Tuesday, 15 October 1996

The SPEAKER (Hon. S. J. Plowman) took the chair at 2.05 p.m. and read the prayer.

CONDOLENCES

Kevin Myles Stephen Holland, Esq.

Mr KENNETT (Premier) - I move:

That this house expresses its sincere sorrow at the death of Kevin Myles Stephen Holland, Esquire, and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as member of the Legislative Assembly for the electoral district of Flemington from 1956 to 1967.

Kevin Myles Stephen Holland, who had been suffering from a serious illness in recent weeks, passed away last Saturday, 12 October, at the ripe old age of 86. Mr Holland will be remembered for his considerable service to the community and for his contribution to the Victorian Parliament during his 11 years as a member of this house.

Mr Holland was born in North Melbourne and spent all of his life in Flemington. He was educated at the local schools of the Holy Rosary Primary School in Kensington and Saint Mary's CBC in West Melbourne.

He then joined the Victorian public service and held a number of positions, including senior health inspector with the then Health Department, a position he held until he was elected to this place at a by-election in February 1956 following the death of his father, John Joseph Holland, who had held the seat.

Kevin Holland held the seat, which covered Flemington, Kensington, parts of Ascot Vale, North Melbourne and Parkville, until it was abolished in March 1967. From 1958 to 1964 Mr Holland served on the Statute Law Revision Committee.

Both inside and outside of this house Mr Holland concentrated on local government issues. While a member of this house he combined his parliamentary service with local government commitments as a Melbourne city councillor. He represented the people of the Hopetoun ward for more than 24 years, from 1951 to 1975. For most of his term, Mr Holland led the council's ALP group.

After leaving this place, he was appointed a member of the Town Planning Appeals Board, and in 1975 the Hamer government appointed him as a commissioner of the City of Keilor after the municipality was disbanded following internal divisions, economic deficiencies and fragmented planning. It is believed that appointment was the first time a commissioner had taken over the affairs of a municipal council in Victoria. It is in that role that many of us in this place will remember Mr Holland. The municipality grew to become one of Melbourne's strongest under Mr Holland's five-year administration. While at the City of Keilor, Mr Holland was a Board of Works commissioner and a member of the Western Region Committee.

In 1983 Mr Holland was awarded an AM, a member in the general division of the Order of Australia in the Australia Day honours, for outstanding service to local government.

Mr Holland was very active in his retirement. He was an occasional member of the Planning Appeals Board. He also travelled extensively, and he followed cricket and horseracing, admitting to being a very unsuccessful punter.

Those who knew Mr Holland recall his pleasant, straightforward manner and well-groomed appearance. He was in real form, a traditional Labor member of this place, upholding all the traditions of the Labor Party. He was a proud individual, and he was very proud of the Labor Party as it then was.

On behalf of the government, I extend condolences to the family of Mr Holland, and personally to his wife, Sheila.

Mr BRUMBY (Leader of the Opposition) - I join with the Premier and other honourable members in extending condolences to the family of Kevin Myles Stephen Holland. Mr Holland was a member of this place from 1956 to 1967 representing the electorate of Flemington in the 40th, 41st, 42nd and 43rd Parliaments. During that time he also represented the Hopetoun ward of the Melbourne City Council. Mr Holland took over from his father, John Joseph Holland, who served as the member for Flemington in this place for more than 30 years. The passing of Kevin Holland concludes more than four decades of dedicated service by the Holland family to the state and to the parliamentary Labor Party as members of the Legislative Assembly.

The contribution of Kevin Holland to the Parliament of Victoria was only one aspect of his much wider service to the Victorian community. Following his education at St Mary's CBC he worked as a senior health officer with the then Victorian Health Department. He served his country in World War II in the Pacific Islands. In 1955 Kevin Holland's father died, and in Kevin's first speech as member for Flemington he spoke about the contribution his father had made and how he desperately wanted to emulate him. In that speech he said something that he was to repeat many times in his life, which is shown in press cuttings and ***Hansard:***

As **the twig** is **bent so the tree grows.**

This was a difficult time for the Labor Party because of the split of the 1950s. As a devout Catholic, Kevin Holland came under intense pressure to leave his party, but his commitment and his loyalty were unwavering and they remained so right through that extremely difficult period.

In Parliament Kevin Holland was recognised widely as a prolific and informed speaker. He made numerous contributions to debates as diverse as the living wage, education, nurses, racing and liquor regulations and a whole range of issues of social and economic importance.

As the Premier has said, he was a member of the Statute Law Revision Committee for a period of some six years, although his specialty was in the area of local government. He served the community as a City of Melbourne councillor from 1951 to 1975, an extraordinary period of 24 years when he was leader of the Labor caucus on that council. After his seat of Flemington was abolished in 1967, Kevin Holland concentrated on his service to the Melbourne City Council and he also took up a position on the Town Planning Appeals Board in 1972. He held that position until 1982. In 1975, after the Keilor City Council was dismissed by the state government, Kevin Holland was appointed commissioner and he held that position as a one-man council for five years until 1980. During that time he oversaw a range of projects for the community, including the building of many bridges and the development of the council's engineering works and a public golf course.

During his term as commissioner he was also a member of the Western Region Committee. As a mark of the respect with which he was held I am told his popularity with the local community was so great that when he finally retired as commissioner in 1980 and the elections were held dozens of people simply wrote on their ballot papers, 'Kevin Holland, 1'. In 1982 his longstanding service to the community was recognised when he was made a member of the general division of the Order of Australia for his outstanding service to local government.

