenly her mobile phone would ring and he would be in the car behind her. How did this all happen? Then other

things would occur. Suddenly he would turn up at people's places she was visiting. I will not labour the point too much, but I will say that eventually he was caught by the police out the back of a friend's house while she was visiting. He had listening devices, scanning devices and a whole range of other things. He was caught only about six or seven weeks ago, but this kept going on every day for a solid six months. Not only that, if she went out with somebody on the Tuesday night, by 7.30 the next morning he would ring her to tell her he knew where she had been the night before. That would be extremely frightening for anybody.

The fact that he had access to listening and scanning devices and a whole range of other technological paraphernalia available today shows stalking people has been taken to a level at which we have perhaps never been before. One would say that it is extremely dangerous.

As chance would have it, if this legislation were in place today a few things could have happened. I forgot to mention that I banned him from the office, but it did not stop him because he would still come around when I was not there. It is interesting that the police said there was nothing they could have done during the period of the stalking. This bill will resolve a large part of the problem. Because they were previously in a relationship she could have sought an intervention order and would have got it, without any doubt whatsoever.

As I said, when he was picked up the police found listening devices and everything else. They have always been used the other way around in the past. We think that Big Brother will come down and have the listening device in the caucus room or something! I do not know why anybody would want to listen to that, but I suppose there might be some secrets. They seem to know most about what goes on in there before I do anyway.

There is an argument for considering the use of listening devices in the context of stalking and how terribly serious that is. You can use devices to trace people, particularly those using mobile phones.

To be driving down the road returning from a function at 1.00 a.m. and suddenly having the person behind you calling you on the mobile phone is an extremely frightening experience, as would be the case with a person being around houses listening to what you are saying.

The issue that interests me is that the bill does not create a specific offence of using listening devices, although certainly a person should be charged with that as well if he or she is charged with stalking and has used listening devices. Fairly severe penalties should attach to people using listening devices. The Premier once had a call on his shoe phone — I am not trying to score any political points — and listening to that call really was wrong. As a community we must come to grips with that sort of technology beyond Big Brother.

An honourable member interjected.

Mr COLE — Yes; I know. I do not think we have really come to grips with the level of use of such devices. In any event, stalking legislation at two levels will resolve the problem for my electorate officer. However, it is still very difficult to know at what point you have gone beyond a relationship that has gone sour and are harassed by a person who will not leave you alone — no matter what you do they will not nick off. I think you can at some time say that you are in fear and that you want that person to go. That is why those provisions, which under the Crimes (Family Violence) Act 1987 allow one to get hold of intervention orders even though a family member is not involved, are very important.

The other thing that shocked me about the whole business was that when the man I referred to was questioned, not by the police but by people afterwards, he could not see that he was doing anything wrong. I do not think that relates to his mental capacity or lack of it. It was in a sense a case of, 'What was I doing? All I was doing was ringing up'. But the fact of the matter is that there was some sort of feeling that he owned that person or had some right to do what he was doing, though he clearly did not. To me, the greatest tragedy of all is that people, particularly men, think they have a proprietary right for some reason to keep going back and that if they are attracted to somebody it is okay to interfere with their privacy. I must say it never happens to me with women.

An Honourable Member — I can understand that!

Mr COLE — Yes, you could, too, couldn't you?

It is a very real issue and it goes to the heart of the difficulties that we have with trying to address the whole issue of domestic violence and also because of the changing nature of relationships. There is no doubt that this legislation will to an extent,

particularly through the intervention orders, address some of those problems. Next time appropriate legislation is introduced I will keep you informed on the next phase and tell you whether or not the man was sent to prison. I do not think he will be.

The changing nature of society's understanding of violent offences and of people impinging on another person's privacy is something blokes most of all have great difficulty coming to grips with. We also must acknowledge that men are by and large far more violent than women, but the real issue is that they believe they are entitled to harass. That is the problem. In Lyn's case, for some three months she was harassed but it was all part of the relationship thing and suddenly it became this incredibly terrible situation where she was legitimately extremely frightened for her life. I was absolutely no help at all, I am sure, but at the time we did have a very difficult situation which we could not resolve. The only way it could have been resolved was by an alternative level of violence back to him or through legislation like this.

I repeat the point that I made before that unfortunately it is a very fine line. They may say, as this man did, 'I had no intention of causing any harm at all and I don't see how she could have been upset by the fact that I rang her every morning and every night and during the day and went around to the office and saw her. I did not do anything tangible to hurt her'. It is so much a feeling of the other person's privacy being invaded, and indeed it was only when the listening devices were discovered that charges were laid and bail was granted on the condition that he not go within so many kilometres of her.

Just to hark back to proposed section 21A(3), I believe that in the case of my electorate officer what the offender ought to have understood is the objective test. He certainly would have failed the subjective test, but the objective test is a bit dicey, too, except for the use of listening devices. That again is a substantial cultural problem amongst men. He may well say, 'All right, I used the listening devices but prior to that what was I doing?'. 'You were phoning maybe ten times every day'. It is still a cultural thing that it is all right for men to do that, or in a relationship for men or women to keep going at it for whatever reason.

The objective test is a vexed one; it is the one that we will have to be most concerned and conscious about. In respect to stalking, there is a very good article in the *Law Institute Journal* which I have not read for a while. One of the last times I read it I opened it up and there was a great big photo of Victor Perton on one side and James Guest on the other with his dog Rumpole and an article about not wanting the Law Reform Committee to become a political animal, which it never would be. Since then I have been shocked into submission and do not read the journal as much as I should. The article by Richard Evans points out that:

> The psychiatric literature recognised at least four different categories of stalker ...
>
> Erotomania. The stalker suffers a disillusional disorder, and truly believes him or herself to be loved by an individual who might not even know of his or her existence.

I hope nobody here suffers from that disease — when you hear about an illness you think you have got it!

> Obsessive love. The stalker feels intense love for another individual who he or she knows does not reciprocate these feelings.

The next one is:

> Morbid jealousy. The "former intimate" stalker, such as a former lover or spouse.

The story I have just related fits into that category, and I suggest it would probably be the most easily recognisable if not the most common. Then there is:

> Sociopathy. The sociopathic stalker might in lay terms be known as 'bad,' whereas the other three are 'mad'.

I think we have been through this debate — we have had the odd hour here talking about Garry David — as to whether mental illness does not include an antisocial personality disorder. That was an interesting debate.

That was an interesting debate, and it was a tragic case, too. These types of people are completely different to others; they do not appear to be seeking any relationship with the victim, they merely seek individuals who fit their assault criteria. I suggest the latter type are more dangerous.

If we take it that we can confine it to four categories, I would suggest that the morbid jealousy type is probably one of the more difficult ones in establishing the stalking link. Once a person is attracted to somebody he keeps going in a

relationship and it goes down a certain path, then harassment and so forth occur. That is the most difficult one.

Also with respect to sociopathy we will have the problem of trying to distinguish between the bad and the mad. I did not want to use those terms because I believe they are inappropriate, but there is a need to remember that these provisions must protect people who are mentally ill. That is the point I am trying to make. It seems to me that they do on both criteria, the subjective and the objective test under proposed section 21A(3).

I think that is a major problem. With respect to deinstitutionalisation, there will be many problems involving people who have been moved out into the community. Of course, I support deinstitutionalisation and I believe we should attempt to address those issues. There is a significant problem with the possibility and probability that there are mentally ill people who may stalk and may be attracted to another person, in which case we can look to the proposed section to which I referred.

Stalking has a certain pathology attached to it, which means that we must distinguish the bad from those with mental illness. I think that can be covered by the bill. The dividing line between those two categories needs to be clearly understood. That will not be easy, but at least with psychiatric assistance I think we will be able to do that and get somewhere.

When I initially read the bill I had some reservations about the amendments to the Bail Act. Before I depart totally from the issue of stalking, I point out that whenever we consider amending the Bail Act we have to be very careful for a number of reasons: firstly, the onus of proof of whether a person should be given bail; and, secondly, the bail itself. We are talking about putting people in prison, having people on remand and people being innocent until proven guilty, but there are other problems.

With all due respect to magistrates, we need to force them to keep people out of gaol rather than put them in. Particularly when a nice new remand centre is built, for some reason they tend to fill them up. It is just a fact that there is a substantial increase in the number of people refused bail when a nice new prison is built. I use that only as an example of the dangers and difficulties of interfering with and changing the nature of granting bail.

In this case the onus is reversed, so the defendant, or the accused, has to prove that he or she should be given bail. When I first read that provision I thought we should not do that. However, we are talking about stalking, which is a major crime and which, by definition, will attract people who reoffend — that is the important point. In some cases it may involve the sociopathic or even morbid jealousy or obsessive love, which means we are dealing with matters of the heart. Unless I am very much mistaken, I understand that some 40 per cent of all murders relate to domestic matters, so this is a very serious part of the problem and of the equation itself.

Therefore, I support this reversal of onus so that the defendant has to prove that he or she will not violate or breach bail. My preference is always to let people out on bail unless there are very strong reasons for keeping them in gaol.

Dr Dean — If they have had a history of violence.

Mr COLE — I think the honourable member for Berwick is spot on: they have to have a proven history of violence. However, almost by definition, if they are before the court for this type of offence it means they have had a period of continually harassing or stalking somebody, and therefore they should have to prove that they will not do it while on bail.

Mr Maclellan interjected.

Mr COLE — Yes, alleged. I am sorry, I have put them in gaol already!

Mr Maclellan interjected.

Mr COLE — As I said before, particularly when it is possible to keep people in gaol for at least 18 months and maybe 2 or 3 years, we have to be very conscious of what we are doing with bail provisions. People are innocent until proven guilty, and it is not desirable to lock them all up until they are proven innocent. Domestic violence is an unfortunate situation. The position is so precarious that we have to be very conscious of the onus and require them to prove they will not commit that offence and breach bail conditions.

Clearly the extension of the notion of relationships is very important, particularly as it means that people who are not currently in a relationship will be able to get an intervention order against somebody, and that is to be applauded. It is an extension of what we have had now since 1987.

I think we are experiencing a very steep learning curve on these issues. Ten or 15 years ago the whole issue of domestic violence was just too hard to handle. People threw their hands up in the air, including police and community services workers, because they could not deal or cope with it. However, sadly, it has been brought about largely by the amount of relationship breakdowns, which has made this problem a much bigger and more pressing issue that needs more immediate attention. Certainly the sad effect of the increase in the number of marriage breakdowns has been a greater need for these types of intervention orders, and they are now used quite regularly.

Extending the provisions relating to family relationships is also part of the process of what is referred to by the women's movement as reclaiming the night. I am sure they would support the provisions because they are the next step in the chain of measures to ensure that women are protected from violence after relationships have failed.

We can see in the family law area how emotional these situations are. One judge has been killed and just recently a car was driven into the Family Court building by someone who was dissatisfied with a decision. We generally accept that the family law area is most volatile — matters of the heart are terribly emotional. It involves child custody and so forth, so the margin for error in dealing with domestic violence following marital breakdown is very slim.

I have another little anecdote, which I think is very important. Any breaches of those intervention orders should be strictly policed. My anecdote concerns a young man — he is now 29 years old — who, despite being under an intervention order, was invited to the home of his former wife to look after the kids while she went to the races. She probably lost all her money at Flemington, as I have done once or twice before. He had had a few drinks, and after she came home it was the usual story. She said, 'I want you to go now. Go back to Broadmeadows'. He refused to go, saying it would mean his having to do this, that and something else. He had a history of drinking and assaults, but despite that he was not a bad person. He was also a depressed character. If I had been making the plea on his behalf I am sure I would have done it very well — and his sentence would have been a few years lighter.

An honourable member interjected.

Mr COLE — He did not choose me as his barrister, which was good. What is important is that at a certain time invitation — his licence, if one were to use the commercial term — was revoked. She said go but he refused to go. In the end the police came around and he was charged with hindering and assaulting police. But the most important offence was the breach of the intervention-cum-restraining order. He was given six days inside. That came after a long period of problems. The barrister said how unfair it was, that he came from Broadmeadows and that he had done this and done that, all of which was true. But those situations are precarious, and intervention orders have to be interpreted very strictly. The danger to individuals — usually women — is so great that the rules must be applied strictly, even though I am not an advocate of sending people to gaol. I detest it; it should be used only when it is absolutely necessary. We must take these matters very seriously so that we give the community the message that you cannot treat people as objects to be knocked around when you want and that intervention orders are intervention orders. Even though someone is invited in, if he is subsequently asked to go, he has to go. It is as simple as that.

That might sound pretty harsh. But I come from the legal centre movement, and I can safely say that in all the cases I have seen the balance has always swung firmly against the woman. I have seen a large number of women who have been assaulted by their male partners; but I have seen very few men who have been assaulted by women. Those situations are always precarious and violent, and they can be addressed only by the strict application of intervention orders. As I said before, the Attorney-General has taken the next step, and on that she is to be commended.

That strict interpretation also relates to a possessory issue, which dates back to the days when the marriage contract gave ownership rights to the man. The original marriage contracts make clear the difficulties involved in getting a divorce and so on. Any honourable member who reads the contracts will appreciate the extent to which things have evolved since those days. Unfortunately, many people still believe in ownership or proprietary rights. Things have changed a lot, but there is still a long way to go.

Many people in relationships inside and outside marriage are still being killed and assaulted. Those issues can be addressed only by the methods that are being adopted today. So far as the development of

an appropriate culture is concerned, both sides of the house have come a long way. Years ago we found the simple questions of divorce and separation hard to address, but to a large extent we have now done so, which shows the extent of our evolution over the past 10 years. In the words of the women's movement, I hope we are now heading towards the reclaiming of the night — and so we ought to be.

The extension of the duration of intervention orders is a very good idea. I cannot see why they were restricted to one year. I suppose the argument was that a person could go back and get another one if it was required. It seems that was a bit restrictive. A person who wants an order removed can apply to have that done; otherwise it should last in perpetuity. One of the issues I am concerned about is that the granting of an intervention order — we did not have them in the days I was practising — almost involves putting the applicant on trial.

I know there is great concern when things are done ex parte, but I believe there is a very good argument for putting the onus on the person who does not want the intervention order, requiring him to apply rather than the other way round. This is only anecdotal evidence, but a number of women have told me they get put through the third degree by the magistrate when applying for intervention orders.

I do not wish to be too flippant about it, but I would have thought that to get one a person need only establish a very limited prima facie case. The granting of an intervention order involves questions about a person's guilt or innocence. If an intervention order is made unnecessarily or inappropriately, it is more than likely that the person against whom the order is made will breach it because he may not know that the order has been made or that he is doing anything wrong. We need to be sure about the practice of making intervention orders so that the applicant does not become the victim, which often seems the case. On top of that, if the victim is not required to continually go back to get an order, that is even more admirable.

I refer to the amendment I propose to move with respect to stalking. It is very straightforward. I propose adding paragraph (f) to proposed section 21A (4). The exemptions would then mirror the Queensland legislation, which says that for any offence committed:

> ... it is a defence to the charge for the accused to prove that he or she engaged in the course of conduct for the purpose of a genuine —
>
> (a) industrial dispute; or
>
> (b) political or other public dispute or issue carried on in the public interest.

Again, they are offences already covered by legislation. I shall use the industrial dispute provision as an example. People taking part in a picket may commit the offence of besetting a building, which is a type of stalking offence. I understand that happened during a demonstration outside the Melbourne Club and in the recent Austudy 5 case. It was made an offence during the Depression when there was a lot of industrial action going on.

We need to be very careful. A lot of political activity has to do with surrounding buildings or consistently protesting in ways that are designed to harass — that is, to make it difficult for the persons on the receiving end. If there are problems with what they are doing — if they are throwing missiles or whatever — their actions are subject to other provisions.

We should not in any way preclude political action by putting it into the category of stalking. The only example given to me involves a person who goes to the home of a politician and stands outside all day. That happened to some of our ministers, and I am sure it has happened on the odd occasion to members on the other side.

Mr Maclellan interjected.

Mr COLE — Has it? Another case involves local government commissioners. I will not say where it is, but local residents who are concerned about the actions of their local government commissioners have taken to protesting outside the commissioners' homes every night. If they started rattling tin cans every hour on the hour and so forth, they would be committing an offence, which could be dealt with. I do not see why we cannot exclude the type of activity I referred to previously, because these consequences are unintended. Stalking legislation is intended to protect specific individuals who are fearful and frightened.

After looking at the Queensland provision and discussing this with various people, I believe the provisions of proposed section 21A(3) probably preclude that in any event, but the objective test that

the offender should have understood the circumstances is still there.

It may be said that a person had a legitimate political excuse and knew full well an action would have the effect of frightening another person into submitting, perhaps to a wage rise, not building the casino, not having the grand prix or whatever it might be, but I do not believe that is the intention of the legislation. The bill is about stalking. That is the new dimension in interference in interpersonal relations. People should not camp outside a politician's house, knock on the door, throw things at that person or whatever they might do. I do not know how we can resolve that problem, other than looking to other offences, but I certainly do not think that sort of activity fits within the bracket of stalking.

If the house goes into committee, I would like to discuss that further and move an amendment. The government should consider that matter. The legislation might be a strong deterrent, but if the police were minded to charge somebody involved in an industrial dispute with stalking that would cause a lot of trouble. That is not to say that the police would not do that, and that is my concern. I do not believe that is the intention of the bill. It is intended to apply to an individual situation and not to a political dispute.

I cannot oppose some of the other provisions I will now discuss but I have some reservations. First, it has been alleged that there has been a substantial increase in the number of fires involving arson, or what is euphemistically called the old liquidation fire during a recession. There is no doubt that such activity has occurred and that people have become desperate to get themselves out of a difficult situation. The legislation is a little arbitrary. I say reservedly that it takes a punitive approach to a complex problem. I am not sure whether we should be approaching the sentencing of arson in that way.

The former government considered substantial reports and penalties were set. If there has been an increase in the incidence of arson I do not doubt that there should be some way of recognising that. However, it is my experience — I have not been involved in anything being burnt down, so this is my observation only — that insurance companies are good at looking after themselves. I have never dealt with an insurance company that pays out willy-nilly or quickly. They have a responsibility to ensure that proper investigations are carried out.

I can speak of only two cases, again anecdotal, where the onus was on the person whose property had been destroyed by fire to prove that it was not a case of arson. Insurance companies hold all the cards; they do not have to give the money out if they do not want to.

An increased penalty will possibly not solve the problem. If people are so desperate that they will light a fire, the real issue is whether they will get caught and not the penalty attached. They know that the penalty is severe, and I doubt that raising the penalty at the upper level will solve the problem at the lower level.

The government always seems to opt for increasing penalties. I suggest that people do not concern themselves with the level of the penalty at the time they get out the match and the can of kerosene or petrol or take out the Little Lucifer fire starters. People would be pretty desperate at that stage. It is more important to consider prevention or catching the arsonist, but that is difficult. I do not object to the legislation but I raise those issues. The opposition does not object to anything in particular, but the government seems to be making sentencing decisions on the run.

The provision dealing with the contamination of goods is interesting. I do not think anybody would disagree with the desire to prevent the contamination of goods, but as I read the legislation it also concerns people who pretend they have contaminated goods and who try to create the image that they have contaminated goods. The contamination of goods cannot be allowed. It is appropriate in our society that penalties are attached and that they be specific. This is not my area of expertise and I cannot see why people would seek to feign contamination in that way, but if that occurs — and it obviously does — we have to ensure penalties can be imposed to prevent it.

It is important that we have legislation to deal with bomb hoaxes. It is most unpleasant to be around when there is a bomb hoax. We had one here and were all told to get out — and Guy Fawkes was nowhere in sight! It is an important issue; we should not make light of it.

Mr Maclellan interjected.

Mr COLE — Do they really? I am a pessimist because I was on the front steps pretty quickly. We must have legislation to deal with bomb hoaxes so that people know they cannot get away with that.

The stalking legislation is appropriate to our times and is a further step down the path of reclaiming the night. This important legislation dovetails with and is a good extension of family domestic violence legislation. It covers the hiatus not covered by that situation. Had the Labor Party been in government, it would have introduced such legislation. Indeed, about 18 months ago the former shadow Minister for Police and Emergency Services, the honourable member for Niddrie, and I discussed the possibility of introducing a private member's bill on stalking.

I think my observations on the legislation are accurate, and I hope it turns out well and in a considered fashion. I hope the amendments will resolve the concerns of the North Melbourne Legal Service. It is probably appropriate that in a year or two the legislation be reviewed because it deals with a delicate and sensitive area. We should carefully watch the number of convictions resulting from the bill. My prediction is that we will not have too many for some time anyway.

We should monitor the application of the act. The amendment to the Crimes (Family Violence) Act provides that to obtain an intervention order the person need not be a member of the family but may be in a relationship. It is a tremendous initiative and it is a general movement towards the defence of people, particularly women, in domestic situations.

With the rider of my foreshadowed small but powerful amendment dealing with industrial, political or other public disputes, the opposition supports the bill. We have a number of speakers who are champing at the bit. We wish the bill success in dealing with people who stalk.

Dr DEAN (Berwick) — Given the number of times the honourable member for Melbourne and I have fought battles — I remember one before the Women's Electoral Lobby somewhere in Swanston Street — it makes the times we agree wholeheartedly all the more enjoyable. We certainly agree on this bill. It is trailblazing legislation for Victoria. It is different from legislation introduced in recent times by other states.

It is useful to spend a little time putting the legislation in context. The legislation is not just the normal criminal law legislation that penalises someone for stealing or assaulting. It has another aspect: that is, it involves domestic relations and relationships between people. It is a tentative area for legislation, and it has to be handled with care.

We should ask ourselves: why have we come to this point at this time? If some 20 years ago you were to suggest legislation of this nature, people would raise their eyebrows in amazement. It would have been considered totally inappropriate and unworkable. However, we have moved to this point for a couple of reasons: firstly, our attitudes are changing; and, secondly, the society in which we live is changing.

It is clear that as our cities grow and become more complex more humans must live in more concentrated spaces without relationships between them and, without the connections they previously had in their communities, violence grows. That is a phenomenon throughout the world. No city can escape it. Certainly as Victoria becomes a more complex society it cannot escape it, either. The pressure to balance this conduct swings further towards appropriate legislation, and that is one reason why we have reached this point.

Perhaps there is a more important reason why we have reached this point: our attitudes are changing. I always argue, although not everyone agrees with me, that slowly but surely a progression of more civilised behaviour is developing in our society. Slowly and surely as we enact legislation and as we learn by experience our attitudes change and we become more civilised. Nothing is more civilised than attempting to protect our citizens from fear.

It is one thing to protect citizens from violence but it is progressing a step further to protect citizens from fear. These changes coincide with changing attitudes towards women's roles in our society. Stalking affects both men and women, but it certainly affects women much more, and there are obvious reasons for that. Usually the male is physically dominant and, if he engages in stalking, fear is likely to be engendered in the female more than if it were happening between two males. Apparently the male expresses his sexuality more aggressively than the female and there are clearly entrenched ideas in males — —

Mr Cole interjected.

Dr DEAN — Of course that is not the case with the honourable member for Melbourne, who someone said has no ideas at all. However, I am sure that is not correct. Some people have entrenched ideas about the way men should react and behave towards women. Men's roles are changing as the roles of women in society change. The needs and aspirations of women are being moved up the agenda, and that is a natural progression. Some may

argue that this is a consequence of women lobbying. Although that may speed up the process, in my view it is a natural process. This process puzzles some men and creates fear in others. However, in most it is greatly welcomed and I suspect to some it is a relief. They no longer have to act out a particular role. Certainly life is a lot more interesting!

The change that is taking place has focused our minds on these sorts of issues. Clearly unwanted aggressive advances by males towards females is a matter of concern to women. It has also become of concern to men, and the community as a whole wishes to deal with this aggression. The old pretence that it was a woman's fault for flirting or dressing provocatively is now seen in appropriate terms. It is similar to saying that it was a rich man's fault for having items in his house and not a thief's fault for breaking in and taking them. Women are entitled to flirt or to dress as they wish.

Mr Maclellan interjected.

Dr DEAN — I am sure it is not as uncomfortable as the minister may be assuming. If we put these two things together — the welcome change in society's attitudes and the darker side of things; that is, the need to protect ourselves from crime — we end up with legislation such as this. I shall not go into great detail about the legislation, but it was difficult to draft. How does one draft legislation that will protect people from fear engendered as a consequence of unwanted attention, particularly considering the number of different domestic situations and cultural differences. In some cultures following a woman is regarded as the appropriate way of courting. Some people are entirely violent and have attitudes towards women that border on sickness. Some people are mentally handicapped and follow others in the street, not for any sinister reason but because that is what they do. You have to legislate to ensure that people who engage in a certain activity, which must be described in legislation, are able to be distinguished from those who are engaged in a criminal activity and who ought to be penalised.

That has been done in an extremely clever fashion in the legislation by simply outlining a number of activities for which an individual may be charged with stalking — if it is done with the intention of causing physical or mental harm to the victim or arousing apprehension or fear in the victim. You say this: if you engage in activity that amounts to stalking you will not be convicted unless you have an intention to create mental harm to or fear in the victim. It is extremely difficult to determine how to draw that distinction. The honourable member for Melbourne referred to the reasonable-man test.

Mr Cole interjected.

Dr DEAN — Or the reasonable-person test — well done to the honourable member for Melbourne. If he reads the words of this legislation closely he will see that there is a twist on the reasonable-person test which he did not pick up and which is very important.

This legislation does not use the normal words in relation to whether a reasonable person would have that intention That has to be in because you cannot prove that a person knew that he would create harm. All that person needs to say is, 'I did not know', and therefore you to have to revert to some subjective test to find out whether he really did or did not. By simply saying that he or she will be caught if he or she knew it would cause harm is not enough.

If you use the reasonable-person test, however, you will catch the people — particularly the mentally handicapped people — who, on an objective test, would fall into the net but who you do not wish to catch. The clever words that have been used are that the offender will be caught if he knows, or in all those particular circumstances he ought to have understood, that the course of conduct in which he engaged would be of a kind likely to cause harm.

It is important that we understand the use of the word 'understood' and the use of the words 'in all those particular circumstances'. The legislation makes it quite clear that there are a group of people who should not be caught.

The gates through which you have to pass before this legislation is triggered are so important when introducing criminal sanction for what may be domestic behaviour. I commend the Attorney-General on using a form of words which will enable that to happen. I also congratulate her for using another device which picks up the intervention order in the Crimes (Family Violence) Act that enables a judge or a magistrate to say in some circumstances, 'This is not a person I want to put in gaol as a consequence of this offence. This is a person that I want to simply prevent or stop carrying out this course of conduct or give a warning to'. Under this legislation the judge or magistrate can say, 'I will not convict you. You will be given a bond, and I will make use of the

intervention order'. He or she may then shape an order in any way he or she wishes to prevent that person continuing that conduct. It may be that the offender is not to come within 500 yards of a house, or it may be that the offender is not to come within a certain distance of a person.

The method and manner of these orders are varied and detailed and there is no limit on what order can be made. Again that is a clever device to strike the balance between the domestic situation that we will face time and time again and the criminal situation.

I make the point that because this legislation is crafted so carefully and in a way that I think is different and better than that of the other states, those who will use it will be required to implement it in the spirit intended. Unless the police and the courts handle this legislation in the way set out by the minister's second-reading speech and recommended by other speeches — maybe even mine will be read on occasions — I believe the spirit of this legislation will be improperly used.

All the important decisions about whether a person will be the subject of an intervention order, will be convicted or will be simply passed over and whether the authorities will be notified that a particular person who ought not be is on the streets will need to be made at the police level.

Our police force is up to that, but its training must be such that it will be capable of making those decisions. That flexibility must be used, and if used in the proper way the bill has all the ingredients of protecting people who are stalked.

In conclusion I say this: it is often suggested that this government is preoccupied with the economic development of this state. It certainly is preoccupied with that, and I believe it is doing a magnificent job. But it is suggested by those opposite that we are so preoccupied with that that we are not paying attention to social reform and those sorts of humanitarian things that are important. This legislation puts the lie to that suggestion because it introduces progressive, social reforms that will run alongside the economic reforms being introduced in this state. I commend the bill to the house and I congratulate the Attorney-General on the way it is drafted.

Ms MARPLE (Altona) — Today honourable members have spoken in this house on issues that go very much to the human spirit. This morning the honourable member for Melbourne spoke about discrimination towards people on the basis of their sexuality and the need for legislation in that area. The debate on the Prostitution Control Bill this afternoon was also important in regard to the human spirit and emotion.

It is important that we discuss the human condition in relation to our emotions, and of course people feel strongly about issues such as the bill dealt with this afternoon which was about prostitution. We have to sort out our human needs and values that we feel are important to enable us to live comfortably in a society, and at the same time be able to express all sides of our human needs, including our sexuality. It is interesting that honourable members have expressed strong views about all of those issues and tonight has been no exception. I, too, am pleased to join with those who have spoken this evening in support of the bill. All of us feel for the Attorney-General and her physical condition this evening, but I am pleased that she is able to be here to hear our support.

It is pleasing that all honourable members have remarked on the need for this bill and its importance, and I would just like to take a short time also to add my words to that. It is important, and I know that members on the other side who are not lawyers want to make a contribution to the debate. Legal bills are important for all of us, the people we represent and all of the people who may not have studied the law, but the law intrudes on our lives or is part of our life and therefore it is important for us to make our contribution as well.

Both speakers this evening have said the bill is a continuation of a movement that has been going on for some time now. The honourable member for Berwick believes the movement has been going on right through various civilisations. For a couple of decades we have been conscious of this issue through the women's movement. Its contribution has been the development of bringing back the night; of being able to walk without fear at night. Although that fear has not been entirely eliminated, we are getting there.

This legislation, like all legislation, is also part of the educational movement in our society about the difficulty some people find in expressing their emotions, and the great worry of violence in the community. The bill has been brought in to complement the legislation that we already have in Victoria. Other states have introduced similar legislation that makes stalking an offence. I would like to talk about that for a few minutes.

As has been pointed out by the honourable members for Berwick and Melbourne, it is seen basically as the stalking and violence of males against women but it is also acknowledged that this role can be reversed, and women can inflict the same sort of fear and concern that stalking can bring about. In general, though, the view in our society is that men use their strength against women in this way. That, we hope, is changing with all the work that was done by the former government and which we hope will continue under this government to lessen the extent of domestic violence that we are now even more conscious of in our community.

It was part of that educational role to make sure that the community would acknowledge this violence. Up until five to ten years ago people were inclined to say that does not happen in our society. We are much more aware of that now, and this bill is an extension of that role so that people understand that it is no longer acceptable that violence be used to make a statement of possession over people.

Our attitudes are changing for the better, but we need to have this sort of legislation that sets out clearly what is expected of members of society, people like ourselves, members of our families and those who reside in our neighbourhoods; people who are part of the community as we know it. This legislation provides that the offence of stalking is no longer acceptable. It is no longer acceptable for people to live in fear, as occurred in the experience described by the honourable member for Melbourne of one of his staff. Many of us could relate those sorts of anecdotes about experiences they have had. It may not happen over the same length of time the honourable member for Melbourne mentioned; it could be even longer or it could be much shorter. But still the person who is being stalked experiences fear and a feeling that there is absolutely nothing they can do about it and nothing they can do to prevent it. This bill provides for society a law that says this type of behaviour is not acceptable, and it will be put in place so that people know they can be charged with this offence. As was pointed out by the honourable member for Melbourne, in the case he has been involved in recently they had to find another way of stopping the person who was doing the stalking.

The honourable member for Berwick mentioned the education and training of the police force, and I hope the government has made provision for that because it is one thing to pass a law but if the law enforcers do not understand the law it cannot be put into practice. I am sure the Attorney-General hopes that when this bill becomes law it will be able to be put into practice so that again we will move forward as a society and have less violence, and that women in particular will be able to reclaim a more fearless position, not only in the evening but in everyday life.

The accepted role of women and their ability to be a part of our society is now much enhanced by the women's movement and by legislators being able to rise to the occasion, as is the situation here, and build on the work done by the former government so that this role can be fully carried out.

There are other matters dealt with in the bill as well as stalking. The bill says that stalking is not acceptable and is illegal. It also contains other provisions that enable the law to be enforced. One of them is intervention orders and another extends the definition of a family member to include personal relationships where people have not lived together or are not in a de facto relationship or married. This is a good provision and the opposition supports it.

It is also interesting that the bill is not called the Stalking Bill but the Crimes (Amendment) Bill because it deals with other issues as well. The contamination of goods and explosive devices are dealt with by amendments to the Crimes Act. As the honourable member for Melbourne pointed out, it is no fun being involved in a situation involving a bomb hoax or an explosive device.

Mr Cole interjected.

Ms MARPLE — Yes, of course it is better than being part of the real thing. Other members have spoken about the issue of fear, which this bill has addressed. It seeks to make sure people are not living and working in fear but can be active members of society. It is therefore important that people, especially women, support the bill.

I hope my short contribution has allowed time for others to also participate in the debate.

Mr RYAN (Gippsland South) — It is my pleasure to join this debate and make a brief contribution on the bill, for which the Attorney-General is to be commended. It is also pleasing to see there is bipartisan support for the bill.

The bill introduces amendments to various pieces of legislation to deal with the concept of stalking, bomb hoaxes and contamination of foods. It increases penalties for arson and varies the provisions regarding bail. It deals with the use of intervention

orders under the Crimes (Family Violence) Act. The bill also contains other amendments that deal with the definition of 'family member' and the duration of intervention orders. Finally, it contains penalties for breaches.

The provision that has probably attracted most interest in the community is proposed section 21A of the Crimes Act which deals with stalking. It is an important provision because it fills the gap that currently exists in the Crimes Act. Section 21, the side heading of which reads, 'Threats to inflict serious injury' states:

> A person who, without lawful excuse, makes to another person a threat to inflict serious injury on that other person or any other person —
>
> (a) intending that that other person would fear the threat would be carried out; or
>
> (b) being reckless as to whether or not that other person would fear the threat would be carried out —
>
> is guilty of an indictable offence.

The significance of that is that an actual threat must be present, whereas the really heinous nature of the conduct that this bill addresses is where the threat is much more subtle and is not so actual in nature as that contemplated in the existing legislation.

I note the comments of previous speakers about the importance of the way the legislation is to be interpreted by the courts and applied by the authorities with the passage of time.

It is important at the outset to have regard to the dictionary definition of stalking. According to the *New Shorter Oxford English Dictionary*, stalking means:

> Walk cautiously, or stealthily ... Pursue a quarry or game by stealthy approach, esp. under cover.

For the purpose of this aspect of the legislation, the tenor of its application should follow in a general sense that which is referred to in the dictionary definition. The bill contains its own definitions. Proposed section 21A(1) makes the bold statement that a person must not stalk another person, and proposed subsection (2) sets out a raft of activities that constitute the definition of stalking. They include: following the victim or any other person; telephoning or sending electronic messages; entering or loitering outside or near the victim's or any other person's place of residence; interfering with property in the victim's or any other person's possession; giving offensive material to the victim or any other person; keeping the victim or any other person under surveillance; and acting in any other way that could reasonably be expected to arouse apprehension or fear in the victim for his or her own safety or that of any other person. The government's amendment will add the words 'and the course of conduct engaged in actually did have that result'.

Proposed subsection (3) is a deeming provision which imputes the conduct of the given individual as coming within the definition of stalking. That subsection is important because, as the honourable member for Berwick has already indicated, it is imperative that it applies only to those to whom it is intended to apply. We must be extremely careful to ensure we do not inadvertently capture in the net otherwise cast by this legislation those who would be innocent.

It is for that reason that in her second-reading speech the Attorney-General referred to the fact that community consultation revealed that in some instances there is no actual intention to cause harm. That sort of situation needs to be accommodated, and the provision will look after those who have intellectual impairments and those for whom age is a factor. It will generally enable a court to consider the particular circumstances of the conduct of the individual concerned. It is a very important provision because it limits its application to the specific cases within the tenor of the dictionary definition, if you like, that I read out earlier.

Proposed section 21A(4) sets out the exceptions to the application of the provision. Basically, those exceptions will apply to those who are lawfully going about their business. I will not read them out, but they basically relate to people who are properly authorised to adopt a course of action that might otherwise be generally described as stalking.

I refer now to the capacity to obtain intervention orders and the amendments to the Crimes (Family Violence) Act. The intention is that, in appropriate circumstances, a court will be able to use the provisions of this legislation to enable intervention orders to be issued. That is a laudable provision.

However, I sound the warning — and my many years of experience in my own legal practice lead me to believe — that one must be very careful in the application of a provision of this nature. It is a serious thing indeed and casts an extra onus on a court to make assessments on courses of conduct that would enable it, in the normal course of events,

to implement legislation of this type. Sometimes it is very easy, in an attempt to act on behalf of a client, to reach for a weapon of this nature, and it is particularly important that courts maintain vigilance to ensure the provisions of the bill are applied properly.

The bill also contains provisions that remove the time limit that otherwise applies to intervention orders. I might also say that the application of proposed section 21A generally will no doubt lead to a growth of case law over some of the definitions in proposed subsection (2) in particular. However, the important thing is that it empowers the police to adopt a course of conduct and step into the breach and fill the role of keeping parties apart and, through sensible administration of the legislation, to act as intermediaries to prevent a course of conduct which may otherwise perhaps have tragic consequences.

There is no doubt there will be a growth of case law over the definitions. I believe equally that a high percentage of cases that come before the courts are the subject of admissions by the persons charged. Through the use of this legislation, the police will be able to properly investigate and more easily deal with those forms of conduct that we would regard in this day and age as being very much antisocial.

I reinforce the view that has already been put that the legislation will ease the minds of many ladies in our community in particular. I know — again, from my experience in my own legal practice — that it has been difficult to have available a methodology of providing protection, where appropriate, for those less able to look after themselves. I am sure this bill will better enable the police and the courts to achieve that end.

Another provision relates to the contamination of goods. I know that is an issue that is close to the heart of the honourable member for Swan Hill, who has done a lot of work through Food Victoria to promote Victoria's capacity to compete in world markets, particularly agricultural markets. Proposed section 248 of the Crimes Act will enable us to have the capacity to ensure that we do not have problems with contamination of food. I am sure that will also be a matter of great personal satisfaction for the honourable member for Swan Hill. He will rest easy knowing that the government is doing all it possibly can to protect the interests of his constituents, particularly those in the agricultural sphere he so ably represents.

Another provision concerns bail. Of its nature this is a troublesome area because by the general nature of the operation of our legal system any person charged with a given offence is entitled to be free until such time as a court says otherwise. Under the Bail Act in certain circumstances the onus is reversed and persons charged with certain types of offences must establish to a court that they are entitled to bail before they are able to be freed on bail.

The legislation adds to those provisions the concept of persons who are charged with the new offence of stalking or with any breach of an intervention order. That adds an extra dimension of protection to people in the community, and most particularly to women who might otherwise feel very threatened. Penalty provisions in the legislation are appropriately harsh because we are dealing with matters of extreme seriousness.

Further aspects of the legislation deal with bomb hoaxes, an area which quite properly needs to be fully addressed because it is intolerable that bomb hoaxes are permitted to occur without the perpetrator being able to be dealt with on the merits of the case. This legislation will close loopholes which otherwise exist in current laws.

In summary, this is a particularly innovative piece of legislation in the application of the law in Victoria. I am sure it will be used to the betterment of those in our community who do not have a capacity to so easily defend themselves. As has already been said, what is even more pleasing about seeing this form of legislation before the house is that it demonstrates in factual terms that the government is concerned to look after those members of the community that are in most need of protection and assistance.

I commend the Attorney-General in particular for her part in bringing the bill before the house. I commend the legislation and its speedy passage.

Mr SERCOMBE (Niddrie) — The opposition by and large supports the legislation so it is appropriate that I should keep my remarks relatively brief. As other speakers have said, in addition to the creation of the offence of stalking and the related changes to the Crimes (Family Violence) Act and the Bail Act the bill creates two new offences concerning contamination of goods and bomb hoaxes. The bill also increases the penalty for arson, making a person convicted of arson liable to level 4 imprisonment, a penalty of twelve and a half years.

One of the more significant reports to come to this Parliament over the past 10 years or so was the Starke report on sentencing, which made a very cogent case for ensuring that sentences are not disjointed and that considerable attention and care are paid to the way in which Parliament changes sentences for particular crimes.

If when opportunities such as this particular set of amendments to the Crimes Act arise, Parliament simply seeks to change penalties willy-nilly we all recognise, as did Mr Justice Starke in his report, that we can bring the law into disrepute. That can happen if this Parliament approves sentences that do not reflect the community's attitudes to relativities of severity.

I do not suggest for a moment that there may not be an appropriate case for changing the penalty for arson but we do not have any systematic explanation from the Attorney-General as to how this will operate to ensure that the relativities between sentences for different types of offences will be maintained in some way that will enable the community to continue to have the respect for the law that is necessary. I am concerned that the opportunity has been taken in this legislation to change one penalty without any adequate explanation as to why that penalty is being singled out.

The main purpose of the bill is to create the new offence of stalking. As other speakers have said, this arises in a social context in which in recent times there has been increasing community concern and recognition of the problems that arise with respect to violence, particularly against women. This legislation has the support of the opposition because it is seen as an important addition to the armoury that is required in the community to get the community to respond to what is seen and increasingly recognised as a significant problem in our midst. Violence against women is an issue that has for many generations been very much swept under the carpet. That is clearly no longer acceptable in modern society.

I refer the house to what I think is an excellent article on this theme by Patricia Eastel entitled 'Violence Against Women in the Home,' which was published in the April 1994 issue of *Family Matters*, the journal of the Australian Institute of Family Studies. The author states among other things:

> We will probably never know the actual number of women who are the targets of a partner's violent behaviour. The shame and isolation that continue to be intrinsic aspects of domestic violence in our culture act to maintain the secrecy for many of the survivors. We can only estimate how many women are contacting the police. For example, during the month of November 1993 there were over 2200 calls to the New South Wales police that related to domestic violence: in Victoria about 1200 sought assistance from the police in relation to violence within the home.

Those statistics indicate the extent to which this particular problem exists within our society. The article also states that:

> Police, judges, lawyers, doctors, social workers, ministers of religion and other human service workers do not exist in isolation but inevitably reflect the beliefs of many people throughout Australia. Criminal justice practitioners' willingness or resistance to implementing reform in this area is dependent in large part upon the social attitudes that exist about violence against women.

This legislation is an important additional ingredient in creating expectations in the community about what is and what is not acceptable behaviour.

Legislative change on this matter is occurring in a range of Australian jurisdictions. New South Wales, Queensland and South Australia have introduced comparable legislation, as have a number of jurisdictions outside Australia, particularly in North America. That is singularly appropriate because at the worst extreme the failure of our community to adequately protect people, particularly women, in situations which arise from, for instance, domestic break-ups sometimes leads to murder.

Earlier the shadow Attorney-General indicated that something like 40 per cent of homicides are considered to be related to domestic disputes. I would not be surprised if that figure were somewhat higher. Certainly at a lower level a great deal of trauma is experienced in the community as a result of behaviour that is becoming increasingly socially unacceptable.

The complexities of what is an appropriate response to the law in this area is illustrated by a recent case in Melbourne. Parliament has a responsibility to closely monitor this area once the legislation is passed.

The SPEAKER — Order! The time has come for me to interrupt the business of the house.