Kevin Myles Stephen Holland and his wife, Sheila, were dedicated and committed people who devoted their lives to public service. His service to the Labor Party, the Parliament of Victoria and the Melbourne City Council will not be forgotten, nor will his extraordinary commitment to the people of the western suburbs. On behalf of the parliamentary Labor Party I join with the Premier and all honourable members in extending sincere condolences to his family.

Mr W. D. McGRATH (Minister for Police and Emergency Services) - I also join briefly with the Premier and the Leader of the Opposition in paying respect to Kevin Myles Stephen Holland. Although I did not know him, his record of 11 years service to the people of Flemington as a member of Parliament gives some indication that he was well respected within his local community. He lived to 86 years, which is a relatively long life. Many of us would like to reach 86, but only time will tell.

The Premier referred to Mr Holland being a punter and a lover of cricket. As the member for Flemington I guess you would have to be a punter because so much of that community **is** associated with horseracing not only from a Victorian but also a national view point. With those brief remarks I extend my condolences and those of the National Party to the wife and relatives surviving Kevin Holland. I express appreciation for a man who came to this place and served the people of Flemington for 11 years and who also served local government admirably. The fact that he lived a contented life in metropolitan Melbourne is a lesson for many of us. If we can go about our work and our lives properly with a degree of accountability and credibility we will have done justice to our fellow human beings.

Mr COLE (Melbourne) - I support the condolence motion moved by the Premier and supported by the Leader of the Opposition and the Deputy Leader of the National Party. I knew Kevin Holland quite well. I was telephoned by his nephew last week when he informed me that Kevin was very ill and that he would probably pass away. I was very sad to hear that and I was also shocked to hear that he was well over 80 years old. He lived around the

comer from me and I saw him almost every day. He used to walk every day, and it was not a short walk either! He walked much further than I ever walked!

The most important point I make is that, apart from his incredible community service, he was truly a lovely man. He was very quietly spoken and indeed a little shy. His decision to remain a member of the Labor Party as a member of Parliament and a Catholic during the 1950s was a hard one for him. I believe he was the only one other than Jack Galbally who did. He was close to Mary Elizabeth Calwell and Arthur Calwell, both of whom did not leave the Labor Party and who came under considerable criticism in the Flemington area. In fact, Arthur Calwell was virtually banned from St Brendan's. With the 100th anniversary of the church a few years ago those problems were overcome. They were welcomed back and they were acknowledged for the great work they had done, which was a tremendous thing. Although it was one of the tragedies of that time it showed the great fortitude Kevin had. Indeed, but for people like him I do not know where the Labor Party would be today.

Kevin was very much his father's son in that his father was a member of Parliament for an enormous length of time. Four decades of his father's service were recognised by two significant places being named after him - Holland Park and Holland Court - but to date there is nothing to recognise Kevin Holland's contribution.

Kevin Holland was put out of Parliament by a redistribution, which is probably the fear of many a member - not me of course. The seat of Melbourne was extended to include Flemington. It was very sad that a person who had contributed so much to the community had to go that way. Kevin retained his membership of the Labor Party right up until the day he died. He turned up each year to the first branch meeting to renew his membership. He never forgot his roots with the working class.

His service on the Melbourne City Council can be summed up by saying he was a scrupulously honest person, and that was recognised when he was subsequently appointed a commissioner for the Keilor council by the Hamer government. He was involved in the restructuring and rearranging of the council. His service was acknowledged in 1982 when he was awarded the Order of Australia. I offer my condolences to his wife and family. He was a great man, a great achiever and a really kind bloke.

The SPEAKER - Order! I thank honourable members for their comments following the death of Kevin Holland. I did not know him personally, but during the Hamer era when he was a commissioner in local government I knew him by reputation. I share the views of the honourable member for Melbourne; he was a man of absolute sincerity and capacity. He had a very fine record of service to this Parliament and to local government. I share the condolences offered by honourable members to his family upon his death.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

ABSENCE OF DEPUTY PREMIER

The SPEAKER - Order! Before I call for questions without notice, I advise that the Deputy Premier will be away this week during the business of the house. He is overseas on government business.

QUESTIONS WITHOUT NOTICE

Minister for Education: *Hansard*

Mr **BRUMBY** (Leader of the Opposition) - My question is directed to you, Sir, as Speaker. I refer to a letter dated 11 October 1996 sent to you by the Minister for Education. When did you receive that letter? Was it delivered to you by hand, by mail or by facsimile?

The SPEAKER - Order! In reference to persons to whom questions may be addressed the 21st edition of *May* states:

> (i) *Questions to the Speaker.* **Questions dealing with matters within the jurisdiction of the Speaker should be addressed to the Speaker by private notice ...**

I commend the Leader of the Opposition to do what he has already done in writing to me on a matter, which is a matter of confidence between the Leader of the Opposition and me. I advise him to raise this matter similarly.

Mr **Brumby** - On a point of order, in relation to your ruling -

An honourable member interjected.

Mr **Brumby** - Why don't you wait and listen.

The SPEAKER - Order! I wish to hear the point of order.

Mr Brumby - In relation to your ruling, Sir, and the advice you have been given by the Clerk, I draw your attention to the full paragraph from which you have just quoted. You will note that at the conclusion of that paragraph, which is at page 285 of *May* - in the same area from which you quoted - it states:

> **A question can, however, be addressed to him** -

that is, the Speaker -

> **on a matter which urgently concerns the proceedings of the house for which he is responsible.**

I put it to you, Mr Speaker, that in terms of *May* and previous rulings it is quite in order for me to ask this question. There has been considerable media commentary and comment on the fact that - -

Mr Leigh interjected.

The SPEAKER - Order! The honourable member for Mordialloc!

Mr **Brumby** - The fact is that the Minister for Education has written to you about changes made to the parliamentary debates. That is a matter for which you are responsible. It is clearly an urgent matter. It has been a matter of public comment. I put it to you, Sir, that it is totally consistent with *May,* which states:

> **A question can, however, be** addressed **to him on a matter which urgently concerns the proceedings of the house for which he** is **responsible.**

Clearly, the accuracy of the *Hansard* record is a matter for which you are responsible. This is clearly an urgent matter. It has been a matter of major public comment. I put it to you that the question is in order.

The SPEAKER - Order! The fact that there has been a lot of media speculation about something does not make it an urgent matter in relation to and concerning the proceedings of the house. I do not believe it is more important than other matters which I would have thought the opposition and other members would wish to raise with cabinet ministers. I do not accept - -

Mr **Brumby** interjected.

The SPEAKER - Order! The Leader of the Opposition will remain silent while the Speaker is on his feet. I do not uphold the point of order.

Mr **Dollis** - With considerable due respect to you, Mr Speaker, it is impossible for you to read the minds of members of the opposition as they relate - -

Honourable members interjecting.

Mr Dollis - With all due respect, if this house is to have some integrity, let us at least deal with the matter now. *May* is very clear. The advice you were given is wrong. The point of order related to the business of this house at question time. You must answer the question directed to you if proceedings in this house are to go in accordance with precedent, in accordance with *May,* and if the opposition is to have confidence in the rules of the game being applied properly and appropriately and have confidence that the Chair will protect those in the minority against the wishes of those in the majority in the house.

The SPEAKER - Order! The only part of that point of order that was different from the previous point of order was that the Deputy Leader of the Opposition mentioned precedent. If he wishes to raise precedent, I would like him, in his argument, to advise the Chair of the precedent to which he is referring. I do not uphold the point of order.

Motorcycle grand prix

Mr **ROWE** (Cranbourne) - I ask a question on a matter of grave importance to the people of Victoria. Will the Premier advise the house of details of the announcement made today regarding the staging of the Australian motorcycle grand prix at Phillip Island?

Mr **KENNETT** (Premier) - The International Motorcycle Federation has issued what is currently described as its provisional calendar for the year 1997. As the house will be aware, Victoria has resecured the motorcycle grand prix after it was given away by the previous government under the leadership of the then Premier, John Cain. That event went to New South Wales. My colleagues on the Major Events Committee and I have been working for a long time to resecure it for Melbourne. In this case, it will obviously return to Phillip Island, which is an internationally recognised track. I am happy to say that the International Motorcycle Federation has given us a provisional date - -

Mr Micallef - Are you selling off all the assets now?

Mr KENNETT - The honourable member for Springvale continues to interject and again indicates how out of touch the Labor Party is with the aspirations of this community, particularly motorcyclists, regardless of age, and the very many hundreds of thousands who support the sport throughout the country.

The International Motorcycle Federation has given us a provisional date of 12 October next year. That therefore means we can continue to have a spread of events throughout the year in Victoria. In fact, October next year will be very busy. We will have the A F L Grand Final on the last Saturday in September. The first weekend in October will again be an open day which will give the community an opportunity, as it did a couple of weekends ago, to look at the assets of the state. We will then have the grand prix, the Caulfield Cup and the Melbourne International Festival during the month of October. Regardless of people's tastes and interests, October in Melbourne will be an exciting period and will add considerable economic benefit to the state.

Again I thank the Melbourne Major Events Committee for its work, not just the chairman but also the chief executive officer. The committee operates on a budget of less than $1 million a year, which can be compared with similar committees in Perth and Adelaide that have budgets of more than $7 million.

This is another major win for Victoria in the interests of the community and, as former ministers would understand, in promoting Victoria overseas to attract tourists to the state.

Minister for Education: *Hansard*

Mr BRUMBY (Leader of the Opposition) - I refer the Minister for Education to his pathetic and unbelievable explanation for falsifying the ***Daily Hansard*** and ask him whether it is not a fact that throughout the minister's parliamentary career he has made a regular practice of making false and misleading statements, including an entry in the 1996 ***Victorian Parliamentary Handbook***, the register of pecuniary interests in 1987, 1988 and 1989 and the forced resignation of George Brouwer, to name just a few. Is this an acceptable standard of honesty for a minister of the Crown and the right example to be giving to the children of Victoria?

Mr W. D. McGrath - On a point of order, Mr Speaker, although the first part of the Leader of the Opposition's question may be in order, I question whether his continual references to falsification of the ***Hansard*** entries by the minister is supposition. I believe that part of his question should be ruled absolutely out of order.

The SPEAKER - Order! I do not uphold the point of order.

Mr GUDE (Minister for Education) - I have basically no idea what - -

Honourable members interjecting.

The SPEAKER - Order! I ask members of the opposition not to flout the rules of Parliament by waving press statements.

Mr G U D E - We are very used to hearing the Leader of the Opposition take one step forward and two steps backward. The little pantomime we have seen this morning is another example of that. Last Thursday I answered a question without notice; I corrected the ***Hansard*** report later that day on my recall, as I indicated in a letter to Mr Speaker. On the subsequent day I made a correction of the ***Hansard*** report back to what it should have been because I found that I had inadvertently put the wrong thing down on the greens. I have absolutely nothing to hide. I make the point that the sole reason the ***Hansard*** record is accurate today is that I made it accurate - there is no other reason.

Honourable members interjecting.