Sitting continued on motion of Mr GUDE (Minister for Industry and Employment).

Mr SERCOMBE (Niddrie) — Given the pioneering aspects of this new offence, it is incumbent on Parliament to frequently monitor the operation and adequacy of the law.

The complexities of the issue are illustrated by a recent Magistrates Court decision. Michael Robert Bladier was charged on one count of intentionally or recklessly causing injury after police were telephoned by a woman following a number of alleged incidents. I note that earlier in the day the honourable member for Melbourne referred extensively to a report on that case by the North Melbourne legal service, which was given to the Scrutiny of Acts and Regulations Committee. It is worth reading a couple of the sections of that report into *Hansard*:

> This case highlights the necessity to include a subjective test with precise definition in assessing an alleged offender's actions. Viewing Mr Bladier's behaviour from an uninformed perspective, many people would presume he was stalking Ms Fechner, but this was far from the truth. His explanation of the circumstances brings to light the fact that he was acting appropriately and merely giving a friendly greeting to a neighbouring worker. Ms Fechner's reaction can be seen as unreasonable, but only after all the facts were available.
>
> Application of the proposed section 21A to the facts in Mr Bladier's matter shows that the proposed legislation as it stands threatens the freedom of people to undertake normal everyday activities: one would constantly need to be on the lookout for other people who might be incorrectly interpreting one's actions.

That simply highlights the complexity of the issues this Parliament is dealing with in a relatively pioneering way. It highlights the absolute necessity for honourable members to accept the responsibility to carefully monitor the application of the legislation to ensure that injustices are not done.

The Attorney-General and other government members have made it clear that the changes to the Bail Act, which form part of the reversal of the onus of proof, are an important ingredient, and by and large the opposition agrees with that.

I again direct the attention of the house to the submission to the Scrutiny of Acts and Regulations Committee made by the North Melbourne Legal Service. It put forward three alternatives to the bill. Firstly:

> A specific criteria for a grant of bail that the court consider the possibility of the victim's apprehension of harm (as distinct from actual harm);

Secondly:

> Drafting a set of compulsory bail conditions which can only not be imposed when the alleged offender shows cause as to why they should not apply.

Thirdly:

> Requiring the offender to either accept bail with these conditions or show cause why bail should be granted at all.

The Scrutiny of Acts and Regulations Committee, the all-powerful committee led by the much-maligned but talented honourable member for Doncaster, who ought to be on the front bench — —

An honourable member interjected.

Mr SERCOMBE — He is where he deserves to be.

The SPEAKER — Order! The honourable member for Niddrie knows full well that he may not tempt another honourable member!

Mr SERCOMBE — I apologise, Mr Speaker. The submission from the North Melbourne Legal Service to the all-powerful committee deserved a more considered reply than the trite response given by the Attorney-General:

> The issues raised in relation to penalty and bail have been considered during the development of this bill and are largely matters of policy.

It would be helpful if the Attorney-General explained her reasons for reversing the onus of proof in bail applications. Although the opposition is very much inclined to support it, it is nonetheless a most serious matter given its effect on our system of justice, as pointed out by the honourable member for Gippsland. It would be helpful if the Attorney-General gave a more satisfactory explanation.

The honourable member for Melbourne referred to listening devices and scanners. It is significant that the legislation does not seem to recognise that those technological devices are commonplace. It would be

most helpful to get the Attorney-General's views on the government's intentions in relation to the application of electronic technology in the circumstances envisaged in the bill.

I also refer to the amendment foreshadowed by the honourable member for Melbourne, which emphasises the need to make it clear that, as the Queensland act does, industrial and political activities will be excluded from the purview of the legislation. That seems to me to be a self-evident requirement. The Attorney-General has said in the media that it is not her intention to pick up those sorts of activities which would pose significant civil liberties problems. The most useful way of doing that would be for the Attorney-General to accept the opposition's amendment.

The final matter on which I will comment and on which the Attorney-General may be able to provide some advice is the applicability of an intervention order in circumstances where there has not been an intimate relationship between the perpetrator and the victim of the type envisaged in the legislation.

I refer to an article in the *Australian Magazine* of October 1993 in which Moira Rayner, someone whom the Attorney-General thinks very highly of, recounted her experience of being stalked as a young woman. As I understand the article, the stalking was seen as an example of what psychiatrists describe as erotomania. Probably the most famous example of that was the fellow who stalked Jodie Foster and who ended up having a shot at then President Reagan. Nevertheless in the article written by Bettina Arndt, Moira Rayner recounted her experience of being stalked.

It seems to me that when that occurs in less than intimate circumstances the capacity to grant an intervention order does not exist. The legislation could be improved by enabling a person who is being stalked but who is not or has not been in an intimate relationship with the person stalking him or her to have access to an intervention order. It is also possible to envisage circumstances in which individuals do not want the full force of the criminal law to apply to their situations. They would rather have access to a civil remedy through the granting of intervention orders. I would welcome the Attorney-General's views on the issue. I wonder whether she can envisage circumstances in which we might further refine the legislation to enable that type of remedy to be made available in non-intimate circumstances.

As I started off by saying, by and large the opposition supports the legislation. However, I again emphasise that it breaks new ground in a number of important areas of the law. Therefore Parliament has a particular responsibility to monitor the operation of the legislation and to make the inevitable and necessary modifications within a relatively short time.

Debate adjourned on motion of Mr GUDE (Minister for Industry and Employment).

Debate adjourned until later this day.

CORRECTIONS (AMENDMENT) BILL

Government amendments circulated by Mr GUDE (Minister for Industry and Employment) pursuant to sessional orders.

The SPEAKER — Order! As the required statement has been made under section 85(5)(c) of the Constitution Act, I am of the opinion that the second reading of this bill requires to be passed by an absolutely majority of the house.

Second reading

Debate resumed from 13 October, motion of Mr GUDE (Minister for Industry and Employment).

Mr HAERMEYER (Yan Yean) — The opposition will not support this bill. I do not expect that there will be a great deal of surprise from the government benches about this, but we do make the point that opposition members are supportive of some clauses in the bill, which we would like to see resubmitted separately. They are clauses 21, 23, 24 and 25, which are the clauses that provide for interstate compassionate leave for people who have a sick or dying relative, or to enable those people to attend a funeral of a close relative.

The opposition also supports the clause that provides for the recognition of the Australian Capital Territory as a participating state for the purpose of the Prisoners (Interstate Transfer) Act 1983. The opposition cannot stress too strongly that in opposing this bill it is not opposing those clauses. Our support for those particular provisions is quite firm. We believe that those particular clauses can stand alone in isolation from the rest of the bill. The opposition will propose a reasoned amendment to this bill, which I shall read out later.

The purposes of the bill are essentially to make further provision to facilitate agreements with the private sector for the financing, design, building and management of new prisons and to provide other correctional services.

The bill specifically enables the minister to enter into such agreements whereas the Corrections (Amendment) Bill 1993, which was passed last year, provided for this type of agreement to be entered into with the secretary of the department. This particular bill enables the minister as opposed to the secretary of the department to enter into these types of contractual agreements. When I questioned this in the briefing by the department, I was told that this was due to the fact that private firms in the context of other agreements with the government have expressed a preference to enter into a contract with a minister rather than with the head of the department.

I do not quite understand why that is necessary and perhaps the minister might like to explain in his reply. I do not know what difference it makes to a private consortium whether it enters into an agreement with the minister or whether it enters into an agreement with the head of the department. I certainly think there is a concern — —

Mr McNamara interjected.

Mr HAERMEYER — I would certainly be eager to hear the reasons for that, but there is a concern that potentially it undermines the sort of arms-length relationship that should exist between a minister and the private manager, if you are going to have a private manager running a prison. There is the prospect for some level of political influence to be exercised over the private manager, so that is a valid concern that needs to be addressed in the bill.

The bill also comes up with a new provision, which makes it possible for the Chief Commissioner of Police to enter into agreements for the provision of custodial and other services in police cells. That means that the management of police cells and police lockups, the provision of security at the Magistrates Court and that part of the transportation of prisoners that is currently the responsibility of the police, can be transferred to either the Office of Corrections or to private contractors as is currently the case with prisoner transportation between the remand centre, other prisons and the courts, and also the security at the Supreme and County courts and the St Augustine ward.

The government argues that the decision of which services are to be the subject of such agreements and who these sorts of agreements are to be entered into with is at the discretion of the chief commissioner. However, I understand that there is significant political pressure for the police to contract as many of these services as possible to the private sector.

The Victoria Police Association has indicated that the police are keen to relieve themselves of the responsibility of being gaolers and certainly that is something that the opposition has some sympathy towards. It does not believe that the role of minding lockups and transporting prisoners is necessarily the proper function of the police. However, it does believe that the role is one that needs to be assumed by the Office of Corrections, not by a private contractor. I refer specifically to the problems that have been experienced in the current contract that exists between the government and Corrections Corporation of Australia with the transportation of prisoners, with the security at the courts and with the security at the St Augustine ward.

I have previously expressed concern about the safety and security standards under that contract. The experience of that contract casts a shadow of doubt over the government's ability to administer such contracts successfully.

The problems with the CCA contract that I itemised previously concern the standard of the vans involved. Something more humane than, for want of a better expression, the meat wagons traditionally used for this type of transportation is warranted. The modified mini-buses that have been used by CCA to perform this role are totally inadequate for that purpose.

Complaints have been articulated about people being able to see through the windows of the mini-buses. That presents a threat to the security of the prisoners inside the van because often it is the people inside the van who need to be protected rather than the people outside. Often the people in the vans will be giving evidence in court and people on the outside may not wish that evidence to be given. The visibility of prisoners through the windows of the vans is of concern.

Concern has also been expressed that the windows of the vans can be opened. It has been suggested that prisoners have been driven through the city while waving their hands out the windows. I have been told that that problem has been fixed, but it is a breach of security and indicates that the standard of

vehicles being used for this purpose has not been considered thoroughly.

A number of other security breaches have been brought to my attention, particularly in the courts and in the protocols that apply to the transportation of prisoners. I have heard that in one instance a van detoured through North Melbourne with a full load of prisoners simply to drop off an employee. I have raised these matters with the minister. The minister has denied them, but I am assured by people within the system that these incidents have occurred.

Another incident of concern is that an employee of CCA charged with the duty of minding a prisoner at the County Court left the prisoner to his own devices, telling his supervisor that his hours were up and that he was going home. Fortunately, the only person who stayed at his post was the prisoner.

There have also been problems with the accreditation of CCA employees in the use of firearms. On two occasions CCA has had its firearms permits revoked. The government has said that it was an administrative problem, but at the same time it has said that CCA is paying the government to use the services of correctional services officers to provide armed security. If it was an administrative stuff up on the government's part, why was CCA paying the penalty? There was a major botch up.

That places in question the capacity of a company like CCA to provide these services or, alternatively, it places in question the government's capacity to get those contracts right and to make them work. If we place the responsibility for police cells and the transportation of prisoners that is currently the responsibility of police under a similar contract, we can have little confidence that such services will be managed in a manner that is any way better than the services provided under the CCA contract.

The opposition supports correctional services officers taking responsibility for police cells and prison transportation; it does not support the function being handed over to private contractors.

The bill also provides a commissioner for the correctional system. As outlined in the second-reading speech, the purpose of this is to monitor performance in the provision of all correctional services and to exercise other correctional service functions that may be determined by the director-general. It is obviously intended that the commissioner act as an independent monitor, ombudsman or performance auditor of both the public and private sector providers of correctional services.

Unfortunately, it appears that this provision was hastily concocted and was a bit of an afterthought because the precise role and function of the commissioner is not clearly spelt out. It is extremely hard to determine his or her responsibilities. The commissioner is totally answerable and subservient to the director-general, so the ability of the commissioner to carry out his function with any independent authority is questionable.

The government has not fully thought through the issues. I am not convinced that this is a serious proposal to monitor private prison managers and keep them accountable. Much more thought needs to go into that. If we are serious about having a commissioner who will independently monitor the performance of private prison managers, it is important that the commissioner have the authority vested in Governor-in-Council appointees so that the authority emanates from the Governor in Council and so the commissioner is not merely an employee answerable to the director-general of corrections.

The government appears to have a problem with people being Governor-in-Council appointees. I will not discuss the bill we will be debating next week — the Public Sector Management (Amendment) Bill — which aims to take away the Governor-in-Council status of assistant commissioners of police, but if we are to have any independence in such roles and functions they should be appointed by the Governor in Council. That would ensure the bureaucracy is at arm's length from the government of the day. Those people can then have the confidence and ability to in some way independently administer their functions without necessarily being dependent on and answerable to the bureaucrats and politicians who have a vested interest in the system.

The bill exempts certain works from the application of section 218 of the Building Act. It is understood that private consortia proposing to build new prisons will not have to submit plans or detailed specifications with a local council. While we understand that that would also be the case if the government were building a new prison, that provision highlights the absence of local community input on the location, design and construction of the three new private prisons.

On a number of occasions I have spoken to residents of Deer Park, which is near the proposed Ravenhall

site. It was suggested that that site was selected in consultation with local residents. I have not spoken to a single local resident at Deer Park who was consulted.

Mr McNamara interjected.

Mr HAERMEYER — The minister says that the local council was consulted.

Mr Steggall — The council put it up.

Mr HAERMEYER — The council that put it up was the Shire of Melton. It is interesting that the site of the prison is right on the border of the Shire of Melton and the City of Sunshine. The residential areas are located in the City of Sunshine.

There was no consultation with the City of Sunshine or with the residents in the area. I understand that the location of a prison is a difficult matter because there is a large amount of nimbyism involved with prisons.

A government member interjected.

Mr HAERMEYER — That may be the case in some rural areas, but in a lot of areas, particularly metropolitan areas, people are apprehensive about having prisons in their neighbourhoods. I am not saying that local residents should necessarily have a veto over these sorts of prisons, but there does need to be some sort of consultation with local residents so that they understand what is going on and so that there is some input into where on a particular site a prison is located, how it is oriented, how it is designed and how it looks.

This provision highlights the absence of consultation with local residents. I have spoken to many hundreds of residents at Deer Park.

Mr Steggall interjected.

Mr HAERMEYER — You might try to attend one of the meetings out there and see how popular you are. Not one of those residents was consulted in any way about the location of the prison.

Mr McNamara interjected.

Mr HAERMEYER — The Minister for Corrections says that the honourable member for Melton brought in a deputation to see him. The reality is that the decision had already been made. The minister was sitting there listening to their arguments after the decision had already been made and he was not prepared in any way to take on board the concerns they expressed. That is hardly consultation.

This legislation also provides for a limitation on the jurisdiction of the Supreme Court. It limits the jurisdiction of the Supreme Court to protect the contractors and their employees from legal action where it is necessary, or where the contractors and employees find it necessary. This is yet another one of many instances where this government has sought to limit the jurisdiction of the Supreme Court.

The government's own Scrutiny of Acts and Regulations Committee, which has a majority of government members, has questioned the need to limit the jurisdiction of the Supreme Court in this instance. The Scrutiny of Acts and Regulations Committee has expressed the view that the same end could be achieved by the insertion of a provision which would enable reasonable force to be used as a defence against a charge brought by a prisoner. That is a very valid comment. I would like to see the government take that on board. The opposition supports the view of the Scrutiny of Acts and Regulations Committee in this matter.

As I touched upon earlier, the bill also provides for interstate compassionate leave so prisoners can travel interstate to visit a sick or dying relative or close family friend or to attend a funeral. I understand from the minister's second-reading speech that the provision has been inserted at the request of Aboriginal prisoners. The opposition strongly supports the provision. The fact that a person is incarcerated does not mean that his family or relatives should be punished. People should not be deprived of access to their families and loved ones at funerals or when a person is dying. Under appropriate circumstances, such as those provided for by the bill, the opposition believes this sort of leave ought to be supported.

The bill also provides for the Australian Capital Territory to be recognised as a state for the purposes of the Prisoners (Interstate Transfer) Act. I think this is an administrative clean-up, which again the opposition does not oppose but believes it is something that should be put to the house separately.

I therefore move:

> That all words after 'That' be omitted with the view of inserting in place thereof the words 'this house refuses

to read this bill a second time until an independent and public committee of inquiry has examined, considered and reported on the proposals contained in the bill with particular emphasis on the following matters:

(a) the likely economic costs and benefits of private sector management of prisons and other corrective services;

(b) the likely social costs and benefits of private sector management of prisons and other corrective services;

(c) the likely impact of privately managed prisons and other corrective services on the achievement of social objectives through the corrections system;

(d) comparative safety and security considerations;

(e) the likely impact of the creation of a commercially motivated penal and corrective industry on public debate and policy formulation in relation to crime and punishment issues; and

(f) alternative financing methods for the construction of three new private prisons as required.'

The opposition has moved the reasoned amendment because there has been little debate at all of the government's prison privatisation proposals. We have certainly heard no compelling arguments that point us down the road of this radical social experiment.

A government member interjected.

Mr HAERMEYER — Just pull your head in and listen, and all will become clear to you.

The government's decision making on the privatisation of prisons has been carried out behind closed doors. There has been no full and open debate on this particular issue.

Despite the fact that the government has refused access to most of the documents I have sought in relation to its prison privatisation proposals, I note from the catalogue of available documents that the government has commissioned not one social impact valuation or cost-benefit analysis of its prison privatisation proposals.

The catalogue of documents I have been given contains documents relating to processes for the issuing of contracts and all sorts of things, but there is not one cost-benefit analysis that says private prisons are the way to go. One wonders on what basis the government made its decision. The government does not even know whether its new private prisons will result in savings, let alone whether they will do the job better than it is currently being done by the public sector.

I refer to the December 1993 edition of *Keypoints* issued by the Office of Corrections. In an article headed 'Three new prisons for Victoria' the publication announces that the government is to build two 600-bed male prisons and a 125-bed prison for women to replace Fairlea Female Prison. It also announces that they are likely to be private prisons. The article says:

> The Victorian prison service will not be permitted to submit a bid for the operation of the new prisons.

I will talk later about competition. If we are to benefit from competition, the exclusion of the public sector from bidding for these private prisons seems rather incongruous. The article continues:

> However, the government will only proceed with the privatisation of prisons if it is proved conclusively that these prisons can be run at less cost than the state-run prisons. There are no plans to privatise any other existing prisons in Victoria.

Clearly, the government has one criterion for the privatisation of prisons: 'less cost'. That is extraordinary, because there is more to running a prison system than simply the cost. There is the question of outcomes and the question of correctional policy, as well as the need to obtain value for money. Yet the government has one criterion — lower costs!

How does the government determine whether the cost is less? I have been briefed by the new prison project team. When I asked them about that they said, 'We will know if it will be cheaper when we close the tenders'. How do we know it will be cheaper? The public sector is barred from tendering. Therefore, we do not know what the public sector could offer on costs for the new prisons. What are we to make comparisons against? When we get the new bids from the private consortiums, against what will the bids be compared? Will it be the cost of running Pentridge Prison — the archaic prison that must be replaced? Or will they be compared with the cost of running the Melbourne Remand Centre? The opposition does not question the need for new prisons, but it questions whether the old prisons should be the basis for a comparison on the cost of running a new, modern, state-of-the-art prison.

The government has not shown itself to be prepared to compare apples with apples, because when I

examined the few Department of Justice documents to which I have gained access I found that the prisons the government will use for the purposes of comparison are the Metropolitan Reception Prison, Pentridge Prison and Fairlea Female Prison. The department has used white-out to delete the figures relevant to the costs of running those institutions — but the government will tell us it is cheaper, anyhow!

The comparison would hardly be fair if the government were to say that the new prisons should be run on, say, $35 000 or $40 000 per prisoner and that because the archaic prisons cost $60 000 to $65 000 per prisoner the private sector can offer the government a rate of $40 000 a prisoner to operate the new prisons and the government regards the private option as cheaper. That is hardly an apples-with-apples comparison!

A whole set of factors should be taken into account. It is not easy to make a comparison. The size of the prison must be taken into account. A large prison is more cost efficient than a small prison with, say, 150 or 200 inmates. The age and design of the prison must be considered. Modern prisons are designed to be more efficient; prisons like the Metropolitan Reception Prison and Pentridge are archaic, with built-in inefficiencies. That factor should be taken into account in making such comparisons.

Mr Perton — You should watch your blood pressure!

Mr HAERMEYER — That asinine pissant — —

Honourable members interjecting.

Mr HAERMEYER — I am not getting hot under the collar. I have always wanted to say that to the honourable member for Doncaster under parliamentary privilege!

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member, on the bill.

Mr HAERMEYER — Notwithstanding the babble from the rabble opposite, this is a very serious issue. I ask honourable members to pay attention. If they want to take issue with what I am saying, they will have the opportunity in the course of debate to do so.

If we are to make valid, apples-with-apples comparisons of private-versus-public prisons, we should consider other criteria, including classifications and types of prisons. Obviously a prison that houses prisoners who are regarded as requiring protection or HIV or maximum-security prisoners will be more expensive than a prison that houses medium or low-security prisoners.

The one example of a private prison in Australia that does have some reasonable history is the Borallon prison in Queensland. It handles only medium and low-security prisoners. I have visited there and asked them the questions straight out. Anybody who is likely to create some sort of problem and increase the cost of running the prison is quickly shipped out to a prison under the jurisdiction of the Queensland corrective services authorities.

The other variable is administrative overheads. A significant number of criteria need to be considered if true comparisons are to be made. The government intends to determine whether the new prisons will be run at a lower cost than the public sector — —

Mr Kilgour — Borallon saves the Queensland government $8 million a year.

Mr HAERMEYER — Shut up a minute. We will get onto Borallon. The government will make its determination in this way: once the tenders are in, it will examine the prices and determine whether they are cheaper. We do not know how the comparison will be made, but it is an expensive way to conduct a cost-benefit analysis.

The budget for the new prison project is $5.3 million over three years. The government will outlay $5.3 million to find out whether private prisons will be cheaper. If they prove not to be cheaper, do you think the government will come in here and say, 'Gee, we were wrong' after having made that investment? It would have a lot of egg on its face if it did.

The government has a vested interest in the project. It has its credibility invested in the belief that this tender process will deliver lower cost services than those delivered by the public sector. For this reason there needs to be an independent and open inquiry into all the issues, such as cost, social policy or alternatives options so that we can get a thorough evaluation of whether Victoria will benefit from going down the path to private prisons.

We also need to have the opportunity of exploring all the available options and alternatives. I do not believe the government has researched the matter in an intellectually rigorous way at all. An inquiry would enable an examination of the outcomes of the correctional policy criteria rather than looking only

at the cost. There is more than cost at stake. If the minister went into a shop to buy a pair of shoes he would not automatically buy the cheapest product. Although, judging by his tie, that might be the case! He would make a judgment about value for money. If he were a wise minister — and that is yet to be seen — he would balance the cost of a pair of shoes against the benefits he would receive.

The Victorian community deserves the balancing of benefit against cost when the government makes decisions in vital areas of social policy that will lock us into a particular direction for many years to come.

Mr Perton interjected.

Mr HAERMEYER — I apologise for the pun; it was not intended.

Mr Perton interjected.

Mr HAERMEYER — Why don't you pull your head in and just sit there and listen. If you wish to make comments you can do so when I have finished.

The ACTING SPEAKER — Order! The honourable member for Doncaster is interjecting from out of his place. If he wishes to interject he should return to his place in the chamber.

Mr HAERMEYER — Obviously the government is treating these issues as a joke. The government's behaviour tonight is symptomatic of the farcical and frivolous way it has dealt with the whole issue of privatisation of the correctional system. The government owes it to the taxpayers of Victoria to ensure that its correctional policies take into account not only the cost but also the value and the other alternatives that are available for the money they will be paying. The opposition will move an amendment in the committee stage to allow the government to make an informed decision based on the facts and based on objectivity rather than being based on ideology and dogma, which appears to be the case at present.

I shall now deal with the general issue of the privatisation of prisons. The government does not have any rational corrections policy because it is driven by dogma and ideological motives. The government needs to increase the capacity of prisons because, under its policies, we will have an increased prison population.

Mr Kilgour interjected.

Mr HAERMEYER — Do you think that is a good thing? That is the measure of your success in law and order, an increase in the prison population! I shall get to that in a minute. When the government came to office it inherited one of the best prison systems in Australia.

Honourable members interjecting.

Mr HAERMEYER — Certainly there is always room for improvement. Although no prison system is perfect, the government inherited one of the best prison systems. Between 1982 and 1992 the former Labor government made some of the most significant changes in correctional policies and culture ever made in the prison system. It introduced unit management, which was one of the most significant improvements in correctional policy in post-war years. The Labor government expanded the role of community-based orders and built state-of-the-art prisons, such as the Melbourne Remand Centre and the prisons at Barwon and Loddon. It focused on keeping people out of prisons.

Mr Cooper — The revolving door!

Mr HAERMEYER — We will get on to your redneck ideology in a moment. The former government also focused on reducing recidivism by ensuring that fewer people returned to prison. It made a giant leap forward by helping offenders to reintegrate into the mainstream community. Of course there is always room for improvement. No-one can say the former government reached a sort of heaven so far as correctional policies are concerned.

The important thing to bear in mind is that Victoria has a lower demand on prisons than other states have. That is something to be proud of because it also means there is a lesser demand on state resources. It costs between $40 000 and $60 000 to house a prisoner each year. That is important to bear in mind. According to 1993 figures Victoria had 2500 people in prisons and 6000 people on community-based orders compared with New South Wales, which had 6000 prisoners — more than twice the number in Victoria. In the United States of America 1 person in every 230 has been held in custody. That is more than seven times the imprisonment rate in Australia and more than 11 times the imprisonment rate in Victoria. The state of Texas has 100 000 people in prison. Do honourable members believe that is a good thing? Do you honestly believe that because Texas has 100 000 people in prison suddenly its crime rate is lower

than Victoria's and that you are safer in Texas? That is absolute nonsense.

Since the election of the Liberal and National Party government in New South Wales there has been a 50 per cent increase in prison population in that state. The direction followed by the governments of Premier Greiner and now Premier Fahey is being slavishly followed by this government. Its redneck policies are concerned with vengeance and retribution. It is dealing with the symptoms rather than the problems.

This government's emphasis on longer sentencing, punishment and vengeance does not demonstrate that it has made any serious attempt to deal with the problem. It ignores the reality that people put in prisons rarely turn out to be better than they were before they were put in. Often someone who may have committed some minor offence — —

An honourable member interjected.

Mr HAERMEYER — We will talk about Joh Bjelke-Petersen and about some of your colleagues, but — —

Honourable members interjecting.

Mr HAERMEYER — The fact is that if a person who has committed a relatively minor offence is imprisoned that person will be put in contact with hardened criminals and with people who will have a bad influence on that person. The reality is that prisons make criminals; they do not stop people from being criminals. This government is following the American trend, the mentality of lock them up for life and throw away the key.

In recent weeks I have had the opportunity to visit the United States. Although the purpose of my visit was not to look at prisons or partake in the election campaign, I had a passing interest in what was going on. What is taking place in the United States at the moment is the sort of path government members would have us go down.

I refer to a page from one of the American newspapers, *USA Today*, of Monday, 10 October, which talks about the absolute domination of crime as a political issue in election campaigns across the country. I will cite two of the instances referred to in the newspaper. The first is:

> In Georgia, incumbent democratic governor Zell Miller proposed a 'two strikes and you're out' law: life sentences for two violent felonies. His GOP challenger, Guy Milner, whose ad campaign featured the story of a violent attack on his daughter, goes further. He calls for ending parole, removing weight training and cable TV from prisons, and more hard labour.

The second is:

> In Texas, Governor Ann Richards —

bearing in mind that she is a Democrat and the Democrats are supposed to be the bleeding hearts — —

An honourable member interjected.

Mr HAERMEYER — In a minute you will learn why:

> In Texas, Governor Ann Richards has vastly increased prisons: 92000 prisoners are now behind bars, compared with 50000 in 1990. But her Republican opponent, George W. Bush, says more should be behind bars. He calls for putting them in tents.

Mr Perton interjected.

Mr HAERMEYER — Exactly. What we have here is some redneck hick — and certainly there is no shortage of them on the government benches.

Honourable members interjecting.

Mr HAERMEYER — Even though some 92 000 are behind bars in Texas, the governor loses her job because some redneck hick says that that is not enough! The more the United States pours into prisons and into increasing its prison population, the more they demand. Somehow it does not seem to be addressing the crime rate at all.

It is arguable that the debate in the United States could be partially driven by people with a commercial interest in larger prison populations. That is one of the dangers of creating a private prison industry; you are creating a commercial sector with a vested interest in higher prison populations and tough redneck law-and-order type policies.

The reality is that none of it works. The United States has the most violent society of the Western World. As it pours more and more people into prisons and as its sentencing gets tougher and tougher, the crime rate continues to rise exponentially.

New South Wales has the same sort of approach, but on a slightly smaller scale. Yet we have a growing — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Maughan) — Order! I ask the honourable members for Doncaster and Monbulk to cease interjecting.

Mr HAERMEYER — They have obviously had a good night in the bar!

Honourable members interjecting.

Mr HAERMEYER — The United States and New South Wales have ever-increasing prison populations. But does anybody here suggest that people in those places are safer because of that? That suggestion would be an absolute nonsense. Longer sentences and so-called tough law and order policies are nothing more than a diversion from the real causes of crime.

What is also driving this government's agenda is the fact that it — —

Mr Turner interjected.

The ACTING SPEAKER — Order! I ask the honourable member for Bendigo West to cease interjecting.

Mr HAERMEYER — They obviously enjoyed their drinks tonight!

The government needs to provide additional cell capacity to accommodate the growing prison population its policies are creating. The population at Fairlea Prison has doubled since the Kennett government came to office because that is the sort of thing this government is on about.

The opposition does not deny that there is a need for new prisons to replace Pentridge Prison and the Metropolitan Reception Prison. They are certainly old; they are creations of the last century, they are Dickensian and they are inefficient. However, we do not believe there is a need to replace Fairlea. It is a relatively new prison; it was rebuilt after it was razed by fire in 1982. However, there is a need to upgrade some of its existing facilities, and we believe that would be preferable to moving the women's prison to the Deer Park site. Despite protestations from the government, the Deer Park site has poor public transport access. The closest road access to Deer Park station is a distance of 4.2 kilometres. That is if the station were of any use, but it is not even a metropolitan station; it is a country V/Line station. I am told there are something like four services in the morning, four in the afternoon and bugger the rest. It is a commuter service that provides poor access to families of prisoners wishing to visit them for the purpose of contact visits.

It has always been a cornerstone of correctional policy in this state that, although people in prisons are being punished, it does not mean their families should be punished.

When you are talking about a women's prison you are talking about people with dependants who may need to visit them. The majority of inmates in Fairlea come from the inner suburbs, but the government is going to dump the women's prison out in the sticks where there is not even a metropolitan railway station, which means that prisoners' families will not be able to have contact visits they really should have.

Honourable members interjecting.

The ACTING SPEAKER — Order! I ask honourable members on my right and on my left to lower their voices.

Mr HAERMEYER — If the government is intent on building a third prison I suggest that what needs to be replaced is not Fairlea but the disgrace we call Bendigo Prison.

Mr Turner interjected.

Mr HAERMEYER — You would hold it up as a model to be followed so far as prison design is concerned! It is out of the last century, but so are your attitudes!

The opposition supports the replacement of old, outdated prisons. Certainly there is value in considering private sector involvement when talking about designing, financing and building new prisons. However, we have a problem with the government's proposal for the private management of these prisons. We have yet to see any compelling reason why the new prisons should be managed by the private sector. There is no evidence that privately managed prisons are any cheaper or any better than prisons managed by the public sector.

The recent history of private prisons, if we ignore the days of the hulks and sweatshops and those

sorts of things, goes back only six or seven years so it is a relatively new industry. Most of the new private prisons even in the United States of America are very much in an experimental phase. We cannot know for certain what the long-term effects of the private prison industry will be. It is a new industry that is on its best behaviour.

The costings seem to be targeted at cornering market share and establishing a place in the world for this industry. Even this government does not know whether private prisons offer any cost savings at all. That has been admitted by the people managing the new prison projects. They are saying they will determine whether the prisons will be cheaper when they get the tenders and compare the costings. The government is investing in the new prisons projects before it is able to decide whether they will be cheaper to run. A committee of inquiry might tell us that they could be run for a fraction of the price, but on the other hand it might tell is that they will not be cheaper.

There is not a lot of empirical evidence to go on but Professor Allan Brown of the School of Economics in the Faculty of Commerce and Administration at Griffith University made one of the few attempts to compare the costs of private prisons with those of public sector prisons on an apples-with-apples basis. In his paper he says:

> According to conventional wisdom the provision of services by private, profit-oriented firms will result in lower costs than provision by public sector enterprises. The logical extension of this argument gives rise to belief that the management of prisons by private firms will result in cost savings to governments. Empirical evidence on the experience of private prison operations in both the United States and Queensland, however, does not allow the case for the superior economic efficiency of private prison firms to be accepted with confidence.

I suggest that members of the government look at this.

Mr Perton interjected.

Mr HAERMEYER — You can look at it when I have finished. It may educate you. One of the major motivations to privatise prison operations is saving money. The Queensland government embarked upon this course following the Kennedy report commissioned by Queensland's Corrective Services Commission. The report asserts that in particular areas of prison operation the private sector can do it better and cheaper. However, there is no empirical data in the report to support that assertion. It accepts it as a truism and does not test it. It has swallowed it whole. This line has also been swallowed hook, line and sinker by the Kennett government.

The Kennedy report led to the decision by the Bjelke-Petersen government to privatise the Borallon prison near Ipswich. I have visited that prison — —

Mr Perton interjected.

Mr HAERMEYER — I saw some of your National Party stablemates there! That prison, which has been up and running for some time, offers the opportunity to test some of the assertions made in the Kennedy report. That is what Professor Brown seeks to do. He cites numerous empirical studies that support greater efficiency of private over public production of goods and services, but he adds that these findings are subject to a very important qualification:

> This concerns the dynamic nature of public sector management and production, especially over the past decade or so during which few areas of the public sector in developed countries have avoided the effects of 'corporatisation' and 'commercialisation'. These terms refer to a range of efficiency measures intended to reform public sector operations so as to bring their structure, management and performance more into line with those prevailing in the private sector.

He points to figures from the Economic Planning Advisory Council for the periods 1979-80 and 1990-91.

Mr McArthur — What year was that?

The ACTING SPEAKER — Order! I ask the honourable members for Doncaster and Monbulk to cease interjecting.

Mr HAERMEYER — If you wish to hang around until 3.00 a.m. — —

The ACTING SPEAKER — Order! I ask the honourable member for Yan Yean to address the Chair.

Mr HAERMEYER — The EPAC study found that over that period Australian government business enterprises at both the state and federal levels had increased their productivity by some 4.1 per cent a year while the private sector had posted productivity growth of only 0.2 per cent. Obviously

enormous strides have been made over the 10 years so far as the productivity of the Victorian public sector is concerned.

During the 1960s and 1970s the public sector was isolated from the real world and was bloated and inefficient. It is also fair to say that during the 1980s and early 1990s the public sector underwent an enormous upheaval. It has lifted its game and, as I have shown with the EPAC figures, the productivity growth of the public sector over that 10-year period has far outstripped the private sector. That is due to the fact that the public sector was submitted to the pressures of corporatisation and privatisation.

The dichotomy that the ideologues opposite paint of an inefficient public sector and an efficient private sector is no longer valid.

Professor Brown argues that the efficiency argument regarding prison management is even less conclusive than other arguments of general inefficiency. To illustrate the point he states:

> Despite a variety of claims to the contrary, there is absolutely nothing in either the scholarly or the non-scholarly literature on the subject — no journal article, no government report, no newspaper story, no conference proceedings, no book — that would enable one to speak confidently about how private corrections firms compare with public corrections agencies in terms of costs ... or any other significant dimension. The necessary comparative research simply has not been done, and reliable empirical data are still scarce.

Certainly there have been entrenched inefficiencies in the prison system in the past and an entrenched corrections culture which has not been conducive to any sort of enlightened 20th century approach to corrections policy. Over the 10-year period from 1982 to 1992 Victoria broke down many of the entrenched rigidities in the system and some of the more medieval cultural characteristics.

The cost of running modern prisons such as Lotus Glen are competitive with the privately managed prisons in Queensland and New South Wales. In Queensland, the correction policies of privately managed prisons lag well behind Victorian prisons. The cost of publicly managed prisons is now extremely competitive with the cost of comparable privately managed prisons. Professor Brown uses the Queensland Corrective Services Division as an example. The Minister for Corrections, in support of his argument, also used the Queensland Corrective Services Division as an example.

I put to the house the current figures for Borallon, being a privately managed government-owned prison near Ipswich and Lotus Glen, a publicly managed prison, both of which are of similar size, age and design. There are minor differences in relation to the security of prisoners housed in the prison and the class of prisoner, but there is some valid basis for a comparison of Borallon with Lotus Glen. For 1991-92 the total facility cost for Borallon was $9.3 million. The total facility cost for Lotus Glen for the same period was $8.96 million. In 1992-93 the total facility cost for Borallon was $10.08 million and for Lotus Glen for the same period was $9.14 million. The average daily number of offenders housed in the prisons were much the same. For 1991-92 Borallon housed 237 prisoners; for the same period Lotus Glen housed 209 prisoners. For 1992-93 Borallon housed 235 prisoners and Lotus Glen 234.

Mr McNamara interjected.

Mr HAERMEYER — I shall give you the literature later so you can read it. The net annual cost per prisoner for Borallon during 1991-92 was $39 240; the cost for Lotus Glen for the same period was $42 870. The unit cost for Borallon increased by $3000 for 1992-93 to $42 900 and for Lotus Glen the equivalent figure was $39 060. The cost per prisoner of the privately run Borallon prison was higher than the government-run prison at Lotus Glen.

Honourable members interjecting.

The ACTING SPEAKER — Order! I ask the honourable member for Doncaster to again cease his interjections. The Leader of the Opposition is not helping his colleague.

Mr HAERMEYER — The Lotus Glen facility has a number of high-security prisoners. In fact, 20 per cent of its inmates are high-security prisoners or are protective prisoners, which is far more expensive than the medium to low-security prisoners who are housed at Borallon. So it has a structural disadvantage. It is located in a very remote location, yet Borallon is located close to Brisbane. Despite those disadvantages the public sector operated prison is significantly cheaper to run than the privately run prison.

Mr Brumby — What about service to prisoners?

Mr HAERMEYER — The services for prisoners are questionable. Borallon offers a high level of programs to prisoners, but one of its problems is that it does it at the expense of safety and security,

because it skimps on security staff to provide the level of programs.

From that comparison we can see that the evidence in favour of lower costs on the part of the private sector for privately run prisons is inconclusive. Indeed, Professor Brown points out that there is what he called the 'demonstration effect' whereby the private prisons in Queensland have had some impact upon the running of publicly operated prisons in that there has been a beneficial effect on public sector prisons because some of the rigidities have been broken down. Both Queensland and New South Wales now say they would not support any extension of the private prison system. The Kennett government is proposing not merely a single prison, as is the case in New South Wales, containing a small proportion of the prison population, but is proposing to place more than 45 per cent of the prison population in privately run prisons.

That is totally unnecessary. Victorian public prisons are already extremely cost effective. Despite the government's reluctance to provide any figures under freedom of information, I have been able to obtain some recent figures. The most up-to-date figure on the cost of running Barwon Prison is about $38 000 per prisoner per annum.

Mr McNamara interjected.

Mr HAERMEYER — Certainly the Minister for Corrections is quite capable of twisting the facts to suit his argument. In fact, during the second-reading debate on the Corrections (Management) Bill last year the minister quoted some figures on the cost of running prisons. He said:

> According to the Queensland Corrective Services Commission the total cost per prisoner at the Borallon Correctional Centre for 1991-92 was $39 200. That cost included training, uniforms and other overheads. Barwon Prison for the same year —

and maybe this is the basis of the minister's claim that I was a bit light with my figures —

> cost $56 100 per prisoner, a difference of $16 900 or roughly 30 per cent.

In making that comparison the minister skimmed over the fact that the Barwon figure applied to a year when the prison operated at 16 per cent below capacity and that Barwon is a maximum-security prison, compared with Borallon in Queensland, which is a medium and low-security prison. The minister has certainly been very careless with the facts when making such comparisons.

Obviously the government's approach on this issue, as on many other issues, is: if the facts do not fit the argument, doctor the facts. That is the way it goes about making comparisons. It is not valid to hold up Pentridge or the Metropolitan Reception Prison for cost comparisons with modern, state-of-the-art prisons and to say the antiquated public prisons are more expensive to run than the cheaper state-of-the-art prisons the private sector will build. The public sector can just as easily build modern, state-of-the-art prisons and run them just as cheaply.

As I said earlier, the opposition does not question the need for more efficient and more humane prisons. However, it questions the highly contentious assertion that the new prisons can be run better and more cheaply by the private sector. There is no evidence whatsoever to support that assertion.

I mentioned earlier that the opposition has no problem with the private sector actually financing, building and owning the gaols, so long as the government manages them. However, it is concerned about the government's proposal to allow private consortiums to both own and manage the prisons. That is qualitatively quite different from what exists in private prisons in other states. Prisons in New South Wales and Queensland are owned by the public but the respective governments have contracted managers to run them.

If the management of prisons is placed in private hands, with which the opposition disagrees, it is important for the facilities to be in public ownership. The reasons for that are fairly compelling. Even if the private sector owns and runs the prisons, you need to issue a much longer term contract for the private sector to be able to justify to its underwriters the cost and risk of providing the capital for this sort of facility.

The government proposes entering into a 20-year contract on the facility, yet at the same time it says there will be a separate 3 to 4-year contract with the same consortium to manage the prison. It then says that if the consortium does not measure up and does not perform it will lose the contract. The bizarre situation would then exist where, after three or four years, a particular consortium that owns and has a very large investment in a particular prison is suddenly confronted with one of its competitors

having been given the contract to run the facility. It is rather unlikely that that will occur.

The measure builds in a sort of rigidity because there will be a reluctance to put in a competitor to manage a prison owned by another company. The government's arguments about competition and the ability to take contracts away from companies if they do not perform has a few flaws in it because in reality a company will become entrenched in the running of a particular prison.

Again Professor Brown is a suitable source to quote. He says:

> ... given a decision to involve private enterprise in prison operations, there are likely to be benefits to governments in owning prisons (whether constructed by the public or private sector) and entering into contracts with private firms for their management.
>
> This will reduce the 'exit costs' of private prison operators, lessen the possibility of 'entrenchment', and thus make it easier for governments to change private operators on the expiration of contracts, or to return the operation of individual prisons to the public sector.

Professor Brown is saying that, if competition is the object of the exercise, it is best achieved by public ownership of the facility if the intention is to have the facility privately managed. Private sector ownership and financing require a long-term contract for private entrepreneurs to take on the risk. However, if there is to be any competition in price or the quality of service delivery, the management contract really needs to be short term to keep the contractors on their toes.

If the government were serious about competition it would allow the Victorian prison service to bid for the operation of the prisons, but it has expressly stated that it will not do that. Therefore, I think the government is seriously motivated not by competition but by ideology.