Mr Brumby - I raise a point of order, Mr Speaker, on the question of relevance. I asked the minister whether, given his track record of making false and misleading statements to the house, he had set an acceptable standard of honesty for the people of Victoria and an appropriate example for schoolchildren. The minister has not answered whether he has falsified parliamentary records or made false and misleading statements in the house.

The SPEAKER - Order! Will the Leader of the Opposition sit down. I do not know why I have to answer the same point of order from the Leader of the Opposition every question time. 'Get them to answer the question' is the interjection from the Leader of the Opposition. I again say that the answer must be relevant to the question. The Chair cannot make a minister answer a question, but if he wants

to, providing his answer is relevant, he must. There is no point of order.

Mr Brumby interjected.

The SPEAKER - Order! If the Leader of the Opposition wants to continue arguing the point I suggest he do so in chambers with me.

Mr Brumby - I will.

Correctional services: drugs

Mr TRAYNOR (Ballarat East) - Will the Minister for Police and Emergency Services inform the house of the recent proposals for drug detection, deterrence and treatment in correctional services in Victoria?

Mr W. D. McGRATH (Minister for Police and Emergency Services) - I thank the honourable member for Ballarat East for his question. *As* the chairman of the police and emergency services bills committee and as a former police officer, he has a specific interest in drugs and drugs in prisons. It is true that under the Premier's drug initiatives statement, *Turning the Tide,* the Department of Justice and Correctional Services are conducting a proactive campaign to limit the amount of drugs coming into gaols and to provide proper treatment for those who are serving their time in gaol.

Between 70 and 80 per cent of all people sentenced to gaol have either a drug or alcohol problem, so it is necessary to ensure that a proper statewide program is put in place to assess the drug dependency of all prisoners in gaols throughout the state.

With that in mind, we have told both the private sector operators and public sector managers that we want a drug-free environment in the gaols they are looking after. That will be difficult to achieve, and we understand that, which is why we have allocated $5.3 million to assist them to benchmark themselves and put in place programs to reduce drug dependency and ultimately bring about total freedom from drugs of addiction for all prisoners. That is the real purpose and the goal behind the Premier's drug initiative for Correctional Services.

The private specialist drug treatment agencies will be asked to provide programs in family therapy and psychotherapeutic counselling to teach offenders about proper living skills, dysfunctional patterns of behaviour and violent behaviours. It is hoped these types of programs will assist in the overall management and rehabilitation of people with drug addiction problems.

It is also fair to say to the credit of our publicly run gaols that a lot of work has been done to reduce the effects of drugs on people serving sentences. Indeed, during the time of the previous Labor government, something like 23 per cent of all people in gaols were continuing to rely on illicit drugs of dependence. *As* a result of proactive changes to legislation that figure has been reduced to 7 per cent in the past 12months.

Another interesting statistic is the number of visitors who have been referred to police. In 1989 only 20 visitors were referred to the police, but 152 have been referred in 1996. That has limited substantially the amount of illicit drugs - -

Mr Cole interjected.

Mr W. D. McGRATH - It is interesting that the honourable member for Melbourne interjects. He gave an interesting speech a moment ago in reference to a former member of Parliament, to which we all listened in silence and with a degree of reverence. But now the honourable member does not want to hear the message, so he interjects from the other side of the house.

The information I have given the house shows that with proper programming and policing there is real potential to limit the amount of drugs in gaols.

Mr Cole interjected.

Mr W. D. McGRATH - If the honourable member for Melbourne wants to see people coming out of gaol returning to their old habits that is fine for him, but the government wants to see people who have served their sentences coming out of gaol and returning to society with a real chance, not having to suffer a recurrence of drug addiction or illicit drug use. That is what this whole program is about.

As I said, $5.3 million will be provided for this program for gaols right across the state.

The SPEAKER - Order! The minister has been speaking for some 5 minutes and I ask him to wind up his answer.

Mr W. D. McGRATH - The program has real potential to provide an opportunity for those people completing their sentences to regain some status in

society and, it is hoped, to continue their lives without dependence on illicit drugs.

The SPEAKER - Order! I thought perhaps the honourable member for Melbourne wanted to ask a question. No? You don't want to ask a question?

Mr Cole - Sorry, I didn't hear you.

The SPEAKER - Don't you want to ask a question?

Mr Cole - Yes. Where did you get your wig from?

Minister for Education: *Hansard*

Mr BRUMBY (Leader of the Opposition) - I refer the Minister for Education to his letter to Mr Speaker and Mr Speaker's refusal today to inform the house as to when the letter was received. Minister, when was this letter signed by you? Was it signed on Friday, or was it in fact signed on Monday and backdated, as is very clear from the terms of the letter?

Mr **GUDE** (Minister for Education) - Mr Speaker - -

Mr Pandazopoulos - Tell the truth!

Mr **GUDE** - I am very happy to tell the truth. The position with respect to this matter and the sequence of events are quite simple.

Honourable members interjecting.

Mr **GUDE** - The letter was signed and delivered on Friday.

Pleasant Creek centre

Mr **ELDER** (Ripon) - My question - one of substance, I might add - is directed to the Minister for Youth and Community Services. Will the minister advise the house of the benefits of the state government's decision to redevelop the Pleasant Creek centre at Stawell for people with intellectual disabilities?

Dr NAPTHINE (Minister for Youth and Community Services) - It is with pleasure that I answer the question posed by the honourable member for Ripon and acknowledge his significant interest in and awareness of people with intellectual disabilities. I also acknowledge the interest of the Minister for Police and Emergency Services in whose electorate of Wimmera the Pleasant Creek institution in Stawell is located.

Last week I had the pleasure of releasing the state plan for services for people with intellectual disabilities and their families and carers. I announced in that three-year state plan that this government will contribute more than $1 billion for people with intellectual disabilities over that period. Included in that funding is $82.9 million of extra money for new initiatives to expand the range of services to people with intellectual disabilities and their families and carers.

Part of the announced plan is that this government will close yet another institution: by the end of 2000 the 103 clients currently residing at the Pleasant Creek institution at Stawell will be relocated into the community and the institution will be closed. That closure will take place with the expenditure of an additional $11.2 million that has been provided for the redevelopment process, of which $5.2 million will be spent on capital, largely for purchasing houses throughout the community, mainly in western Victoria, to provide accommodation for those people as they move into the community. The other $6 million will be spent on implementation of the redevelopment process.

All 103 people who currently reside at Pleasant Creek, Stawell, will be assessed individually in consultation with their families and carers, the staff of Pleasant Creek, and the Office of the Public Advocate. A plan will be developed for each individual to meet his or her accommodation and day placement needs. We will seek to provide the best and most appropriate accommodation and day placement to meet the developmental needs of each of those 103 individuals.

Independent studies have shown the benefits of improved quality of life and lifestyles of people with intellectual disabilities who have moved from institutions into the community.

Since its election in 1992 the coalition government has had an extremely proud record of deinstitutionalisation of people with intellectual disabilities. Since the election in 1992, 840 intellectually disabled people have been moved from institutional care into the community. That represents a rate of more than 200 people a year.

Mr **Cole** interjected.

Dr NAPTHINE - The honourable member for Melbourne says it is the opposition's policy. I would hope it was a bipartisan poli$_{cy}$. In fact, its origins emanate from the days of the Honourables Bill Borthwick and Rupert Hamer. Bill Borthwick was probably the first person in Victoria and probably Australia to talk about normalisation and taking intellectually disabled people out of the mental health area and into community services. That was done under the previous Liberal government, so the Labor Party has no claims of exclusivity in that regard.

This government has been proud to have been involved in the closure of the Aradale and Mayday Hills institutions and the redevelopment of the Jaynefield-I<ingsbury institution. It has successfully moved more than 840 people with intellectual disabilities from institutions into the community setting. Over the next three years it will move a further 200 people a year from congregate care to community-based placements.

The announcement of the closure of the Pleasant Creek institution and the redevelopment of services for those people has been well received not only throughout Victoria but particularly in the Stawell community, which has a very enlightened view about services for the intellectually disabled. It is a positive reflection on the government and the services it provides that it is continuing to work to provide proper and appropriate community places for intellectually disabled people.

The state plan, which commits more than $1 billion to the program, will not only enable an expansion of options and a flexible range of services for intellectually disabled people and their families and carers, but will ensure we can continue to provide the best and highest quality of life for those people in Victoria.

Teachers: minister's comments

Mr BRUMBY (Leader of the Opposition) - I refer the Minister for Education to his answer in this house on 10 October 1996 - his actual answer, not the one that appears in the *Daily Hansard* - in which he said that excess teachers cost the taxpayers of Victoria $26 million for:

> ... no work, no return, and not one iota of effort.

How does the minister reconcile this statement with education department directives of December 1994, November 1995 and again this year that all teachers are to be included in timetables? What do they do?

Mr **GUDE** (Minister for Education) - The position is that at the beginning of the school year 1995 there were, I am advised, some 1554 teachers in excess of requirement. They are then allocated across schools wherever that is achievable.

Mr Brumby interjected.

Mr GUDE - Just hold on! Down, towser! At the beginning of this year the number was 1500. By way of background, I point out that under the previous administration the number of people who were away on leave - long service, annual leave, sick leave, or whatever - reached 8000 so the Labor government of the day hired an additional replacement 8000, or thereabouts, full-time, permanent teachers. So this problem of an excess number of teachers has been with us for some time.

The position now is that teachers who fit into that category are required when it is possible to assist in schools where people are away on leave. There are others who are in a situation - -

Mr Brumby interjected.

Mr **GUDE** - Do you want to hear or don't you? Others are held in their schools on what is referred to as the relief teacher budget, which means that effectively their employment is met to the extent of about 70 per cent, I am advised.

There is another group of people who fit into the category that I am concerned about - where the government has had to effectively employ an additional number of teachers on a part-time basis. The effect is that in 1995 it cost the taxpayers of Victoria $25 million; they effectively had to pay two salaries for one job. So the reality is that in a number of schools the teachers have not arrived in the vacancy; the vacancies are still not filled, and the hardworking teachers in our schools - nearly 35 000 of them who do a fantastic job - have a double load.

Honourable members interjecting.

Mr **GUDE** - What also happens is that students in those schools are denied access to continuous teaching arrangements. That is the reason that I have raised this matter of enormous concern.

Mr Brumby interjected.

Mr GUDE - No, double dipping, double pay. That is the reason why. The taxpayers of Victoria are effectively paying twice. I stand by what I have said.

Heritage buildings: funding

Mr **THOMPSON** (Sandringham) - Will the Minister for Planning and Local Government provide the house with an overview of heritage funding for Victoria?

Mr Batchelor - Mr Speaker, on a point of order, this question is extremely broad. To ask for an overview from any minister is a broad question, but particularly of this minister, who will travel far and wide. I believe it is an abuse of question time.

The SPEAKER - Order! I accept the point made by the honourable member for Thomastown. I ask the minister to accept that answers must be brief and to the point, and ask him to give a brief answer.

Mr **Batchelor** - In those circumstances, Mr Speaker, I believe it should be rephrased or be ruled out of order.

The SPEAKER - Order! In deference to the honourable member for Thomastown, I ask the honourable member for Sandringharn to rephrase his question.