As I said, the government proposes 20-year contracts on the facilities and 3 to 4-year management contracts. That will create the bizarre scenario where, at the end of the four-year contract period, a decision may be made that the contractor who owns the prison should lose the right to operate it. In the long term there is a possibility of the erosion of standards and certainly an absence of competition, because there will be a reluctance to actually turf out the contract manager who also owns the prison.

Other contractual issues are uncertain because the government refuses to release virtually any details regarding these contracts. Under freedom of information I sought details of the tender documents and the proposed contracts but none has been made available.

Victorian taxpayers have a right to know under what terms and conditions these companies will operate these prisons, which will house 45 per cent of our prison population. How can we have any confidence that we are getting the best possible financial deal and that the correctional policy objectives are being well served when the government refuses to make any of the details available? There are a lot of unanswered questions.

The following are a few questions that I would like the minister to answer: is the government planning to provide any guarantees on the borrowings by private consortia to build private prisons? In other words, will they have government guarantees on their borrowings? At the conclusion of the 20-year contract on the facility, who will own it? Will it be the government or the contractor? If the contractor owns the facility, is there an option for the government to buy and at what price does that option exist? At the end of the 20-year period will the total cost to the government of this means of financing a correctional facility be higher or lower than the capital cost had it been publicly financed?

No private consortium will borrow millions of dollars over a 20-year period when at the end of that 20-year contract the loan has not been fully paid out. In other words, the consortium has to have the ability to pay out not only the principal but the interest on the loan over that 20-year period. However, if private investors can pay out that sum from regular contractual payments by the government and profit from them also, is the Victorian taxpayer not better off if the government finances, builds and owns the facility? The risk of owning the facility at the end of 20 years has to be factored into the consortium's financial arrangements with its underwriter, and it has to be reflected in any fees to the government. The public pays for that risk one way or the other and is entitled to know whether it is getting the best financial deal.

These questions relating to the management contract need to be asked. Will the minister inform the house whether the management contract will be a take-or-pay contract? In other words, will the government have to pay the private contractor for,

say, 600 inmates whether the beds are filled or not? If not, the contractor has a strong commercial interest in promoting high rates of imprisonment. If the government has to pay for the beds, whether filled or not, this is hardly an exercise in keeping costs down. We are paying for empty beds. Given that the government aims to provide more prison beds than we currently have inmates, who bears the cost of that capacity?

It is a farce for the government to hide behind the defence that this information is commercial in confidence and must be kept from the public. The government must make this information available, otherwise the public will not know whether it is being diddled or not. The way the government has conducted itself in this debate hardly augurs well for the government's suggestion that the prisons will be accountable and subject to FOI.

On the question of FOI, I quote from an article prepared by Darren Palmer and Amanda George that appeared in the 1994 autumn edition of the *Socio-Legal Bulletin*. At page 5 the article states:

> If accountability is to be enhanced, then there needs to be a specific detailing and monitoring of the desired and actual outcomes. This may conflict with concerns about commercial confidentiality. For instance, there is now some concern, at least amongst those wishing to conduct research into prisons and punishment, that commercial confidentiality can be used to block access to information that would have previously been available from a state agency such as via freedom of information requests or even through questions in Parliament.

Mr Richardson interjected.

Mr HAERMEYER — You are awake at night, but you are certainly not awake during the day. In reality the government is using commercial confidentiality as a basis on which to refuse FOI requests on the issue of prison privatisation. Against this assertion the minister's protestations that the Freedom of Information Act applies — —

Mr Richardson interjected.

The SPEAKER — Order! The honourable member for Forest Hill has been in this place a long time and would be well aware of the standing orders. If he is compelled to interject, he should do so from his own seat, but he may not interject from someone else's seat.

Mr HAERMEYER — We have the situation that a private contract manager in the prison system can use commercial confidentiality as a basis to refuse access to information. That is not a mechanism available to the public sector. The minister's assertion that the act will apply to private prisons rings rather hollow.

Because prison activities, be they private or public, are conducted behind closed doors and because prison management and employees have a great deal of power and authority over inmates, including the capacity to reward and punish and the right to use force, it is important to ensure that the highest standards of scrutiny and accountability apply in relation to our prisons.

Unfortunately there is also a tendency for commercial interests in private prison consortia to be sensitive to criticism in any form. I know of an instance where an individual who sought to criticise the performance of a private prison consortium in this country was threatened with legal action. I also know of three other people — there may be more I do not know of — who have been threatened with legal action. Legal action is being used by these consortia to silence critics.

It is important that there be whistle blowers in the correctional system and that we have open debate about that system, because everything is conducted behind closed doors. The people who run the prisons have enormous power and there has to be scrutiny and checks and balances. To use legal action to silence critics does not augur well for the professed accountability of the private prison managers.

I again quote from the article I quoted earlier by Darren Palmer and Amanda George. They say:

> The threat of legal action can at times be quite a powerful silencing mechanism with obvious effects on the overall accountability of prisons and corrections.

That is very true. The government seems to think that the provision in this bill for the position of a Commissioner of Correctional Services to ensure that the correctional system operates effectively will somehow deal with the accountability issues. As I have said, a commissioner answerable to the secretary of the Department of Justice will have no autonomy and no independent authority.

If the government is to create this sort of position it should do the decent thing and make it a Governor

in Council appointment. It should not make the person a lackey of the department and therefore a lackey of the government of the day.

A similar concern can be expressed about the position of the contract monitor, which the government says will be appointed. Although in Queensland and New South Wales private prison contract monitors have been appointed to monitor operations, there has been significant doubt cast over the role of those contract monitors and their function has been wound back to the extent that they are now doing hardly any work at all. There is very little monitoring of the contracts and very little accountability to the contract monitors.

If the government intends to appoint a contract monitor the opposition would like to see that enshrined in legislation and see the monitor have some sort of independent autonomy from the government.

There is also a concern that the contract monitors may in some way be coopted to the culture and values of the prison operators that they are appointed to monitor. We really do not know what standard of accountability the contract monitors are going to monitor. What is a an acceptable level of incidents in a prison? How will the security standards be evaluated? There are far too many unanswered questions about this whole issue. We are being invited to buy a pig in a poke. We need an inquiry to provide answers before we go down this very momentous path.

In conclusion, the opposition is effectively saying that the government is proposing a major change, yet it does not know what the outcome of the change will be in respect of either correctional policy or cost. There are many questions the government will not answer and many it cannot answer. The government does not know the answers to a lot of these questions. The opposition says that before we go down the prison privatisation path, because it is something we will be locked into for a long time, the government should call a full and open public inquiry so we can look at all of the issues in a balanced and reasoned way to ensure there can be some level of public debate.

Debate adjourned on motion of Mr KILGOUR (Shepparton).

Debate adjourned until later this day.

LAND (MISCELLANEOUS MATTERS) AND NATIONAL TENNIS CENTRE (AMENDMENT) BILL

Government amendments circulated by Mr GUDE (Minister for Industry and Employment) pursuant to sessional orders.

Second reading

Debate resumed from 18 October; motion of Mr COLEMAN (Minister for Natural Resources).

The SPEAKER — Order! The honourable member for Richmond will have the call at 12.30 a.m.

Sitting suspended 11.55 p.m. until 12.33 a.m. (Thursday).

Mr DOLLIS (Richmond) — Given the early hour, I will endeavour to be brief: The bill was introduced to make further land available for the National Tennis Centre and to deal with 10 other pieces of land. The bill amends the National Tennis Centre Act 1985 to provide an additional area of approximately 5.496 hectares, which will be added to the tennis centre reserve.

The works proposed include 11 new tennis courts — 8 rebound ace, 1 clay and 2 stadium — a 500-space car park, a function centre and a garden square. The majority of the new area is reserved for railway purposes. The area available to the tennis centre will almost be doubled. The opposition supports that part of the bill.

The amendment that affects the Eastern Market site — the Southern Cross Hotel site — will preserve the leasing arrangements after revocation of the reservation and Crown grant. This corrects a previous error, and the opposition also supports that part of the bill.

As to the Janefield land, the reservation over the Department of Health and Community Services land is to be revoked and the land dealt with as shown on the plan. A small amount of land will be retained for use by the department, some will be added to the Plenty Gorge Park as a buffer and the balance will be offered to the Urban Land Authority for development. The opposition supports that proposition.

The revocation of the Coburg land will permit the council to purchase the land for public open space, which the opposition supports. The Hawthorn land

is situated on the corner of Baxter and Lennox Streets and is reserved for drainage and sanitary purposes. Over the years five properties have extended onto the reserve with permits approved by the Hawthorn City Council. The revocation will enable the council to arrange the sale of the land to the property owners in question. The opposition also supports that proposal. The Mordialloc public hall and courthouse reservations will be revoked to enable the building to be used for municipal purposes, which the opposition also supports.

The Nagambie land is used by the Nagambie Golf Club. It is subject to flooding, which is why the club is moving to other land that it has purchased. The existing clubhouse is built on the Crown land, and the revocation is designed to allow the club to purchase the land for resale, including improvements. The total area is 25 hectares. Although the process seems reasonable in recognising the value of the improvements made by the club, there remains the question of whether the land should be dealt with in a more public manner — say, by public tender. The opposition has attempted to obtain some information as to the situation regarding that particular piece of land, and we will not be opposing the proposition.

The Beaumaris land is a foreshore reserve that the Beaumaris Motor Launch Yacht Squadron has filled over and built its clubrooms on, such that a portion is on the Crown reserve. The amendment will revoke that portion of the reserve so as to enable the new lease for the club to include all the land it uses. This proposition has caused some local concern. Discussions have taken place with the locals, who believe more details are required. I hope that while the bill is between this house and the other place both the minister and the shadow minister will endeavour to resolve some of the questions raised.

The opposition will support the proposals for the remaining three parcels of land referred to in the bill. A huge proportion of the bill has to be passed by the house, and the opposition will support the government in its endeavours. I understand some amendments are to be proposed and that those will be dealt with later after negotiations with the relevant people.

Debate adjourned on motion of Mr GUDE (Minister for Industry and Employment).

Debate adjourned until later this day.

FISHERIES (AMENDMENT) BILL

Government amendment circulated by Mr COLEMAN (Minister for Natural Resources) pursuant to sessional orders.

Second reading

Debate resumed from 15 September; motion of Mr COLEMAN (Minister for Natural Resources)

Ms MARPLE (Altona) — First of all, at this time of the morning it would be remiss of me if I did not remark that I wonder why we are here looking at this bill at this time in the morning. I have been informed that this is part of the games that are played in this house, but I should have thought by now we were getting closer to some sort of reform in this area. I do not know where we are in this pathetic game of British bulldog, or even where the line has been drawn. Nevertheless, here we are.

The Fisheries (Amendment) Bill will amend the Fisheries Act 1968. It contains a number of amendments, although the government is proposing to rewrite the act, and I am assured a draft of that bill will be circulated shortly and will perhaps be introduced in the next autumn session. People may wonder why we are making amendments now, but when one looks at the issues that are before us in this bill one can understand why it is important that the amendments are being made at this time.

The bill is seeking to strengthen the provisions designed to counter the illegal trade of abalone by introducing an abalone processor's licence and an abalone storer's licence, and it strengthens the powers of the fishery officers to detect and prosecute illegal operations, including an ability to obtain search warrants. I will go a little bit further into why this bill is here and why the opposition is supporting it. The bill contains amendments aimed at supporting the industry. For example, this sort of support for the industry is based on improved security of tenure by extending the duration of permits to 21 years.

The opposition is concerned that the bill grants to the Minister for Natural Resources the ability to grant an exception to the requirement to hold a licence for certain activities. This has been justified in the terms of the inappropriateness of requiring a licence for international visitors who are perhaps participating in fishing contests and the like that may have been organised by municipal establishments and clubs using swimming pools.

Although the opposition believes this argument has some merit, it is concerned that there may be some seeds of abuse. The opposition believes it would be appropriate for the minister to report to Parliament exceptions granted under section 31 on an annual basis to remove any suspicion of favouritism and to let us know just what is going on. An amendment to that effect is being drafted and will be moved by the shadow Minister for Conservation and Natural Resources in another place.

It is important for us to note why the amendments are here before us now and why we are not waiting until the redrafting of the legislation, as the abalone industry is part of the fishery industry. It takes only a short time to look through the cuttings in the library on the industry. Over a number of years there have been reports not only about our industry but also about the poaching that has been going on.

A recent article in the *Age* gave a run-down on the abalone industry. It contained a map indicating that the abalone industry is now disappearing in the American seabeds, and that Australia, South Africa, New Zealand and some parts of Japan are the only areas that still have an abalone fishing base. Because abalone is well sought after it is an industry that is worth preserving, if only on an industry scale. But in conservation terms, if this industry exploits the natural resource that we have here, it will not be long until there is no abalone left in the world. That is why the previous government brought in the programs that we have in place now to make sure that there is control over the exploitation of this natural resource.

It is estimated that the poaching of this resource not only means that we loose the abalone that is now mainly centred in Australia but it is also estimated to be worth $25 million to $35 million a year, just from Victoria's shores alone.

It is pleasing to all of those who have taken an interest in this industry to note that the government is putting on at least 13 new fishery inspectors. I am well aware of that as I have a family member who applied for that position and did not accept the position even though it was offered to him. He has continued in his own industry, but like most people nowadays, he looked at other areas that he could work in. Nevertheless I compliment the officers who conducted the program of employing those people because as far as my family member was concerned it was done in a friendly manner.

The industry as well as conservationists on this side of the house and the government are well aware of the need to cut down on poaching in the industry. Several articles of recent times, namely, one in the Sunday *Herald Sun* of 26 June, have highlighted the crackdown on poaching. I must compliment the minister and his team on having such good publicity, which is an important part in getting our community to understand why we have to have inspectors, why we cannot have poaching, why we have to leave abalone in the ocean in certain amounts, and why we have to have it regulated in the way that we do. These articles are just part of the education program the legislation supports.

Although regulations set the amount abalone divers can take, poachers have been able to use the processing area to launder their product. In that way authorities have not been able to keep track of and prosecute abalone poachers who are obviously making lucrative incomes from this natural resource and threatening its future viability.

It is estimated that 700 tonnes of abalone are removed from the area every year, which is about half the legal take. That is an amazing amount. Authorities have laid more than 300 poaching charges this year alone, but they believe numerous others have escaped apprehension. It is estimated that there are three poaching groups: the recreational divers who take more than the amount allowed, the amateurs who take enough to sell to restaurants; and the professional, equipped with power boats, night vision scanners and radios. They are hoping that with 13 more fisheries and wildlife officers they may be able to make greater inroads into intercepting the poaching that has been going on.

There is no doubt that much work needs to be done between cities. Another article in the *Australian* dated 11 December 1993 remarks on the return from the abalone trade as being as lucrative as the drug trade. Abalone poachers are almost impossible to detect both when operating in Bass Strait and when selling on the black market in the back streets and sheds of suburban Melbourne and rural Victoria.

The article mentions New South Wales's problem with abalone poaching. This bill would have been introduced for similar reasons, allowing the department, under the direction of the minister, to see that work between the various departments is coordinated and so we apprehend the poachers to ensure the viability not only of an industry but also a natural resource. Nobody would like to see yet

another species in our state lost. Abalone divers support the legislation and want to see that, through the work that goes into this, their industry can continue without having to battle against illegal divers.

Given the lateness of the hour, I will keep my speech as short as possible. We need to ensure that overharvesting does not take place. As the minister said in the second-reading speech, that was why the legislation was first introduced by the previous government. This bill builds on that and ensures that that when authorities believe abalone is being hidden they can pursue the poachers. The licensing provisions are to offset the cost of the employment of the 13 additional fisheries officers. Their salaries add up to no small amount, and that money will have to be contributed each year to support the industry.

I will not go through all the points of the minister's second-reading speech, but I recommend that people who are interested in the subject read it because it points out the work that will be done to ensure these measures will be put into place. The bill also makes minor amendments necessary to improve the operation of the legislation generally, including amendments to the outdated fee-setting provisions, trawl licence entitlements, and fisheries notice powers. It also prevents the marketing of fish that may be affected by algal blooms.

This bill is significant for the protection of a natural resource and yet it responds to a market demand for that resource. The opposition supports the bill and recommends the amendment to be moved by the shadow minister in another place.

Mr COLEMAN (Minister for Natural Resources) — I thank the honourable member for Altona for her contribution to the debate. The support of the opposition is appreciated. The honourable member's comments indicate the opposition's awareness of the threat to the species from overexploitation.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 and 2 agreed to.

Clause 3

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

> Clause 3, line 34, omit "iron lever or bar" and insert "lever, iron or bar".

Perhaps I should mention that among the items an abalone diver uses is an instrument called an iron. As the measure was phrased in the bill initially, it was possible for the provision to be read as referring to an iron lever or an iron bar, with the word 'iron' meaning the material those objects are made of. This amendment attempts to identify three separate tools. The use of the words 'lever', 'iron' and 'bar' to identify three separate tools in the fishing trade is attempted through this amendment. I am delighted that the honourable member for Altona, having displayed a significant knowledge of this measure, has previously indicated her support of the measure.

Amendment agreed to; amended clause agreed to; clauses 4 to 34 agreed to.

Reported to house with amendment.

Passed remaining stages.

Remaining business postponed on motion of Mr GUDE (Minister for Industry and Employment).

ADJOURNMENT

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

> That the house do now adjourn.

Dookie Agricultural Society

Mr KILGOUR (Shepparton) — I ask the Minister for Industry and Employment to direct to the attention of the Minister for Agriculture the question of support for agricultural show societies around country Victoria. On a number of occasions the Minister for Agriculture has supported show societies by donating various pieces of equipment or providing money for pavilions that have been needed.

The Dookie Agricultural Society has an excellent show once a year supported by president Max Feldtman and a hardworking committee. I would never miss it. The Dookie show is renowned

throughout the area for the produce that is displayed there and for the fact that the local people have much pleasure in displaying their produce and pitting it against their neighbour's produce to ensure that excellence in agriculture is achieved and that prizes can be won.

Dookie Agricultural Society needs a pavilion for its wool and farm produce and to display grain, wheat, barley and oats, thus promoting competition between the various farmers. The society already has a pavilion for flowers, needlework, photography and schoolwork, but unfortunately it does not have a pavilion in which to display other produce. If a pavilion were provided it would be supported by the community and used by the community university.

The Minister for Agriculture has a fund that can provide support for agricultural societies to help create excellence in agriculture. I ask him to give consideration to supporting the Dookie Agricultural Society by providing funds for a pavilion in which produce and goods can be displayed at the next and ensuing Dookie shows.

Royal Park Hospital

Mr CARLI (Coburg) — I ask the Minister for Health to review a case that has been brought to my attention. It involves Natham Trayling, who is a psychiatric patient at Royal Park Hospital. The matter, which concerns Natham's current treatment, has been brought to my attention by his mother, Mrs Natalie Trayling, who has recently contacted me.

Natham has been under a 12-month treatment order for schizophrenia and was released from hospital under that order. During that period he was living with his mother, and he stopped taking his medication. Meanwhile he continued to visit the hospital regularly and he informed the staff that he had stopped taking medication. His mother told me that during the period when she and Natham were sharing a house his condition improved. In her view he was improving and she was of the opinion that he was better off without the medication.

At a certain point the people from the hospital decided he had to fulfil his 12-month treatment order. They asked Natham to be readmitted. The family agreed and Natham has been put back onto medication. The mother would like to be more involved in assisting her son. She is concerned that the medication has led to a deterioration in her son's condition; she considers the medication has been administered for too long.

Mrs Trayling has asked me to refer the matter to the minister. She asks that the minister examine the case, that the hospital should stop administering the medication and allow her son to be observed over time to see whether the treatment has worked. The matter should be examined urgently. Mrs Trayling is very concerned and feels removed from the process. As the guardian of her son, she feels she should be more involved in the process of rehabilitation and treatment.

South Melbourne Special Development School

Mr THWAITES (Albert Park) — The matter I direct to the attention of the Minister for Education relates to the need to relocate the South Melbourne Special Development School to the former Nott Street Primary School site in Port Melbourne.

The South Melbourne Special Development School is now located on a small site in Middle Park. That site contains what was originally an adapted Jennings construction site accommodation building but which is now totally inappropriate. It was envisaged that the building would accommodate 25 students but now 50 students are enrolled, many of whom are immobile students requiring special facilities and accommodation.

The South Melbourne Special Development School, which I have visited on a number of occasions, offers a range of programs which meet the needs of students in that region; but in the present building it cannot adequately provide the high quality of service required. Physically, the school cannot meet the demands.

There are a number of other concerns regarding fiscal constraints and including the hygiene of students in wheelchairs who have no access to toilets; also, no facilities exist for the washing of nappies and there is no sick bay. There is only one staff toilet for 25 staff.

The establishment of other rooms in local schools has allowed for the maintenance of present enrolment numbers but enrolments are increasing and the school needs to move to a larger site. The school has had a number of satisfactory meetings with the Department of Education. The department, as I understand it, is endeavouring to assist the school in every way. The school is satisfied with the

treatment it has been receiving but its only concern is to obtain an indication in the near future as to its relocation so the staff can plan for next year.

Teacher training

Mr JASPER (Murray Valley) — I direct to the attention of the Minister for Education my concern about the difficulty experienced by a number of teachers in small schools — that is, with fewer than 64 pupils — where the head teachers have had teacher training of only three years, and who will have difficulty in maintaining their positions in the schools from the end of 1995.

A number of country members of Parliament made representations to the minister seeking action. I raised with the minister the difficulties experienced by the head teacher, Mr Sean Kelly, at Katunga South Primary School. Because of the representations made to the minister he will be aware that the situation was reviewed. An extension of time was sought for the training of these teachers so that they could maintain their positions at the school if they wished to do so if it was the wish of the parents and the school council that they do so.

However, a number of teachers are having difficulties undertaking training within the period to the end of 1997. I seek information from the minister about what special arrangements could be made for those teachers. A number of teachers across the state will require an extension to the end of 1997 to obtain their four years of training and also to undertake the special training approved by the Department of School Education that may be provided through one of the universities.

Dandenong Redlegs Football Club

Mr PANDAZOPOULOS (Dandenong) — I direct to the attention of the Minister for Sport, Recreation and Racing the position that the Victorian State Football League has taken against the Dandenong Redlegs Football Club. The minister will be aware that with the demise of the Victorian Football Association a change has taken place in senior football in metropolitan Melbourne. Unfortunately the VSFL made a decision recently that the Dandenong Redlegs Football Club will no longer have a role to play in senior football. It is of great concern to the people of Dandenong and to the football club.

The community is keen for the minister, as the senior sport administrator who should take an interest in what is happening in all fields of sports, including football, not to sit idly by and allow the VSFL to create a new competition which neglects what has happened in relation to senior football in other clubs. The football club believes that as Dandenong is the second city of Melbourne it should be provided with the opportunity to field a senior football team.

The Dandenong region also services the fast-growing south-east growth area where young players of the future now live. It is important for senior football in this state that the VSFL sets proper zones and provides an opportunity for this club to participate in senior sport. People out our way are keen on senior football. The community from all sides of politics has been working together to promote Dandenong, and fielding a senior football team is an important part of that promotion.

I ask the minister to support the position of the club and I encourage him to make a presentation to the board of the VSFL to give our club the opportunity it needs to show that it can field a team with community support and appropriate sponsorship. We are keen to have his support and we await his answer.

Imported beef

Mr McARTHUR (Monbulk) — I direct to the attention of the Minister for Agriculture the front-page story in this week's *Weekly Times* which many honourable members may have seen with the headline, 'Sizzler opts for US beef.'

This story was also widely canvassed on Melbourne radio today. The article relates to the possibility that the Sizzler chain of restaurants intended to import some 120 tonnes of US beef allegedly, according to the story, because of a shortage of suitable quality beef in Australia.

Today I spent some time trying to contact the Victorian manager of the Sizzler enterprise. After some hours I was successful in talking to Mr John May, who manages Jardine Restaurants, the franchise holder for Sizzlers. He has assured me that the Sizzler operation in Victoria has no intention of importing any US beef, and his operation covers a good deal of the south-eastern section of Australia, as well as just Victoria. However, he said that at one stage the Queensland operation proposed to import US beef. That has been changed today, as I understand it. Sizzler no longer intends to import the US beef.

Given that the story has had such wide publicity in a very short time, given that there has been a good deal of community outcry about the possibility and given that Australia is a major beef producer and exporter in the world and is renowned for both the quality and the quantity of beef produced here, my concern is that this story has the possibility to generate a good deal of community concern about the availability of high-quality, fresh beef in Victoria or the rest of Australia in the coming season.

As we all know, many Australians and Victorians like a barbecue over summer and like to whack a steak on the barbie. Will the minister look at this situation and assure the community that plenty of high-quality beef is available in Victoria. I am confident that that is the situation, but I think the community needs reassurance on this matter because the story has the potential to create some panic and concern in the community about the availability of suitable, high-quality food. It could damage the industry's reputation and its markets.

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

Morwell West fuel centre

Mr HAMILTON (Morwell) — I draw to the attention of the Minister for Small Business the very serious matter concerning the proposal by Vicroads to establish a major fuel service centre at Morwell West. The matter has been brought to my attention by the Trafalgar Chamber of Commerce and Industry, which indicates that this is likely to be a case of big business putting small business out of business.

The argument that has been used by Vicroads for the establishment of these major service centres is that on long stretches of the dual highway motorists need the opportunity for a break. It is proposed that this new service centre be established in an area that has at least 12 petrol outlets — which these days are multi-purpose outlets which sell food and so on as well. Between Yarragon and Traralgon, exactly where this new centre is to be established, there are 12 major service centres, and a new Mobil service centre is being constructed in Traralgon as part of the station development.

The service station owners argue that if the major petrol companies are allowed to establish this centre in an area that is already overserviced — it is certainly well serviced — clearly their business will be taken away and there will be less chance for them to remain in business.

The Vicroads guidelines state that the agreement with the new service centre operator may include exclusive rights to operate in a zone not exceeding 50 kilometres per hour each side of the development for a period of up to three or even five years.

I am told that the service centre development has reached a late stage of approval and should be examined by the government because the oil companies are asking what will happen. It is inevitable that the current service station operators who not only provide a good service in hot competition but also offer assistance to highway traffic will be put out of business.

This is pretty serious. Those major service centres might be all right in the middle of nowhere but in the middle of one of the best serviced and best parts of Victoria it is a stupid proposal that ought to be stopped. Let us see whether the government is running Victoria in the interests of small business.

Public transport: weekend services

Mr ROWE (Cranbourne) — The matter I raise for the Minister for Public Transport is on behalf of the residents of Cranbourne, the honourable member for Berwick and the residents of Berwick-Pakenham. The people of Cranbourne and Berwick-Pakenham have long been denied weekend public transport services.

On coming to office this government was able to convince the federal government to electrify the train line to Cranbourne. The honourable member for Berwick and I have made a number of representations about weekend public transport to the Minister for Public Transport on behalf of our constituents. It is difficult for people in our municipalities, particularly young people, to attend concerts, basketball or football games. As the honourable member for Dandenong said earlier, football is important to people in outer regions.

I would like the minister to respond to our representations about weekend transport as it was nonexistent for more than 10 years and totally denied to the people of Cranbourne and Berwick-Pakenham by the Labor government. That shows the Labor government's neglect of the growth municipalities. It failed to provide weekend public transport to people in the electorates of Cranbourne and Berwick-Pakenham.

The honourable member for Berwick and I have received numerous deputations from young people and youth workers such as Cr Katie Ryan from the Shire of Cranbourne, because the youth of those areas cannot easily get out on weekends and have to go to the expense of hiring taxis to attend the functions, discotheques and sporting events to which they were denied access for more than 10 years because of the previous government's failure to address the needs of the people in those growth areas.

Lara Community Centre

Mr LONEY (Geelong North) — I direct to the attention of the Minister for Community Services the Lara Community Centre which, in last year's budget, suffered a funding cut of 48 per cent. It was one of the largest cuts made in the Geelong region and discriminated against the community centre. In spite of the fact that it has managed to get through after the cut, the centre now believes it faces the loss of its entire funding in this year's allocation. In other words, it is to be totally defunded.

The management of the centre believe this because recently the Barwon South Western Council of Adult, Community and Further Education commissioned a report from a Dr Michael Leahy entitled 'Towards the Future: A Study of Adult, Community and Further Education in Geelong' which was presented in July. The report recommends that funding of further education coordinator positions at the Lara Community Centre and four other positions be withdrawn. The money saved would then be used to create a centrally located manager and coordinators. In this scenario, a coordinator might visit Lara for perhaps half a day per week.

Lara is an area of some 8000 residents and they would be cut back to half a day per week! It seems an idiotic and discriminatory proposal. Lara residents are very concerned about it. Their township is isolated because public transport is not readily available to go into the Greater Geelong area so that people can take up courses and participate in that community. There is a significant need for the provision of community resources within the Lara area, one that is not being addressed. The local people have had an efficient and well-supported centre. That was recognised last year not least by one of the members representing Geelong Province in the other place, the Honourable Bill Hartigan, who told them the reason they had their funding cut was because they were so efficient and could handle it better.

I ask for a guarantee from the minister that this stupid recommendation of Dr Leahy will not be carried out and that it is not the precursor to further such recommendations across the Geelong region and other regions throughout the state. Lara cannot afford, as a community, to have these actions occur.

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

Grand prix: Albert Park sporting clubs

Mr MILDENHALL (Footscray) — I direct to the attention of the Minister for Natural Resources, who is responsible for Melbourne Water, the plight of a large number of sporting clubs at Albert Park which have been significantly disrupted by the plans for the grand prix. Many clubs have had their playing fields reduced significantly. A number of clubs have complained because of the disruption, but many are intimidated and do not feel able to publicly voice their complaints.

The Emerald Hill Cricket Club, the API Cricket Club and the touch football club have been forced off Albert Park at this stage. A number of clubs are out of pocket because of the increases in fees being required by Melbourne Water or because they have been forced to find other facilities. An example is the Middle Park Cricket Club which is $3300 out of pocket as a result of extra hirings and facilities because of relocation both within and outside the park.

Other clubs have lost access to social facilities for which there is no undertaking of reimbursement. The South Districts Football Club and the Middle Park Cricket Club come into this category. Other clubs will be significantly disrupted because of changes to the layout of the road system. The South Melbourne Athletic Club and the road runners and walkers will be disrupted by the installation of parking lanes and cars parked during their events.

Some football clubs will be disrupted by the upgrading of oval no. 4, which has already had some work done on it, but more work is promised. The clubs have been told they may not get anything if they do not support the grand prix. I therefore ask the minister to intervene to ensure that this intimidation stops and to bring some justice and equity back into the situation.

Responses

Mr W. D. McGRATH (Minister for Agriculture) — The honourable member for Shepparton raised the matter of grants for agricultural societies in Victoria. Some 300 societies submitted applications to the value of about $362 000 for this financial year. The pool available for agricultural societies is just on $100 000, but I am pleased to be able to advise the honourable member that Dookie is one of the successful applicants. He will be able to tell Dookie Agricultural Society that some $8000 will be made available for the sheep, wool and general produce pavilion.

It is important that where possible the government assist agricultural societies to maintain their facilities so that the attraction of local shows can be continued. They provide a very important focus for the local community and give an opportunity to display excellence in agriculture. We should be concerned with generating that degree of expertise and looking to lift the standards in agricultural production wherever we can.

The honourable member for Monbulk raised the potential importing of American beef by the Sizzlers restaurant chain. It is pleasing to note that earlier today the company announced its decision not to go ahead with the importation of about 120 tonnes of American beef. This situation has highlighted the fact that meat processing companies and farmers in Victoria are able to provide a product of the quality necessary for our better class restaurants. Sizzlers provides a very good service to people who go to its restaurants for refreshments.

Earlier this week I launched a new product, a tender meat cut, at Flemington Racecourse. Victorian beef producers produce 60 per cent of national domestic beef requirements, and in southern Victoria, where seasonal conditions have been relatively good this year, plenty of prime beef is available for our domestic trade, including all the restaurants.

Not only is Victorian beef good to eat but we are also able to promote clean food and clean agriculture in this state — 99.9 per cent of Victorian agricultural products meet the minimum chemical residue levels required by the national food standards. I can only suggest that the restaurant industry and Victorian consumers generally can depend on good, healthy product from our beef producers that stands up equally with, if not betters, the beef produced anywhere else in the world.

I hope Sizzlers will continue to source its product from Australian sources rather than having to rely on overseas product. There is a salient message from the publicity today that the meat processing and transporting sectors of our meat industry must always be alert to bring about maximum efficiencies.

As we move forward in driving the quality assurance protocol, not only do we have to maintain consistency of product but we must also be efficient throughout all aspects of production, be that in the farming, transporting, wholesaling or retailing areas. We must keep those things in mind.

Mrs TEHAN (Minister for Health) — The honourable member for Coburg raised with me a sensitive matter that I believe should not have been raised in this way. It related to the son of a constituent of his and the relationship between that person and his treating doctor or medical adviser. It is a matter in which I certainly do not feel I can in any way become involved. The honourable member did not indicate the age of the person, but I suspect that he is an adult. I suggest that neither the member nor I can take any active participation along the lines he raised. Perhaps he can speak to his constituent and suggest she contact the treating doctor directly to see if the matter can be resolved in that way. There is nothing further I can add.

Mr HAYWARD (Minister for Education) — The honourable member for Albert Park raised the matter of a proposal to relocate the South Melbourne Special Development School to a property in Nott Street, Port Melbourne. I note that the honourable member supports the proposal.

As he indicated, there have been extensive discussions between the South Melbourne Special Development School and the Directorate of School Education on this matter as well as widespread representations, including from Ms Asher in the other place.

I am in agreement with the proposal, but before I make a final decision I must receive a formal recommendation concerning the work necessary on the Nott Street property. I also must obtain the appropriate financial approvals from the Department of Finance. I assure the honourable member that it is my intention to bring the matter to finality as quickly as possible.

The honourable member for Murray Valley referred to the desire of the head teachers at the Katunga South Primary School, as well as head teachers at

other schools, to obtain additional training to meet the four-year training requirement to enable them to be classified as principals.

I have decided that the time frame for head teachers to obtain this additional training has been extended to the end of 1997. Further assistance through study leave and so on will be given to head teachers to assist them to gain the qualifications.

Mr BROWN (Minister for Public Transport) — My colleague the honourable member for Cranbourne raised, quite understandably, a desire to have improved public transport in his area, particularly on weekends. The issue he raised, which he also in effect raised on behalf of the honourable member for Berwick, a desire to improve public transport in his rapidly developing area, was talked about by the Labor Party during its 10 years in office, yet it took the current government to commence the electrification of the line between Dandenong and Cranbourne.

That project is now proceeding with something Labor could not achieve: cooperation between the current Kennett Victorian state government and the Keating government in Canberra. The agreement, along with other agreements, was forged by the government prior to the last federal election. Residents of these rapidly developing areas have been waiting for more than 10 years to get this service for the future provided by the government.

The works include the provision of a new track from the junction of the Cranbourne and Pakenham lines to the Dandenong station, a new bridge over the Dandenong Creek and a 2-kilometre section of second track which will connect the industry rail sidings to separate freight traffic from passenger trains. The completion of the works early in the new year will vastly improve the capacity to provide high speed, quality passenger trains in the area.

The new station at Merinda Park, north of Thompsons Road, will incorporate waiting shelters, passenger information, a high standard of lighting and communication facilities. It will even have closed-circuit television, car parking and a modal interchange with access for disabled persons.

This initiative will provide state-of-the-art public transport availability in an area that the Labor Party deserted for the decade it was in government. In particular it will provide what Labor did not provide: adequate weekend public transport facilities.

I am, therefore, delighted after so many years of inaction by the former Labor government to make this announcement in response to the representations of the honourable members for Cranbourne and Berwick, who have been making continuous representations for more than a year on the need to improve weekend train travel in the area. I remember that when the honourable member for Berwick had me down to a breakfast some months ago this was one of the very topical issues he pursued at the time.

Sunday train services will commence with the introduction of the electrified line between Dandenong and Cranbourne. However, the new Sunday trains will run not just between Dandenong and Cranbourne. In response to the direct request of the honourable member for Berwick they will also run to Pakenham.

At a time of tight budgetary constraints it is clear these service improvements will be welcomed in the area. They are the result of savings we have been able to make as a government managing public transport properly in the community interest.

The new Sunday services on both lines beyond Dandenong will commence in the new year when the electric trains start running to Cranbourne. They will begin at around 8 a.m. on Sunday mornings and will run until late at night, with every train to Dandenong alternating between the Pakenham and Cranbourne lines. This is a major announcement on behalf of the government. I congratulate both of my colleagues for their hard work and representations over an extended period in an effort get this announcement.

They also have had the support of the Minister for Planning. He has made representations to me about getting improved services in the area. I know that the announcement of the service, the establishment of which was achieved by those hard-working men, will be warmly welcomed by people in those rapidly developing communities, particularly by young families that cannot afford second cars. For 10 years some of them supported a Labor government that gave them hardly any benefits at all. The current government has already announced a major upgrading of public transport; and when they see almost $30 million being spent in their region on upgrading and electrifying the rail line between Dandenong and Cranbourne, with Sunday trains from early morning to late at night, they will realise the positive and tangible benefits that have come

from their supporting coalition members at the last state election.

Mr COLEMAN (Minister for Natural Resources) — The honourable member for Dandenong raised an issue for the attention of the Minister for Sport, Recreation and Racing concerning the Victorian State Football League. I will ensure that that matter is raised with the minister and that the member receives a response.

The honourable member for Morwell raised for the attention of the Minister for Small Business a new centre being proposed by Vicroads. I will ensure that he is provided with a response. The honourable member for Geelong North raised for the attention of the Minister for Community Services the Lara community centre, and I will get a response for him.

The honourable member for Footscray was on the right track when he began his remarks, but he was diverted by the cheer squad. The matter comes under the administration of the Minister for Conservation and Environment, given that the Albert Park Lake area is managed by Melbourne Parks and Waterways. I will raise the issue with the minister in the other place and ensure that the honourable member receives a response.

Motion agreed to.

House adjourned 1.47 a.m. (Thursday).

Thursday, 17 November 1994

The SPEAKER (Hon. J. E. Delzoppo) took the chair at 10.05 a.m. and read the prayer.

ABSENCE OF MINISTER

The SPEAKER — Order! I advise the house that I have received a communication from the Attorney-General, who is ill. The Minister for Community Services will handle any matters concerning the Attorney-General's portfolio.

PETITIONS

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

Disabled persons parking scheme

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

The humble petition of the Disability Consultative Committee, Ballarat, and the undersigned citizens of the state of Victoria sheweth that recent changes to the disabled persons parking scheme have disadvantaged many people with a disability or mobility problems. These people have genuine need and require special consideration for close proximity parking to access community facilities.

Your petitioners therefore pray that the Legislative Assembly request that Vicroads amend the current disabled persons parking scheme policy to more adequately reflect the special needs of the aforementioned citizens of Victoria. We, the petitioners, strongly recommend that a two-tier system of parking be introduced; namely, wide parking bays for those who qualify for category 1, plus additional close proximity, specifically designated conventional size parking bays for those who qualify for category 2.

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

By Mr Traynor (996 signatures)

Sexual discrimination

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 public health of all citizens and the safety of Victorian children should not be put at a risk by the state government's promotion of homosexual rights.

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

By Mr Tanner (106 signatures)

Laid on table.

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Environmental impact of commonwealth activities and places in Victoria

Mr PERRIN (Bulleen) presented report on the environmental impact of commonwealth activities and places in Victoria, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

PAPERS

Laid on table by Clerk:

Adult Parole Board — Report for the year 1993-94

Agriculture Department — Report for the year 1993-94

Bright District Water Board — Report for the year 1993-94

Campaspe Region Water Authority — Report for the year 1993-94

Central Highlands Region Water Authority — Report for the year 1993-94

Colac Region Water Authority — Report for the year 1993-94

Coliban Region Water Authority — Report for the year 1993-94

Conservation and Natural Resources Department — Report for the year 1993-94

Education Department — Report for the year 1993-94

Euroa Nagambie Regional Water Authority — Report for the year 1993-94

Justice Department — Report for the year 1993-94

Korumburra Water Board — Report for the year 1993-94

Leongatha Water Board — Report for the year 1993-94

Local Authorities Superannuation Board — Report for the year 1993-94

Macalister Water Board — Report for the year 1993-94

Mallacoota Water Board — Report for the year 1993-94

Mansfield District Water Board — Report for the year 1993-94

Mid-Goulburn Regional Water Board — Report for the year 1993-94

Mitchell Water Board — Report for the year 1993-94

Ovens River Management Board — Report for the year 1993-94

Parliamentary Committees Act 1968 — Response from the Attorney-General on the action taken with respect to the recommendations made by the Law Reform Committee's Report on Reforming the Law of Wills

Statutory Rules under the following Acts:

Australian Grand Prix Act 1994 — S.R. No. 179

Environment Protection Act 1970 — S.R. No. 172

Road Safety Act 1986 — S.R. Nos 175, 178

Swan Hill Water Board — Report for the year 1993-94

Tarago Water Board — Report for the year 1993-94

Town of St Arnaud — Report for the year 1993-94

Transport Department — Report for the year 1993-94

Warracknabeal Water Board — Report for the year 1993-94

Westernport Water Board — Report for the year 1993-94

Wonthaggi-Inverloch Water Board — Report for the year 1993-94

ADJOURNMENT

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

That the house, at its rising, adjourn until Tuesday, 29 November 1994.

Motion agreed to.

BUSINESS OF THE HOUSE

Program

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

That the government business program agreed to by this house on 15 November 1994 be amended by omitting the order of the day, government business, relating to the Subordinate Legislation Bill.

I inform the house that at its rising the house will resume on 29 November. In order to secure the government business program it is the government's intention that the house will also sit on 6, 7 and 8 December. So there will be three sitting days in the next week of sitting and three in the first week of December.

Motion agreed to.

CROWN LANDS ACTS (AMENDMENT) BILL

Government amendment circulated by Mr COLEMAN (Minister for Natural Resources) pursuant to sessional orders.

The SPEAKER — Order! As the required statement of intention has been made pursuant to section 81(5)(c) of the Constitution Act 1975, I am of the opinion that the second reading of this bill requires to be passed by an absolute majority of the house.

Second reading

Debate resumed from 20 October; motion of Mr COLEMAN (Minister for Natural Resources).

Mr DOLLIS (Richmond) — The opposition opposes the bill. In support of that statement I move:

That this bill not be read a second time until the minister has commissioned and received a report from the Land Conservation Council on the status and future of both Crown frontages to rivers, streams, lakes and coast reserved for public purposes and unused road reserves.

The SPEAKER — Order! Is the honourable member moving a reasoned amendment?

Mr DOLLIS — Yes.

The SPEAKER — Order! I advise the Deputy Leader of the Opposition that he must provide the house with copies of his amendment.

Mr DOLLIS — I will do so. I apologise to the minister and the house.

The SPEAKER — Order! The Chair is in an awkward position. Perhaps the honourable member can speak to the bill in general until copies are circulated.

Mr DOLLIS — I was intending to do so, one way or the other, Mr Speaker.

We are told the purpose of the bill is to rationalise the management of Crown lands in Victoria — and in particular, to allow the leasing of and licence arrangements for Crown land to be placed on a more commercial footing.

The Minister for Conservation and Environment in the other place has claimed that this new legislation will allow the granting of long-term licences on large areas of public land and enable enforceable conservation conditions to be included for the first time. He has also claimed that public access will be fully maintained. An examination of the proposed legislation does not support either statement. The various provisions are either similar to or weaker than those contained in the act. That is a very important point in this debate: a close examination of the bill makes it readily apparent that there are no new mechanisms for enforcement.

The most obvious difference is that the bill greatly increases the length of tenure of licences and leases to a maximum of 35 years for generic leases and waterfrontage licences and 99 years for generic licences. The present legislation can require licence-holders to undertake revegetation as directed and/or to exclude stock specifically to encourage the regeneration of areas or assess the impact of grazing.

The bill will remove the provision relating to the reclamation of eroded areas and degraded land and the retention or clearance of native vegetation. Thus the replacement or the regeneration of lost vegetation will no longer be part of the act. The government should take note of this comment: enforcement by licence cancellation has always been possible.

The question must be asked: how can the new long-term licences be an improvement? It must also be remembered that this new legislation applies not only to waterfrontages and unused roads but also to any land where grazing or other agricultural use is currently taking place or will take place in the future. That includes vast areas of state forest and some conservation reserves. It will mean 99-year licences being granted in the Australian Alps outside the national park, with subsequent pressure to increase grazing in the national park. That is possible under the bill.

We are yet to see the extent of the government's resource commitment to either the assessing and monitoring of grazing areas or research on the impact of grazing. Conservationists are justifiably worried about the long-term encroachment of grazing on areas where it may be totally unsuitable from the point of view of land care and flora and fauna conservation.

The SPEAKER — Order! Will the honourable member pause while copies of his reasoned amendment are circulated to the house? Subsequent speakers will be speaking to both the motion and the amendment.

Mr DOLLIS — There should be a Land Conservation Council review of public land under grazing prior to any legislation being introduced into or passed by this place. That is why the opposition has moved the reasoned amendment. We believe the Land Conservation Council should carefully examine all aspects of the proposal, including the environmental and land degradation impacts.

Mr Steggall — You don't think they have already done that?

Mr DOLLIS — That process would allow all sections of the community to comment before a decision is made on an issue that is of major importance to future generations.

Mr Steggall — It has been reviewed.

Mr DOLLIS — If they were granted, a large number of the leases would inhibit restoration works for rivers and streams, and they would restrict people's enjoyment of legitimate recreational pursuits — for example, fishing and picnicking.

Mr Steggall interjected.

Mr DOLLIS — Control yourself, it is early in the morning.

The SPEAKER — Order! The honourable member should concentrate on his speech. The honourable member for Swan Hill is being disorderly.

Mr DOLLIS — I am trying to get through my contribution to the debate without generating too much excitement from the other side. I would like to give the honourable member the advice that 10.00 a.m. interjections are regrettable!

Victoria has more than 36 000 grazing licences, 10 000 of which are situated on waterfrontages.

The 1990-91 environment report states that animals with access to natural watercourses and watering points trample and deplete the vegetation, which causes run-off of soil and nutrients and results in soil erosion. We should learn from the environmental mistakes of the past. We should consider all the options before we lock ourselves into waterfront grazing leases for another 99 years. That is why I moved the amendment. It will give the community the opportunity of participating in the debate to ensure that land usage takes place with maximum of care so that future generations can be assured that this generation did everything it possibly could.

The government claims the bill introduces progressive reforms that will protect the environment, achieve administrative savings and maintain public access to waterways. However, the government is deceiving the people of Victoria in many ways about the use of thousands of hectares of public land. Some of the most valuable and significant pieces of land are said to be properly protected when nothing could be further from the truth. When honourable members examine the bill closely they will find that to be the case.

The government should take the time to carefully assess the land's grazing capabilities and examine corresponding conservation values. Currently, the government has been evasive in spelling out exactly how much land the provision applies to and where that land is located. Tens of thousands of hectares of public land will be affected by the bill. Land will be placed at risk, and that is why the opposition has moved the reasoned amendment.

I shall deal with some areas of concern. Long-term licensing may preclude changes in land use as community needs change or problems occur. Long-term licences may result in de facto ownership, even though the land is technically under lease. A single up-front payment will not provide for future financing or monitoring, maintenance or regulation of the land. Up-front payments will inhibit changes being made to the lease conditions because of the real or perceived needs for compensation.

Some solutions to the problems have been suggested which the government may care to consider while the bill is between houses. To relieve administrative costs and to retain or improve environmental controls it is suggested that tenures range from 3 to 10 years, with regular payments every 3 to 5 years, and that rentals be collected by bodies such as the river management authorities. Payments should reflect real market values and land capability with deductions, if required, to fund fencing and conservation management.

There should be effective environmental controls with legislative policing mechanisms put in place. There should be an ability to terminate licences or leases if it is in the public interest, which is the case as at present. Assessments should differentiate between areas with mainly conservation values, areas with agricultural values and areas with a mixture of values.

Mr Steggall interjected.

Mr DOLLIS — These are suggestions. You should listen to them and take them into consideration. At the same time there should be a series of licence categories to match the different values with appropriate conditions. Licence-holders should be regularly supplied with good quality information and advice to protect conservation values. Regular monitoring and contact with landowners should be directly funded by the rentals. All government bodies should cooperate to integrate the use of licensed areas with the protection of flora and fauna and water quality.

The government may care to consider these suggested solutions. If the opposition's reasoned amendment is accepted by the house the community will be able to provide considerably more propositions to ensure that the government moves forward with its full confidence on this important piece of legislation. The existing powers in sections 130(5A), 402, 406(2), 407(2), 410(1) should not be

weakened by changes to the legislation. They should be adapted as required and supplemented by mechanisms under the Catchment and Land Protection Act, including the use of voluntary compliance as the first option. If that fails the powers available under the two acts should be invoked. These concerns relate to the proposed long-term agricultural licences where conservation or other public land values are involved. I suggest the government listens and takes these matters into consideration.

I turn to present and future government policy. During the past 100 years management of Crown waterfronts has been inactive. Departments lacked incentive because they were under pressure from the licensees to privatise; but politicians wanted to maintain the status quo. During the past 20 years interest in public land has increased greatly. Increased urbanisation has created a need for passive recreation areas.

In response to that pressure the government established the Land Conservation Council and the former Department of Youth, Sport and Recreation, initiatives that were supported by members from all political parties. There has also been a large growth in clubs, societies and other organisations that are interested in the environment. It was natural that those groups would focus their attention on available public land. Victoria is not exactly a big state. Whatever public land we have must be preserved for the use of future generations.

Over the years political problems have arisen. Many farmers did not wish to fence waterfrontages. Privatisation of public land has continued for so long that many land-holders considered the public land they use to be theirs. They believed they had a right to use or, in some cases, abuse the land. In the past they ensured that their political representatives knew about their views to the extent that many of the reforms effected in 1983 had been put forward by the department a number of times over the past 16 of 17 years only to be rejected by various cabinet or backbench members of the ruling party. It is important that these historical facts are placed on the record for the sake of debate. The change in government philosophy began in April 1982 when the former Labor government was elected.

Mr Coleman interjected.

Mr DOLLIS — I am speaking historically, Minister, and you will get an opportunity.

Mr Coleman — It was an historic day, too.

Mr DOLLIS — It was an historic day for many people of Victoria; my goodness we will remember it well.

The change of philosophy of governments following the April 1982 election altered the situation greatly. Before the election the lands department had put forward the initiative that if the department increased the rents and ensured that all occupiers were licensed, then Treasury could return the proceeds of some of the increased rentals to the department for river management. For the first time we started talking about some of the money collected from those sorts of leases being returned to ensure that the environment was protected and that the land we are talking about was enhanced.

That was agreed to not only because it provided a financial incentive for the department but because it ensured the equity and that occupiers of Crown land paid a fair rental for its use. As the latter concept is current government policy, the initiative has continued. It was a very important initiative; it gave us an opportunity to make certain that particular funds were put to that particular use.

Over the past few years money has been made available to both the lands department and the Rural Water Corporation for river management and works from revenues earned. For the first time since the beginning of the 1980s we have started thinking about using the money we charge those people for the preservation of the land they use.

Historically speaking, Victoria is almost unique in the English-speaking world because virtually all the frontages to its rivers, streams and coastline are publicly owned. That is a very important point. One should go around the world and look at how various governments have managed their rivers, streams, coastlines and frontages, including the privatised parts of them. In this state successive governments have maintained the notion they should be in public ownership because they are for the use of every single Victorian. That is why short-term leases were created and why debate took place as to how we should be using land that was given to us. It is important to make that point about Victoria in terms of the English-speaking world. There are even worse examples elsewhere. We have a fairly unique situation and that unique situation must be maintained.

This situation was largely due to 17th and 18th century British bureaucrats believing that private riparian ownership was not desirable and issuing instructions to colonial governors to ensure that it would never happen. It was also due to senior surveyors in the then Victorian Lands Department carrying out their official instructions of alienating land in the spirit in which those instructions were issued. We had the unique situation of some very enlightened English bureaucrats making certain that at least Victoria maintained the frontages of its rivers, streams and coastline in public ownership.

It was unfortunate that privatisation, or part privatisation, of those frontages was allowed to occur by succeeding governments; it allowed some of the values of those public lands to be debased for private use which in some instances resulted in considerable lack of care. That change of policy started bringing about some of the destruction we have seen.

Blame is not being placed on any particular government; there have been many governments over the past hundred years. However, that unique situation we inherited started to change. It is true that there is quite often pressure with private use. Some private owners are very greedy people — this is not a reflection on every person who is using public or Crown land — and that greed resulted in some destruction.

In recent years the public has been seeking the opening up of waterfrontages for public use and recreation. The government must make certain there are stricter controls of licences. Recently we debated amendments to legislation which would have enhanced the rights of the public to use the frontages and would have protected land from degradation by bad agricultural practices.

Historically the purpose of having permanent waterfront reservations was to protect the development options associated principally with inland shipping and to provide public access along the edges of the rivers and larger streams. Today additional public values and benefits exist, brought about largely by the change in community attitudes to our environment and the need to preserve the remnant vegetation and wildlife habitat that, as a result of particular practices, remains only along the waterfrontages, unused roads or railway lines in what are called linear reserves.

That is why waterfrontage reserves are very important to us, and they must be maintained by public ownership for future generations to enjoy, as the minister would agree.

Mr W. D. McGrath interjected.

Mr DOLLIS — No, Minister. I was saying that although there may be considerable numbers of very caring, good users of public lands, there are also some very bad managers. Because of those bad managers we must ensure that we do not allow what was, and still is to a large extent, a unique situation in Victoria to be destroyed.

Historically Victoria was a unique state because enlightened English bureaucrats made certain that the frontages of our rivers and waterways were maintained in public hands. That resulted in Victoria being in a unique situation when compared to other English-speaking countries. It is with that background, Minister, that I make these comments.

Waterfrontage reserves located in often otherwise cleared areas provide: wildlife refuges and travelling corridors; scientific reference material and genetic stock; a seed source for local plants; a food source for native birds and animals; riparian buffer or filter strips to protect the stream and in-stream habitat; scenic landscape qualities; and public recreation communities.

In the past there has been debate about rental guidelines for licensees. The principles upon which the department is relying for rental charges are that rental should be equitable between users, should ensure a fair and appropriate return to the state for private use of public assets, and that the system of administration should be cost effective and efficient. These are fairly reasonable principles on which we agree. Charges should also reflect the private sector rental market after accounting for differences, if any, resulting from Crown land management restrictions placed on the level or type of use of land.

There are some guidelines about that, and I will put them on the record. The level of private usage should be set so as not to endanger the natural features and values of the Crown estate. The licensees should be encouraged to revegetate stream frontages, particularly in order to stabilise banks, by fencing off frontages to allow revegetation, preferably of indigenous species where applicable, and limiting uncontrolled access to streams and waterways. Year-round grazing and stock camping are major factors preventing revegetation, but controlled grazing can be used as a land management tool for frontages as a means to an end

rather than as an end in itself. Grazing could be limited under periodic agistment, specifically for fuel reduction and weed control while enabling native vegetation to flourish.

The guidelines included encouraging occupiers of waterfrontages to fence out frontages and, particularly where the boundary between the private land and the waterfrontage is unsuitably aligned, management fencing is permitted. Adjoining licensees may fence along areas of convenience to allow revegetation and controlled grazing in conjunction with CFL guidelines. Management fencing is also desirable where the river has changed course and the exact location of the freehold boundary is difficult to determine.

Over the years the department's major management principles have been — I am sure the minister would agree — directly influenced by government policies including the state's conservation, economic and social justice strategies. The issue of waterfrontage management impinges directly on all three strategies. Public waterfrontages in many cases provide remnant riparian vegetation communities that also act as important corridors for flora and fauna movement and dispersal. Public waterfrontages occupy 25 000 kilometres with a total area of more than 90 000 hectares, which provides licensed grazing on just over 50 000 hectares for an estimated 144 125 dry sheep equivalent, or DSE as it is known. Revenue of more than $500 000 per annum is received from more than 9000 licenses. That revenue has been directed back into river management work.

The bill gives the public the right to use all Crown frontages for passive recreational activities, irrespective of whether the land is subject to licence. This formed part of the government's 1980 state conservation strategy. The major objective at that time was the reviving of rivers, coasts and wetlands. Attempts were also made to protect, restore and enhance our rivers, wetlands and coast to ensure that ecological processes, native species and features of scientific, cultural or scenic interest were maintained as well as providing for present and future recreational and commercial uses.

As I pointed out earlier there has been an incredible increase in the interest of these areas for recreational uses. The many pursuits associated with our rivers and streams include power boating — often in conjunction with waterskiing — fishing and in some cases hunting, sailing, sailboarding, canoeing and many other such activities.

In many cases these water-based activities form part of a wider recreational experience incorporating those activities with cycling, horseriding, sightseeing, picnicking, swimming and camping, all of which make it imperative that we make waterfrontages open and available to the public. Victoria's uniqueness must be preserved for future generations so that they have the same opportunities as earlier generations.

A Morgan research poll was conducted in 1987 on recreational activities in those areas, and interest has increased considerably since then. That poll showed that almost 30 per cent of all Victorians — more than 1 million people over the age of 14 — had fished during the year. Some 42 per cent of anglers generally fished in fresh water while 53 per cent had fished in fresh water some time during the year. A 1978 survey produced similar results showing that at least 280 000 people fished at least nine times during that year.

Those statistics show a considerable increase between the years 1978 and 1987 when more than a million people used our waterways for recreational fishing. The figure has grown considerably since then. I caution members of the government to be particularly careful when managing this resource because, as I said before, Victoria's uniqueness must be preserved for future generations.

To maintain that proud record I suggest that the minister consider some of the points made in the debate. He should further consider the possibility of allowing the community to participate in the decision-making process of this important resource. Due to recent television programs encouraging people, irrespective of their age, to try fishing as a recreational pursuit the 1987 figure of 1 million has grown considerably. In addition, those wishing to pursue camping activities must gain access to our waterways.

In this legislative reform it is important for the government to consider the desirability of developing integrated natural resource management so that much of the existing legislation will become dramatically streamlined and updated to reflect modern thinking in environmental planning and land-based and water-based management. The implications of combined legislative reforms will enable a more coordinated approach to combat river degradation by recognising that the management of the catchment reflects the condition of its streams. Such a philosophy, the minister would agree, is

central to the principles of integrated catchment management (ICU) which is taken to mean the identification and marshalling of all available land, water, human and biological resources within a catchment to optimise the value of sustainable beneficial uses of the physical environment.

For the information of the minister and honourable members I add that that was from page 94 of the 1988 report of the Australian Water Resources Council.

Honourable members participating in the debate require a considerable knowledge of both the history of the issue and the research that has been carried. Considerable care must be taken to ensure that the legislation does not commit Victorians to leases so large that they lock-up particular parts of the state for a very long time and lock-out the many people who may wish to use them. That is why I am attempting to get the government to rethink its strategy and to give at least some consideration to the proposition put forward by the opposition. Let me conclude by quoting — —

Mr Steggall interjected.

Mr DOLLIS — I suggest that a conclusion was reached long before the bill was introduced, because you came in here with a fairly closed mind. I conclude by quoting some of the statements made on 20 October by the Victorian National Parks Association:

> The Victorian National Parks Association today expressed outrage at a state government move to commit a huge area of public land to 99-year grazing licenses. This is occurring without any prior assessment of the land's capability for grazing, or its conservation value.

This is not the opposition talking. The Victorian National Parks Association is telling the government that the process is taking place:

> ... without any prior assessment of the land's capability for grazing, or its conservation value.

It also said:

> A bill tabled in Parliament today commits thousands of hectares of public land to grazing and agricultural use on both unused roads and waterfrontages along streams ...
>
> There is no commitment to a review of unused roads reserves, which shows inadequate recognition of their conservation values. Road reserves may have significant conservation values and constitute the last shreds of native vegetation in many agricultural districts.
>
> The government is proposing up to 35-year licenses on waterfrontages with a five-yearly review and the option of up-front payment of license fees.
>
> ... 35 years is better than the original 99-year proposal but there should be an assessment of conservation values and land capability first. An up-front payment going to consolidated revenue gives no guarantee —

and this is very important —

> of continuing funding for the regulation and management of licensed areas.

I am putting that on the record — —

Mr Honeywood interjected.

Mr DOLLIS — For the honourable member's interest, I am putting on the record statements by the Victorian National Parks Association. The association has told the government that the situation should be re-examined and that some of the commitments in the bill should also be re-thought. That is why the opposition has moved the reasoned amendment, which not only gives the government the opportunity to examine some of those concerns but enables the public to participate in the debate. If accepted, it would give current and future generations of land-holders and landowners the confidence of knowing that the reform is positive and the right one for the state.

For the sake of future reference — and so that the government cannot say it was not informed of these things — the Victorian National Parks Association media release also says:

> The government has argued that this proposed system will free resources for on-ground management. We call on the government to give assurances as to what these new commitments will be.'

I hope that during the debate the minister and the honourable member for Warrandyte will enlighten us as to the new commitments and the resources that will be freed for on-ground management. The media release continues:

> Any resources freed up from this decision should be directed towards assessment and on-ground management of these areas. In any case, we call on the government to undertake regular monitoring of these areas and maintain direct contact with landowners — especially on unused road areas where there is no provision for review.

When he sums up the debate I also ask the minister to clarify what will happen with unused roads where there is no provision for review. As I pointed out to the minister before, some of the unused roads have considerable conservation values and must be preserved. Will the minister enlighten the house by telling us what he will do in this particular case, given that he has not provided for any review.

I refer to the assertion that there has been extensive consultation with conservation groups. That was the cause of some of the interruption that took place when the opposition suggested that consideration of the legislation be deferred to give the community the opportunity to contribute to the debate. Let me tell the house what the Victorian National Parks Association said, not what the opposition is saying.

> There has been some consultation with the VNPA —

that is, the Victorian National Parks Association —

> but we are unaware of other conservation groups being consulted. We understood that there was a commitment from the government to further consultation' — —

Mr Honeywood interjected.

Mr DOLLIS — Listen to this:

> We understood that there was a commitment from the government to further consultation in advance of this bill being tabled, and expected this to be honoured.

The opposition is not saying that; the Victorian National Parks Association said it. The government made some commitments to consult widely, but those commitments have not been kept. That is why the Victorian National Parks Association has come out and asked the government to honour the commitments it made.

No amount of misinformation can take away from the fact that this is a very important piece of information. The reforms introduced by the government will affect waterfront usage in this state. It is important that the government answer the issues we have raised, including, just so honourable members opposite do not forget, what will happen to unused road areas. The government has not provided for any review. During the debate the opposition pointed out that some of those roads — —

Mr Steggall interjected.

Mr DOLLIS — Number two? You want a repetition of the debate just because you could not be bothered listening before? The minister will give you all the points. In conclusion — —

Mr Honeywood interjected.

Mr DOLLIS — We can go on for a very long time. There is enough information here to keep the debate going for days — not hours, days!

What the opposition is trying to do is give an opportunity to as many members as humanly possible so that they can put their points of view on what is a very important piece of legislation.

The opposition has given the government an opportunity to reconsider its position. What we have said to the government is: allow some public participation in the decision-making process; make certain that the future of Crown frontages to rivers, streams, lakes and coastal areas reserved for public purposes and unused roads reserves — —

Mr Steggall interjected.

Mr DOLLIS — Barry, you're firing this morning! What more would you like me to say?

The ACTING SPEAKER (Mr Cooper) — Order! I would not like the honourable member to say any more to the honourable member for Swan Hill. I would like him to speak through the Chair.

Mr DOLLIS — Through you, Mr Acting Speaker, the honourable member for Swan Hill charged up at 10 o'clock this morning; I pointed out to him, 'It's only 10 o'clock, Barry; we finished at 2.00 last night. You're going to get plenty of opportunities before the day finishes!', but he does appear to be charged up, so I am looking forward to his contribution to the debate.

What the opposition has said in this reasoned amendment is for the minister to commission and receive a report from the Land Conservation Council and that report will enable the house and every

honourable member to have confidence in the process and make certain that this important piece of reform gives us the best possible opportunity to move forward with confidence in what is, as I stated before, a unique situation for Victoria which is an example to the rest of Australia, but more importantly, an example to the rest of the English-speaking countries in the world.

So the honourable member should go back into the history books and he will see that some of those enlightened English bureaucrats managed to do some very positive things in this state and make certain that these important initiatives — —

An honourable member interjected.

Mr DOLLIS — You can be certain that the republican debate will continue.

The ACTING SPEAKER — Order! You were saying that you were concluding.

Mr DOLLIS — I have been trying for a long time but how can you ignore some of the invitations from across the table?

The ACTING SPEAKER — Order! I beg the Deputy Leader of the Opposition to ignore them and try very hard.

Mr DOLLIS — Absolutely, Mr Acting Speaker. As I said, let us at least for the sake of this debate get it right, do it right, not for ourselves but for the future Victorians who will be using these public pieces of land.

Mr HONEYWOOD (Warrandyte) — The Westminster system of government requires and expects the deputy leaders of political parties to support their leader. Of course, it says nothing about duplicating the leader to the point of being a clone, and the poor old Deputy Leader of the Opposition today has proven that he is right up to the task of the Leader of the Opposition when it comes to throwing up a few scenarios based on no fact at all and hoping that they stick.

My job is to unstick them and I intend to do so point by point because the honourable member cannot be allowed to get away with rewriting history books as he would want us to read them.

The first point to note with the history books is that the current minimum licence fee for roads and river frontages is $59, and the average is $68 a year, I am reliably informed. It costs $60 a year to administer the $68 fee. For the lowest fee of $59, it costs something in the order of $53 to $55 per year to administer.

In noting those figures let us hark back to what the honourable member just said about the Cain government's wonderful initiative of putting all the money it received from licence fees from roads and waterfrontages into fixing up water management and doing wonderful maintenance to promote environmental causes and so on. Unfortunately that was not the case. For a start, the gross revenue from those licence fees amounts to a whole $2.2 million a year from which you have to subtract approximately 95 per cent for administration costs, leaving a whole $200 000 a year.

That wonderful Cain government initiative would probably provide enough to clean up one willow tree down one river bank three times a year! That wonderful macro-environmental policy that the honourable member opposite, who has now left the chamber, would have had us believe was a great management system for Victoria's waterfrontages and roads netted in the order of $200 000 in a good year. We all know what $200 000 will get you when it comes to fixing up the state's environmental system, but it is nice to hear. Even then he got it wrong again because in 1980 the then Lands Department put up an initiative requesting $1 million a year to verify illegal occupations. I am sure honourable members opposite — the two that are there — would agree with me about the absolute hypocrisy of that policy.

The Lands Department got its $1 million a year from the Liberal government in 1980, and it was a four-year project. In that four-year period the department discovered 14 000 illegal occupations of waterfrontages and roads. The department was able to forcibly remove many of them because in many cases they were damaging the environment. What did the Labor government do at the end of that four-year project? In typical Labor style it abolished it, and what happened to the $1 million a year? It went into consolidated revenue. Isn't that interesting! Here we have the great conservationists on the other side who think of themselves as subsidiaries of the conservation groups and who would have us think so highly of them. Yet in 1984, two years after the historic 1982 election to which the honourable member referred, what happened? Inspections for illegal occupation were thrown out the window. The Lands Department did not want that to stop. The department told Mr Cain, 'No, we

want that to continue because we have a whole lot more illegal occupations on thousands of waterfrontages and roadways to inspect. There are more environmentally damaging occupations we want to throw off'. But what did the Cain government do in 1984? It said, 'Thank you very much, Lands Department; we want $1 million a year to pay for Tricontinental, Pyramid and a few other disasters'.

I think the Minister for Health used the expression 'flexible with the facts and loose with the truth'. We go on from there because what we discovered was that far from what the shadow Minister for Planning would have us believe and far from the Labor government collecting money from these licence fees and putting it into conservation, what happened was that in 1987 the then Labor government ceased the practice of sending waterfrontage licence fees to the Rural Water Commission for river improvement works.

In 1987 the Labor government ceased the practice. That meant that not a single brass razoo was put into the clearing of willow trees, logs or other water obstacles from the creeks and rivers because there was no money to do it because in 1987 the Cain government abolished it. Where did the Cain government put the money? Into consolidated revenue. Because like the honourable member for Warrandyte I am fortunate in having a long stretch of the Yarra River as the northern boundary of my electorate I can recall regularly getting telephone calls from constituents who live close to the river or who enjoy walking along it saying, 'Mr Honeywood, what are we going to do? The river is blocked; it is flooding and willow trees are falling into it in some cases. What are we going to do?'. On my annual canoe trips down the Yarra when we cleaned up the rubbish I can well recall that we often had to hop out of the canoes and drag them across because of the obstacles.

Mr Dollis — What are you going to do now?

The ACTING SPEAKER (Mr Cooper) — Order! Does the deputy leader want to know what I will do now if he says that again?

Mr HONEYWOOD — In 1987 this great conservation party opposite — the party that would have us believe it introduced these modern management techniques that put money back into conservation and so on — stopped the Rural Water Commission from doing any riverworks whatsoever. The money went into consolidated revenue.

So there were two strikes. Strike 1 was that the cost of administering the annual licence fees was almost as much as the gross revenue of $2.2 million that the poor, old government was left with. Honourable members do not have to be too clever to work out that if only a couple of hundred thousand dollars are left after paying for administration, there will be nothing to play with in implementing the environmental initiatives that the honourable member would have us believe his government managed to implement with no money.

Strike 2 was that in 1987 the former government stopped the money that was going towards waterworks and put it towards consolidated revenue. If one were looking for any justification of a system that is not annual in nature but more like that proposed in the bill —whether the time frame be 35 years, 99 years or whatever — it is that the money be used for the good works that the previous government ignored for 10 years.

Yet the poor, old shadow minister did not have his facts right again. He maintained stridently that long-term leases implied that the government will lock up waterfrontages and roadways forever. He failed to mention that the 35-year waterfrontage leases include a five-year initial licence followed by six five-year renewable options.

As part of that initial five-year licence arrangement, a government review will be conducted by the Department of Conservation and Natural Resources and the new catchment and land protection boards the government has established to examine the conservation values of many of these waterfrontages — for the first time, I should add.

The Land Conservation Council has done extensive work on its rivers and streams study and other studies. It has noted already a number of conservation values in some of these areas, but our five-year review, to be done in cooperation with the Department of Conservation and Natural Resources and the new catchment and land protection boards, will for the first time comprehensively do something about that. The previous government, in power for 11 years, did nothing.

Opposition members can hang their heads in shame for a third time because they messed it up again in another area. They did nothing to help the VNPA; they ignored its concerns and sat on their Pat

Malones for 11 years. Now they have the audacity to come in here and tell us that these leases lock up that land such that it cannot be examined properly. Opposition members can traipse out to the VNPA picnics and consultation sessions, but at the end of the day the empty vessel makes the most sound. Time and again the Labor Party promises but never delivers. This is a blatant example of the record of the Cain government — full of rhetoric and short on action.

In summary, on an associated matter waterfrontages in urban areas are not licensed, as the honourable member maintains. In fact since the 1970s there has been a policy of no licensed waterfrontages in urban areas or where there are hobby farms for two reasons: to preserve the conservation value of these areas and to ensure public access.

The shadow minister went on at great length about public access being so vital. Our government is proud to continue with the policy the Liberal government initiated in the 1970s. There were four glaring holes in the opposition's debate on the bill today. I hope opposition members, including the Leader of the Opposition, will inform their staff that perhaps they should become researchers, study the history books and learn the facts instead of rewriting them.

Ms MARPLE (Altona) — Each bill is considered to be important, but this substantial bill goes back to our history of colonial occupation and our use and management of the land. Therefore it is beholden on us to give some time to debate this bill. The second-reading speech states that there is a need for reform. I have often said that the word 'reform' is one of the most misused words in the English language. I guess that depends on one's interpretation of it. The minister said in the second-reading speech that at present there are around 40 000 separate tenures of Crown land for agricultural use and that different kinds of leases, licences and permits apply for grazing, cropping and other pursuits, with a wide variety of terms and conditions. Some of these date back to the last century. As the previous speaker said, there is certainly much history in our use of this natural land resource. The concern is how we manage the use of our riverbanks.

The minister said that the legislation has become complex and unwieldy and imposes unnecessary burdens on the farming community. I would have to agree that the legislation is complex and in many regards unwieldy. I understand the need for reform, but that does not mean that I necessarily agree with the way the government has gone about it.

It has been suggested that when considering this bill we should consider the history of our use of that land. Particularly at this time when Victoria faces the prospect of drought, and while other parts of Australia have been in drought for four years, it is important for us to consider some of the ways our land is telling us that it has sometimes been inappropriately used.

Many of us have varying views on how that land should be used. I am not pointing out one group or attitude that has led to our rivers being in the condition they are. Settlers brought a history of practices from Europe that are now locked into our important agricultural industries. Cooperation is needed from a range of people to find the best way of ensuring that that land is used in the best possible way.

Nyngan is suffering greatly from drought at the moment. A couple of weeks ago I visited that area to see how people are dealing with the problem. On Sunday in the *Herald Sun* there was a series of three articles on drought. Eric Rolls wrote an article titled, 'Restoring the masterwork'. He refers to the land we have to work and to our rivers in particular. He states:

> In the driest continent we use water as if each little river were the Amazon. The current general drying up of rivers is mostly caused by degraded land and lavish misuse of water. Certainly the drought is partly to blame but it now takes too much rain to keep our rivers flowing.

I will not go into any more detail on those articles, but I recommend them to honourable members. Unfortunately I cannot put the photos in *Hansard*, but the caption to the photo reads, 'Once beautiful, now ugly: grazing cattle ruin riverbanks'. The Minister for Agriculture invited people to look at his property. I assume he wanted people to inspect the work he had done on his river frontages.

There is no doubt that many land-holders have looked after their river frontages and restored their land to its natural state. But at the same time they have been able to use the adjoining land and waterways to continue their flourishing agricultural businesses. That can be done, as many farmers have shown. If all the users of our land, including recreational users, were as diligent in looking after our waterways, we would be well on the way to

restoring the masterworks, as Eric Rolls describes them.

I presume that, just as a Labor government would, the coalition intends to support the work being done on our rivers so that our natural resources are retained as great assets and many other areas are reinstated as natural assets. Much of the work that is being done is admirable.

The bill reminds us that Australia has had an interesting history since the colonial invasion, as some would say, or put another way, the European settlement of our land. As the Deputy Leader of the Opposition said, the access to waterways as public land is unique to this country.

I have spoken previously about the book *The Bureaucrats' Domain*, written by Ray Wright. That interesting history outlines the work of public servants in ensuring that our public land remained just that — public land. The book talks about the many battles public servants fought to ensure the public had access to and the use of waterfrontage land. It is imperative that that access continue.

However, that access brings with it responsibility. I am sure the government is aware of its responsibility to ensure that Victorians continue to have access to waterfrontage land — and the same is true of the opposition.

The book contains an interesting chapter on public interest, which states in part:

> The assumption that a reciprocal linkage existing between the social and economic welfare of the individual, and the prosperity and security of society as a whole, pervaded public interest discussions in nineteenth-century Victoria. The rise to prominence of liberalism —

those on the other side are keen on that —

> and the expression in the vocabulary of moral enlightenment reinforced that economic individualism buttressed by a Crown-furnished infrastructure would stimulate the colony's development.

The important term 'buttressed by a Crown-furnished infrastructure' implies that the infrastructure is there to ensure we all are responsible for our land. I had hoped the bill would attempt to make sure that policy continued, but I suspect that is not the case. It is important that we are collectively responsible for our land and our river frontages. It has been pointed out that the licensing administrative costs come close to equalling the total money collected. We must make the best use of those dollars and ensure they are turned to the protection of our rivers.

The Deputy Leader of the Opposition outlined the opposition's position on the care of public land and river frontages. He moved a reasoned amendment asking that the government re-examine the situation, which I support. It is very important that a bill such as this have a strong commitment not only to educating the community but also to ensuring enough staff are available to implement the programs we need to look after our river frontages.

I hope I have highlighted the importance of public ownership. It is vital to the way society operates, and it must continue. We must all be responsible, so it is not in our best interests to hand over that responsibility to one group. That is not to say the members of that group will be irresponsible, but it is important that all those who use our land, whether for profit or recreation, are fully aware of their responsibilities. I am concerned that if responsibility is given solely to those who use the land for profit, it may not be taken up in the way it should. The honourable member for Warrandyte said five-year options would be introduced.

It is unfortunate that when people pay for licences to use public land they are inclined to feel the land belongs to them. They are not always interested in fencing it to enable it to be used for recreational purposes or to continue its preservation. That can lead to river frontages not being preserved, which in turns causes the erosion of and damage to river banks. The remnant vegetation on roadsides and riversides should be preserved, I find it rather sad that I have to use the word 'remnant', but that is important to the overall management of our land.

Regular monitoring will be required, and strong reviews will need to be carried out. I am sorry the expected consultation has not taken place, which would have ensured that Victorians would have no fear that their public land would be privatised, if you like. Members of the public are concerned about the possible privatisation of leased land. Those who lease land in our national parks may expect longer-term leases, thereby exerting more pressure on and creating more problems for those parks. In a debate such as this it is important that we carefully examine the best possible management of public land for the benefit of all Victorians. The government must not opt out of its responsibilities.

As the Deputy Leader of the Opposition said, there have been strong protests about the bill. The opposition is the voice of the community in this place. The government has said many times that the opposition should just say, 'Yes, go ahead and do whatever you like, we will agree with whatever you do'.

It is unfortunate that when debating bills such as this it looks as though the opposition is always criticising the government, but that is the nature of this place. One side is pitted against the other. Perhaps one day it may be different, but that is the way it is now, and it is our responsibility to point these matters out.

Although the government claims to be introducing progressive reforms that will protect the environment and achieve administrative savings, the opposition has its doubts, and so does the community. It appears that the government is deceiving the people of Victoria about the use of thousands of hectares of public land. Some of the land is our most valuable and significant public land, and that is why the opposition has moved its reasoned amendment. It is important that the government assesses the capacity of land for grazing and assesses its conservation value before long-term leases are granted.

The bill does not spell out the amount of land to which its provisions apply and where that land is located. Honourable members who are familiar with farming and rural areas have some idea about that, but it is the community's view that it should know exactly what land is involved. This is important in an historical context because we need to be aware that public land actually belongs to us and when an individual leases land it is leased from the public, and members of the public want to know exactly what will be done with the land. It should not be put at risk because of the provisions of the bill.

The Deputy Leader of the Opposition pointed out the concerns about the bill of the Victorian National Parks Association. It referred those concerns to the opposition, and it is important that they are discussed. The association is concerned because the act can require licence-holders to undertake revegetation as directed and/or to exclude stock specifically to encourage revegetation or to assess the impact of grazing. However, the bill refers to that as reclamation of eroded areas and degraded land and the retention or clearance of native vegetation; thus, the replacement or regeneration of lost vegetation will no longer be part of the legislative provisions. We direct the attention of the minister to that matter and seek a reassurance that that is not the case. If it is the case, the bill should be amended because of the importance of that provision in the act.

The association points out that enforcement by cancellation of licences has always been in place so why should long-term leases be considered an improvement? It should be remembered that the bill applies not only to waterfrontages and unused roads but also to any other land where grazing or other agricultural uses currently take place or may in the future. That would include vast areas of state forests and some conservation reserves. The association is concerned that allowing 99-year leases to be taken up in the alps outside the national parks could subsequently cause pressure to permit increased grazing inside the parks, a fact to which I referred earlier.

As the reasoned amendment provides, a review of public land under grazing should take place prior to the passing of the legislation. The government should be committed to ensuring that these important pieces of land are reserved; they are part of our society's unique history. This was pointed out by the Deputy Leader of the Opposition.

I compliment the work done by individuals over many years in this area. I hope they will be encouraged even more so by the government. I compliment the recreation groups that have taken responsibility to ensure that their members care for the land to which they have access. Fishing is considered a passive recreation but those who have walked along the waterways of our state are aware of the fishing lines that have been irresponsibly left behind. We hope the bill will support those groups that encourage their members to be responsible.

It has always been a problem to ensure that individuals understand their heritage and their responsibilities, and it is the government's responsibility to ensure they do. Those who lease public land should undertake education programs. If that is done properly it will bring the whole community together to share a common view about the conservation and best use of these areas. I am concerned that the bill is sending out a different message: the ownership of public land by individuals. Although the government may say that is not so, unfortunately that is the message going out, and it needs to be addressed.

The bill is not about individuals who look after the land; it is about the responsibilities we all have for the land. We should not opt out of our responsibilities. However, the opposition and many of those outside this place believe the government is taking the easy way out. It is handing over responsibility to one group. I understand the government's desire to find a workable solution by a mixed use of Crown land and river frontages, but to tackle this problem by providing long-term leases, particularly to groups that use the land for profit, is not good enough. As the Leader of the Opposition said, it is not about the individual but about the community's great natural resources for which we have historical responsibility.

Mr STEGGALL (Swan Hill) — I thank the honourable member for Altona for her thoughtful and provocative approach to the management of Crown land. We have a lot of difficulty in this place talking about how we, as a community, should manage Crown land. I suppose it really came to a head during the debate about the Mallee parks which occurred under the previous Labor government. It would seem that not many people in the Labor Party understand that we have moved a long way from where we were. Many of the arguments and fears put by the honourable member for Altona — —

Mr Hamilton interjected.

Mr STEGGALL — Thank you — and a very successful one! The management of public land is probably far better understood throughout country Victoria today than it ever was. Although I must say to the honourable member for Altona that through its salinity program and its support for the Landcare program her party, when in government, helped set the framework by which we are now managing our public land and the standards and approach we now have. That was supported on all sides of the Parliament. As part of the revolution — as the honourable member for Morwell says — we have taken that one step further by introducing during the last sessional period the catchment and land protection legislation, which had the full support of this house.

The Minister for Natural Resources has now put in place the Victorian Catchment and Land Protection Council, which will soon start its deliberations, and is in the process of putting in place catchment and land protection boards which will carry out the policy of trying to get the decision-making process as close as possible to the users of the land. The overlooking control — and the Labor Party is always keen that we have control — will come from those boards to the minister and to the government and decisions will be made from there.

I noted the opposition's fear of the 35-year and the 99-year leases. It should understand that when it managed this state we watched with horror as it reduced its Crown leases in northern Victoria to annual leases. A recipe for a disaster in land management is to lease out land management on a one-year basis.

That is what happened and we had some problems. I am sure governments will not go back to that type of approach. If there is security of tenure, there is the opportunity for good management.

I also point out to the honourable member for Altona — —

Ms Marple interjected.

Mr STEGGALL — What was that? That is right; exactly. The one-year leases were giving some terrible — —

Ms Marple interjected.

Mr STEGGALL — I refer to the security of tenure for long-term leases. The issue raised by the honourable member for Altona is valid. Not all people are good land managers. During the years Labor was in government it did not apply the terms of the leases to the people who were occupying them. That is one of the big problems. If you have licences and leases of Crown land and you have a set of conditions for them — this bill sets them out — you must have a public service that will apply them. That presents some difficulties as to which way you wish to go.

In the area in which I live — the Mallee and the Murray Valley — we have come across these problems on a regular basis. How do you achieve management of the land with the confidence of the landowner, the occupier, and the department? It is difficult to understand what standards each wants.

We have put together — these are also being put together in other places — Landcare groups along the river to enable the river frontage issue to be understood by the department and by the landowners concerned.

In my area there is great debate over the standards and the quality of management of the river frontage area. We are working with the occupiers and with the department to get an understanding of what is required. It is true that each time land is sold a river frontage licence gets reviewed; that is part of the process of the department. It is not a bad way to do it, because you get a measure going in.

One of our legacies over recent years has been that it is unclear just what standards are required for the management of river frontages. That is improving, and this legislation will help. This bill will give the minister the ability to immediately withdraw the licence of someone who is making a mess of river frontage by abusing it in some way. I suggest that the term of the tenure is not the issue; the issue is the ability of the minister to intervene when someone is either having trouble or causing trouble. I say having trouble because in some parts of Victoria the management of waterflows, particularly through the Murray system, causes some problems; our banks and rivers were never designed to carry the types of streams that are being pushed through them the whole year, particularly those of the upper Murray area and in Mitta Mitta.

We have some problems that are not man-made as far as the occupiers are concerned as a result of the water regime of the state. The land-holders in those areas are working with the departments to try to find a good way of solving the problem. I do not see it as a confrontationist position but rather as a matter of finding a way through and working out a solution. Some solutions will be the fencing off of those areas and the reshaping of the land.

The honourable member for Altona raised a very interesting issue when she spoke about her visit to Nyngan in New South Wales and the water regime there. The phrase she used was that each little river was treated as an Amazon.

This drought highlights very much the different regimes and water laws that operate in Victoria and in New South Wales. I am pleased to see that our Water Act and the way we handle our water reserves and allocate our water resources in this state are holding up very well under the drought.

The honourable member for Altona referred to the huge problems experienced in the Darling River area in New South Wales. I suggest that in Victoria we can be very proud of the development of our water laws over the years which have resulted in that type of problem not being prevalent.

I enjoyed the remarks of the honourable member for Richmond. He spoke for an hour and raised three points. He had a lot of difficulty reaching his conclusion. I am sorry he is not in the house because I intend to address the issues he raised.

The honourable member for Richmond was very concerned about what we would do with the unused roads. Historically, most of the unused roads, which were mapped many years ago, run through the middle of properties. They have been managed very efficiently over the years. In north-western Victoria those corridors support birds and wildlife and their management is well handled by the department. The honourable member was also concerned about Crown land waterfrontages. It would help if he understood that discussions are continuing on catchment and land protection, Landcare and salinity. However, I acknowledge that more work needs to be done to catch up, because it was not handled well when the Labor Party was in government.

In fairness to the previous government, we as a society have only just started developing quality standards for the use of public land. Public participation is now occurring, and the education of both land-holders and departmental officers is vital. The honourable member for Richmond was also concerned about public access to river frontages. That access has always been possible and, although it is the law, it causes pressures and problems in various areas. The mix of recreational and farming use does not always have a happy ending.

One of the problems in many cases involves working out how to clean up the mess that arises from recreational use. Approximately 95 per cent of those who use the river system are perfect; they work in cooperation with land-holders and over the years friendships usually develop. However, 5 per cent of recreational users cause enormous problems. They are the ones the law is directed towards. There is no easy answer to that problem. We are trying to resolve it in many parts of my electorate. We recognise the challenge the government faces in land management.