Mr THOMPSON - Bearing in mind the minister's considerable interest in heritage funding in recent times, I narrow the question down to recent funding initiatives in the current financial period for heritage projects in Victoria.

Mr **MACLELLAN** (Minister for Planning and Local Government) - I thank the honourable member for Sandringham for the precise question he has asked me.

Honourable members interjecting.

Mr **MACLELLAN** - *As* you would appreciate, Mr Speaker, the more the opposition interjects, the longer the answer will be.

Honourable members interjecting.

Mr **MACLELLAN** - *As* part of a $16 million program, the amount to be spent this year will be $4.8 million. The work to be done includes, for instance, work on Parliament House, where the cleaning of the stone work at the front of the building is to be completed. I am sure all members would join me in welcoming that work.

The funding that has been made available has been used in a wide range of programs across the state, including work on the Supreme Court, country courthouses, schools and railway stations. On Saturday the Minister for Transport recommissioned the Ripponlea railway station, which has been restored as required to honour its heritage values.

I am sure honourable members would be aware of the work at Eastern Hill fire station and Werribee Park. But members may not be aware of the work at the Baimsdale courthouse, nor perhaps the work at the Noojee trestle bridge. These projects have been funded over the period of the $16 million program, and will continue to get assistance this year with the $4.8 million allocated under the program.

In addition to the work on specific government buildings and properties, there is the work of the Heritage Council, which replaced the Historic Buildings Council. It makes loans and grants available from a revolving fund. Grants have been made in Beechworth; to Mandeville Hall, Toorak, which I am sure the Minister for Housing will be appreciative of; the distillery at Dunnstown; the Mount Ophir winery at Rutherglen, which I know the local member will be happy with; and St Paul's Cathedral in Melbourne, where $70 000 was made available interest free for the complete renovation and restoration of the Chapter House. The revolving fund is used for area conservation programs. It enables heritage work to be done on a loans basis with the money being returned and recommitted to further programs.

In addition, there are heritage advisory services for more than 20 municipalities that are participating in the heritage program of studying and finding out where heritage buildings can be identified and how they can be given suitable protection under the planning scheme.

I thank the honourable member for Sandringham for the very precise question he has asked me. I thank the honourable member for Thomastown for narrowing the field for me and making it such a pleasure to give up-to-date information on current matters on heritage.

Teachers: minister's comments

Mr MILDENHALL (Footscray) - I refer the Minister for Education to his answer in the house on

Thursday, 10 October, when he said twice that teachers in excess cover for teachers taking annual leave. Does the minister still stand by these remarks or will he seek to have *Hansard* altered to reflect the true situation in Victorian schools?

Mr GUDE (Minister for Education) - I stand by the answer. I would not dignify the question with a further answer.

HECS charges

Mr SPRY (Bellarine) - Will the Minister for Tertiary Education and Training advise the house of the influence increased HECS charges have had on the level of student demand for places in Victorian universities next year?

Mr HONEYWOOD (Minister for Tertiary Education and Training) - In the past six months the opposition has not asked one question on higher education, an area of policy in which we have had fundamental change - and that is not just in question time but even on the adjournment debate. The opposition has totally forgotten about an issue of concern to wide sectors of the Victorian community while it has been embroiled in trivial pursuits. I have publicly stated that the Victorian government believes no cuts to higher education are welcome. Probably more than any other since the Great Depression, this generation of young Australians has not had the access to job opportunities as graduates that previous generations have had. Notwithstanding that, we are very pleased that Victoria is the only state in Australia to have had returned to it the funded university places which were taken from it by the Keating Labor government. An amount of $6 million a year has been permanently restored to Victorian universities. There are 463 more funded university places as a result of our constructive negotiations with the commonwealth.

Contrary to the claim made by opposition members who have been running around the countryside maintaining that university enrolments for the coming year will be down, I am pleased to report that the Victorian Tertiary Admissions Centre has advised that an initial analysis of applications for 1997 places reveals that the number of school leaver applications for university places has been maintained above the level for last year. In other words, in 1995, 35 233 applications for university places were received from school leavers; this year VTAC has received 35 661 applications. There has been no significant decline in applications for enrolment in courses deemed to be higher cost courses, such as science and engineering. Therefore, given the proposed scale of HECS charges, there have been no moves from the high-fee courses to the lower ones. That can be contrasted with the performance of the opposition.

Two weeks ago the member for Morwell claimed that university campuses in country areas would be closed down. The member for Morwell was well aware at the time - -

Mr Bracks - On a point of order, Mr Speaker, the minister is clearly debating the question. I ask you to bring him to order.

The SPEAKER - Order! I accept the point of order: the minister is beginning to debate the question. I ask him to stick to a factual answer and not debate the question.

Mr HONEYWOOD - My answer relates specifically to HECS charges. Yesterday the honourable member for Morwell, the opposition spokesperson for tertiary education, convened a parliamentary liaison group of Labor MPs on all university councils. This was meant to give him expertise in addressing the issue of HECS charges, the subject of the question. I report to the house that the member for Albert Park attended - -

The SPEAKER - Order! What members of the Labor Party do in their party organisation has nothing to do with an answer to a question in Parliament. The answer must refer directly to the question, which is about the effects the increase in HECS fees has had on student demand in the coming year.

Mr HONEYWOOD - In addressing the implications of HECS fees and the opposition's concerns, it is relevant to note that the member for Albert Park has attended only four university meetings--

The SPEAKER - Order! If the minister continues to flout the ruling of the Chair, I will hear him no further. The minister will round off his answer.