One of the problems of the honourable member for Richmond is that he is absolutely terrified of grazing, which is a valuable tool in Crown land management. Although they do not have to use grazing as a tool, managers must have access to it. I notice the honourable member for Richmond is shaking his head. I assure him that grazing is one of the best tools in land management. There is

currently a drought in the north and Crown land areas have not been grazed this year. They will be reserved for grazing probably from the Christmas period onwards. It is fodder reserve, if you like, for those communities, so there is certainly a role for grazing. If you are talking about blanket grazing, I would agree with you, but the management controls provided in the bill mean appropriate grazing will be permitted. The general conditions of licences are covered in the bill, and the minister is given enormous powers in that regard. For example, a licensee who is not fulfilling the right and proper management can be terminated forthwith.

The honourable member for Richmond seeks to delay the passage of the bill until the minister has commissioned and received a report from the Land Conservation Council on the status and future of both Crown frontages to rivers, streams, lakes and coastal reserves and for public purposes, and unused road reserves.

As a society we have moved on a fair way from that point. The installation of the regional boards, constituted under the Catchment and Land Protection Act, will enable far more accurate and immediate responses following the ongoing monitoring of river frontages and Crown land. The processes that will be put in place will be far better than in the past. Taking away the rights of departments to manage land by withdrawing their ability to authorise grazing and all sorts of other things will always be an issue, but I suggest the flexible management of Crown land is essential. This legislation provides for that. If we have cooperation between the department and licence-holders we will succeed. If we do not achieve cooperation we will fail. It is imperative that in its policy directions the government ensures that that partnership is properly utilised.

This is a good bill; its provision will work in well with the catchment and land protection boards. They will put pressure on departments to ensure that they cooperate with those around them who occupy the leases and ensure that a cooperative approach to land management occurs in the future.

Mr HAMILTON (Morwell) — Before I make my contribution I wish to take up some of the remarks made by the honourable member for Swan Hill. I endorse his remarks that the management of Crown land is a difficult task and has always been so. I agree with him that the establishment of land and catchment protection authorities is indeed a positive move. However, if one could be forgiven for using the analogy of slash and burn, which often occurs literally on Crown land, one of the real problems confronting the government is, in fact, the 'slashing and burning' of staff numbers.

To guarantee inspection and monitoring of land management you need to ensure that the Department of Conservation and Natural Resources has sufficient trained staff. Literally hundreds of skilled people have been lost from the department in the government's voluntary redundancy programs. Although it is great to have all these ideas on paper, it will certainly be no good for the management of the thousands of hectares of Crown land included in the bill if no staff members are available for monitoring and supervision.

As the honourable member for Swan Hill said, there always have been good and bad managers among our farmers, and there is no doubt about that. That reinforces the need for cooperation between the government and the land-holders.

The tens of thousands of amateur fishermen in this state are concerned about the leasing of river frontages. They rightly assume that they have the right to fish in our streams and rivers and take part in what is a very popular sport that is economically important to the state. A number of groups have expressed concern that the granting of leases over stream and river frontages will make gaining access to traditional recreation areas far more problematic.

In many cases there is good cooperation between farmers and the people who want to fish in and use the banks of the streams. As most of us who grew up in the country know only too well — I refer to a time long before the bill was introduced — farmers often erected 'No trespassing' signs on their land, and no-one was allowed along to the banks of any streams on their land. Some were quite aggressive. I can recall one farmer who lived in my district who would get his shotgun out if anyone went onto his land, which was a fairly frightening thing.

An honourable member interjected.

Mr HAMILTON — That is fact, not fiction! The amendments to the Crown Land (Reserves) Act will reinforce some of the attitudes adopted by some of the people I have referred to.

I refer to a very important area in which I am not an expert, which is the law. I can almost hear the minister saying, 'Thank goodness', under his breath.

Mr Coleman interjected.

Mr HAMILTON — A letter has been sent to me by the law firm Arnold Bloch Leibler, which deals specifically with the bill and with some legal problems that could arise in light of the commonwealth government's native title legislation. It is important that any concerns about the amendments are raised in Parliament so that the judges and lawyers who will eventually work with the legislation are aware of them. The law firm acts on behalf of the Yorta Yorta Murray Goulburn River clans, who are generally referred to as the Yorta Yorta people. The native title application made by the Yorta Yorta people on 21 February this year was accepted, and their claim is now before the native title tribunal. To be perfectly honest, the media reports at the time were pretty irresponsible. The impression one got from reading and listening to media comment on the issue was that the claim had been successful. But as anybody who understands the process knows, the tribunal has simply accepted that the claim is legitimate and that it should be heard and negotiated and perhaps eventually sorted out in the courts. We hope the process goes smoothly, because it is a very important step with regard to native title.

The law firm claims that the bill contravenes some major provisions of the Native Title Act as it applies to the claim made by the Yorta Yorta people. I will not comment on the legalistic nature of these things because I do not understand them properly — and the same is true of most lawyers. The only thing you can be sure of when lawyers get involved is that one side will say it is right and the other side will say it is wrong — and both sides will be paid a fortune! Nevertheless I want to ensure that these concerns are raised in the Parliament. Arnold Bloch Leibler say that:

> Under the current relevant provisions of the Land Act 1958 (Victoria) ... only grazing leases of unalienated land of the Crown unsuitable for selection under selection purchase leases or conditional purchase leases under the Land Act can be granted. No lease under the relevant subdivision is to be granted on any first, second or third-class land, or of any unclassified land, which in the opinion of the Surveyor-General, would, if classified, be classified as first, second or third-class land.

That is pretty legalistic, but it is clear the law firm is arguing that the granting of leases under the legislation will contravene a provision of the Land Act 1958. The letter goes on to say:

> Under section 130 of the Land Act the Governor in Council may from time to time grant to any applicant a grazing licence to enter with cattle, sheep or other animals upon lands reserved either temporarily or permanently under section 4 of the Crown Land (Reserves) Act 1978 subject to certain conditions.

So under the current legislation the ability exists to grant grazing licences, not leases. I think the point the firm is making is that clause 8 inserts a new scheme in the Land Act that deals with leases for agricultural purposes. The letter continues:

> Under proposed section 121 of the Land Act 'the minister, or a person authorised in writing by the minister, may grant a lease under this division for agricultural purposes' (clause 8 of the bill). Under clause 3 of the bill section 3 of the Land Act 1958 will be amended by the insertion, amongst other insertions, of the definition of 'agricultural', which will include horticulture and grazing. Under proposed section 122 of the Land Act the term of an agricultural lease must not exceed 35 years from the date it is granted (clause 8 of the bill). The land over which such a lease may be granted includes unreserved Crown land, Crown land reserved under section 4 of the Crown Land (Reserves) Act 1978 ... and unused roads and waterfrontages. There will be a generic lease to replace the existing range of leases; options to renew and overholding clauses will be possible and there is a new proposed section 124 listing conditions which may be included in the new leases.

The letter then makes a key point:

> Consequently, under the bill proposed amendments to the Land Act will enable an applicant to apply for an agricultural lease, which includes grazing, over land which, at present, can only be subject to a grazing licence. In addition, the system of grazing lease grants will be completely replaced.

As I understand it, the lawyers are arguing that under the commonwealth's Native Title Act you cannot make future changes to current legislation. In other words, a state government could not say, 'There may be a claim on this particular parcel of Crown land. Therefore, we will take it out so it cannot be claimed'. In my opinion that would be a malicious act. But that was the expectation in some quarters. The reactions of some of the state governments gave rise to grave concerns. That is why the commonwealth government wanted to make sure that the situation that applied in February 1984 continued to apply and that state governments could not make changes that would

make it difficult, if not impossible, for a native title claim to be made on Crown land. The letter goes on to explain in legalese what I have explained more clearly, anyway. It might not stand up in court, but at least I can understand it!

Mr Coleman — What's your fee?

Mr HAMILTON — I wish! The letter continues:

> The bill, once it is passed and becomes operable as legislation, will be a future act under sub-section 223(1) of the Native Title Act. That is, it will consist of the making, amendment or repeal of legislation taking place on or after 1 July 1993. It is not a past act, and, apart from the Native Title Act, is invalid to any extent, and it would be valid to that extent if native title in relation to land or waters did not exist; and if it were valid to that extent, it would affect the native title.
>
> This future act does not come within the permissible future act provisions of the Native Title Act in that the act will not apply in the same way to the Yorta Yorta as it would if they instead held ordinary title to the land.

The letter goes on to argue that:

> The bill is also invalid to the extent that it creates a new system for licences for agricultural purposes under clauses 9 and 10 of the bill.

Those licences could certainly be granted over land that is subject to the claim of the Yorta Yorta people. Lawyers argue that that is a future act and therefore is illegal under the commonwealth native title legislation.

The concluding paragraph of the letter in relation to this matter reads:

> For the same reasons as those set out above, these provisions constitute an impermissible future act in so far as they will apply to any conversions of licences and new grants in relation to Yorta Yorta claimed land as they will not apply in the same way to the Yorta Yorta as they would if they instead held ordinary title to the land (or to the Crown land adjoining, or surrounding the waters) affected.

It is important that these matters be brought before Parliament for consideration. No doubt the Department of Conservation and Natural Resources would have considered them and probably the Department of the Premier and Cabinet is handling the native title matters.

We do not want to pass legislation in this house which will cause a great deal of consternation in terms of federal native title legislation and end up with a big court case, because the only beneficiaries of that action would be not the farmers or the community of Victoria — certainly not the Victorian or commonwealth governments — but only the lawyers. I do not believe we should be in here making money for lawyers. They seem to do all right without our help.

It is important that these matters be brought before the house and recorded and that we are all aware of the concerns that have been expressed by one law firm. More importantly, as shadow minister for Aboriginal affairs I am concerned to see that the process of native title claims proceeds in a sensible and proper manner and does not end up being a bunfight in the courts of this state or this country.

It is something that we should be able to work through in the spirit in which the reconciliation has been presented. It is my strong opinion that the Yorta Yorta people have every right to make a legitimate claim and that that claim ought to be first tested through the tribunal where we hope it can be resolved. It would be a pity if this piece of legislation interfered with that process.

Dr COGHILL (Werribee) — I will concentrate on a slightly different aspect of the bill and in doing so I may surprise the minister by saying that I welcome the amendment he proposes to move in committee because it does arise from the consideration of the bill by the Scrutiny of Acts and Regulations Committee, of which I am a member.

The amendment he proposes to move would omit clause 17 of the bill. That is the clause which relates to section 85 of the Constitution Act and which if it were to become law would have removed the right of people to approach the Supreme Court to seek compensation where there had been the termination of a lease or licence in certain circumstances under the powers created for the minister by this piece of legislation.

When one examines the existing provisions of the bill as it stands without the omission of clause 17 one can see that extraordinary powers are given to the minister which ought not be unbridled powers as they would be if there were no right of appeal to the Supreme Court.

It reflects a mentality that still exists in this area of public administration in Victoria, which is a

double-edged sword. The honourable member for Swan Hill drew attention to the advantages of the minister having the right to summarily terminate leases and licences under the provisions of this legislation. One can well see there are circumstances in which that may well be not only appropriate but necessary. Conversely, it leaves people with little right of redress if they contest the merits of the minister's decision. One of the things that has surprised me on further examination of this legislation is to find that the minister's decision can be reviewed only by the Supreme Court, whereas many similar decisions under other enactments can be reviewed by the Administrative Appeals Tribunal. Indeed, the Administrative Appeals Act makes clear that that tribunal is established to review decisions of this type in cases where the principal legislation refers such decisions to the AAT for review.

I suggest to the minister that while the bill is between here and the other place or after the passage of this legislation he have a look at whether the right of appeal to the AAT might be a more appropriate way of reviewing ministerial decisions of this nature then the expense and inconvenience of taking such matters to the Supreme Court.

I would well imagine that the honourable members of the Supreme Court would similarly regard these sorts of ministerial decisions as matters that would not normally require the deliberations of such a high judicial authority, but rather are the types of decisions that could be dealt with fairly, effectively and efficiently by the Administrative Appeals Tribunal.

In my brief contribution I commend the minister for accepting the comment of the Scrutiny of Acts and Regulations Committee in ensuring that the members of public who are affected by ministerial decisions under this legislation will have a right of appeal to the Supreme Court. However, I go further and ask him and the government to consider whether ministerial decisions of this nature could perhaps be better subject to review by the AAT than exclusively by the Supreme Court as appears to be the case at the moment.

Mr COLEMAN (Minister for Natural Resources) — I thank the honourable members for Richmond, Warrandyte, Altona, Swan Hill, Morwell and Werribee for their contributions on the legislation. Obviously, the range of comments indicates in part the amount of interest there is in the legislation. Firstly, we should recognise that we are dealing with amendments to the Crown Lands Act principally and those licences that are already in existence and have been in existence on a continuing basis for some time, and save for the discovery of any other areas that are not licensed, there are no proposals here which have not previously been a part of the arrangements for management of those areas of Crown land around the state.

Within the contributions that have been made there have been suggestions that the alpine grazing licences are in some way affected by this legislation. Alpine grazing licences are issued under the terms of the national parks legislation. There is clearly no amendment to that legislation envisaged through the carriage of this bill. Those seven-year licences for the national parks areas are not affected by the legislation at all. Therefore there should be no concern on the part of those who enjoy those areas that the legislation will disturb that.

The issue of the review process and how that process will occur obviously has occupied a considerable part of the consultation period that the government has conducted. It has also exercised the government on how this process should work.

I take the house back to the carriage of the Catchment and Land Protection Act. Sections 23 and 24, which dealt with catchment planning, recommend the creation of a regional catchment strategy. Section 24 sets out the content of that strategy:

> A regional catchment strategy must —
>
> (a) assess the land and water resources of the catchments in the region and how they are used; and
>
> (b) assess the nature, causes, extent and severity of land degradation of the catchments in the region and identify areas for priority attention; and
>
> (c) identify objectives for the quality of the land and water resources of the catchments in the region; and
>
> (d) set a program of measures to promote improved use of land and water resources and to treat land degradation; and
>
> (e) state the action necessary to implement the strategy and who should take it; and
>
> (f) specify procedures for monitoring the implementation of the strategy, achieving the land and water resource quality objectives and

assessing the effectiveness of the program set under paragraph (d); and

(g) provide for the review of the strategy.

It is the intention of the government to utilise those regional catchment strategies to ensure in the first instance that these areas are reviewed and to ensure that the operation of both waterfrontages and unused roads is dealt with through that strategy.

Clearly the establishment of the 10 regional boards will lead to there being a different perception of ownership of these pieces of land on a catchment basis. I believe that arising out of that there will be a refocussing on the way in which that land is used. That is not to say that in any sense the existing licensing provisions have been abused by the great bulk of licence-holders. Clearly — this is not unique, I suppose — some have a lesser ability to manage these areas, but broadly they are all well managed. There has been a significant change in attitude to the use and management of waterfrontages in the past decade.

There is already in place a substantial organisation, with the river management authorities group taking on the role of managing the banks and beds of waterways. The legislation will only reinforce their efforts and that, together with the development of these strategies, will lead to a continuing improvement in the way these areas are managed as a consequence and a beneficial outcome, particularly regarding water quality in our waterways.

The other issue of concern is the question of continuing access. I quote section 401A of the Land Act, which makes the following clear:

> Any person may, subject to and in accordance with any regulations made for the purposes of this section, enter and remain for recreational purposes on a waterfrontage in respect of which a licence has been granted under section 401 ...

Again in the legislation there is no provision that would remove the rights accorded under that section of the act. I can assure the house that the conditions written into the existing licences and which will continue to be written into the leases will not disturb that in any way. Virtually all the licences have conditions written into them that make that clear. I have a copy of the general conditions of licence. That list includes:

8. Where the licence is issued for waterfrontage, [the licensee must] erect and maintain a stile, unlocked wicket gate or some other suitable means of pedestrian access in any fence on or around the licensed area except any fence between the licensed area and adjoining private land.

The lateral movement of people along a waterway is covered by both the legislation and the licence conditions. There is no intention at all to disturb that arrangement.

The river management authorities are currently in receipt of $3 million annually to support their work. That amount of money will continue to be available for work on banks, particularly in areas where river management authorities have been established.

The honourable member for Morwell raised occupational issues arising from the claim by the Yorta Yorta people. Clearly that matter was also considered by government before bringing in this legislation. Advice was sought from the Solicitor-General on the matter. The advice provided to the Department of Conservation and Natural Resources was as follows:

> the new leasing and licensing provisions will not be invalid because, in so far as the grant of a lease or licence might otherwise have operated to extinguish native title, the provisions of the [Native Title] Act will in fact deny the grant any such effect.

That situation was obviously going to be settled by the tribunal, and will again be determined by the tribunal, but the question will be whether continuing occupancy, as is suggested under the Mabo decision, is disturbed by the previous issuing of these licences. As I have indicated, these licensed areas have been occupied for some considerable time. I think the issue will revolve around that matter.

In practical effect, the Solicitor-General's advice is that, where a lease or licence is granted and subsequently a determination of native title is made, the lease or licence will be terminated and compensation will be payable to the lessee or licensee for the balance of the term. Clearly that option is provided through this process.

The Deputy Leader of the Opposition has moved an amendment that invites us to refer this matter to the Land Conservation Council for determination on 'the status and future of both Crown frontages to rivers, streams, lakes and coast reserved for public purposes, and unused road reserves'. I believe the issues raised in the course of this debate have been addressed and the outcomes for government administration are enhanced by this process. I

believe there are in place arrangements for the preservation of public access and for the consideration of those conservation issues that are very much a part of the management of waterfrontages particularly and also unused roads. Consequently, the government does not accept the reasoned amendment as it stands and will be voting against it.

The SPEAKER — Order! The minister has moved that the bill be read a second time, to which the Deputy Leader of the Opposition has moved an amendment. The house will recall that the honourable member moved it early in his speech and that we did not have copies of that document; however, the Chair accepted what it believed to be a reasoned amendment.

On looking at the words of the amendment when circulated after the Chair had accepted the amendment and the amendment had been seconded, it has been found that the words of the amendment circulated do not comply with the forms of this house. It was really a substantive motion. However, I am prepared to accept what I believe was the intention of the Deputy Leader of the Opposition.

I believe the Deputy Leader of the Opposition intended to move 'That all the words after "that" be omitted with a view of inserting in place thereof the words "That this house refuses to read this bill a second time until the minister has commissioned and received a report from the Land Conservation Council on the status and future of both Crown frontages to rivers, streams, lakes and coast reserved for public purposes, and unused road reserves"'.

Without being too pernickety about it, the Chair is prepared to accept the amendment. However, I advise honourable members that it is wise to run amendments such as this past the Clerk to ensure that they are in the correct form.

House divided on omission (members in favour vote no):

Ayes, 54

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, Dr	Pescott, Mr
Doyle, Mr	Peulich, Mrs
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
Kilgour, Mr	Tehan, Mrs
Leigh, Mr	Thompson, Mr
Lupton, Mr	Traynor, Mr
McArthur, Mr	Treasure, Mr
McGill, Mrs	Turner, Mr (*Teller*)
McGrath, Mr W.D.	Weideman, Mr
McLellan, Mr	Wells, Mr

Noes, 25

Andrianopoulos, Mr	Leighton, Mr
Baker, Mr	Loney, Mr
Batchelor, Mr	Marple, Ms
Bracks, Mr (*Teller*)	Micallef, Mr
Brumby, Mr	Mildenhall, Mr
Carli, Mr (*Teller*)	Pandazopoulos, Mr
Coghill, Dr	Sandon, Mr
Cole, Mr	Seitz, Mr
Cunningham, Mr	Sercombe, Mr
Dollis, Mr	Thomson, Mr
Garbutt, Ms	Vaughan, Dr
Haermeyer, Mr	Wilson, Mrs
Hamilton, Mr	

Amendment negatived.

Motion agreed to by absolute majority.

Read second time.

Committed.

Committee

Clauses 1 to 16 agreed to.

Clause 17

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

1. Clause 17, omit this clause.

The honourable member for Werribee said during the second-reading debate that the Scrutiny of Acts and Regulations Committee drew attention to the

impact of clause 17. The clause provides for the exclusion of the jurisdiction of the Supreme Court to award compensation for forfeiture, termination or cancellation of an agricultural lease or licence. On further consideration it has been decided not to prevent the court from dealing with such cases. It is intended that the court should be able to consider forfeiture, cancellation or termination on its merits and where, for example, it finds that grounds for forfeiture of a lease do not exist, the court should be able to make an order for compensation to be paid to the lessee.

The honourable member for Werribee asked whether the Supreme Court is the most appropriate place for the matter to be heard. He suggested the Administrative Appeals Tribunal would be more appropriate. That is a matter that should be further considered. The honourable member suggested it might be considered after the passage of the legislation and I believe that course of action will be taken.

Mr PERTON (Doncaster) — I thank the minister for the amendment. The matter was raised by the Scrutiny of Acts and Regulations Committee. The matter of resort to appeal to the Supreme Court in these circumstances is important. On behalf of the members of the committee I advise that when the committee raised the matter with the minister he was very receptive. This is a good example of the parliamentary process working at its best, and I congratulate and commend the minister.

Amendment agreed to.

Clause negatived.

Clauses 18 to 60 agreed to.

Reported to house with amendment.

Report adopted.

Third reading

The SPEAKER — Order! The second reading of the bill was required to be carried by an absolute majority and that was done. However, because of the omission of clause 17 that restriction no longer applies.

Read third time.

Passed remaining stages.

LOCAL GOVERNMENT (AMENDMENT) BILL

Second reading

Debate resumed from 6 October; motion of Mr MACLELLAN (Minister for Planning).

Mr DOLLIS (Richmond) — I place on record our strong opposition to clause 25, which repeals the Prahran Market Act. It should be noted by the house that the government has, without explanation, sneaked on a major bill, the small matter of the repeal of the Prahran Market Act. The consequences of the amendment must be understood by every resident in that municipality, and particularly by all the users of the Prahran Market. I remind the house that although the market is owned and managed by the council legislation was enacted in 1979 to make further provision for the management of the market. The clause repeals those provisions.

Before going into those provisions in detail, it is interesting to note that the honourable member for Prahran, the Minister for Education, and a member of the executive, did not at any time either inform his constituents or enter the debate on the possible ramifications of the amendment. The minister did not have the decency to contribute to the debate and say what may happen if the clause is agreed to by Parliament.

Over the past few months rumours have been circulating about what may happen to the Prahran Market, which, as honourable members know, is a Melbourne institution. It is significant not only for the people of Prahran but also for people from other areas who shop at the market week in and week out.

Mr Maclellan interjected.

Mr DOLLIS — I suggest they would be more than the blue-rinse set, because the former Prahran council set a process in train to improve the facilities, access and parking at the market. The proposed redevelopment was to improve an asset that belonged to the people of Prahran and the economic return from that asset would have provided the council with some certainty.

It is appropriate at this time to explain what happened. There have been many ideas over the years to revamp the Prahran Market, including the retention of the market for shopping and enabling a number of other activities to allow the community to get together. The council had the cash to do the

works. It had $2 million to improve the traffic flow around the market and $2 million to improve parking over the railway space and conduct an environment impact study. The council started the tendering process for the development of the market and established a three-person panel to deal with the matter. Initially it proposed a 25-year lease but that was amended by the council to a possible 50-year lease. A number of tenderers made the point that 50 years was insufficient for viable development. Five applications were received.

I am informed that none of the tenderers met the specifications set down by the council, which included:

residential units along Barry Street

Market to be retained — vegies, deli and meat —

and it is very important that that be retained —

development of car park (i.e. over trainline)

None of the tenderers met the specifications.

A number of unelected commissioners then approved that the lease be altered to one of 99 years. That is part of the section being repealed, so the debate is very much in line with that. More importantly, the matter was not retendered. I am informed that a private consortium that was put together for a new 99-year lease was also not accepted.

I will be asking the commissioners for a detailed briefing in order to be satisfied that the correct process was followed. The honourable member for Prahran stands condemned for not looking after the interests of his own electors. The important point to note is that appointed commissioners — not elected councillors — have changed the conditions of the tender. For example, they have extended the lease proposal of the elected council from 50 years to 99 years without reopening the tender process, even though none of the original tenderers, as I am informed, met the conditions set down by the council.

Imagine what a 99-year lease could do to that market. We are not aware of the propositions and what they will do to the market. No opportunity for debate or participation has been given by the minister for — —

Mr Maclellan interjected.

Mr DOLLIS — Indeed; but not about the 99-year lease, Minister.

The Prahran Market Act imposes certain conditions on the management of the market by council. Those conditions are:

(i) the council shall not without the approval of the minister undertake any further development of the Prahran Market involving an expenditure of $100 000 or more.

(ii) the council shall set a lease or licence for any part of the land, buildings, stalls comprising the Prahran Market for a term not exceeding a year; or being part approved by the minister as suitable for long-term lettings, for a term not exceeding 10 years or with the consent of the Governor in Council for any longer term.

In repealing that act the government has now left open the possibility of a 90-year lease or, indeed, the possible sale of the market.

We are talking about the destruction of an important landmark for the people of Melbourne. I wish to put the house on notice — in particular the government members, including the honourable member for Prahran — that this is a very important issue in that area. The local member has decided not to participate in this debate, and he has not raised any concerns publicly or privately, I am told, about the issue so the people of Prahran will know what unelected commissioners can do to a landmark and icon that has been in existence for a very long time.

Mr MACLELLAN (Minister for Planning) — I find it hard to draw the sorts of distinctions drawn by the Deputy Leader of the Opposition between a 50-year lease and a 99-year lease that one is quite acceptable and the other is anathema.

An honourable member interjected.

Mr MACLELLAN — It did not seem to shock the Deputy Leader of the Opposition that there might be a 50-year lease; but it seems to be anathema to him that there might be a 99-year lease.

All I can say to him is that the Prahran community and those people who are very fond of the Prahran market will, I think, be unanimous in their agreement that the market needs upgrading. I am sure this bill and the decisions yet to be made in furtherance of the decision made by the elected council about the upgrading of the market will lead to a better market.

The honourable member for Prahran, the Minister for Education, will be delighted to know that the opposition intends to campaign on this basis, because I am sure the upgraded market will be one of the major achievements he will be able to point to on behalf of the coalition government when he shows his Prahran constituents how this government has been able to deal with the previously irreconcilable problem of this market, which the Deputy Leader of the Opposition says is an icon in the area. Icon indeed; it is a shabby, on-the-way down market that is losing customers, popularity, stallholders and sales and has parking problems, traffic chaos and unanswered problems. It is the sort of muddle that one associated with the former Prahran council's administration of that area. That is the monument to 10 years of Labor Party indifference.

This bill represents the resolution of the issue. That may mean bringing in an investor with a large amount of money to upgrade that market — and I understand that Mr Moore is willing to do that. I heard him on the radio this morning talking about the possibility of a major upgrade of that market, and Luna Park is another area that needs upgrading.

Ten years of neglect has certainly carried away much of the charm and interest of Luna Park. The Labor government found that far too difficult to deal with. It simply leased it. I suppose the Labor Party would complain about the fact that the lease has been extended. However, if it leads to these things which are in public ownership being brought to a useful state for the whole community, then this government will be very proud of the outcome.

I just do not understand the intense distinction drawn by the Deputy Leader of the Opposition that 50 years is okay, but 99 is death and disaster. However, they are the sorts of things you hear from a negative opposition that has lost its way.

The SPEAKER — Order! A statement having been made under section 85(5)(c) of the Constitution Act, and this bill requiring an absolute majority of the house and there being less than 45 members present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

House divided on motion:

Ayes, 53

Ashley, Mr	Maughan, Mr
Brown, Mr	Napthine, Dr
Clark, Mr	Paterson, Mr
Coleman, Mr	Perrin, Mr
Cooper, Mr	Perton, Mr
Davis, Mr	Pescott, Mr
Dean, Dr	Peulich, Mrs
Doyle, Mr	Phillips, Mr (*Teller*)
Elder, Mr	Plowman, Mr A.F.
Elliott, Mrs	Plowman, Mr S.J.
Finn, Mr	Reynolds, Mr
Hayward, Mr	Richardson, Mr
Heffernan, Mr	Rowe, 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
Kilgour, Mr	Tehan, Mrs
Leigh, Mr	Thompson, Mr
Lupton, Mr	Traynor, Mr
McArthur, Mr	Treasure, Mr (*Teller*)
McGill, Mrs	Turner, Mr
McLellan, Mr	Weideman, Mr
Maclellan, Mr	Wells, Mr
McNamara, Mr	

Noes, 25

Andrianopoulos, Mr	Loney, Mr
Baker, Mr	Marple, Ms
Batchelor, Mr	Micallef, Mr
Bracks, Mr (Teller)	Mildenhall, Mr
Brumby, Mr	Pandazopoulos, Mr
Carli, Mr (*Teller*)	Sandon, Mr
Coghill, Dr	Seitz, Mr
Cole, Mr	Sercombe, Mr
Cunningham, Mr	Thomson, Mr
Dollis, Mr	Thwaites, Mr
Garbutt, Ms	Vaughan, Dr
Hamilton, Mr	Wilson, Mrs
Leighton, Mr	

Motion agreed to by absolute majority.

Read second time.

Sitting suspended 1.07 p.m. until 2.04 p.m.

Debate interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Crown Casino: bid

Mr BRUMBY (Leader of the Opposition) — Will the Premier confirm that during the bidding process for the Crown Casino licence he regularly received updates of the financial and planning details of the two final bids?

Mr KENNETT (Premier) — The poor Leader of the Opposition. I can say to you, Sir, and to the house that not once during the whole process — not once — was I informed of any of the financial matters. Not once. So you are absolutely wrong again!

Mr Brumby — We'll see about that!

Mr Kennett — Poor little Johnny. This man has no concept of the process and every question he asks in this place consistently — —

Mr Brumby — What process?

Mr KENNETT — The same process that the Labor Party put in place. The Labor government put it in place.

Mr Brumby interjected.

Mr KENNETT — Sorry, what was that?

The SPEAKER — Order! The Leader of the Opposition has already asked his question and I ask him to remain silent. The Premier will ignore interjections.

Mr KENNETT — At no stage did the cabinet subcommittee — nor, indeed, the cabinet — have any idea of the winning bidder or of the financial arrangements until the night we were informed of the successful bidder. That was the first time. I understand the Leader of the Opposition is still upset about his Ferris wheel. I understand that is motivating him.

In terms of the planning details, at certain times during the process, when the Casino Control Authority wished the government to make a decision on a policy matter the authority came back to the subcommittee asking for direction. We did not know at any stage whether a particular concern was raised by the authority or whether it was based on the submission of either of the two parties. No process has ever kept politicians more hands off than this particular process, and I can only say, Johnny, you've bombed out again.

Honourable members interjecting.

The SPEAKER — Order! The Chair will wait until the house comes to order. I remind the house that it is wasting its own question time.

School operating expenses

Mr PATERSON (South Barwon) — Will the Minister for Education inform the house of measures taken to increase funding for school operating expenses?

Mr HAYWARD (Minister for Education) — I thank the honourable member for his question and for the excellent work he is doing — —

Honourable members interjecting.

The SPEAKER — Order! The minister will take a seat. Question time cannot proceed with a barrage of interjections. I will hear the minister in silence.

Mr HAYWARD — I thank the honourable member for his question and for the excellent work he is doing in his electorate so far as his schools are concerned.

Mr Speaker, as you will know because of your close involvement with schools, school operating expenses are provided through school grants, which cover a range of things — the maintenance of school grounds and facilities, school cleaning and sanitation supplies, office administrative expenses, heating, lighting, water, class curriculum material and so on.

If one looks at the history of the past few years, one sees that the grants increased by 3 per cent in 1993 and by 1.5 per cent in 1994. I am happy to announce that next year school grants will increase by a further 1.5 per cent. The system of funding school operating expenses is essentially the same as the one that has prevailed for a number of years, including the time the Labor Party was in power. But the difference is that this government is increasing school grants to schools.

As to voluntary school levies, I make it clear that contributions cannot be levied as a condition of

instruction or as a condition for reporting student progress. As honourable members well know, under both the Labor government and this government the long-established practice has been that school councils are invited to make voluntary contributions to cover the costs involved in specific activities — for example, excursions, sport, the cost of woodworking material and the cost of food materials in catering courses. Exactly the same thing happened under the Labor Party. It is working well, and it will continue to work well.

Atlantis Recordings

Mr LONEY (Geelong North) — I refer the Minister for Small Business to his comments in the house last Thursday when he said he would not intervene on behalf of Atlantis Recordings in its attempt to obtain compensation from Crown Casino because the negotiations were between two separate private sector enterprises. Is the minister aware that the negotiations between Atlantis and Crown have totally broken down, ensuring that this small business will be destroyed by the mates of this government while the minister sits on his hands and does nothing?

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

Mr Kennett interjected.

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

Mr HEFFERNAN (Minister for Small Business) — The honourable member has told the house that negotiations have reached a stalemate. There are alternative avenues for taking action through the courts, and I believe it is the company's right to take advantage of the processes available there.

Honourable members interjecting.

The SPEAKER — Order! The house is particularly unruly this afternoon. I know we have been sitting late hours, but I ask the house to come to order and cooperate with the Chair. There are a number of quarrels going on between honourable members in various parts of the house, and I ask that they stop.

Murray Goulburn: food exports

Mr TREASURE (Gippsland East) — Will the Minister for Industry and Employment inform the house of recent commitments by one of Victoria's leading food exporters to Victoria's economy?

Mr GUDE (Minister for Industry and Employment — I thank the honourable member for his question. It is an industry that the honourable member knows a great deal about, perhaps more so than any other member of this house. The government is pleased to yet again offer support to a developing and expanding export industry in this state. I am pleased to be able to announce a grant of some $400 000 towards the building of Murray Goulburn's new $18 million global distribution centre at Melbourne's Appleton Dock. Murray Goulburn is Australia's leading dairy processing company, processing something like 20 per cent of this country's milk production. With more than 1400 employees and 23v000 shareholders, it is a major company that is making a clear commitment to further export, further production and further opportunities.

The development of the facility will see the creation of 40 construction jobs and 18 permanent jobs in the longer term. Importantly, the centre will expand exports through cost, quality and service efficiencies, which is what the drive for exports is all about. That is what the programs of both the commonwealth and Victorian government are all about: generating greater efficiencies and world-competitive standards, and making sure that the fine, clean food we produce and the quality environment we enjoy are used to best advantage.

Murray Goulburn currently exports to 35 countries, a growing proportion of which are in Asia — and I saw evidence of that during my recent visit to that area. The company predicts that over the next five years exports will increase from $480 million at the present time to $650 million.

I pay tribute to the Minister for Agriculture for the work he has done in developing and expanding the industry and for the role that he has played, alongside me, in assisting this particular project. It is an indication that Victoria is on the move. It is good news, and it means jobs.

Honourable members interjecting.

Mr GUDE — Mr Speaker, again you can hear the jackals on the other side, the anti-jobs people, the

anti-Victorian people, the members of the Guilty Party, the people who put this state into hock.

Honourable members interjecting.

The SPEAKER — Order! I ask members of the opposition to remain silent, and I ask the minister to address the Chair.

Mr GUDE — I could not resist the provocation. Unlike the Guilty Party, the Kennett government is about getting Victoria going again, regenerating the state, creating jobs and giving people a solid productive future.

Crown Casino: facilities

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to the government's decision in February to reject Crown Casino's application for a 1000-room hotel and to the Premier's comment at the time: 'If Jeff Kennett's mates were getting favourable treatment, don't you think this project would be approved?'. What is the difference between Crown's original 1000-room proposal and the one that has now been approved? Is it simply a case of Jeff Kennett's mates getting the favoured treatment he promised in February?

The SPEAKER — Order! The latter part of the question expresses an opinion and is out of order.

Mr KENNETT (Premier) — I will never discard any individual in this community with whom I have developed a friendship simply because he or she may or may not be involved in community affairs or in working with this government. Unlike the ALP, and unlike Carmen Lawrence, the federal minister for health, who turned her back on her state leader, we on this side of the house will never ever deny a friendship just to try to score a political point.

In terms of the issue the Leader of the Opposition was questioned about this morning by Ranald Macdonald, a fundamental test should be applied — that is, whether or not it is going to benefit Victoria. The simple answer is that a 1000-room hotel — —

Mr Brumby interjected.

Mr KENNETT — I beg your pardon?

Mr Brumby interjected.

The SPEAKER — Order! The Premier will ignore interjections.

Mr Brumby interjected.

Mr KENNETT — You are sick!

The SPEAKER — Order! I warn the Leader of the Opposition that he may not — —

Mr Micallef interjected.

The SPEAKER — Order! If the honourable member for Springvale says one more word while I am on my feet I will name him!

Mr Micallef interjected.

The SPEAKER — Order! I name the honourable member for Springvale and ask the Leader of the House to take the usual step.

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

> That the honourable member for Springvale be suspended — —

Mr Micallef — This is a farce! Don't bother. I'm going.

The SPEAKER — Order! In view of the action of the honourable member for Springvale I withdraw the instruction on the grounds that it will eat into question time.

Mr KENNETT (Premier) — The issue of the hotel has one fundamental test applied to it and that is whether a 1000-room hotel is better than a 360-room hotel. The answer to that question is that it will employ more people, it will attract more tourists to Victoria and therefore it will enhance the original casino design.

The Leader of the Opposition asked the question inanely whether it was what the other bidders bid on, and the answer is simply no. Both the final bidders — there were three and then there were two — bid to the same criteria and ultimately were judged on the same criteria, and one was judged to be better than the other. One was awarded the final contract.

There has been some negotiation in terms of the final design. What the independent body thought was that the 1000-room hotel was an enhancement for Victoria and would provide more jobs and attract more tourists and therefore must be good value.

On the other hand, I can disclose to the house that the Crown Casino consortia wanted to delete the showroom because it was going to involve a cost of $35 million a year and that the facility would not be able to be utilised on a regular basis.

When the consortia put in their requests for a variation the government said no; a showroom was an integral part of this development. Therefore the government insisted it be retained, and it has been retained. The only real difference between the final design and the first is that there is a larger hotel and, as we have been saying consistently, the poor old Leader of the Opposition has lost his Ferris wheel. That is the only fundamental difference. The ballroom is bigger, so that will allow the Leader of the Opposition to take longer steps as he sweeps his wife around the room, but apart from that — and that must been seen to be a benefit — there are no changes whatsoever.

What is at the real core of this issue? It is the failure of the Leader of the Opposition to be a part — —

Mr Brumby interjected.

Mr KENNETT — The Leader of the Opposition says it is about looking after your mates. I am very fortunate: I have a lot of mates. I have a lot of friends.

Mr Sandon — Who wants to be a millionaire?

The SPEAKER — Order! I recognise the contralto, and I choose my words carefully, of the honourable member for Carrum. I ask him to remain silent. I ask the Premier to conclude his answer.

Mr KENNETT — Unlike the Leader of the Opposition, who will selectively choose his friends, if he has any friends, from time to time, I will never deny mine. I say this to the Victorian community: as a community we are going to be enriched by a casino and a larger hotel that will employ more people than the original scheme would have. That is for the betterment of the state. I am sorry about the Leader of the Opposition's Ferris wheel, but the bottom line is that ever since this man took over the role of Leader of the Opposition all he has done is confirm himself in the mind of the public as a first-class whinger. You complain, you moan, you groan, and you whinge but you never, ever create. Honourable members on this side of the house, along with the vast majority of Victorians, will continue to create things that are good and that employ people while members of the opposition continue to whinge.

Mr Brumby interjected.

The SPEAKER — Order!

Mr KENNETT — What was that?

The SPEAKER — Order!

Mr Brumby interjected.

Mr KENNETT — Say that again.

The SPEAKER — Order! I ask the Premier to resume his seat! I advise the Leader of the Opposition that I will call him when his turn comes. He has asked his question, and supplementary questions are out of order.

Tuberculosis

Mr TURNER (Bendigo West) — Will the Minister for Health inform the house of recent steps taken by the government to eliminate tuberculosis from Victoria?

Mrs TEHAN (Minister for Health) — Yesterday I launched a booklet called *Eliminating Tuberculosis — A strategy for Victoria*. Victoria has a proud and a very good record on the work it has done to eliminate tuberculosis in the state. Unfortunately there is an increase in the incidence of tuberculosis in a number of countries throughout the world.

Yesterday the government released a goal or a target that it will virtually eliminate all tuberculosis in Victoria within the next 10 or 15 years. When we say 'eliminate all', it means to reduce the incidence of the disease down to one case per million, and that in epidemiological terms is seen to be the elimination of a disease.

If we can achieve this goal — and there is every indication that we can — it will mean that no-one in this state will be at risk of tuberculosis. The government is working from a good base of about 300 cases per year at the moment, but with the target on high-risk groups all the evidence is that we will be able to eliminate tuberculosis in the time frame set out.

The strategy that the public health unit of the Department of Health and Community Services is working on is to target high-risk groups, and money has been made available to target those groups: homeless people, people in prisons and new arrivals

from countries where there is a high incidence of the disease.

It also means an educative role for general practitioners, nurses and medical workers so that they can quickly recognise the early signs of tuberculosis and can intervene to prevent the disease.

When one considers that before the Second World War more than 48 000 Victorians died of tuberculosis, which was then known as the white plague, before the introduction of immunisation when we had a contagious disease on our hands, one can see that the progress has been remarkable. This strategy sets out to totally destroy tuberculosis within the Victorian population, and it is a very worthwhile strategy.

Crown Casino: meetings

Mr BRUMBY (Leader of the Opposition) — Will the Premier advise the house of the number and purpose of the meetings that took place between himself and Mr Lloyd Williams and/or Mr Ron Walker between 17 June 1993, when the number of casino bidders was reduced from three to two, and 6 September 1993, when it was announced that Crown Casino had won the casino bid?

Mr KENNETT (Premier) — Some of us in politics are blessed to have an opposition leader as simple and stupid as you are. I have said before and I say again that from the time the Liberal government came to office on 3 October 1992 until the date that the successful or preferred bidder was announced to us at no stage did we ever, with Mr Walker or Mr Williams — and I think only once with people from Sheraton who came to see me — talk about any matter concerning the casino: never, ever once. Unfortunately, the Leader of the Opposition has continually proved that he does not listen.

Mr Thomson — How many times?

Mr KENNETT — The honourable member asks, 'How many meetings?'. I guess I saw the individuals a number of times. It has been reported that I saw Mr Walker down at Sorrento when I started the Melbourne to Hobart yacht race and then went with my children to his place for a swim. He is a friend. I do not deny that. I saw Mr Williams and Mr Walker a number of times. They happen to be people I am associated with. But, as I said to the cabinet, and as we imposed upon ourselves, at no stage were we ever to engage in any discussion relating to the casino. To their credit, not once did Mr Walker or Mr Williams raise the issue with me or anyone else.

Mr Brumby interjected.

The SPEAKER — Order! Supplementary questions are disorderly. The Premier will disregard the interjection.

Mr KENNETT — The honourable member asked the question but he does not like the answer. The answer does not suit him. I ask: do you have any proof of anything else to place?

The SPEAKER — Order! The Premier is not in a position to ask a question of the Leader of the Opposition.

Mr KENNETT — The Leader of the Opposition has asked a question. I have given an answer. It is an answer that I have given many times. That indicates that he has run out of material in his little arsenal. The real question is: how often did the Leader of the Opposition speak to ITT? How often did the Leader of the Opposition speak to Mr Williams or Mr Walker?

Mr Brumby — Never.

Mr KENNETT — Never! But you were down there at the casino opening, drinking everything that they provided.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. I ask the Premier to conclude his answer.

Mr KENNETT — This process has been honourable. The only person who cannot come to grips with something being done well in this society is the Leader of the Opposition. As I said earlier, he has established himself as Victoria's and Australia's leading whinger. We will continue to build things of merit that employ people, and no doubt poor, little Johnny will continue to lament the loss of his Ferris wheel.

Administrative Appeals Tribunal: commercial contracts

Mr FINN (Tullamarine) — I direct my question to the Treasurer.

Honourable members interjecting.

The SPEAKER — Order! I do not know why the honourable member for Tullamarine should incite the house to riot. I ask the house to come to order.

Mr FINN — Will the Treasurer inform the house of the implications of yesterday's Administrative Appeals Tribunal decision on commercial contracts entered into by the government?

Mr STOCKDALE (Treasurer) — Yesterday the Administrative Appeals Tribunal delivered its judgment in the case of *Mildenhall v. Department of Treasury*. In so doing, it did two things: firstly, it provided Victorian governments of any political colour with the ability to maintain commercial confidentiality and thus preserve the integrity of the tender process in the Victorian community; and, secondly, the tribunal put no less than seven nails in the coffin of the tattered credibility of the Leader of the Opposition.

The Leader of the Opposition and the honourable member for Footscray had argued that commercial confidentiality was unnecessary, dangerous and undermined the interests of the community of Victoria. Again the opposition repeats today that it is against the public interests for the government of the Victorian community to be able to maintain commercial confidentiality. The tribunal specifically — —

An honourable member interjected.

Mr STOCKDALE — You do not like the decision. The tribunal specifically found against the opposition, not in the interests of protecting Centaurus Corporate Finance but in the interests of protecting the Victorian taxpayer. The tribunal's finding was that there would be 'a real likelihood of serious detriment resulting to the tender process' were that commercial confidentiality to be broken.

The opposition has held this case out as part of its smear campaign. The allegation of impropriety was at the core of this action. In a press release dated 18 July the Leader of the Opposition specifically put it forward in that way. The honourable member for Footscray argued that impropriety was at the core of the allegation and that that was a reason for disclosure.

This is what the tribunal says:

> It was apparent from the evidence of the applicant that his interest in the information related to a broad and general interest he has in the entire issue of ... privatisation ... and not because of any awareness of any impropriety or likelihood of impropriety attaching to the appointment of Centaurus. Indeed, he acknowledged that there has been no public controversy in that regard.

To put the comment in its proper context, over the page the tribunal states:

> His interest appears to have been generated by his acknowledged function as a parliamentary member of the state opposition.

So his interest was not in impropriety but was entirely political. The tribunal specifically found that the opposition was unable to produce any evidence of impropriety. Allegations have constantly been made in this house about impropriety; Mr Tilley and Centaurus have been the subject of smear and innuendo. This is what the tribunal found:

> The applicant has been unable to point to any aspect of those matters which, for reasons of concern as to impropriety or other current issues, appears to warrant a conclusion that the information has significant current relevance.

It is a specific finding that not only was there no evidence of impropriety but also that the opposition had not even begun to substantiate its allegations.

The argument was mounted that there was some conspiracy, that the government had been forced to include these provisions protecting Centaurus from disclosure against the public interest. The tribunal dealt specifically with that allegation at pages 15 and 17. It found that the confidentiality arrangements were quite usual commercial practice and 'in no way inconsistent with ordinary commercial practice'.

Mr Mildenhall interjected.

Mr STOCKDALE — I take up the interjection because the honourable member is a party to the proceedings. I am quoting directly from the judgment you obtained, not from any editorial comment or from your distortions but from the judgment.

The SPEAKER — Order! The minister will address the Chair.

Mr STOCKDALE — The tribunal stated that that was in no way inconsistent with ordinary commercial practice. The opposition has sought here

and in public to smear the government with the allegation that there was something unusual about the tender process, that it was undertaken very quickly and that there was something wrong with it. This is what the tribunal said — —

Mr Brumby interjected.

Mr STOCKDALE — Again the allegation is made that there is something improper and that evidence of that is that Centaurus responded promptly to requests for a tender.

Mr Brumby interjected.

Mr STOCKDALE — This is what the tribunal said. You put your argument to the tribunal and you lost. The tribunal states:

> There was evidence that although the time constraints were strict, they were by no means unusual in the context and that they were not inconsistent with other commercial experience.

At page 16 the tribunal specifically found against the opposition and its allegation that Centaurus was involved in policy formulation.

Then we come to the core of the matter — the allegation that there were snouts in the trough. The opposition had the temerity to go to the AAT and repeat the drivel mounted in Parliament with no evidence. Honourable members should bear in mind that the tribunal found that there was no evidence whatsoever of impropriety.

On page 17 the tribunal states:

> Although the applicant adverted to 'snouts in the trough', none of the evidence disclosed any situation of that kind ...

Honourable members interjecting.

The SPEAKER — Order! I warn the honourable members for Mordialloc and Glen Waverley that they are under the same constraints as any other member of the house.

Mr STOCKDALE — The tribunal did not have to weigh up evidence and come to a decision on balance. It did not have to direct itself to whether it could make a finding on the balance of evidence, because the tribunal said there was no evidence of any situation of that kind — not one word on seven separate issues. Every one of the grounds advanced by the opposition to smear Centaurus in an endeavour to get at the Premier and the government was ruled against by the tribunal. That is totally consistent with what has been going on in this house for five months. We have had five months of smear and innuendo against everybody working for the people of Victoria but not a shred of evidence has been produced. Now you have taken it to the tribunal and you are subjected to the judgment of the AAT.

The SPEAKER — Order! The Treasurer will address the chair.

Mr STOCKDALE — The AAT found against the opposition.

Mr Brumby interjected.

Mr STOCKDALE — Just look at him. Put a camera on him to show the people of Victoria — —

The SPEAKER — Order! I remind the Treasurer he cannot give directions to the camera crew. I ask the house to come to order and the Leader of the Opposition to please remain silent.

Mr STOCKDALE — The whole purpose of the campaign has been to smear Mr Tilley and his firm, Centaurus. We have had all sorts of extravagant and inaccurate allegations made against Mr Tilley. The opposition took the matter to the AAT but it found against it.

One would suspect that when the Leader of the Opposition is engaged in a campaign of vilification against an individual, Mr Tilley, that Mr Tilley would be completely out of bounds and the opposition would be scrupulous about ensuring it has nothing whatsoever to do with Mr Tilley, that Mr Tilley would not be the subject of reference and the opposition would not seek to rely upon his expertise and his standing within the business community and that Mr Tilley would be beyond the pale. That went on all through July. Right through July the opposition was publicly smearing Mr Tilley in newspapers by making allegations against him, and it took action against him in the AAT. But on 13 July Mr Tilley received a letter from the Leader of the Opposition in which he was asked for his help. Mr Tilley received a letter attached to a copy of the blue peril inviting Mr Tilley's comments and useful assistance refining Labor Party policy.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. I ask the Treasurer to conclude his answer as he has been talking for 10 minutes.

Mr STOCKDALE — In conclusion, it is apparently not only the AAT that regards Mr Tilley and his firm as beyond reproach; I am pleased to hear the Leader of the Opposition does, too.

LOCAL GOVERNMENT (AMENDMENT) BILL

Debate resumed.

Committed.

Committee

Clause 1 agreed to.

Clause 2

Mr LEIGHTON (Preston) — On a point of order, Mr Chairman, do we have a minister who will take responsibility for the bill — in particular, someone with some knowledge of the bill and the matters before the committee who can speak to the amendments and respond to questions asked by the opposition?

Mr KENNETT (Premier) — On the point of order, Mr Chairman, I, as Premier of this fine state, am taking charge of the bill at this stage. I cannot imagine you going to a higher authority. The honourable member for Preston should raise the issues, and we will answer as well as we can.

Mr Leighton — It's a real joke!

Mr KENNETT — That the Premier thinks local government is so serious that he is here today to participate in the committee debate on the bill?

The CHAIRMAN — Order! The honourable member for Preston is well aware of the forms of this place. He knows that discussion across the table is disorderly. There is no point of order.

Mr RICHARDSON (Forest Hill) — On a further point of order, Mr Chairman, I am gravely concerned that the honourable member for Preston is wasting the time of the committee by raising spurious points of order.

Mr Thomson interjected.

Mr RICHARDSON — This is a further point of order. The honourable member for Pascoe Vale ought to be better versed in the standing orders. Apparently he does not understand I was raising a completely separate point of order. The Chairman of Committees has already ruled on the previous point of order, and I am raising another point of order.

The CHAIRMAN — Order! Will the honourable member come to his point of order.

Mr RICHARDSON — I am trying to, but I have been subjected to interruptions.

The CHAIRMAN — Order! The honourable member should ignore interjections.

Mr RICHARDSON — The interjections have been persistent and disconcerting. If the honourable member keeps it up for long enough, it is enough to make me lose track of the point I wanted to make.

The CHAIRMAN — Order! It is obvious to the Chair that the honourable member for Forest Hill is raising a point of order that is bordering on the frivolous. There is no point of order. I now intend to call amendments 1, 2, 3 and 4 standing in the name of the minister.

Mr KENNETT (Premier) — I move:

1. Clause 2, line 13, omit "6 and 24" and insert "7 and 25".
2. Clause 2, line 16, omit "6" and insert "7".
3. Clause 2, line 18, omit "6" and insert "7".
4. Clause 2, line 20, omit "24" and insert "25".

They are all consequential, they are all small — —

An honourable member interjected.

Mr KENNETT — If you read them, you will see they are just picking up numbering processes; they are just technical changes.

Amendments agreed to; amended clause agreed to; clauses 3 and 4 agreed to.

Clause 5

Mr LEIGHTON (Preston) — As I indicated in my contribution to the second-reading debate, the opposition welcomes the standard election date being moved from the first Saturday in August to the third Saturday in March. Anybody who participates in local government activities will find

electioneering and the handing out of how-to-vote cards a more reasonable task in March than during the middle of winter. We have no difficulty with moving the standard election date into March; it is partly necessary because of the change of the financial year. However, as was pointed out by a number of opposition members during the second-reading debate, that in itself does not ensure there will be an early return to democratically elected councils, or that there will be an early holding of elections, with the exception of the Geelong and Surf Coast councils, which I think are scheduled to have elections in March 1995 after having been in limbo for some 22 months.

During the second-reading debate I pointed out that the opposition is concerned that it could well mean that the bulk of council elections will be held over until March 1996. Although the Minister for Local Government could call the elections at any time — indeed he could call them on in the next few weeks — I fear that once we get to next year the minister will say that now we have a new standard date set of the third Saturday of March of every year the bulk of the council elections will be held in March 1996.

I went on to say that given the reviews of some councils were still pending, such as those in the north-west, we may well find that their elections are not scheduled until March 1997. I said that we are particularly concerned about the prospect of elections for the bulk of the councils not being held until March 1996.

During the course of the debate government members such as the honourable member for Mornington proceeded to confirm that the bulk of council elections would be held in March 1996. He has put something on record, which confirms the concerns and the fears expressed by the opposition.

There is no reason why we could not have an immediate return to elected councils. We do not have to wait, even though the current act may say that council elections are to be held on the first Saturday in August and the provisions in this bill say they will be held on the third Saturday in March. There is no reason why we have to wait until either of those dates.

The minister has the legal authority to order immediate and early council elections. These days the councils receive their electoral rolls largely from the State Electoral Office. With computer technology it is not as though months are required to compile new rolls. As the opposition has pointed out, when many of the earlier announcements were made in respect to council amalgamations it was not necessary to sack councils at the same time. We could have moved immediately to elections.

It is clear that the government wants to make sure that its agenda is driven by appointed commissioners rather than elected councillors. In doing so, the government wants to look after its mates so that they have an opportunity to hop on the gravy train — —

An honourable member interjected.

Mr LEIGHTON — Yes. As is happening in every other portfolio, the mates are also hopping on the gravy train in the local government area. The earliest the bulk of councils — many of which have been out of office for months now — can expect elections to be held is March 1996. That is so the government's mates can hop on the gravy train and have a further 12 or 18 months to receive remuneration.

That is really not terribly surprising when you look at the number of mates involved. For instance, in the south-western group of councils some 58.3 per cent of commissioners are on the gravy train, because they are members of the Liberal Party. That is what I mean by gravy train: they have their snouts in the trough.

An honourable member interjected.

The CHAIRMAN — Order! I suggest the honourable member for Preston is stretching the ambit of clause 5 by going down that path. I suggest he come back to the thrust of clause 5 of the bill.

Mr LEIGHTON — I am pointing out that the setting of the third Saturday in March as the standard election date for local government will mean that many councils will not have elections until March 1996. I believe one of the purposes of the legislation is to allow the government's mates to remain on the gravy train for another 18 months. I am entitled to draw the conclusion that that is the intention if not the effect of the clause.

Mr Rowe interjected.

The CHAIRMAN — Order! The honourable member for Cranbourne will get the call next, if he wishes it. If he gets to his feet, he can have the call. Otherwise he should remain silent.

An honourable member interjected.

Mr LEIGHTON — Yes, I hope not, either. In many areas the mates of the government will remain on the gravy train until March 1996.

Mr McLellan — You are an absolute clown!

The CHAIRMAN — Order! The honourable member for Frankston East will remain silent.

Mr LEIGHTON — One need only look at the three commissioners of the City of Ararat to see that two are members of the Liberal Party. The Chairman, Mr Peter Carthew, is a Liberal Party member. His Liberal Party membership number is 595945. Another commissioner, Mr Alex Dunn, is also a Liberal Party member, and his membership number is 579183.

Mrs Henderson interjected.

Mr LEIGHTON — The honourable member for Geelong interjects. Let us have a look at the shire of — —

An honourable member interjected.

Mr LEIGHTON — A bit closer to home, in the shire of Glenelg, Holford (Tiger) Wettenhall is a Liberal Party member, and his membership number is 57184; Digby Crozier, the Chairman, is a Liberal Party member, and his membership number is 53519; Jeff Baulch is Liberal Party member, and his membership number is 283178. In the Shire of Corangamite, Liberal Party member — —

Mr COOPER (Mornington) — On a point of order, Mr Chairman, you have already drawn the attention of the honourable member for Preston to the fact that he is debating a clause in relation to the change of election dates. It has no relevance to the matters he is now going through, which would be welcome under other circumstances and at another time.

The honourable member for Preston seems intent on getting to his feet and being as irrelevant to the debate as he possibly can in order to pursue irrelevant matters as well as slander people. In every way he is repeating the kinds of exercises that were exposed so well by the Treasurer in answering the last question during question time today.

Clause 5 concerns a change to election dates. It is a narrow clause. If the honourable member is allowed to continue on the course he is undertaking at present, you will have a wide-ranging debate, Mr Chairman, because we will insist on replying in kind. I assure the honourable member for Preston and other members of the Labor Party that if they want to adopt this course we will remain on this clause for a long time, and it will be extremely embarrassing for the Labor Party.

I am quite happy to take up the challenge, but I would suggest that if we are to move through the committee stage of the debate and reach the particular clause the opposition has announced it would oppose — the clause regarding postal ballots — perhaps the honourable member for Preston could be encouraged to wind up his repetitive diatribe now, but in so doing be relevant to the clause so that we can dispose of it and move on.

Mr LEIGHTON (Preston) — On the same point of order, Mr Chairman, quite clearly the clause establishes the third Saturday in March as the standard election date. There seems to have been a wide degree of agreement across both sides of the house that that means, for most councils, the earliest election date will be March 1996.

I am arguing two points: firstly, there is an intent behind it, which is to allow certain things to happen in the meantime; secondly, the effect is that commissioners will stay in office during that time. Accordingly I should have some capacity to debate both the intent of the clause and also its practical outcome. It is quite clear that by not having elections until March 1996 certain things will stay in place in the meantime, and I want to state what they are.

The CHAIRMAN — Order! At this time the Chair will not uphold the point of order. But I take the point made by the honourable member for Mornington that I have already spoken to the honourable member for Preston regarding debate on the clause, and I still believe it is narrow. It is not an opportunity for him to debate a whole range of issues and people. I remind him, in particular, that if tedious repetition occurs he will no longer be heard, and I remind him to contain his remarks to the content of the bill.

Mr LEIGHTON — Thank you, Mr Chairman. I certainly have no intention of being repetitive. I only spoke for an hour during the second-reading debate, which is almost a record for me. I believe there is now a wide degree of acknowledgment on both sides of the house that most councils will not have

council elections until March 1996. That is undemocratic. It is not right for commissioners, for much of this year and throughout 1995, to be making decisions such as how compulsory competitive tendering is implemented and whether councils use postal voting solely at elections.

One need only look at the type of people appointed as commissioners to demonstrate that point. It is really no surprise — they are mates of the government. They want to stay on the gravy train and the government wants to ensure that they stay on the gravy train.

For instance, Digby Crozier is a former member of the Legislative Council for Western Province. He was also a member of this house for some time representing the electorate of Portland. He retired in 1988, supposedly due to ill health. He took with him a lump sum package, but he is now on a salary package of more than $80 000 per annum as a commissioner.

He is, of course, quite clearly a member of the Liberal Party because he was elected to this Parliament as such; but with other commissioners, such as Holford Wettenhall, it is also easy to demonstrate the connection. His Liberal Party membership number is 57184. He campaigned against amalgamations as a Wannon shire councillor, but he has now been rewarded with his appointment as a commissioner. He wants to stay on the gravy train; he does not want elections now or in March 1995. The government will ensure they all stay on the gravy train until March 1996.

There is very close cooperation between those commissioners and the government. One need only look at the further report of the Local Government Board that is due for release tomorrow. Where do you get a copy? From your local Liberal MP's office, not from councils or from ALP members of Parliament. You collect it from your local Liberal MP's office.

I have a document here addressed to all members of Parliament from Anna O'Sullivan, who is the Parliamentary Liaison Officer. It states:

> A copy of the Local Government Board's final report on middle and outer Melbourne will be available for collection from the office of Mr Bernie Finn, MLA, on Friday 18, 1994. Please note that the document is embargoed until 11.00 a.m. Friday.

So a number of MPs will collect their reports from Mr Finn's office, including both members for Doutta Galla Province, the honourable members for Melbourne West Province and the honourable members for Melbourne North Province — and they are all members of the Labor Party. If you are one of the two members representing Waverley Province, you go to the office of the honourable member for Bentleigh.

The CHAIRMAN — Order! Will the honourable member for Preston explain to the Chair what that has to do with elections?

Mr LEIGHTON — It shows that the government is creating a highly political process. It is creating a gravy train, and those people will not be getting off that gravy train because the government will not make any local government stops until March 1996. So the local government gravy train is going express to March 1996; there will be no elections until then. Fifty-eight per cent of the commissioners are Liberal Party members — —

The CHAIRMAN — Order! The honourable member has already spoken about the percentage. I am now beginning to see very clearly that he is resorting to tedious repetition. He will need to introduce new evidence to the debate now and to make it relevant to clause 5.

Mr LEIGHTON — The opposition supports as a standard election date the third Saturday in March, but there is absolutely no reason why that means council elections have to be delayed until March 1996. Elections can be held in March 1995. They could be held now, before Christmas, but the government has an agenda of making sure that does not happen. It wants to string out the process as long as possible so that its mates can stay on the gravy train.

Mr COOPER (Mornington) — I am delighted to know that after a 20-minute piece of red-herring dragging, long-bow drawing and unbackable allegations, the honourable member for Preston decided to inform the house that the opposition supports this clause. Isn't that wonderful! The honourable member accused the government of wanting to draw things out. Good heavens, we have just seen the best example of somebody drawing something out that you could ever hope to see. The honourable member for Preston discussed a range of matters that have little if any relevance to this clause. He has certainly drawn a long bow.

His contribution deserves a brief rebuttal. It should not be allowed to sit in *Hansard* unchallenged because there was not a skerrick of truth in the claims he made. Otherwise the few people in this state who read the record of debates in this place could be deceived.

The first thing that must be said is that the honourable member for Preston displayed an abysmal ignorance of the local government reform process. He seems to believe that the reform of local government is simply a matter of joining a few councils together, after which everything will be lovely. In his view existing councils could be left in place or, alternatively, new councils could be elected straightaway. He does not have an earthly clue about the reform process and what needs to be done by the commissioners.

I should have thought he would have done some basic research on the issue so that he could give us at least a semi-educated view on the matter. I would not expect him to have a fully educated view on anything, but his semi-educated view may have been worth while.

He could not have turned to better people for information than those on his own side who are commissioners of municipalities. I refer to knowledgeable people of some stature, such as Frank Wilkes, who might have been able to help him. Why did he not go to Frank Wilkes and ask him for help? Why did he not talk to Frank Thompson, of the City of Yarra. He would have been of some help because he is a very active member of the ALP. If the honourable member did not like him and instead wanted to get the distaff side of the argument, he could have spoken to Barbara Champion. I am sure she would have given him a bit of help. But no, he does not want to ruin his argument with facts. The honourable member for Preston said there would be no problem in having elections straightaway: all we have to do is join them all together and call elections.

I will not go through all the complications involved in local government reform and restructure. But if the honourable member for Preston had half a brain in that silly head of his he would have done some work and we would at least have had an intelligent debate. He has not made an intelligent contribution since he was first elected to this place, and he is continuing along that line.

All we got was absolute drivel about some kind of plan to allow people to stay on the gravy train for a year. Boy oh boy, what a gravy train! If the honourable members wants to know about the work the commissioners are doing, why does he not talk to the people in his own party who are commissioners? There is a long list of his own people who want to be commissioners. The government has heard from not only current members of the Australian Labor Party but also former ALP members and ministers of recent vintage, all of whom are keen to get involved in the process.

I will give you one name, and you can go and talk to him. He will give you a really intelligent view of the whole process. I refer to the former Labor Minister for Transport, Peter Spyker. He is an applicant; why not talk to him? You are on the same intellectual level. You can visit him and have a talk in the chook shed. If you want to find out what is going on, talk to people in your own party. Do not come in here with the mantle of your leader on your shoulders — the mantle of smears, innuendos, allegations, half-truths and direct lies — and not expect to have your claims rebutted. You have indulged in all of that, and now your claims are being rebutted. Your behaviour is typical of the attitude of the Labor Party in this Parliament. It does not have any facts; all it wants to do is spread the mess around.

So far as election dates are concerned, we are about to appoint commissioners to a large number of municipalities. I remind the honourable member for Preston that only a very small number of councils have had commissioners for more than three or four months. Most councils have had commissioners for less than that; some are about to have commissioners appointed; and some are still subject to review by the Local Government Board. Given the complicated jobs the commissioners have in putting the reform process in place, I cannot understand how the honourable member for Preston can say elections should be held either immediately or in March 1995. That is just asking for the whole job to be botched up!

I understand that the structural reform of local government is still on the policy books of the Victorian branch of the Australian Labor Party — and if it is not the ALP has kept damn quiet about it. If the opposition wants a reform process that is carried out professionally and successfully — I assume the Labor Party would not want to see the same botched-up job it was responsible for while in government — it must accept that the commissioners must be left in place for a certain period. Given that many commissioners will be

appointed in November or December this year or January or February next year it is simply nonsense to say that elections for those councils should be held on the last Saturday in 1995. They must be given 12 or 14 months. That is not over the top, and to claim that leaving those commissioners in place until March 1996 amounts to the death of democracy as we know it, is simply a nonsense.

Even with all his shortcomings the honourable member for Preston should surely know that is nonsense. It should be clear to anybody with half a brain! But no, after having been briefed by the shadow minister in another place, who has an unenviable reputation in local government circles for making idiotic statements, he stood up and blabbered away. I hope I have rebutted the idiocies that came out of the mouth of the honourable member for Preston.

I believe the opposition is supporting this clause, so we can get on with agreeing to it and go on to debate the clause I understand the ALP would like to spend some time on — election by postal voting.

I notice that the eager young leader of the snout-in-the-trough faction, the honourable member for Williamstown, is right on the edge of his seat. Clearly, he wants to make a contribution on this. I hope his contribution — it may be a vain hope — will be more intelligent than the one we heard from the honourable member for Preston.

I do not set him a very high mark on the high jump bar in saying that to him. If he is going to make a contribution he should stick to the facts, and the facts are whether or not this setting of election dates from now on for the third Saturday in March will be the right or the wrong thing to do. The reason why the last Saturday in March has been set — just in case it has gone over the head of the honourable members for Williamstown and Preston — is because of the change in the financial year of councils. The financial year will now be moved to start on 1 July, and having elections at the end of March will enable the new council to be in place and to get its feet under the desk, to address its budgetary issues, to go through an estimates program and pass a budget prior to the start of the financial year. That is the sole reason we have moved the date to March. Any allegations that are made by Labor Party members on this matter along the lines of the comments made by the honourable member for Preston are simply an indication of the low standards of behaviour — the amoral standards of behaviour that the Labor Party is so well known for — being visited by them through rhetoric on everybody else.

I have to say to the honourable member for Preston and to any other ALP member who stands up in the house that we do not have their low standards; we understand that they have low standards; we understand that as far as political standards are concerned the opposition is down in the gutter. It does not exist elsewhere: there are some people who believe in doing the right thing. Those people exist, certainly in this government and certainly in local government. For the low standards of the ALP to be visited upon others simply because they cannot believe that anybody else could think in any other way than the way they think and behave is a disgrace and something they should be apologising to people for.

Let us get on to the debate about the issue contained in the clause and not have the irrelevancies that the honourable member for Preston has subjected us to for so long.

Mr BRACKS (Williamstown) — The problem with clause 5 is not simply what it says. In fact, as the honourable member for Preston mentioned in his address and during the committee debate, the problem in setting a date is not the third Saturday in March; it is that clause 5 does not state the process between the appointment of commissioners and the setting of elections.

It is interesting to note that the honourable member for Mornington is announcing to us in this place what he thinks is a reasonable time between the appointment of commissioners and the holding of elections. I noted that he said it should be something between 12 and 14 months. That is useful to know; that is reasonable and arguable and partly sensible. I disagree; I think it should be a shorter time, but it is arguable. Why is it not in clause 5, which is very scant on detail about when elections would be held between the appointment of commissioners and some future date? There is no minimum or transparent date around which local government can plan for the new restructured local government and for which communities can aim. We do not have it because the government wants to keep communities and the opposition guessing. It also wants to keep the holding of elections and the timetable for the holding of elections in its gift, not in the gift of the community through the transparency of an act and by stating when that might be. It is not so hard — and I pick up the comments of the honourable member for

Mornington — to include in a bill the point at which commissioners are appointed and to set a date after that and to have some minimum standards. That is something the opposition would expect to be in the bill. It would build some credibility for the reforms undertaken for which the honourable member for Mornington quite rightly said the Labor opposition has some support.

Mr Maclellan — Would you settle for three years?

Mr BRACKS — In answer to the interjection from the Minister for Planning, I believe the shortest possible time between the appointment of the commissioners and the holding of elections should be contained in the bill. Let us think about the role of commissioners. What is the role of commissioners? Why are they appointed? They are appointed as caretakers. The honourable member for Mornington gave the game away when he said that the commissioners were appointed to carry out the reform process. What he really means is that the commissioners are appointed to do the bidding of the state Liberal government. What he really means is, 'We want commissioners in without a defined date on which they will go for elections' except dates that he might offer the house in discussion or anecdotal comment or his own opinion — 'We want them in because we want to bring about a whole series of changes which we cannot do with set dates for elections and people who are accountable and who know when elections will be held'. It is about control and about keeping communities guessing and about not being honest with communities.

Let us look at the lack of honesty. What we are seeing, to exemplify why the question of time is a problem, is that commissioners are appointed. What is the next appointment after commissioners? This again brings up the problem of time and straying from the role of managing the change and restructure. We are seeing also that chief executive officers of councils are not just there acting until a new elected council is appointed, but are being permanently appointed by commissioners.

It would be nice for this place or for the public to know what terms in the contracts of permanent CEOs future elected councillors would be able to either confirm or undo. Is there a penalty clause which would prevent councils that have permanent CEOs appointed by commissioners from changing the character of councils back to what their community would want? I am sure you will find that any future council elected would find it difficult to change the CEO. And it is not just that, but CEOs are setting about appointing the next management structure in each council, so we have the CEOs appointing commissioners — not just acting CEOs, which is possible. You could have an acting chief executive officer for the period and leave it to the new elected council to have a new permanent CEO, but no, we are having permanent CEOs on contracts and permanent second level managers, so the character of councils is being changed significantly to such an extent — —

Mr KILGOUR (Shepparton) — On a point of order, Mr Chairman, I direct your attention to the fact that the debate is supposedly on a clause involving the future dates of council elections. It has nothing to do with the appointment of CEOs and so on. I suggest the honourable member comes back to the clause.

Mr LEIGHTON (Preston) — On the point of order, Mr Chairman, this is essentially the same point of order the honourable member for Mornington raised when I was speaking. I believe the honourable member for Williamstown is quite in order in firstly pointing out that the provision is that most council elections will not be held until March 1996 and secondly in canvassing the undesirability of that in terms of what will happen during that period. He is canvassing the effect of the committee's agreeing to that clause.

Mr COOPER (Mornington) — On the point of order, Mr Chairman, the honourable member for Preston took us on a flight of his own personal fantasy into the world of what he called the gravy train. Now the honourable member for Williamstown has extended the line and is going into the appointment not only of chief executive officers but also middle management. He is now taking it down the ranks. I assume that if the honourable member for Williamstown is allowed to continue, we will get down to the appointment of home-help people, garbage collectors, street sweepers and anything else that is going on. If the honourable member for Williamstown embarks on that course the debate on this clause will be wide ranging, indeed. Clause 5 is narrow because it talks specifically about the change to election dates and makes an amendment to the Local Government Act that will change the election date from the first Saturday in August to the third Saturday in March.

In my view you can debate the change from the first Saturday in August to the third Saturday in March, but you cannot start debating the appointment of council officers. In my contribution on this clause, I

rebutted irrelevant matters raised by the honourable member for Preston. You, Sir, are opening the door to further contributions from all members rebutting the irrelevancies the honourable member for Williamstown is now testing you with. He is testing your patience, taking you from the gravy train fantasies of the honourable member for Preston to the appointment of chief executive officers and now to middle management. How low will you allow him to go?

Mr BRACKS (Williamstown) — On the point of order — —

The CHAIRMAN — Order! I have heard enough on the point of order. I do not like the tone of the comments by the honourable member for Mornington. The Chair is quite capable of deciding a point of order without having words put before him that could be interpreted as threatening. The Chair will not be intimidated by anybody in this place. I do not uphold the point of order.

I remind the honourable member for Williamstown, as I reminded the honourable member for Preston, that the clause is narrow and, although there is the opportunity to point out why you consider there should be specific dates, as the honourable member for Mornington said, it is not an opportunity to present a dissertation on what the commissioners might do. I draw the attention of honourable members to that. At this time I do not uphold the point of order, but I remind the honourable member that he should relate his remarks in a relevant way to the clause before the Chair.

Mr COOPER (Mornington) — On a further point of order, Mr Chairman, I would not want you to interpret my remarks as being threatening. If they were taken as such by you, I would like to apologise.

The CHAIRMAN — Order! I accept the comments of the honourable member for Mornington in the spirit they are given.

Mr BRACKS (Williamstown) — Clause 5 deals with the timing of elections. It changes the date to the third Saturday in March, with which the opposition agrees. But the bill is deficient in that it does not specify time lines for the appointment of commissioners and the holding of elections. The consequence of clause 5 not specifying a set timetable can already be seen in councils. Permanent structures are being put into place. There is a direct relationship between those permanent structures and senior staff and the lack of a timetable. The community understands there will be delays in the holding of elections, and I believe that is a direct outcome of that deficiency.

Unfortunately another direct outcome of there being no specified minimum or maximum time between the appointment of commissioners and the holding of elections is a lack of confidence in the community in commissioners. As the honourable member for Mornington rightly pointed out, the opposition is not against boundary reforms. I am on the record as saying that I am happy with the boundary changes between Williamstown and Altona. It is a logical change. There is significant commerce and community of interest between the two former councils.

To me it seems a pity that the reform process is put in jeopardy by its not being open and accountable to the communities in which these councils are being set up. A key to accountability is the involvement of those who are keen to be involved in the community, to stand for elections and to have a say in what happens — in who their chief executive officer is, how senior management is run and what departments are set up — and that is what clause 5 prevents.

The timetable for the holding of elections is now the gift of the government. That is not what we would expect of a government that wants to build support for its reforms, and that is the reason for my opposition to the clause. As the honourable member for Preston also pointed out, the other consequential effect of dates not being fixed is that parts of a constituency may not be represented.

The honourable member for Preston mentioned the partisan nature of the appointment of commissioners and the tokenism of the appointment of some Labor supporters. For example in Ballarat, a community in which I lived for some time, commissioners are all members of the Ballarat Club. We all know that the Ballarat Club is the same as the Melbourne Club. That is an example of how reform can go off the rails if there is no accountability. If dates and minimum standards are not built into bills, the government is open to criticism.

Local government reform could have received our support, but it will not. Clause 5 is deficient in that it does not state in enough detail the type of elections to be held, it does not state whether elections will be held triennially or yearly and it does not set minimum or maximum standards for the

appointment of commissioners and the holding of elections.

Mr MACLELLAN (Minister for Planning) — I thank honourable members for the unequivocal support they have given to the clause. I assure the honourable member for Williamstown that Mrs Barbara Champion is not a member of the Melbourne Club.

Clause agreed to.

Clause 6

Mr LEIGHTON (Preston) — Clause 6 gives councils the option of conducting an election by post. I will not speak to that clause at length because there was wide-ranging debate during the second-reading debate and the opposition had the opportunity to state in some detail its concerns and opposition to this provision. However, I again want to make the point that the opposition staunchly opposes this provision.

This clause does not suggest that postal voting should be an option available to voters but that, if the council so chooses, its entire election can be conducted by postal voting. There would be no election day on the third Saturday in March when people would turn out at the polling booth and vote. Our view is partly a philosophical one. Postal voting would downgrade the whole concept of an election — all the colour and vigour would go with it, as would the notion of a community participating in a democratic process. It relegates voting to something that is not all that different from paying a bill by mail. As was suggested during the second-reading debate, perhaps people will end up paying their rates and voting at the same time, sending that all back in the one envelope. That would be a shame.

As the opposition has pointed out, one government-appointed commissioner has called for the dispensing of elected councils and a move towards permanently appointed commissioners. My concern is that we could be moving down that path with this provision.

I will not speak further on this clause because I had the opportunity to canvass issues more widely during the second-reading debate. However, I raise a couple of specific matters with the minister. Firstly, if a council chooses that the entire election will be conducted by postal vote, what will happen to somebody who turns up at the council wanting to cast an absentee vote or what we would call a pre-poll vote before the day because that person is on his way out of the state for holidays, business or whatever? Will a voter be able to cast a pre-poll or absentee vote, as is the case currently, or will that person be forced to follow the postal voting provisions?

The second matter on which I seek a response from the minister is whether the government intends these provisions to apply to the next round of council elections — that is, for those councils that will have elections in March 1995? Also, what special arrangements or education will be provided for voters from non-English-speaking backgrounds to cope with postal voting. Although it is easy for these people to obtain assistance at polling booths, if the information arrives at their homes there may not be anyone in their households who understands the nature of the material. What arrangements will be put in place for those voters?

Finally, it is clear that detailed regulations have to be developed around the concept of postal voting. Is the minister able to give the committee an indication of the nature and extent of those regulations?

Mr COOPER (Mornington) — The opposition signalled during the second-reading debate that it would oppose this clause. It is a little disappointing. The rationale behind postal voting is to increase the involvement of the community in municipal elections. Evidence from New Zealand and Tasmania suggests that it does that.

During the second-reading debate I advised honourable members that I had recently visited Tasmania with the Minister for Local Government. During that trip, when we were in Hobart, the City of Glenorchy told us that in previous council elections only 15 per cent of non-resident ratepayers voted in municipal elections, but when postal voting was trialled earlier this year 53 per cent of non-resident ratepayers voted, which was a significant indication to the council — which had opposed the introduction of postal voting — that this process works because there is a greater involvement of ratepayers.

The council, the Tasmanian local government department and the minister put to us that it is surely everyone's aim to obtain a greater involvement in the electoral process to ensure that councillors are elected by as many as possible of those who have involvement and connection with the municipality. By this method non-residents, who

are well known for not participating in municipal elections, are more inclined to vote.

For the past 10 years Victoria has had compulsory voting for municipal elections. However, everyone knows that if you do not vote in a council election it is easy not to be fined. It is rare to find that a person has been fined for not voting in a council election. It is non-compulsory if you are a non-resident in the municipality, but if you are a resident and you do not vote all you have to do is write saying that on the election day you were out of the municipality and that will be accepted as a valid excuse.

It is ridiculous to claim that we have compulsory voting in this state. Even with the compulsory provisions we have a fairly low turnout of voters for council elections, although it is significantly higher than if it were non-compulsory.

There are people with significant financial involvement in many municipalities who do not live in those respective municipalities. We should be encouraging them to participate in local government elections. That is one of the major reasons — not the only reason — why postal voting should be given a try.

The honourable member for Preston said in his first few words that this was an option open to the councils. He is right. Councils are not required to take up that option. They may have postal voting if they wish or they can opt for the traditional method. The honourable member for Preston said the process would downgrade the election process and take away some of the colour and flamboyance of election day. Perhaps it will but I do not believe we have to pay a price for greater involvement in municipal elections by taking away all that colour? If that is the price surely that is a good price to pay for having more people participate in the democratic process.

The honourable member went on to say that he was concerned that election by postal voting could lead to no elections being held and that the provision would be the thin end of the wedge. That argument can be described only as a fantasy scenario, although it has brought a beaming smile to the face of the minister at the table. That is an action that neither this government nor any other government would adopt. That fantasy scenario can be buried.

The honourable member for Preston posed a number of questions for the minister about process. I shall endeavour to throw some light on a couple of those but I will leave the substantive reply to the minister. The honourable member asked what will happen if the council puts in a system of postal voting and a voter wants to vote personally either before election day or on election day. I can refer only to what happened in Tasmania where polling booths were located at the council chambers and around the state. People were able to vote personally if they wished to do so. It was interesting to note that a minor percentage of people voted personally. Most people took up the option of voting by postal ballot. Nevertheless there may be some traditionalists and they should not miss out. So I anticipate there would be an option of having normal ballot boxes available at the council chambers, both before and on election day. I anticipate that the government would regulate to enable that to occur.

The honourable member for Preston asked whether it was intended that these provisions apply to the next round of elections. The clause that is proposed to be inserted in the act states:

> (1) A Council may decide that all voting at an election is to be by means of postal voting.

The answer is yes. The council, or the commissioners for the time being, could implement the process before election day, but that is my opinion. It will be interesting to hear the views of the minister.

The question of non-English-speaking voters was handled adequately by the Tasmanian authorities. They were very aware of the ethnic backgrounds of particular municipalities and went to a great deal of trouble to send out written information in the languages that were known to be spoken in certain municipalities. They also had interpreters available for any families or individual who had not been catered for. In every way the Tasmanian government tried to make the system work, and it worked well. It copied many of the procedures adopted by New Zealand, and all those aspects were explored.

During the second-reading debate I said we are not inventing a new wheel; we are copying what has happened elsewhere. We want to adopt the best aspects of the systems that are operating elsewhere, particularly in New Zealand and Tasmania, because those communities are similar to the Victorian community. We believe the systems they use will operate well in this state. Of course detailed regulations will need to be prepared. The

regulations will not only cover the sorts of matters — —

Mr Seitz — Tedious repetition!

The CHAIRMAN — Order! The honourable member for Keilor has been here long enough to know that he should not yell across the chamber like that.

Mr COOPER — The four or five matters raised specifically by the honourable member for Preston also cover a whole range of areas to ensure that fraud, corruption and other matters raised during the second-reading debate are addressed.

In other words, I am certain this state would be drawing very heavily on the experiences of Tasmania and New Zealand to ensure that the regulations cover every area that might prove to be a chink in the armour of this system. The major thrust must be acknowledged by this house — that is, that we are seeking that the communities in municipalities have a greater involvement in the electoral process; not a lesser process or a corrupt process, but a greater process. Anything that would denigrate the system and bring it into disrepute would destroy it. That is certainly not the intention of the government by bringing in this legislation.

I suggest to the honourable member for Preston that the matters he raises are genuine concerns that have been or will be addressed. The major reason this particular proposal will be inserted in the Local Government Act is that it will involve a greater involvement by individuals in municipalities in the local government electoral process — —

Mr Seitz interjected.

Mr COOPER — I know this does not interest the honourable member for Keilor.

The CHAIRMAN — Order! As difficult as it might be for the honourable member for Mornington, I encourage him to ignore the honourable member for Keilor.

Mr COOPER — I have done that on four or five occasions, Mr Chairman. It is very difficult when you have a nitwit hurling stupidities — —

The CHAIRMAN — Order! That is an unparliamentary term — —

Mr COOPER — I know it is, but it is accurate. However, I withdraw it because it is unparliamentary.

The fact is that we are seeking a greater involvement by communities in the election process. I am certain that that has the absolute endorsement and support of every member in this house — apart from the honourable member for Keilor. We all understand his shortcomings so we will go along with him and carry him along.

I would hope — it may be a vain hope — given the information that has been provided to the opposition during the second-reading debate and given the information that has now been provided by me and that will be provided by the minister and by some other members of this house who may feel inclined to join in the debate on this clause, that perhaps the opposition will reconsider its position of opposing this clause, that it might prefer to simply allow the clause to go through and to reconsider its position when the bill is between here and another place. If it really is interested in seeing greater involvement in the local government election process that would be a good signal.

Mr BRACKS (Williamstown) — I will be very brief. I have some further queries to those raised by the honourable member for Preston. I think the honourable member for Mornington addressed some of the issues and principles of clause 6 well; they are not principles we agree with, but nevertheless he argued the case well. However, some questions still remain.

One is the question of safeguards and the secret-ballot nature of the vote. Secrecy, of course, is ensured in a polling booth and that is upheld. But what provisions are there for a secret ballot when postal or ballot papers are sent to your home or when all sorts of social groups meet? I ask the minister: what does it do to compulsory voting? The bill is unclear as to whether the act of sending out ballot papers to a person's address is in fact the act of saying that the person has voted or whether the return of the ballots, whether blank, informal or filled in, is the way that you avoid being fined for not voting. When is it an act of compulsory voting and when is it not? Another question is: what will be the expense of postal voting compared to the expense of the current system, which has worked well?

Lastly, I do not think the case has been put strongly enough as to why there needs to be a change. An old

saying applies here: if there is nothing wrong, don't fix it. I think that is the case. There is essentially nothing wrong with the current system; it works well in federal and state elections. In local government there is less awareness of the persons who stand for public office; that is a matter for publicity and marketing and I do not think it will solve the problem of participation by this method. I think it may advance the problem of informality.

As we know, how-to-vote cards given out at polling places make it much simpler for people to follow their preferred party or preferred candidate choice for the consequential preferences. I suspect informality would be increased by this method of voting.