Mr HONEYWOOD - Contrary to the speculation in the media and the wider community and contrary to the enthusiasm members opposite have attempted to whip up, I inform the house that applications have increased for full-fee-paying university student places and courses with HECS charges. Applications are up across a range of

courses. Despite community concern about university fees, and contrary to the speculation that has prevailed, university students believe universities can offer professional outcomes. However, TAPE applications for next year are down by 5000. That is an area of concern that we as a government are trying to address to ensure that the TAFE sector prospers and has a future - just as our university sector has a healthy future.

The SPEAKER - Order! The time for raising questions has expired.

Mr **Batchelor** - Mr Speaker, I raise a point of order relating to standing order 121. Under the heading 'Questions on Notice and Questions without Notice' the standing order states:

> **Questions may be put to ministers of the Crown relative to public affairs, and to other members relating to any bill, motion, or other public matter connected with the business of the house in which such members may be concerned, in accordance with the following standing orders.**

Mr Speaker, I put it to you that that standing order permits members of the opposition to direct questions to any member of this Parliament on public matters arising from any business with which they are concerned. In that context, I put it to you that a question without notice can be directed to the Speaker of the House if it relates to a matter of the administration and conduct of the house. Such a question was directed to you this morning - -

An honourable member interjected.

Mr **Batchelor** - I am talking about standing order 121. Mr Speaker, you have not ruled on this. I ask you to ignore the interjections, which are designed to put pressure on you, and to hear the full extent of my argument. I acknowledge that sometimes the standing orders are not precise and assume a lot of precedents, and the practice of looking to other Parliaments for them is well-founded. You asked for precedents, and the Leader of the Opposition referred you to *May.* He quoted the guidance offered by the House of Commons, in particular that part of *May* that states:

> **A question can, however, be addressed to him -**

that is, the Speaker-

> **on a matter which urgently concerns the proceeding of the house for which he is responsible.**

I also draw your attention to the way the House of Representatives deals with these issues. In the House of Representatives, as in the House of Commons, there is no doubt that members of the Parliament may direct questions to the Speaker.

In the House of Representatives the procedure is provided for in slightly more detail than is provided for in either our standing orders or in *May.* I refer you to page 515 of Browning's ***House of Representatives Practice,*** second edition, under the heading 'To the Speaker', which says:

> **A question-**

Mr **W. D. McGrath** interjected.

Mr Batchelor - You may not be interested in this, but other people are -

> **without notice may be put to the Speaker relating to any matter of administration for which the Speaker is responsible or on an urgent matter which concerns the proceedings of the house for which the Speaker is responsible.**

It is quite clear on that. It also directs us to standing order no. 152 of the House of Representatives, which says:

> **At the conclusion of the question period, questions without notice may be put to the Speaker relating to any matter of administration for which he or she is responsible.**

So I put it to you, Mr Speaker, that under standing order 121 it is entirely appropriate for members of this Parliament to direct questions to you on matters that are your responsibility.

Earlier today we heard the Leader of the Opposition direct a question to you on matters concerning the administration of this house that stemmed from a recent controversy about the changing of ***Hansard.***

I will not go into the issues of whether it was changed and what happened. Nevertheless, it is clearly an issue that is within your responsibility; it is within your area of administering this house. What could be more fundamentally important to the members of this house than the question of the accuracy of ***Hansard?***

In fact, it is an issue that has been dealt with here by another chamber, where this question of privilege was discussed and raised by the - -

An honourable member interjected.

Mr **Batchelor** - No, it was raised by the - -

The SPEAKER - Order! The honourable member knows he cannot raise a matter of privilege in this way. If he wants to proceed down that line I suggest - -

Mr Batchelor - No, I am not raising - -

The SPEAKER - Order! You just raised the question of privilege as a matter of privilege. I ask you to remember the proper means by which privilege is raised.

Mr Batchelor - It is not my intention to raise privilege. I was referring to a matter that was raised elsewhere, and if I used that expression, that was not intended. I am aware that this is not the procedure for raising privilege. I refer - -

Honourable members interjecting.

Mr Batchelor - I am referring to a reference made by a member for South Eastern Province to the importance of parliamentarians honouring and upholding the privilege of freedom of speech that the traditions of this Parliament bestow upon them. It is in that context that I am talking about general questions of privilege, and I am not directing it to any particular matter at all.

I put it to you, Mr Speaker, that as is set out clearly on page 85 of the 21st edition of *May* we have, as parliamentarians, as members of this Parliament, the responsibility to protect and do everything we can to maintain this privilege of freedom of speech.

I put it to you, Mr Speaker, that in that context the question the opposition leader asked this morning should have been allowed under our standing order 121. It clearly allows questions without notice to be directed to members of this Parliament, and does not limit who those members may be; rather, the limiting action relates to the matters that must be contained wi that question.

The question the Leader of the Opposition put to you, Mr Speaker, as a member of this Parliament - about which there is no doubt - dealt with matters that came within your responsibility, and he should have been allowed to put that question.

Mr Maclellan - On the point of order, Mr Speaker, I acknowledge the way the point of order has been raised with you, and I draw your attention to the fact that your distinguished predecessor, Speaker Coghill, made a very firm and well-researched ruling on the question of what questions might be addressed to the Speaker and under what circumstances.

I suggest with great respect to you, Mr Speaker, that before you give a ruling we would all benefit from having a refreshed view of that ruling given by your predecessor.

The honourable member has brought to notice the ability of members to ask questions of persons not currently ministers in the house. That has previously been answered from the Otair to be restricted to those members of the house who have a carriage of the matter.