There are some residual questions about this clause. It might pick up some of the matters, as the honourable member for Mornington mentioned, but I think it will cause some consequential problems. That is why we oppose clause 6.

Mr MACLELLAN (Minister for Planning) — A number of questions have been raised, and I thank honourable members for their comments. As I understand it, the opposition is opposed to this clause and the government is certainly in favour of it.

The honourable member for Preston asked if it would apply to the 1995 elections. The answer would have to be that if it were to apply to the 1995 elections, the relevant councils would have to make a decision following the passage of the bill to implement it. The honourable member also asked if regulations have been prepared. I am not aware of whether drafting has been undertaken on any regulations on this form of balloting, but since we have had postal voting for some considerable time, I would imagine there would not be great difficulty in drafting appropriate regulations. If a council expresses a serious interest in having this form of ballot for an election in March 1995, parliamentary counsel will just have to get on with the job of drafting some regulations to ensure that that interest is accommodated.

The honourable member for Williamstown — or is it Joansburg, I never know; it should be Joansburg — asked whether compulsory voting would still be the rule. Yes it will; voting will still be compulsory. I am sure anybody who is prepared to swear and declare that they have posted a ballot paper will be excused by any reasonable council. That person may be required to make a statutory declaration about it. I do not know whether it will cost more. I do not know why the opposition should feel threatened by the increased participation as was exemplified by the figures for Tasmania given by the honourable member for Mornington. If there is greater participation, I would have thought it was common ground and that both sides of the house thought it was a good idea if more people voted in local government elections.

Mr Baker interjected.

Mr MACLELLAN — If that is the mechanism by which they vote. The honourable member for Preston wants to be traditional and colourful by referring to how-to-vote-card dispensers and so on. Yes, I understand all that. That is the position of the honourable member for Preston and it will probably be his position for most of his life. I do not see him changing. I have not seen much change in him during his time in Parliament and I do not expect to see much change in him in future. He is a very settled character with a fine, old-fashioned view about what advantages him and his side and a very narrow view about anything else.

That is fine; we all need that, even if only for contrast. However, the Parliament is about organising change and hopefully improvement, but at least organising change. All I can say is that, given the decision of electors at the last state election, it is likely that this provision will be enacted by Parliament, it is likely that it will be adopted by at least some councils, it is likely that it will be implemented at an early date, it is likely to increase participation in the process, it is likely that it will be done by postal ballot and it is also likely that it will have a democratising effect upon the outcome of the result.

Mr LEIGHTON (Preston) — The Minister for Planning has not responded to the query raised by the honourable member for Williamstown about compulsory voting.

Mr Maclellan — And there will be compulsory voting.

Mr LEIGHTON — Yes, we all recognise that compulsory voting continues but the query raised by the honourable member for Williamstown is: at what stage are you deemed to have voted? Is the mere fact that you have received the ballot paper in the mail from the council enough? Do you need to have put it in the mail?

It is an important point because if receiving the ballot paper in the mailbox is deemed as having voted for the purposes of compulsory voting, effectively the government is abolishing compulsory voting. I would like the minister to state at what stage he believes one is deemed to have complied with the compulsory voting provisions.

The second matter I raised concerned assistance for people from non-English-speaking backgrounds. I would like a response from the Minister for Planning on that matter. I do not believe he responded to that query.

The third point I raised concerned whether it would still be possible for people to vote at the municipal offices in person. What I had in mind was that on their way out of the municipality on business or on holidays they may want to do something similar to what we currently call pre-poll voting. The honourable member for Mornington actually extended my question further by saying that in Tasmania it was actually possible to roll up on another day and cast a vote. I would like the minister to respond both to my inquiry about whether there is provision for pre-poll voting and whether there will be a provision like that in Tasmania to which the honourable member for Mornington referred.

Mr MACLELLAN (Minister for Planning) — I regret that I did not specifically adopt the remarks of the honourable member for Mornington. I felt that since he was responding immediately after the honourable member, he might have thought of that as being a suitable reply.

However, I do adopt the remarks of the honourable member for Mornington, and I will certainly do my best to ensure that the regulations drafted are as broad and generous as is possible for them to be made under the act.

The honourable member for Preston also asked a specific question and I think a very nice question — lawyers would call it a 'nice' question, meaning precise and perhaps fussy — about whether the receipt of a ballot paper from the council would be regarded as a discharge of the obligation to vote or whether the citizen would have to take the ballot paper, mark it in some way and put it in an envelope; and perhaps if it is not pre-paid, put a stamp on it and put it into an authorised letter receival slot or place it under the commonwealth regulations, since it is all so terribly precise.

I think I will duck that one by saying that my law is very rusty. I have only been a member of Parliament for 24 years — mucking it up, rather than practising it — and I will refer the matter to the Victorian Government Solicitor with a view to the honourable member receiving a considered reply from him.

Committee divided on clause:

Ayes, 53

Bildstien, Mr	Maclellan, Mr
Brown, Mr	McNamara, Mr
Clark, Mr	Maughan, Mr
Coleman, Mr	Paterson, Mr
Cooper, Mr	Perton, Mr
Davis, Mr	Pescott, Mr
Dean, Dr	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 (*Teller*)	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	Turner, Mr
McGill, Mrs	Weideman, Mr
McGrath, Mr W.D.	Wells, Mr
McLellan, Mr (*Teller*)	

Noes, 24

Andrianopoulos, Mr	Loney, Mr
Baker, Mr	Marple, Ms
Batchelor, Mr	Micallef, Mr
Bracks, Mr	Mildenhall, Mr
Brumby, Mr	Pandazopoulos, Mr
Carli, Mr	Sandon, Mr
Coghill, Dr	Seitz, Mr
Cole, Mr	Sercombe, Mr
Cunningham, Mr (*Teller*)	Thomson, Mr
Garbutt, Ms	Thwaites, Mr
Haermeyer, Mr	Vaughan, Dr (*Teller*)
Leighton, Mr	Wilson, Mrs

Clause agreed to.

Clauses 7 and 8 agreed to.

Clause 9

Mr MACLELLAN (Minister for Planning) — I move:

5. Clause 9, page 8, after line 13 insert —

"(3) For the purposes of sections 94(6) and (7) and 95A(5) of the **Local Government Act 1989**, in calculating the length of time a person has filled a position, no time spent by the person in the position before this section came into operation is to be taken into account.".

The amendment is self-evident. It is intended to exclude from the electoral roll the names of persons of unsound mind, which brings the measure into line with the rules applying to the state electoral roll.

Amendment agreed to; amended clause agreed to; clauses 10 to 26 agreed to.

Clause 27

Mr MACLELLAN (Minister for Planning) — I move:

6. Clause 27, page 34, line 26, after "tribunal" insert "on any ground relating to the merits of any particular decision".

7. Clause 27, page 34, line 36, after "50QA" insert "that is based on the merits of the decision".

These are merely technical amendments that insert in the clause the words 'on any ground relating to the merits of any particular decision' and 'that is based on the merits of the decision'.

Amendments agreed to; amended clause agreed to; clauses 28 to 30 agreed to.

New clause AA

Mr MACLELLAN (Minister for Planning) — I move:

8. Insert the following new clause after clause 5 —

"AA. Exclusion of people of unsound mind from voters' rolls

(1) After section 21(3) of the Local Government Act 1989 insert —

"(3A) The Electoral Commissioner must on or before the date referred to in sub-section (2) supply to the Chief Executive Officer a list of the names of persons —

(a) who have been removed from the roll of electors for the Legislative Assembly under section 48(2)(d) of the **Constitution Act 1975** since the Electoral Commissioner last supplied such a list; and

(b) whose last recorded address was in the municipal district.".

(2) The first list supplied by the Electoral Commissioner to the Chief Executive Officer under section 21(3A) of the **Local Government Act 1989** must contain the names of persons —

(a) who have been removed from the roll of electors for the Legislative Assembly under section 48(2)(d) of the **Constitution Act 1975** since 3 May 1993; and

(b) whose last recorded address was in the municipal district.".

(3) In section 21(4) of the **Local Government Act 1989**, for "voters' list supplied" **substitute** "list supplied under sub-section (2) or (3A)".

(4) For section 22(3) of the **Local Government Act 1989 substitute** —

"(3) The Chief Executive Officer must not include on the voters' list prepared under this section —

(a) any person who appears on the voters' list prepared by the Electoral Commissioner; nor

(b) any person who appears on the list supplied to the Chief Executive Officer under section 21(3A).".

(5) After section 22(6)(b) of the **Local Government Act 1989 insert** —

"; or

(c) the name of a person who is not on the roll of electors for the Legislative Assembly by virtue of section 48(2)(d) of the **Constitution Act 1975**.".".

New clause agreed to.

Reported to house with amendments.

Report adopted.

Third reading

The SPEAKER — Order! I am of the opinion that the third reading of this bill requires to be passed by an absolute majority. So that I can be sure that an

absolute majority exists, I ask the Clerk to ring the bells.

Bells rung.

Required number of members having assembled in chamber:

Motion agreed to by absolute majority.

Read third time.

Passed remaining stages.

CORRECTIONS (AMENDMENT) BILL

The SPEAKER — Order! A statement having been made under section 85(5)(c) of the Constitution Act, I am of the opinion that the second reading of this bill is required to be passed by an absolute majority.

Second reading

Debate resumed from 16 November; motion of Mr GUDE (Minister for Industry and Employment); and Mr HAERMEYER's amendment:

> That all words after 'That' be omitted with the view of inserting in place thereof the words 'this house refuses to read this bill a second time until an independent and public committee of inquiry has examined, considered and reported on the proposals contained in the bill with particular emphasis on the following matters:
>
> (a) the likely economic costs and benefits of private sector management of prisons and other corrective services;
>
> (b) the likely social costs and benefits of private sector management of prisons and other corrective services;
>
> (c) the likely impact of privately managed prisons and other corrective services on the achievement of social objectives through the corrections system;
>
> (d) comparative safety and security considerations;
>
> (e) the likely impact of the creation of a commercially motivated penal and corrective industry on public debate and policy formulation in relation to crime and punishment issues; and
>
> (f) alternative financing methods for the construction of three new private prisons as required.'

Mr CUNNINGHAM (Melton) — I shall make some comments on the Corrections (Amendment) Bill. Firstly, I thank the minister for allowing a group of local residents to meet initially with the project manager, Tony Wilson, with Sue Wynne Hughes from Correctional Services and subsequently with the minister himself. Those meetings enabled the local people to be briefed on events leading up to the site selection as well as the planning proposals, the layout and the environmental issues affecting the Melton site that has now been selected for the relocation of Fairlea Women's Prison.

The second meeting with the minister allowed a representative group from the local community to express concerns to the minister himself. The concerns of the people centre around the perception of the local residents who see a lowering of land values in the area. They also see the prison having an impact on future housing development in the region. That view was also expressed by the Sunshine council, which believes the land would be more positively used for housing, attracting industry or light industrial development. The council considers that a prison will affect the amenity of the area.

I should also mention that the residents who have already purchased homes in their area feel badly let down by the decision to construct and operate a prison close to their homes. Their view is that they were there first. They bought in good faith, so why should their lives be affected or perceived to be affected without an appropriate avenue for redress or a voice to prevent the prison's construction?

I place on record the final position of the Melton council of 18 April: that it would not actively seek sites in the municipality for the prison. That decision was arrived at after significant levels of concern had been expressed by the community. A number of petitions with many thousands of signatures were presented to the council.

The reason the government became interested in the site is that Australian Defence Industries nominated its site as a site that met the criteria in the guidelines that had been laid down. It expressed interest in selling the site to the government for the construction of the prison. It was the Australian Defence Industries that sold out the people of Deer Park. Furthermore, the site does not meet the strict criteria laid down by the guidelines, one of which was access to public transport. There is no direct access to public transport in Deer Park. As the opposition spokesman said last night, it is about 4 kilometres away. No bus even goes past the door. The site does not meet certain elements of the criteria laid down for the construction of the prison.

Flimsy promises for the future have been made that a ring-road will be built as a buffer zone for the local housing developments in the next few years. As has been suggested, a ring-road will be built which separates the prison from the housing development that currently exists. Amongst other things the bill allows the minister to enter into various agreements with the private sector to finance, construct and manage the prison. However, the overall responsibility will remain with the government.

Although that may sound fine, no evidence has been supplied, and the government does now know whether there will be any cost benefit or savings to Victorian taxpayers. Furthermore, there is a strong suggestion that this private operation may be more costly to the Victorian taxpayers because the state will have to provide two types of institutions — one for the hard-core, dangerous criminals and one for the softer criminals.

The opposition has stated clearly that it does not support the principle of profit from prisons. In the distant past private prisons failed and perhaps history will repeat itself. When this experiment fails it will show that because of the very nature of prisons and corrections the government, with its enforcement role, is best placed to manage all aspects of correctional services with a fundamental role involving security and rehabilitation.

Mr KILGOUR (Shepparton) — I have pleasure in supporting the Corrections (Amendment) Bill. I believe it represents the future for corrections management in Victoria. The bill allows for prisons to be financed, designed, built and operated by the private sector. When one visits Borallon in Queensland and the Arthur Gorry Centre, as the shadow spokesman did, one sees the excellent situation that exists. It provides a great opportunity to see what has been done in other states. There is no doubt that the situation at present is an absolute disgrace. Those who have seen the situation at H division with its hardened criminals and exercise yards with prisoners herded in like cattle at 3 o'clock in the afternoon realise something has to be done with the prison system in Victoria.

When we visited Queensland and talked to the people involved at Borallon, we saw not only how savings could be achieved but also how prisoners can be treated much more humanely. We saw how, with a private system, that can be done expertly and exceptionally well. The change is unbelievable when compared with what we have in Victoria. In Queensland there is open space and green lawns. Glass walls are used instead of the stone walls we have in Victoria. There are also ferneries and gymnasiums.

Queensland's Borallon has a different culture from that in Victorian prisons. I believe we must examine the difference to try to understand why it exists. When the Queensland government decided to privatise the prison, it did not employ staff from the Boggo Road gaol because the culture at that gaol was the same culture that exists in the Victorian system. It was desperately necessary to treat prisoners differently from the way they had been treated. New prison officers had to be trained to treat the prisoners differently.

The state will benefit from the private sector investment and the achievement of cost efficiencies and effectiveness with the new prison for which the bill provides. I congratulate the minister for having the intestinal fortitude to bring in the bill when Labor carped about what was going on with prisons for 10 years but did nothing about it. We have all seen the system at Pentridge. In Queensland it was interesting to see the way the Borallon centre operates. We were shown around by a triple murderer. It was interesting to see the prison industries which have been established and which are running at a profit. The prison industries are not run by the government, they are run by a private operator.

It is different altogether because they find industries that have trouble finding employees. Those industries are brought into the prison which runs them extremely well. The day we visited the prison they were working on air-conditioning equipment that the outside contractor had had problems finding outside people to work on. If industries are brought into the prison, the prisoners are happy to work for them. They get extra pay, and the culture was completely different from that in Victoria. I believe that is the sort of culture Victoria's prison system will have in the future.

The bill establishes a commissioner for the correctional system as an executive officer of the Department of Justice, and that person will act under delegation from the secretary. Therefore someone will ensure that the contractor does the correct thing. There will be a watchdog to ensure that the conditions of the contract are maintained and that the system is operating efficiently and meets the urgent government requirements.

Last night opposition members said the government would not provide those sorts of requirements. I do not believe that is accurate. I believe the state can control those contractors and ensure that the prison operates efficiently and humanely so that prisoners have a chance to work in gaol and feel they have achieved something by the end of the day.

The bill also allows for the secretary or persons authorised by the secretary to have immediate access at all times to prisoners. That is of vital importance to ensuring that, if something happens, if the contractor or the people employed by the contractor are doing the wrong thing, the government is able to move in and ensure the correct thing is done.

Documents relating to the management of the prison can also be checked. The bill enables the minister to intervene in the management of a private prison, particularly if that is in the public interest. In the case of an emergency, if the contractor fails to provide competent management, the department can move in and ensure that the correct thing is done. The contractor and employees must comply at all times with the directions given by the administrator. The watchdog is there. The government still has complete control of the prisons under contract. As we have seen in Queensland, that can work effectively.

The bill also provides for prisoners to attend the funeral of family members interstate. Not long ago a prisoner in Victoria wanted to attend the funeral of a close family member who formerly resided at the Cummeragunga centre across the Murray in Barmah Town, New South Wales. Many members of that community live across the river in Victoria. On this occasion a problem existed because the close family member was to be buried at Cummeragunga and under the existing legislation a prisoner in Victoria cannot attend a funeral in New South Wales. We have now made an important allowance in case that situation arises again. New South Wales Parliament is expected to pass similar legislation during next year to ensure that that difficulty between the states does not arise again.

Also under this bill the Chief Commissioner of Police will be able to enter into agreements with the private sector for the provision of custodial services. Many custodial services do not have to be dealt with by prison officers. For example, security at the Magistrates Court and the transport of prisoners could be contracted out. It is not necessary for a government person to transport prisoners between gaols. That can be done by a contractor. Once again the government will have a watchdog effect. It will ensure that that is done correctly and that the community is not at risk.

Private contractors will be under scrutiny and subject to the provisions of the Freedom of Information Act and the Ombudsman Act. Therefore those in custody will be able to enjoy the same rights and access to information and avenues of complaint.

It is the government's intention that within three years almost half the state's prison population will be managed in privately operated prisons. I believe in the near future an announcement will be made as to where the 600-bed prison will be located in country Victoria.

The shadow Minister for Corrections suggested on ABC radio that the prison would be located in Bendigo because Bendigo was not a safe seat. The very next day I happened to be in Parliament in the second floor dining room at the same time as the shadow minister. I offered to bet with the member on whether the prison would be situated in Bendigo. He simply said to me, 'What do you know?'. I said, 'I'll bet you that it will not be in Bendigo', and he would not take up my bet. I believe I would have collected on that bet in the near future. As much as the honourable member thought that it would be located in Bendigo, I still offer the opportunity for a little wager on the side.

The bill allows for a 600-bed prison to be located in country Victoria, which will provide hundreds of greatly needed jobs, including 250 ongoing jobs for the local community. Money will be spent in the local community not only by the people who work there but also the prison. Money will go to the bakers, butchers and greengrocers in that country town.

Mr Maclellan interjected.

Mr KILGOUR — And the candlestick makers. Prisoners probably still need candles in Pentridge Prison, but they will not need them in the modern prison to be built in country Victoria.

I thank the minister for ensuring that country Victoria gets its piece of the cake. This will help to employ people in country Victoria. The area that gets the gaol will get a facility that adds great interest to the community and that provides the opportunity for much-needed jobs. I commend the minister for bringing forward the bill, which

provides humane housing for detainees in acceptable surroundings and a long-awaited prison for regional Victoria.

Mr BAKER (Sunshine) — I wish to make a brief contribution in major part because the proposed location for the women's prison is, I understand, a site across the road from my electorate boundary.

I am amused by the side play between the honourable members for Shepparton and Bendigo, giving further fuel — or perhaps throwing a bit of kero on the fire — to that traditional rivalry between those two great provincial cities. On the basis of what the honourable member for Shepparton has said, I would not mind putting a week's salary on Shepparton. However, one should not be facetious about a serious matter like this, and I propose to get serious soon.

On behalf of the people of Sunshine and Deer Park, I sound a stern message. We would be only too happy to see the proposed women's prison go anywhere other than our area, not just for the old not-in-my-backyard, or nimby, reason but for reasons relating to the difficulties women incarcerated there, not to mention their families and children, will experience through lack of access by public transport. It would be absolutely absurd to propose that a women's prison in particular be located in a country area because that would even further magnify and exacerbate those problems to which I have alluded.

I sound a general note of caution to the government. I am aware from my reading that the experiment of moving a major prison in New South Wales to Junee has been something of a disaster. Prisoners, for personal reasons, are very reluctant to be moved so far away from home and to lose the opportunity to have regular home and friendship visits to the point that that prison has been in a state of constant riot, revolt and turmoil because of the dissatisfaction of the prison population.

I wish to draw upon a couple of matters of principle. I know it is at the end of the week and we are all starting to feel like chickens in incubators, so I do not propose to launch into another fulsome lecture on Plato's prescriptions on the separation of public purpose and commercial enterprise, but once again I draw the attention of the house to his prescriptions and what I perceive to be one of the major failings of the government.

The Premier was at it again this morning on the radio, referring to a minister who had applied for a real estate licence. He suggested there is nothing wrong with a member of the frontbench or a significant government figure indulging in private enterprise where there is even a suggestion or a prospect of that person being able to profit from activities and decisions of the legislature.

I do not want to get into personal smear; that has never been my go in this house. I will not mention the particular minister.

Another case concerns me. It touches upon the critical philosophical and conceptual issue that is involved in this legislation and the prospect of moving to privatisation of prisons, even on a trial or one-off basis. I refer to the fact that a senior member of the coalition party in another place held, when the shareholders were announced, 22 500 shares in Crown Casino. That is off! I have no knowledge to suggest that the person has indulged in any impropriety or with any lack of probity. I know the person. I have worked alongside him on parliamentary committees. In the past that person has taken critical and honest positions on legislative probity. It sends a message to the community. It is not on; you can't do it!

Plato was right! There must be a different moral code for the guardians and a different moral code for those in commercial enterprise. When they are mixed up, when you cross that line, there is a temptation to move on further. Time and again, particularly during the past year, the government seems to deny any understanding of the need to make that critical division. I make a prophecy that that will be the seed of the government's undoing.

It is not a question of ideology about privatisation; it is a question of getting it mixed up! It is a question about lines being blurred and the community not clearly understanding what is what. It can be put in terms of a simple maxim: where an act of the legislature is involved, and we, collectively as representatives of the people, make some prescriptions and we have the options of altering them, we must be clear about ensuring that the consequences of legislation cannot be given over to the pursuit of private profit.

This is probably one of the worst examples because temptation is there. It may not happen tomorrow or it may not happen for two years. It may not happen until the next election. It may not happen under this government but under a future government. The

temptation is there. If private enterprise is called in to run a prison where its clientele or its market, to use business school prescriptions, is dependent upon the law and when the law is interpreted by agencies of the legislature — in this case, a right ceded to the police force with guaranteed independence by Parliament on behalf of the people — there is a need for the separation of powers.

Debate in the community or in Parliament about whether a sentence is harsh enough or whether there is truth in sentencing, all that ferment, is always around, so when the clientele is represented in terms of a profit and loss statement, that is important for the person making the up-front capital investment.

We know one of the major reasons for the legislation is to get the debt off the books. I can understand that in economic terms. In many ways the federal government is doing the same thing. It is looking for opportunities to have private enterprise bear the up-front costs. Of course there is a side bar to this — I am pleased to see that the Minister for Business and Employment is in the house — because this is an easy way to get around unions that might be troublesome or who are not receptive to enterprise bargaining and the modern way. I shall not indulge in ideological rhetoric about that, but I believe it is an indication of the failure of the government because it is unable to negotiate with unions for productivity improvements.

The problem is when those people have made that investment, the legislature has a vested interest in ensuring they are successful, especially the government, because of the political embarrassment it will suffer if it has miscalculated on return on investment, or if the economic circumstances change, interest rates rise, a deal goes bad, they get done in by a builder, or their other projects affect the nature of the company and they need extra funds to pull themselves out. All those risks are prevalent and constant in business life. If they are not obtaining a return on investment and shareholders make demands, especially if they are close to the government in terms of ideological perspective or even in terms of association, it may be that there is an influence or a lure for the prison operator to get involved with the ruling party of the time, to talk with it, to hang around it to ensure that the operator has some influence. He may kick in to the election campaign fund. We all know that happens. It happens on all sides of politics. It will happen to you! It will happen to us if we go ahead with this particular form of privatisation.

The measure sounds great in terms of the first look at the figures, in terms of avoiding the necessity to incur further debt and in terms of solving the problems of enormously high prisoner costs and so forth; but it is wrong! It is wrong and it will lead to serious problems in the future. You should remember I said this today because it will happen. The temptation is there!

The other temptation is for the operator to get involved in public debate via a slick public relations firm when more clients are needed and the operator takes a strong interest in the social argument about sentencing policy and the way it is given effect — in other words, keeping the numbers up.

The shadow minister in his excellent and rigorous contribution — —

Honourable members interjecting.

Mr BAKER — I give credit where credit is due. In his excellent contribution he made the point that the United States of America has a largely privatised prison system, which has one of the highest prison populations or one of the biggest markets — it is not the cynic in my soul — but I suggest you will find that the companies operating these prisons will show a keen interest in the sentencing policy, in the law-and-order debate and the way in which it is given effect. In hard, bottom-line terms: how much fodder is coming through the system?

Mr Haermeyer interjected.

Mr BAKER — That is bad; it has been recognised from the time of the Greek philosophers I mentioned and it has carried through to our system today.

Finally, in terms of the location within my electorate, as the honourable member for Melton mentioned, it is patently ridiculous to locate a women's prison, of all things, in an area that clearly has no access to public transport. Honourable members should come and look — there is no public transport within a million miles of it! Most of those women have family-carer responsibilities and in many cases they have children. I ask the government to think again about finding a more suitable location closer to the city and to public transport. Toorak would be a wonderful place, as would South Yarra or Hawthorn.

Mr TURNER (Bendigo West) — It is with pleasure that I will speak on this bill, but I will do so only briefly because I realise a number of other speakers also wish to comment. I commence by

saying that I believe I have some knowledge of prisons because two are located within my electorate and one is located just out of my electorate in Bendigo.

Firstly, I thank you, Mr Acting Speaker, for the comments you made in your short contribution about the fact that you have gained access to a minister, the person responsible for bringing this bill into the house, to relay your concerns and the concerns of your constituents at Melton regarding the proposal to build private prisons. That has previously been said from the other side of the house, but has not occurred. I thank you for bringing to the attention of this place that in your instance it occurred and that you had access to the minister. Together with the honourable member for Shepparton, I congratulate the minister for having the foresight and fortitude to finally do something about our prison system in Victoria.

I take up a point raised by the honourable member for Sunshine when he spoke of women's prisons and the problems he perceived with public transport and how people wishing to visit the women would be dealt with. The Tarrengower Prison, which is a women's prison, is located within my electorate at Maldon. That prison is probably the most successful in Victoria. No public transport is readily accessible, but if you look at the rate of people who have gone through that establishment returning to the prison system you will find it is far less than the number who return to Fairlea or any other prison in Victoria.

Honourable members interjecting.

Mr TURNER — You can interject and carry on, but you have never been to the place and you would not even know what it looked like. I am telling you it is the best women's prison in Victoria, if not Australia. I will tell you why it works. It works because it has the support of the local community. People can move out into the local community and they are accepted by the local community. That is why it works and that is why fewer people return to the prison system from Tarrengower Prison than any other prison in Victoria. That is a compliment to the staff who work there and it is a compliment to the area, because it accepts the prison. There is no NIMBY syndrome in Maldon; they accept the place for what it is and they work with it.

Mr Baker interjected.

Mr TURNER — I would not mind another one, yes. I will take you up on your little wager if you like, too!

In the wee small hours of this morning I listened with interest to the contribution of the honourable member for Yan Yean. We heard a lot about his trip to America. I would suggest that he was perhaps fairly starry eyed when he was there — he did mention that he really did not have his mind on prisons. I suggest that his contribution may have been more interesting if he had talked about the other reasons he visited America!

Having said that, I indicate that it is very difficult to compare Victoria with Texas. I know things happen big in Texas, but I would not suggest that we follow the line of the Texas provision, and I do not think we are. The honourable member for Yan Yean spent much of his time talking about increased prison rates in Texas and trying to relate that to the Victorian scenario. I think he spoke a whole heap of hogwash — and that is being polite — about Texas.

I suggest that the honourable member reads the minister's second-reading speech, which says:

> The community and prisoners will receive obvious benefits through the provision of new purpose built facilities that provide additional capacity for prisoner numbers and which will have modern security methods built into their structure.

I take up a couple of issues. They do not necessarily have to be private prisons, but the reality of Victoria's finances is that after 10 years of your mob the only way we will build prisons is by going down the sort of track that we are going down now. This bill will give us that capability.

Mr Haermeyer interjected.

Mr TURNER — You had your say last night; just listen for a little while.

The Barwon Prison is not located within my electorate. I have been to Barwon. The Loddon Prison is also within my electorate. I must say that those two establishments are a great improvement on the prisons that were put in place under the old system.

The previous government had Pentridge Prison under its control for 10 years and the place is a bloody disgrace. That is the best way to describe it. I feel absolutely degraded to walk through that place

and see the prisoners housed within Pentridge being treated in such an inhumane way.

We have a prison at Bendigo, which the honourable member for Yan Yean said was a disgrace. I say to the honourable member: the Labor government had 10 years in which to fix Bendigo and it did nothing. The coalition government has been in for only two years, yet it has sewered the prison and made it a better place in which to be. That is what we have done about prisons and you talk about rednecks and all the rest of it — —

The ACTING SPEAKER (Mr Cunningham) — Order! The honourable member will address his remarks to the Chair.

Mr TURNER — I am not a redneck; I do not believe in locking prisoners up and throwing away the key. I believe in trying to rehabilitate prisoners back into society. In my opinion the only way we will do that is by providing purpose-built facilities that will be more humane and house prisoners in a better way. We have gone away from the previous government's revolving-door policy which it talked about last night.

Mr Haermeyer interjected.

Mr TURNER — Yes; you talked about it last night. This government is about providing state-of-the-art facilities in which to house prisoners that the community can feel safe about, without having a revolving-door policy. Already, after only two years of this government, we live in the safest state in Australia as far as law and order is concerned. That is the truth of the matter and it cannot be disputed — it has taken this government only two years to reach that and we will not give it away.

Honourable members interjecting.

Mr TURNER — It is the truth. I know other people on both sides of the house wish to contribute to the debate. However, there is one other matter to which I wish to refer and that is the remedy this bill provides for the police force.

Sometime ago I was involved with the police force for a number of years. I always wondered why men and women were trained in our police force at great expense for a lengthy time, only to be turned into gaolers. I could never see any sense in that. If we train men and women in our police force, which involves large sums of money and expertise, I do not see any sense in using them as gaolers. This bill goes down the track of remedying that. The Police Association, the Police Department and I believe the community have been calling for this sort of action for many years — action that the Labor government had the chance of taking but never had the fortitude to do so.

Gaols will be better places without the presence of members of the police force. In fact, the provision provides better security in respect of allegations made against members of the police force because now other people will be looking after the prison population. I commend the bill and particularly the minister for his actions and fortitude in introducing it. I thank the house for the opportunity of speaking on the bill.

Mr SERCOMBE (Niddrie) — As in so many other policy areas the government's approach to criminal justice is a big con. For political purposes government members have come to the view that by beating the law and order drum and by engaging in policies that will significantly increase Victoria's prison population they will achieve some political mileage. However, they are not prepared to foot the bill. In the process of developing their approach to criminal justice they are ignoring the more fundamental problems in our society that give rise to crime, as well as the social issues.

They are not concerned about providing adequate rehabilitation and support services within our correctional system; they are cutting back the corrections budget while increasing the demands on the system. They believe in some strange way that if they privatise the system beyond the extent of any other privatisation in Australia — and, I understand, in the world — they can somehow avoid the costs. There will be more prisoners in the private system in Victoria by 1996 than anywhere else in the world.

They can certainly avoid the costs if they run a system of electronic zoos. They can avoid costs if they create relatively inhumane prison environments with very low staff ratios and no serious attention to rehabilitation and all the other things that a safety-conscious community requires when prisoners are released. They can certainly save immediate costs that way, but in the long term quite clearly the community as a whole will pay a frighteningly high price for the brutalisation that results from that approach.

The private companies that would operate private prisons are not concerned as philanthropic

organisations; they are in there as commercial organisations and, quite appropriately for commercial organisations, they are there to make a quid. If the government pays for peanuts it will get monkeys.

Running prisons is a massively expensive exercise. From freedom of information documents, the opposition discovered that if the prison population increases by only 250, as the government expects, it will mean $32 million in capital costs. That is $50 000 a year for that number of prisoners, and you are looking at an additional operating cost of $12.5 million.

It is our view that as a consequence of the sentencing laws of this government quite possibly we will be looking at 500 additional prisoners in a short period. The community pays for that either through huge social costs involved in not running an appropriate system focused on rehabilitation or the government attempts to avoid the issue through privatisation.

The Borallon private prison in Queensland is quite a good prison. It is significantly different from the old Boggo Road prison but it serves a different function. It is a medium-security prison that takes prisoners that are not particularly difficult to manage. One could compere it with Barwon prison which is now our maximum-security prison. The operating costs are not significantly less. Certainly, it compares well with Lotus Glen, which is a government-run prison in Far North Queensland that operates on a similar culture of reform, focused on rehabilitation. The costs are not significantly different. Lotus Glen has a large Aboriginal population. It is considered so good that it actually won a human rights award, which is no small achievement in terms of the standard of prison service provided by the Queensland public sector.

The debate is in some respects a bit sterile. What is important is the focus of the prison. The opposition's view is that the Victorian public sector can do every bit as good a job and probably better than a privatised system. The government is proceeding with a privatised system simply to avoid spending the dollars needed in the interests of the safety of the community.

As I said at the outset, the government is pulling a significant con on the people of Victoria. The government is strong on rhetoric when it comes to community safety and criminal justice but awfully weak and failing to deliver on the real substance of what is required when addressing fundamental social issues that will make this a safer community.

Despite the conventional wisdom that there are no votes in prisons the realities are that the former Labor government embarked on a program that was probably more impressive than any program in any other decade in Victoria in terms of capital investment in prisons. I refer to the Melbourne Remand Centre, the Barwon Prison and the Loddon Prison, to name the three more obvious ones. Certainly the opposition supports strongly the view that the Coburg complex in Victoria is now a Victorian dinosaur that ought to go.

We have no problem with private investment in the provision of prison infrastructure; it was the former Labor government that pioneered the opportunities for private investment in public infrastructure. It seems that with respect to prisons there should be no exception there, and that would be welcome. The question is whether it is appropriate for the state to delegate to the private sector responsibility for what many people in the community would suggest is one of the most fundamental and vital of government functions: the protection of the community and the operation of the criminal justice system.

It is the submission of the opposition, as reflected particularly in the reasoned amendment of the honourable member for Yan Yean, that before we take that step a lot more attention needs to be given to the issues than simply responding to a government that is hell bent on attempting to avoid the cost implications of its political agenda in terms of trying to scare the community by beating the law and order drum for essentially political purposes.

There are fundamental problems in the privatisation of prisons debate. We need to be satisfied that we do not create a dual-track system — a two-standard prison system where private affluence is present in a system run by the private sector with the relatively easy prisoners and the difficult-to-manage public sector prison housing the maximum-security prisoners.

We need to be satisfied that the standards specified for the private system are adequate, and we are not getting adequate explanations from the minister in that respect. We need to be sure that accountability requirements are met. Once again we are not getting adequate answers.

The government is not giving us detailed explanations of the operational aspects of private prisons, such as how the cost of specialist dog squads, prison support services and a whole range of other operational functions, which it would not be appropriate to have one operator provide and which would be incapable of being supplied on an individual prison basis, will be sorted out in a system that is part private and part public. So far as I am aware, the government has not explained who will accept liability in the cases of accidents in or escapes from prison. Who will accept liability if a negligent contractor allows a prisoner to escape and there is significant ——

Honourable members interjecting.

Mr SERCOMBE — We have not seen the contracts. If the government adopted the position suggested by the honourable member for Yan Yean and took the Parliament into its confidence on these matters, we could be satisfied that the public interest was being protected. As has been the case with many other matters of public policy, this arrogant and secretive government has chosen to exclude Parliament and hide behind commercial confidentiality. In question time today we heard the Treasurer talking about the very same thing in an attempt to hide important matters of public interests.

The Parliament is entitled to know who will bear the cost, and it is entitled to be satisfied that the costs will be properly shared. It is entitled to know what sort of insurance arrangements will be put in place in certain circumstances. There is a host of questions to which we have not yet been given adequate answers by the government.

The bill contains a half-baked proposal to establish a commissioner presumably to supervise the private corrections system. As the honourable member for Yan Yean said, it appears the commission will not be a watchdog so much as a lap-dog. He ought to be a Governor in Council appointment. He should have considerable status and be given the independence he needs to properly conducts his affairs. That would seem impossible given that the commissioner is to be appointed by the director-general of the department. Clearly, that person will find it very difficult to act independently given the functions it is envisaged he or she will carry out under the legislation. There is no explanation about who will pay for the commissioner. Will a levy be imposed on the private contractors, which will contribute to the cost of the monitoring of their activities? That would seem a perfectly reasonable thing to do. No explanation has been given as to what will happen if there is a conflict between the commissioner's notion of his or her legitimate duties and responsibilities and the interests of the department.

Another matter referred to by the Scrutiny of Acts and Regulations Committee concerns the clauses on ancillary agreements. The committee has written to the minister asking for advice about the power that enables an agreement made under the bill to suspend any obligations contained in the agreement between the government and a private contractor. It would be ridiculous if some of the provisions we are in the process of enacting can, under some circumstances, be suspended. Parliament could hardly be confident that the intent it is seeking to include in the legislation would be realised. The Scrutiny of Acts and Regulations Committee says that under the legislation there is a capacity to actually suspend some of those obligations. It would be helpful if in his summing up the minister commented on that aspect.

I also refer to the provisions relating to the Building Act, an example of the government's arrogance. The rights of local people and local councils are being clearly ignored, not in the interests of security, as the minister claims in his second-reading speech. From a security point of view no-one expects the detailed plans of a prison to be put on public display; but those aspects of a building that provide the local community with a profile and construction footprints should be capable of being given some sort of attention by responsible local authorities.

Another unsatisfactory aspect is the deletion of the requirement in the Corrections Management Act for the notification by a contractor of any change within the management or control of the contractor. That is in section 9(2)(h) of the principal act. That seems to directly conflict with clause 13, which says the director-general must ask the Chief Commissioner of Police to inquire into the honesty, character and integrity of any relevant person. If the provision in the 1993 act is deleted, if the ownership of a corporate entity operating in correctional services were to change during the life of the contract, there would be no capacity to check on the probity and integrity of the individuals who would then be the de facto contractors of the government. That is an extraordinarily serious problem. Again, I would appreciate the minister's advice on it. If in fact the effect of the deletion of section 9(2)(h) is as it would appear, it threatens the integrity of the process.

The final matter of detail I comment on is the provision enabling the director-general to exclude visitors from prisons. It would be helpful to have an explanation of why that is necessary. The powers of the governor of a prison are adequate to exclude visitors. One has to be a little suspicious about the capacity for political interference if the director-general also has that power. The provision would seem unreasonably to usurp powers that ought to rest with the governor of a prison.

I turn to the question of police gaols and cells. The fundamental problem is that governments of all persuasions — I think we have to be fair about this — have badly neglected police gaols and cells by starving them of resources. The Magistrates Court that is to open next month provides lockups of a higher standard than are available at the watch-house at the moment. Even that has been subject to some criticism from the Legal Aid Commission as regards its compliance with appropriate standards relating to exercise, privacy, fresh air and the provision of interview rooms. Even the provision of up-to-date police cells at the Magistrates Courts has not been without criticism, yet they are absolutely magnificent compared with some of the disgraceful circumstances that exist in gaols and cells in the suburbs and around country Victoria. One cannot but help come to the conclusion that in wanting to privatise the provision of police gaols the government's aim is to sweep this embarrassment under the carpet and not do anything much about it.

That is a quite unsatisfactory state of affairs and a matter that governments of whatever persuasion ought to take up. They should not seek to continue to deny resources for decent and humane conditions in police cells and avoid the problem by flogging them off or enabling the eyes to be picked out of the system.

An honourable member interjected.

Mr SERCOMBE —That is right, to flog off the provision of police cells to the private sector on a cherry-picking basis.

There is no guarantee that the private sector will pick up the whole system. On the contrary, one would expect the private sector would pick up some of the larger arrangements but leave the police to continue to carry out the work that I agree with the honourable member for Bendigo West is by and large inappropriate work for police, and that is being gaolers. I do not think anybody seriously expects anyone in the private sector is likely to pick up the whole system, and in those circumstances the police will be left with the worst aspects of it when the better aspects will be cherry-picked.

On this question it seems to me that it is inappropriate for this function of contracting out police cells work to be given to the Chief Commissioner of Police. It seems to me that it is a matter for the corrections system to operate, and the Minister for Corrections or his director-general ought to be the people who accept responsibility for police cells. If the government was fair dinkum about easing the pressure on police with regard to these matters it would hand the system over to the Office of Corrections and let it handle it rather than giving the power to the Chief Commissioner of Police to run that component of the system.

Overall, the opposition is critical of the approach the government is taking in relation to both the gaols and the police cells issue. As I believe the honourable member for Yan Yean indicated yesterday, we support the components of the bill that relate to interstate leave of absence for prisoners; we support the commonsense arrangements for the transfer of prisoners to the ACT, but we urge the house to support the reasoned amendment of the honourable member for Yan Yean so that on a matter that is of critical importance to the safety of the Victorian community, the operation of the prison and correction system, there is a much more thoroughgoing opportunity for an examination of the efficacy of the proposed privatisation before we get irrevocably locked into a system that does not have adequate precedents anywhere in the world. We are looking at a system where a larger percentage of Victorian prisoners than anywhere else are to be accommodated in the private sector. Such an important matter ought to be the subject of more explanation and more thoroughgoing scrutiny, not just experimentation, particularly when I believe the motivation for that experimentation is not sound public policy: it is the government being frightened about and trying to avoid having to pay the bills for its own political grandstanding on the criminal justice system. The government is heavy on rhetoric but pretty weak on substance.

Mr LUPTON (Knox) — Let me assure the house that the government is not about law and order grandstanding. It is not beating a political drum to try to frighten people. The government went to the last election to talk about law and order and to try to make the state a safer place to live.

Some of the comments made by previous opposition speakers are rather amazing. The honourable member for Niddrie accompanied me to New South Wales and Queensland, where we inspected two privately operated gaols, and it was apparent that there was a saving of some $8 million per gaol. That was what the state was saving by having the gaols operated by private enterprise. If the private sector can operate a gaol at a saving of $8 million that is something that any responsible government should seriously look at. Instead of the ALP complaining and trying to discuss financial management it ought to look at its previous 10-year record: an absolute failure in financial management and in law and order. The honourable member is trying to compare apples with apples, and then the honourable member for Yan Yean starts quoting material about Texas. He spent his honeymoon in Texas and read the paper. That is really good! Last night he quoted from an article in an American newspaper that said that in Texas 92 000 prisoners were behind bars but that the governor's Republican opponent, George Bush, wanted to lock more people up: he believed more people should be behind bars. The honourable member for Yan Yean said:

> What we have here is some redneck hick — and certainly there is no shortage of them on the government benches ... Even though some 92 000 are behind bars in Texas, the governor loses her job because some redneck hick says that that is not enough!

The honourable member for Yan Yean forgets the fact that the people voted this new person in as governor. The people wanted law and order protection. They wanted more protection and more people in gaol, and you people missed it altogether. You are absolutely stupid!

Honourable members interjecting.

The SPEAKER — Order! The honourable member will moderate his language. The honourable member for Yan Yean will remain silent and the honourable member for Niddrie will get back to his place if he wants to interject.

Mr LUPTON — The people of Victoria are looking for a safer environment. The ALP has already indicated that if they get back to power they will remove victim impact statements, fingerprinting, DNA testing and taking names and addresses. The people of Victoria do not want that. They want to be safe in their homes and in the streets. The honourable member for Yan Yean made these magnificent statements in his waffle when talking about the fact that the councils were not going to be advised of matters. The fact of the matter is that now under the present legislation the government can build a gaol without having to advise the councils at all. It does so only out of courtesy. What will happen under the proposals is that a planning scheme will be prepared so the gaol can go where it is determined; the councillors will be advised of the size of the gaol, the landscaping, the car parking requirements and whether it is to be two or three storeys, but not about the internal security details such as where the air-conditioning ducts are going or the size of the cells because that is contrary to the building code. You cannot have a bedroom with a toilet in it, but in a gaol you wear that. You have to have smaller bedrooms in a prison because it is contrary to the building regulations.

These are some of the things that these people are missing completely. The government will consult and advise the councils and prepare planning schemes. It will be involved.

We can talk about not consulting. Let me go back to the very famous Eddy case. Mr Dolph Eddy was a member and shadow minister in another place. When he visited Pentridge Prison he happened to meet a prisoner studying architecture. The prisoner said that he would like to study the architecture of Pentridge, so the minister took the plans of Pentridge into the prisoner in gaol and gave them to him to study the architecture. What was the prisoner trying to do? He was trying to plan an escape! A member of the Labor Party and a shadow minister gave a prisoner incarcerated in Pentridge the plans of the gaol! That is one of the reasons why we do not want people being able to look at plans and internal security measures of a gaol. This is a commonsense scheme and a way to save the state millions of dollars a year. I commend the minister for bringing forward the bill and I hope the opposition learns from its mistakes.

The SPEAKER — Order! I advise that the time allocated for consideration of bills pursuant to the resolution of the house has expired.

House divided on omission (members in favour vote no):

Ayes, 56

Bildstien, Mr	McLellan, Mr
Brown, Mr	Maclellan, Mr
Clark, Mr	Maughan, Mr
Coleman, Mr	Napthine, Dr
Cooper, Mr	Paterson, Mr

Davis, Mr
Dean, Dr
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
Kennett, Mr
Kilgour, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr (*Teller*)
McGill, Mrs
McGrath, Mr J.F.
McGrath, Mr W.D.
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.
Smith, Mr I.W.
Spry, Mr
Steggall, Mr
Tanner, Mr
Tehan, Mrs
Thompson, Mr
Traynor, Mr
Treasure, Mr
Turner, Mr
Weideman, Mr
Wells, Mr (*Teller*)

Noes, 25

Andrianopoulos, Mr
Baker, Mr
Batchelor, Mr
Bracks, Mr
Brumby, Mr
Carli, Mr
Coghill, Dr
Cole, Mr
Cunningham, Mr (*Teller*)
Dollis, Mr
Garbutt, Ms
Haermeyer, Mr
Leighton, Mr
Loney, Mr
Marple, Ms
Micallef, Mr
Mildenhall, Mr
Pandazopoulos, Mr (*Teller*)
Sandon, Mr
Seitz, Mr
Sercombe, Mr
Thomson, Mr
Thwaites, Mr
Vaughan, Dr
Wilson, Mrs

Amendment negatived.

The SPEAKER — Order! As a statement has been made pursuant to 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. The question is:

That this bill be now read a second time.

House divided on motion:

Ayes, 54

Bildstien, Mr
Clark, Mr
Coleman, Mr
Cooper, Mr
Maclellan, Mr
McNamara, Mr
Maughan, Mr
Napthine, Dr
Davis, Mr
Dean, Dr
Doyle, Mr
Elder, Mr
Elliott, Mrs
Finn, Mr (*Teller*)
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
Paterson, Mr
Perrin, Mr
Perton, Mr
Pescott, Mr
Peulich, Mrs (*Teller*)
Phillips, Mr
Plowman, Mr A.F.
Plowman, Mr S.J.
Richardson, Mr
Rowe, Mr
Ryan, Mr
Smith, Mr E.R.
Smith, Mr I.W.
Spry, Mr
Steggall, Mr
Tanner, Mr
Tehan, Mrs
Thompson, Mr
Traynor, Mr
Treasure, Mr
Turner, Mr
Weideman, Mr
Wells, Mr

Noes, 25

Andrianopoulos, Mr
Baker, Mr
Batchelor, Mr
Bracks, Mr (*Teller*)
Brumby, Mr
Carli, Mr (*Teller*)
Coghill, Dr
Cole, Mr
Cunningham, Mr
Dollis, Mr
Garbutt, Ms
Haermeyer, Mr
Leighton, Mr
Loney, Mr
Marple, Ms
Micallef, Mr
Mildenhall, Mr
Pandazopoulos, Mr
Sandon, Mr
Seitz, Mr
Sercombe, Mr
Thomson, Mr
Thwaites, Mr
Vaughan, Dr
Wilson, Mrs

Motion agreed to by absolute majority.

Read second time.

Committed.

Committee

The CHAIRMAN — Order! The question is:

That clauses 1 to 25 and government amendments 1 to 14 be agreed to.

Question agreed to.

Clauses and circulated government amendments agreed to.

Circulated government amendments referred to in question:

1. Clause 7, page 7, line 7, after "circumstances" insert ", except the obligations referred to in sub-section (1)(e), (f) and (g))".

2. Clause 7, page 8, line 33, after "sub-contractor" insert "(as the case requires)".

3. Clause 7, page 9, line 21, after "sub-contractor" insert "(as the case requires)".

4. Clause 7, page 10, lines 25 and 26, omit "and any person appointed by the contractor" and insert "a sub-contractor and any person appointed or employed by the contractor or a sub-contractor".

5. Clause 7, page 11, line 9, omit "and Regional Manager" and insert ", Regional Manager and community corrections officer".

6. Clause 7, page 11, lines 23 to 28, omit all words and expressions on these lines and insert —

   "( ) Sections 30 and 73 of the Building Act 1993 do not apply in relation to any permit, approval, amendment, plan or other document relating to building work carried out or to be carried out under an agreement under section 8B(1)(a).".

7. Clause 12, line 9, after "2" insert " or by a sub-contractor of that contractor".

8. Clause 12, after line 18 insert —

   "( ) in sub-section (3) after "contractor" insert "or sub-contractor".

9. Clause 15, omit this clause.

10. Clause 17, omit this clause.

11. Clause 18, omit this clause.

New clauses

12. Insert the following New Clause to follow Clause 14:

   "AA. Monitors

   (1) In section 9D(2) of the Principal Act after "contractors" insert "or sub-contractors".

   (2) In section 9D(4) of the Principal Act —

   (a) after "contractor" (where first occurring) **insert** "or sub-contractor";

   (b) in paragraphs (a) and (b) after "contractor" **insert** "or sub-contractor (as the case requires)";

   (c) in paragraph (a) for "section 9(1)" **substitute** "section 8B(1) or 9(1) or a sub-contract agreement under that agreement.".

13. Insert the following New Clauses to follow Clause 16:

   BB. Application of FOI

   In section 9F of the Principal Act —

   (a) after "this Act" **insert** "or to a sub-contractor in its capacity as a manager of a prison or police gaol under a sub-contract agreement";

   (b) in paragraphs (a) and (d) after "contractor" **insert** "or sub-contractor (as the case requires)";

   (c) in paragraph (b) for "9(1)" **substitute** "8B(1), 9(1) or 9AA or in the sub-contract agreement (as the case requires).".

   CC. Investigation of administrative actions

   In section 9G of the Principal Act —

   (a) after "this Act" **insert** "or to a sub-contractor in its capacity as a manager of a prison or police gaol under a sub-contract agreement";

   (b) in paragraphs (a) and (c) after "contractor" **insert** "or sub-contractor (as the case requires)";

   (c) in paragraph (b) for "9(1)" **substitute** "8B(1), 9(1) or 9AA or in the sub-contract agreement (as the case requires).'.

14. Insert the following New Clause to follow Clause 19:

   'DD. Secrecy

   In section 30 of the Principal Act, for paragraph (i) in the definition of "confidential information" **substitute** —

   "(i) information of a business, commercial or financial nature relating to —

   (i) the provision of services referred to in section 8B(1) or 9(1); or

   (ii) an agreement entered into under section 8B(1) or 9(1) or a subcontract agreement under that agreement.".'

Reported to house with amendments.

Report adopted.

Third reading

Motion agreed to by absolute majority.

Read third time.

Passed remaining stages.

VICTORIAN PLANTATIONS CORPORATION (AMENDMENT) BILL

Second reading

Debate resumed from 20 October; motion of Mr COLEMAN (Minister for Natural Resources).

The SPEAKER — Order! As the required statement has been made under section 85(5)(c) of the Constitution, I am of the opinion that the second and third readings of the bill need to be carried by an absolute majority of the house.

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.

Passed remaining stages.

EMERGENCY MANAGEMENT (AMENDMENT) BILL

Second reading and remaining stages

Motion of Mr McNAMARA (Minister for Police and Emergency Services) (last debated on 6 October) agreed to.

Read second time.

Passed remaining stages.

PROSTITUTION CONTROL BILL

The SPEAKER — Order! The Clerk has brought to my attention the fact that the Prostitution Control Bill was printed and circulated after it was found that the second-reading speech by the Attorney-General was not identical to the bill circulated with the speech. I have directed that the bill be reprinted and recirculated. Further, amendment 5A, which the Attorney-General circulated yesterday pursuant to sessional orders, is now not relevant as the bill, as introduced, contained the desired wording. Therefore, it is not necessary to put the question on the amendment. The other amendments circulated by the Attorney-General pursuant to sessional orders are not affected and they can proceed.

Committed.

Committee and remaining stages

The CHAIRMAN — Order! The question is:

That clauses 1 to 98, schedules 1 and 2 and circulated government amendments 1 to 6 excluding amendment 5A be agreed to.

Question agreed to.

Clauses, schedules and circulated government amendments excluding amendment 5A agreed to.

Circulated government amendments referred to in question:

1. Clause 24, line 14, after "force" insert "or authorised officers of the responsible authority".
2. Clause 47, line 35, before "46" insert "43,".
3. Clause 50, after line 25 insert —

   "( ) Sections 43 to 45 extend and apply in relation to applications under sub-section (1) in the same way and to the same extent that they do in relation to licence applications and licence renewal applications with any necessary modifications and as if any reference in those sections to an applicant included a reference to the person who is the subject of the application.".
4. Clause 52, after line 10 insert —

   "( ) If at any time while a certificate of approval is in force the licensee or the approved person becomes aware of a change that has occurred in the information provided at any time by the licensee or the approved person in, or in relation to, an application under section 50(1), the licensee or the approved person must within 10 days after becoming so aware give particulars of the change to the Board by writing signed by him or her.

   Penalty applying to this sub-section: 60 penalty units.".
5. Clause 53, page 39, line 2, after "cancelled" insert "or the licensee or the approved person has been convicted or found guilty of an offence against

section 43 or 45(1) (as applied by section 50(7)) or against section 52(4)".

5A. Clause 74, page 54, lines 23 and 24, omit "ordinarily used in" and insert "reasonably available for".

6. Clause 74, page 54, after line 24 insert —

'( ) Despite section 71, in this section "development" does not include —

(a) the exterior alteration or exterior decoration of a building; and

(b) the demolition or removal of a building or works.'.

Reported to house with amendments.

Report adopted.

Passed remaining stages.

CRIMES AMENDMENT BILL

Second reading and remaining stages

Debate resumed from 20 October; motion of Mr COLEMAN (Minister for Natural Resources).

The SPEAKER — Order! The question is:

That this bill be now read a second time, that government amendments nos 1 to 5 inclusive be agreed to, that this bill be now read a third time, and that the bill be transmitted to the Legislative Council and their concurrence desired therein.

Question agreed to.

Read second time.

Clauses and circulated government amendments agreed to.

Circulated government amendments referred to in question:

1. Clause 1, page 2, line 5, omit "orders and" and insert "orders,".

2. Clause 1, page 2, line 6, after "order" insert "and the relationship between orders and contact orders under the Family Law Act 1975 of the Commonwealth".

3. Clause 3, page 3, line 30, after "person" insert "and the course of conduct engaged in actually did have that result".

4. Clause 3, page 4, line 2, after "fear" insert "and it actually did have that result".

NEW CLAUSE

5. Insert the following new clause to follow Clause 10:

'AA. *New section 25A inserted*

After section 25 of the Crimes (Family Violence) Act 1987 insert —

"25A. *Relationship with Family Court contact orders*

An order under this Act operates subject to any declaration made under section 68S of the Family Law Act 1975 of the Commonwealth by a court having jurisdiction under Part VII of that Act.".'.

Read third time.

Passed remaining stages.

LAND (MISCELLANEOUS MATTERS) AND NATIONAL TENNIS CENTRE (AMENDMENT) BILL

Second reading

Debate resumed from 18 October; motion of Mr COLEMAN (Minister for Natural Resources).

The SPEAKER — Order! As the statement has been made under section 85(5)(c) of the Constitution Act, I am of the opinion that the second and third readings of this bill require to be carried by an absolute majority of the house.

Motion agreed to by absolute majority.

Read second time.

The SPEAKER — Order! As sessional orders dispense with the committee stage of this bill, the question is:

That circulated government amendments 1 to 5 inclusive be agreed to.

Question agreed to.

Circulated government amendments agreed to.

Circulated government amendments referred to in question:

1 Clause 4, page 4, line 34, after "Gazette" insert "the land".

2. Clause 4, page 4, line 35, omit "the land".
3. Clause 4, page 5, line 38, after "Gazette" insert "the land".
4. Clause 4, page 6, line 1, omit "the land".
5. Clause 4, page 9, line 11, omit "cross hatched" and insert "horizontally hatched".

Third reading

Motion agreed to by absolute majority.

Read third time.

Passed remaining stages.

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed from 21 October; motion of Mr WELLS (Wantirna) for adoption of address-in-reply; and Mr BRUMBY's amendment:

That the following words be added to the proposed address 'but is of the view that loyalty should be expressed to the constitution and people of the state of Victoria within the commonwealth and calls on the government to respect and restore the responsibility and accountability of government to the Parliament and to introduce policies to meet the needs and desires of the people of Victoria'.

The SPEAKER — Order! The question is:

That the words proposed to be added be so added.

Bells rung.

Honourable members interjecting.

The SPEAKER — Order!

Mr LEIGHTON (Preston)*(Speaking covered)* — On a point of order, Mr Speaker, the Minister for Agriculture had taken his seat on this side of the house and should therefore be required to sit down here.

Honourable members interjecting.

Mr LEIGHTON — Indeed there are rulings to that effect.

The SPEAKER — Order! I have taken advice on the matter and I am advised that as the question had not been put, the minister was entitled to move.

Honourable members interjecting.

House divided on Mr Brumby's amendment:

Ayes, 24

Andrianopoulos, Mr (*Teller*)	Leighton, Mr
Baker, Mr	Loney, Mr
Batchelor, Mr	Marple, Ms
Bracks, Mr	Micallef, Mr
Brumby, Mr	Mildenhall, Mr
Carli, Mr	Pandazopoulos, Mr
Coghill, Dr	Sandon, Mr
Cole, Mr	Seitz, Mr
Cunningham, Mr	Sercombe, Mr
Dollis, Mr	Thomson, Mr
Garbutt, Ms	Vaughan, Dr (*Teller*)
Haermeyer, Mr	Wilson, Mrs

Noes, 53

Bildstien, Mr	Maclellan, Mr
Clark, Mr	Napthine, Dr
Coleman, Mr	Paterson, Mr
Cooper, Mr	Perrin, Mr
Davis, Mr	Perton, Mr
Dean, Dr	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 (*Teller*)
Honeywood, Mr	Smith, Mr E.R.
Hyams, Mr	Smith, Mr I.W.
Jasper, Mr	Spry, Mr
Jenkins, Mr	Steggall, Mr
John, Mr	Tanner, Mr
Kilgour, Mr	Tehan, Mrs
Leigh, Mr	Thompson, Mr
Lupton, Mr	Traynor, Mr
McArthur, Mr	Treasure, Mr (*Teller*)
McGill, Mrs	Turner, Mr
McGrath, Mr J.F.	Weideman, Mr
McGrath, Mr W.D.	Wells, Mr
McLellan, Mr	

Amendment negatived.

Motion agreed to.

Ordered that address-in-reply be presented to His Excellency the Governor by the Speaker and members of the house.

PAPER

Laid on table by Clerk:

Totalizator Agency Board — Report for the year ended 31 July 1994

Remaining business postponed on motion of Mr GUDE (Minister for Industry and Employment).

ADJOURNMENT

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

That the house do now adjourn.

Activities of Philip Bruce

Mr MILDENHALL (Footscray) — I ask the Minister for Natural Resources to direct to the attention of the Attorney-General another episode in the exploits of the plumber from hell, Mr Philip Bruce, who has been mentioned in this house before. He has been the subject of dozens of complaints to every relevant tribunal in Victoria. Leigh Astbury and Michelle Payne from Fairfield are the victims of some plumbing work for which they have been charged more than $6000 and which they believe has not been undertaken.

I raise with the Attorney-General the manipulation of the Magistrates Court to prevent the man from being brought to justice. The complainants have told me that a complaint form regarding a case in the Magistrates Court was incorrectly served on them, but the main matter is that on 25 October this year a person purporting to act on the complainants' behalf telephoned the coordinator of the civil section of the Melbourne Magistrates Court and, according to one of the complainants:

> said I was agreeable to an adjournment in the forthcoming hearing of Bruce's case against me of 27 October ... I did not make this telephone call, nor did anyone do so with my authority.

On 25 October a person delivered a letter to the complainant requesting an adjournment, but at the Magistrates Court on the morning of the hearing a barrister acting on Mr Bruce's behalf presented the complainants with a fax of a medical certificate as evidence for his grounds for an adjournment, stating that Mr Bruce was suffering from angina.

Another of his victims, Ms Jenny Breheny, whose case was scheduled to be heard on Friday, 28 October, had informed the complainants that Bruce had requested an adjournment from her on the ground that he had a big case beginning the next day.

Mr Bruce used each case to argue that an adjournment was required because of the other case and the grounds appear to be fabricated in each circumstance. I ask the Attorney-General to investigate the matter to see whether the processes of the Magistrates Court are up to scratch and whether they are being manipulated.

Tangambalanga: air quality

Mr A. F. PLOWMAN (Benambra) — I ask the Minister for Natural Resources to direct to the attention of the Minister for Conservation and Environment a problem facing the residents of Tangambalanga. A sickly odour appears to be emanating from a series of treatment facilities which are rendering waste material from a piggery and milking factory in the township. The process is rendering that liquid waste to a standard unfit for irrigation purposes.

The problem arose six years ago and since that time the factory has installed waste treatment facilities to manage the liquids being discharged from the piggery and the plant into a pond system. Machinery has been installed to collect and treat the by-products of cheese making that are discharged.

The factory was very successful in reducing the odour problem and until a couple of months ago it had not received any further complaints. There have been low biochemical oxygen demand readings indicating that there has been a reduction in the odour emanating from the ponds but there seems to be a major problem facing the residents of the town. I ask the Minister for Conservation and Environment not only to apply urgent attention to it but also to use the resources of the Environment Protection Authority to ensure that the problem can be identified.

The factory has certainly put substantial effort and resources into trying to reduce the problem for the town but it cannot identify where the odour is emanating from or what is creating it. I ask for the

minister's assistance through the EPA and for resources to meet the problem in Tangambalanga.

Gaming machines

Mr BRACKS (Williamstown) — I ask the Minister for Sport, Recreation and Racing to raise with the Minister for Gaming in another place the Yarraville and Seddon Bowling Club which has five gaming machines in an unrestricted area. This very popular, non-profit club, which has been running for 53 years and has about 230 members, is seeking to increase the number of gaming machines from 5 to 10 but is unable to do so without changing the unrestricted nature of the current arrangement. That means building works would be required, which would make the change from 5 clubs to 10 uneconomical.

The club is taking steps to mount a case by contacting other clubs around Victoria to see whether they are in a similar situation. It has contacted the Wonthaggi Bowling Club, the Sale Bowling Cub, the Latrobe Golf Club, the Beacon Hills Golf Club, the Ballarat Golf Club, the Cheltenham Golf Club, the Clifton Springs Golf Club, the Sunshine City Club and the Grosvenor Hotel and has found that they are facing the same situation.

The Yarraville and Seddon Bowling Club feels that there could be a small administrative change, that an increase from to 10 gaming machines in an unrestricted area could be accommodated and that this issue should be considered on a case-by-case basis. There are good reasons for restricting the number of gaming machines. If the open area is big enough and if it is controlled properly 10 machines could be accommodated without the need for scrutiny and without the need for a separate area to be built. The profit derived from five machines is minimal: the club claims it is something like $17 000 in six months. The capital cost of those machines is about $20 000, an amount the club needs to raise to service the loan so the return on investment is not enormous.

Consideration needs to be given to the return on investment or the income that could be derived from a slight increase in the number of machines from five in some clubs. I am talking about 10 clubs around Victoria.

I ask the minister to give consideration to the request made by the Yarraville and Seddon Bowling Club, to hear its case on the particular basis of its space and to examine the situation for other clubs around Victoria.

Mordialloc Services and Citizens Club

Mr LEIGH (Mordialloc) — I wish to direct a serious matter to the attention of Treasurer and ask him to confirm the facts. As someone who has had a great deal to do with the RSL through Legacy it is with reluctance that I raise this matter, but since the ALP wishes to play politics I suppose the time has come.

Prior to the 1992 election the ALP made guarantees of $40 million to projects around the state that were never real. After the election, Mr Peter Spyker, a former member for Mentone who was defeated at that election, contacted me and asked me to take up the issue of the Mordialloc Services and Citizens Club so I did.

On 11 November 1992 a meeting was held in Parliament House which included Mr Spyker, the Town Clerk of the City of Mordialloc, some members of Parliament and others to deal with the question of whether the ALP in government had given a guarantee for $11 million for the RSL's poker club. The Treasury official at the time, Mr Jack Reily, said that no documentation had ever been presented to the Treasury. Mr Reily was subsequently offered a position with the Mordialloc club and Mr Paul Cox, the honorary secretary, regards Mr Reily as an honourable person and acceptable as chief executive.

As a result of these falsehoods of the Labor Party perpetrated by Mr Russell Badham through Tony Sheehan — the chief Guilty Party specialist — as Treasurer, this RSL has now lost in excess of $1.2 million. The City of Mordialloc is now chasing it for debts of $17 000 in legal fees.

On 6 November the Leader of the Opposition introduced a new tactic into marginal-seat campaigning when he came to my electorate in secret. He now appears to be saying that the state government should hand over or provide a guarantee of many millions of dollars. The same Treasury officials who were in power at the time of the Labor government say that Mr Brumby appears to believe the state government should provide for this mini-State Bank or VEDC fiasco.

Mr Spyker behaved honourably in handing over the matter to me, and I am playing a bipartisan role in taking up the matter for the club. I am outraged that the Leader of the Opposition and others could play

what I think is a disgusting game. They have cost this RSL club a substantial amount of money. It faces bankruptcy because of the absolute incompetence and lies of the Australian Labor Party, and they should all collectively be ashamed and take the blame.

Domestic violence outreach services

Ms GARBUTT (Bundoora) — In the absence of the Minister for Community Services I raised a matter with the Minister for Natural Resources and ask him to pass on my comments. The issue concerns the management of funding for domestic violence outreach services. I welcome the extra funding these services have received, which amounts to $45 000 for one service in each region.

The grant was made just before the end of the financial year on 22 June or around that date, which means it just sneaked into the end of the previous financial year. The $45 000 consists of money to provide extra accommodation options for women who want to leave domestic violence situations.

These are not the high security refuges which were the cause of concern when the minister proposed closing seven of them some time back; they are simply rented houses to give women options other than just staying in the home.

The money comprised $20 000 for rental, $10 000 for establishment costs, $10 000 for operating costs and $5000 for coordination money, although no one is quite clear on what that actually means. There is a great need for the money. Women are suffering from domestic violence and need alternative accommodation. The problem with the grants is that they are still sitting in the bank accounts around the state. Nearly $500 000 is sitting in domestic violence outreach services bank accounts because these groups are forbidden from spending the money on what is obviously a great need. They are not allowed to use it.

Occasionally they can obtain special permission in writing to use a fraction of it, but basically they have been told, 'Here is the money. Sit on it and do not use it.' The guidelines for its use are still being drafted. Copies are circulated and they are able to comment on them. They have been taken back to the ministry and there has been a second go at drafting the guidelines. However, they have not been finalised and nearly five months after receiving this urgently needed money and the minister announcing its availability and claiming great kudos for it, it is still sitting uselessly in bank accounts.

I put it to the minister that it is doing no good in bank accounts. Although one has to doubt its timing, I also doubt the sincerity of the minister because of mismanagement ever since. I ask him to investigate the delay and take steps to ensure that the funds are released and used for the purposes for which he said they were given some five months ago.

It is a case of mismanagement and if the minister is still in his office downstairs and is listening I hope he will come up into the chamber and explain himself.

Sunbury Agricultural Society

Mr FINN (Tullamarine) — The matter I raise for the attention of the Minister for Agriculture concerns representations that have been made to me at recent times by the Sunbury Agricultural Society. Every year it puts on the annual Sunbury Show. In 1995 we will be celebrating the 75th anniversary of that agricultural show, which has become quite a community asset.

The agricultural society and indeed the show itself are run by volunteers who put in many hours of their own time and do a great job for the show. Those involved have felt the need to approach me to see if any funding is available for some works needed at that show. It would appear that at present all the judging of the sheep, cattle and even the goats takes place in the open, which has caused concern to all of those involved because Sunbury, although it is a delightful place — and we certainly look forward to the Birthplace of the Ashes Cricket Match in great weather this January — at times experiences unpleasant weather.

It has been suggested to me that some money be made available by the government for the society to erect some form of shelter for the animals and judges involved. I believe this is a very worthy cause and something the agricultural show as well as the entire community will gain from.

I have now attended a number of Sunbury shows, and in 1992 I was honoured to be one of the judges in Miss Showgirl. Unfortunately I have not been invited back. I do not know why but I would certainly hope that the minister will see his way clear to giving the agricultural society the sort of funding it requires to ensure that it continues to be an outstanding success for the people of Sunbury

and indeed the region on which Sunbury is centred, and that we see a Sunbury show for many years to come.

Hospital board appointments

Mr THWAITES (Albert Park) — The matter I raise for the attention of the Minister for Health relates to the appointment of hospital boards. There is growing disquiet among hospital boards about their politicisation by the Minister for Health and about irregularities in the appointments to boards and the appointments of Liberal Party cronies to board positions. I should point out that this is quite contrary to what occurred under the previous government.

Apparently in Bendigo at least two members of the board were forced off for political reasons and, indeed, Mr Peter Hyett, whose family had been represented on the board for more than 100 years, has resigned in protest.

Today in Kilmore seven members of the board resigned because of political appointments to that board by the minister. The minister has refused to speak to the board properly or give any satisfactory response to their letters. Disgraceful interference and politicisation of the board has occurred.

The Lorne Community Hospital has written to the minister. The chief executive officer of the board states:

> I have been instructed by the board of management to convey to you the board members' concerns about the recent process of appointments. The board's recommendation to fill the vacancy with Dr Paul Mestitz was overridden by the appointment of Mr Kevin Ryan, who had not previously submitted an application to the hospital.
>
> The board of management were angered by this action.

It showed a lack of confidence in the board and a disregard for the applicants and board members, as well as for what the Lorne Hospital calls 'the arm's-length approach' to hospital management.

A similar thing happened at the Alfred hospital, where another political crony, Leonie Burke, has been appointed to the board. At Altona, Andrea McCall, secretary of the Liberal Party branch, has been appointed. At Kilmore, where board members have resigned, the person appointed had no relevant expertise — perhaps the only expertise was that the appointee was also a member of the local Liberal Party branch. The same thing happened at Seymour, where a female board member was not reappointed because — surprise, surprise! — after the closing date for applications a late applicant, Mrs Mountjoy, the president of the McEwen federal electorate Liberal Party committee, was appointed. At Castlemaine the existing board member — —

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

Crown Casino: bid

Mr THOMSON (Pascoe Vale) — I ask the Premier, through the Minister for Natural Resources, to conduct a full, independent and open judicial inquiry into the awarding of the casino tender to the Crown Casino consortium.

In 1980 Cowrie Pty Ltd, a $2 Victorian company, paid an $80 000 bribe to Russ Hinze and his wife. Mr Hinze was then the Queensland minister responsible for roads, local government and racing. That bribe was the subject of comment at page 113 of the Fitzgerald report into corruption in Queensland.

A director of Cowrie Pty Ltd was Roger John Burt, whose two major clients were Hudson Conway Pty Ltd and Pennant Holdings Pty Ltd, a Western Australian-based company. Mr Burt was an associate of Mr Ron Walker and Sir Roderick Carnegie, both of Hudson Conway, and has a keen interest in horseracing, as does Mr Lloyd Williams. He had property in Portsea, as does Ron Walker. At the time of the bribe, Hudson Conway had considerable interests in Queensland, including a nursing home development at Southport.

This raises very serious questions, and again is a matter that can be fully resolved only before a full, independent judicial inquiry. Hudson Conway's involvement with the company Cowrie Pty Ltd, which paid the $80 000 bribe to Russ Hinze, must be made public. Pennant Holdings and Hudson Conway have denied paying the bribe. One of those companies is not telling the truth!

As the house well knows, the opposition has raised very serious questions in this place about probity aspects of the casino tendering process. In particular, the opposition has maintained there is no possible way that Mr Lloyd Williams could have passed bona fide probity checks on the basis of the evidence he gave before the Winneke royal commission into the activities of the then Builders Labourers Federation.

Mr LEIGH (Mordialloc) — On a point of order, Mr Speaker, the honourable member for Pascoe Vale appears to have what I consider more than just notes in front of him. Will he make them available to the house?

The SPEAKER — Order! The honourable member for Mordialloc has asked whether the notes will be made available.

Mr THOMSON (Pascoe Vale) — I am referring to notes. On the basis of the evidence available the public cannot be satisfied that those associated with the casino meet the relevant tender criterion, which is:

> Registrants will be required to demonstrate that those parties proposed to be associated with the development, ownership, management and operations of the casino are of excellent repute and have adequate resources and experience to develop a world-class casino.

The inquiry needs to ascertain from Mr Burt whether he paid the $80 000 bribe to Mr Hinze on behalf of Hudson Conway. Among many issues, this must be considered by a full, public, independent and judicial inquiry into the awarding of the casino contract.

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

Interpreter card

Mr ANDRIANOPOULOS (Mill Park) — The matter I direct to the attention of the Premier in his capacity as Minister for Ethnic Affairs, through the Minister for Natural Resources, concerns the government's election promise to introduce an interpreter card. I have raised this matter in the house previously.

Apparently a card was to be issued to those in the community who had only a limited knowledge of the English language. They would be able to produce that card when they called on local government services, visited hospitals, or whatever. It would provide them with access to interpreter facilities.

One would have hoped that the government would have provided the necessary resources to back up the introduction of its interpreter card, that it would have made a sufficient number of interpreters available to respond to what I and many within the ethnic community perceive to be a most serious problem that should be addressed.

On a number of occasions in this house, particularly in debate on ethnic services in this state, the honourable member for Warrandyte, the parliamentary secretary to the Premier in his capacity as Minister for Ethnic Affairs, has indicated that the card would be introduced, and his exact words in September 1993 were 'this year', meaning 1993. More importantly, when this issue was again raised in this house in May 1994 during the autumn session, the Premier himself, the responsible minister, clearly said that the interpreter card would be introduced this year, meaning 1994. He went even further and said that the card would be introduced in conjunction with interpreter awareness week.

I am not sure whether the Premier is aware that an interpreter awareness day is taking place on 3 December 1994. I request that the Premier tell the ethnic communities of Victoria that the card, and the back-up services that go with the card, will be implemented on that day. The Premier should show that he is not merely paying lip-service to it and waiting to use this as just an election gimmick or stunt to try to hoodwink the ethnic communities, when in fact the government would have done absolutely nothing of any substance to introduce this card and to introduce this service in Victoria.

Fuel pricing

Mr J. F. McGRATH (Warrnambool) — I raise a matter for the attention of the Minister for Fair Trading, and in her absence the Minister for Natural Resources, relating to an important and critical issue affecting country Victoria, namely, fuel pricing. Fuel pricing is the bane of country residents. This morning I attended a breakfast put on by BP Australia, where it attempted to explain to the people there the reasons why we have gross disparities between the cost of fuel in metropolitan Melbourne and the cost in country Victoria.

If nothing else was achieved this morning, I was convinced that the petrol companies are the ones who have a very large responsibility for that disparity in price. The argument they sought to put forward was not, in any sense, convincing. They tried to argue that their investment structure was much heavier in country Victoria than in the city and therefore it was much more difficult for them to maintain a profit margin.

I put to the minister that, in fact, the cost of petrol retailing infrastructure in country Victoria is provided by private companies or individuals, not BP. In fact, all oil companies in the same category should be called to order for what is nothing more than gross discrimination against country people in what is basically an essential service, given the lack of public transport available to the various communities in country Victoria. I ask the minister to again go back to the oil companies and seek to bring them to a situation where they are prepared to accept the responsibility.

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

Responses

Mr STOCKDALE (Treasurer) — The honourable member for Mordialloc raised the request from the Mordialloc RSL for a guarantee in relation to a very large-scale gaming machine venue and leisure complex. This is a matter of considerable history, and unfortunately not much of it is to do with official government business.

As I understand it, this matter was raised by an adviser to the former Treasurer, the Honourable Tony Sheehan, shortly before the last state election. There was no official communication or record of this matter. It is one of the numerous commitments reckoned to be in the vicinity of $3 billion that the former Labor government made in its last year of office in a desperate attempt to convince the community that it could buy the election by pork-barrelling its way to favouritism in an election where the community had signalled its exhausted patience with the government.

Various people were involved in actions in respect of which the community may have some sympathy. The RSL club spent a considerable amount of money, and although I have some sympathy for the RSL and its members, actions taken on its behalf were hardly prudent when there were no formal commitments on behalf of the government.

In relation to the sorry story of members of the former government, it is more cynical than bad judgment. Clearly, the former Labor government set about to trick and con people into believing benefits would flow to them at the expense of Victorian taxpayers if they were re-elected.

Mr Badham and the former Treasurer did not distinguish themselves in the way they conducted this matter. The former Minister for Consumer Affairs, the Honourable Peter Spyker, was misled by his colleagues, but nonetheless, acting on their assurance, he put himself in a difficult position. The only cleanskins in this process are members of the present government, who have no responsibility for the matter, and the taxpayers of Victoria, who should not be obliged to fund the results of a cynical political system.

Mr Brumby — It was a guarantee, no funding was involved.

Mr STOCKDALE — Welcome to the Leader of the Opposition. For the sake of the record, I shall repeat what the Leader of the Opposition said. He said, by interjection, that no funding was involved, it was simply the provision of a guarantee. The purpose of a guarantee is if there is no satisfactory financial performance for the project — —

Mr Brumby — There is. Your Premier agreed to it, you fool.

Mr STOCKDALE — I ask for that last remark to be withdrawn for the sake of the record.

The SPEAKER — Order! The Treasurer has asked the Leader of the Opposition to withdraw that remark. I ask the Leader of the Opposition to withdraw.

Mr Thwaites — You call people liars all the time.

Mr BRUMBY (Leader of the Opposition) — On a point of order, Mr Speaker, during debate today this man made accusations about me and used expressions — —

The SPEAKER — Order! That is not a point of order. If something slipped by the Chair earlier today, the Chair is sorry. I ask the Leader of the Opposition to withdraw that remark.

Mr BRUMBY — I called the Treasurer a fool because the Premier has supported the project. I am not prepared to withdraw.

Mr Coleman — You are a fool.

The SPEAKER — Order! It is 6.45 p.m. and everyone is tired. If the Leader of the Opposition does not comply with my direction I will have no choice but to take action against him. I ask him as a special favour, given that it is late, to get to his feet and say 'I withdraw'.

Mr BRUMBY — Today in question time you, Mr Speaker, could not have avoided hearing the expressions directed at me. I was called 'stupid', 'sick' and so on. You did not ask for those expressions to be withdrawn. I am not prepared to withdraw that the Treasurer is a fool.

The SPEAKER — Order! What was the last expression?

Mr BRUMBY — I am not prepared to withdraw the expression that the Treasurer is a fool.

The SPEAKER — Order! The Leader of the Opposition is defying the Chair. I implore the Leader of the Opposition to change his mind and I suggest to him that if those expressions were used in the heat of battle no-one jumped to his feet to draw my attention to them.

The matter is quite clear. The Treasurer has asked for a withdrawal. In the case the Leader of the Opposition mentioned today, that was not done. I ask the Leader of the Opposition to withdraw.

Mr W. D. McGRATH (Minister for Agriculture) — On a point of order, Mr Speaker, in consideration of your request for the Leader of the Opposition to withdraw. The Treasurer has asked for the comment to be withdrawn and the Leader of the Opposition is saying that similar remarks made earlier in the day were not withdrawn. Mr Speaker, while the remarks referred to by the Leader of the Opposition may have been offensive to him he did not make a request for their withdrawal and, therefore, you had no jurisdiction in the matter. In this case the Treasurer has asked for the comment to be withdrawn. You are requesting the Leader of the Opposition to withdraw and I appeal to the Leader of the Opposition to accede to your wish and I call on him to withdraw the remarks he made about the Treasurer.

Mr THWAITES (Albert Park) — On the point of order, Mr Speaker, the Deputy Speaker made a ruling some time ago in relation to the general conduct of debate and said that if certain words cannot be used it would make a full and proper debate almost impossible. Calling someone a fool — —

The SPEAKER — Order! The honourable member will resume his seat. I do not propose to have a long, lengthy debate. *May* makes it quite clear that it is not the words that are at fault. In previous editions of *May* there was a list of words considered unparliamentary and it was found impractical to use such a list because it depended on the context in which the words were used. The simple matter is that the Treasurer has taken objection to the word used and he has every right to ask for it to be withdrawn. I have no choice but to ask the Leader of the Opposition to comply with that request.

Mr BRUMBY (Leader of the Opposition) — In deference to you, Mr Speaker, I withdraw.

The SPEAKER — Order! The Chair is appreciative of the Leader of the Opposition.

Mr STOCKDALE (Treasurer) — In relation to this matter the government and, indeed, I as Treasurer have a responsibility to Victorian taxpayers and Parliament not to expose the state to risk of calls against guarantees which in the view of the Treasury and ultimately on their advice may involve unacceptable risks. Policy guidelines are in place in relation to these matters dealing with the circumstances under which guarantees will be provided.

In a number of respects this project does not comply with those guidelines, but two of them are the principal respects in which this matter does not comply with the criteria relevant to the provision of guarantees.

If the government is prepared, as was the former government, to provide guarantees in relation to projects which are of a public service nature where by virtue of the location of facilities on Crown land security cannot be given in respect of borrowings, a guarantee is therefore necessary so that public facilities are not disadvantaged by inability to secure land by guarantee as required.

Secondly, the guidelines require caution in the case of enterprises which are founded on revenue from gambling operations, particularly gaming machine operations, because of the uncertainty or the lack of maturity in the market. The project concerned is essentially founded on the flow of revenue from a very large gaming machine venue. The matter was raised with me when the Liberal government came to office. We went in to Barry Pullen and sought advice from the Treasury. The advice I received was that the case did not satisfy the government criteria independently formulated by the Treasury and applied generally to projects of this kind.

I met with the representatives of the RSL, both the state body and the Mordialloc branch, and in good

faith referred the matter back for further review by the Treasury. The advice I received was consistent with the earlier advice.

As I said, the clear Treasury advice in relation to this matter was that it had been exhaustively investigated on a number of occasions and it did not meet the criteria for putting taxpayers' funds at risk in the event of a call against any guarantee provided.

The only cleanskin in this exercise is the current government, which has sympathetically reviewed the matter but received clear-cut advice that it is not eligible for a guarantee and the funds of the taxpayers of Victoria should not be exposed to funding risk by the provision of a guarantee that is not supported.

Those seeking the guarantee should go to the Victorian ALP, because it cynically and deliberately misled them. That practice is continuing. The Leader of the Opposition has been down there courting favour on the basis that this is a marginal seat. He comes in here today and throws documents on the table and on the dispatch box expressing support for this matter without the advice of any responsible Treasury official and without the matter having been the subject of proper scrutiny. The Leader of the Opposition can make a freedom of information request that will be processed in accordance with the act.

Mr Brumby interjected.

Mr STOCKDALE — When you are a minister you will be able to respond, too. What is clear from the conduct of the Leader of the Opposition is that the present Labor Party offers no alternative to the irresponsible financial management of its predecessors. On exactly the same cynical political grounds he is seeking to win over a marginal seat by putting taxpayers' funds at risk. There is potentially an exposure of millions of dollars, and the people of Victoria should remark the fact that apparently against Treasury advice the Leader of the Opposition, when he is in government, would be prepared to expose taxpayers to risk by funding projects where there is no sound basis in accordance with the guidelines. On the basis of nothing other than cynical politics he would depart from prudent financial management and plunge us back into the sort of contingent liability risks that were such a feature of the previous government's maladministration in this state.

Mr W. D. McGRATH (Minister for Agriculture) — The honourable member for Tullamarine asked me about the availability of a grant for the Sunbury Agricultural Society for its showgrounds. He said that in 1995 the Sunbury Agricultural Society will celebrate its 75th agricultural show.

It is encouraging to see a local member being on the alert to see what grants are available. I mentioned the other day that applications from agricultural societies around Victoria totalling $362 000 have been received. The pool available to me from which to make discretionary grants to the various agricultural societies is $100 000.

Through the honourable member's insistence I am able to advise him that in the next three or four weeks I will be approving a grant of approximately $10 000 for the Sunbury Agricultural Society for sheep, goat and cattle sheds.

Mr J. F. McGrath — Another win for Finn.

Mr W. D. McGRATH — Yes, it is another win for Finn. Going back through my records I note that the last time the Sunbury Agricultural Society received a grant was in 1983. It is through the active involvement of the local member who brought this matter to my attention that I have been able to facilitate the request from the Sunbury Agricultural Society.

I am sure the Sunbury Agricultural Society will take a lesson from what is happening at the Royal Melbourne Show. It is moving back to giving a greater emphasis to agriculture and agricultural excellence.

Agricultural excellence in the Sunbury region will be demonstrated by the Sunbury Agricultural Society for the betterment of agriculture and it will bring to that district and community an understanding of what agriculture is about and what it has to offer the wider community.

I am sure that at the appropriate time the honourable member for Tullamarine will advise the Sunbury Agricultural Society of its gain, which I am sure it will put to good use.

Mr COLEMAN (Minister for Natural Resources) — The honourable members for Footscray, Benambra, Williamstown, Bundoora, Albert Park, Pascoe Vale, Mill Park and Warrnambool raised issues with a number of

ministers. I will ensure that those matters are placed in their hands and that a response is provided to them.

Motion agreed to.

House adjourned 6.56 p.m. until Tuesday, 29 November.