Indeed, the honourable member might regret having raised the matter, because what he has pointed out to us is the ability for members, perhaps on the government side, to ask shadow ministers questions where they have carriage of matters. That is where it has been attempted to be used in the past, and where it has been ruled appropriate to be used, but fortunately it is a practice that has fallen into disuse.

Mr Speaker, the matter that has been raised is an important matter, but it is one on which there have been many rulings by your predecessors, and doubtless there will be rulings to come from yourself.

Mr Dollis - On the point of order, Mr Speaker, with respect to the Minister for Planning and Local Government, he is known for his eloquence and considerable knowledge, but in his attempt to get you not to rule on the point of order made by the honourable member for Thomastown, may I suggest that he has somehow misquoted a previous speaker, Speaker Coghill, because I have had considerable discussions with former Speaker Coghill about the ability of a member of Parliament to **ask a** question of the Speaker on matters relating directly to administration and to the authority of the Speaker.

May I suggest to the honourable member that he may be rather surprised to find out that former Speaker Coghill considers this procedure to be an appropriate one.

I suggest to you, Sir, that given his rather eloquent display of procedure, and the references that the honourable member for Thomastown has quoted, there is little doubt that the Leader of the Opposition

did have the right to ask the question - and the question should have been answered.

It is rather unfortunate that the advice received was not clear and maybe did not allow the Speaker to make a decision that he usually makes - and he usually displays considerable fairness in this chamber.

So I suggest, Mr Speaker, that the matter raised by the honourable member for Thomastown, and the precedent and the sources that he has quoted, make it clear that you are the appropriate person for the question to be asked of, that the Leader of the Opposition was in order to ask the question, and that the question should have been answered by you.

The SPEAKER - Order! I think I have heard sufficient on the point of order.

As the Deputy Leader of the Opposition put it, the honourable member for Thomastown raised the matter in an eloquent manner. It was not off the top of his head; he had done a lot of research on raising this point of order. I will do him the courtesy of doing some research in return before I respond to the house at an appropriate time.

Mr Brumby - Mr Speaker - -

The SPEAKER - Order! A further point of order? Not the same point of order?

Mr **Brumby** - No, a further point of order, Mr Speaker.

On a further point of order, Mr Speaker, I wish to raise with you questions regarding the accuracy of the *Daily Hansard* record. I have to say, Sir, that after a discussion I had with the Chief Reporter of Hansard yesterday I was under the impression that a statement would be made to the Parliament about this matter. I thought that would have been made at the earliest possible opportunity. That has not been made. Therefore, I am raising this matter now, Sir, as a point of order.

Mr Elder interjected.

Mr **Brumby** - He is responsible for the *Hansard,* at least. I think we are all aware of the nature of the changes that have occurred to the parliamentary *Daily Hansard.* Last Thursday in question time the Minister for Education in this place said:

> ... it cost the taxpayers of Victoria $26 million for no work, no return, and not one iota of effort from those people.

In the *Daily Hansard* which appeared the next day the quotation was amended to read:

> ... it cost the taxpayers of Victoria $26 million for low work, low return and not one iota of added value from these people.

Clearly *Daily Hansard* had been changed by the Minister for Education. He changed the greens; he has admitted so much in a press conference and other conversations which he has had. It is inconceivable that such a change could have been made inadvertently. For a minister of his experience who has sat here in Parliament - -

The SPEAKER - Order! The Leader of the Opposition is now debating the point of order.

Mr **Brumby** - The *Hansard* record is your responsibility, Mr Speaker, and therefore it is your responsibility to ensure that *Hansard* is an accurate record of the daily proceedings of Parliament. The rules of the house, which you have distributed, make it very clear the basis upon which alterations may be made to *Hansard.* It states:

> Alterations must be confined to the correction of errors. The changing of sense, the introduction of new matter or the deletion of statements is not permissible ... Based on long usage, the practice in Victorian *Hansard* is not to allow a member to make alterations in meaning unless it can be shown that the reporter has misheard or misunderstood the member, or the member has made an obvious error.

They are guidelines issued by the Hansard department. You, Mr Speaker, are well aware of the precedents that apply in this case through the numerous rulings provided in *May* and also through the practice of the House of Representatives in *Browning.* They refer to the accuracy and the nature of a change made and whether there has been a deliberate attempt to mislead the house, which of course would then go to a matter of privilege, which any member can raise with you privately by correspondence.

Mr Speaker, I refer you to another debate which occurred in another place in September 1985 when the then Leader of the Opposition, the Honourable Alan Hunt, drew reference to *May's Parliamentary Practice* and to the importance of the accuracy of the

parliamentary record in terms of parliamentary privilege. He went on to say that if *Hansard* was not an accurate record, if *Hansard* has been tampered with, matters of parliamentary privilege were involved and the right of privilege to every member and the right of free speech in this house.

We have had question time. The practice the previous Speaker applied in relation to matters such as this was to raise the matter immediately after prayers and before question time. I thought that would be the case today. I raise with you, Sir, what has been a deliberate attempt to falsify the record of this house and that changes had been made by - -

The SPEAKER - Order! The honourable member may not make imputations in a point of order.

Mr **Brumby** - I raise with you, Sir, an attempt by the Minister for Education to mislead Parliament and to change and falsify the record of this place, because that is what occurred. I ask you, Sir, what action you intend to take to correct the parliamentary record and what action you intend to take against the Minister for Education. On what basis will you, Sir, consider the question of contempt of Parliament due to the precedents which have been set in the House of Representatives and by a former Leader of the Opposition in the other place, the Honourable Alan Hunt?

The SPEAKER - Order! The Leader of the Opposition has raised a matter which, in effect, he has already raised with me in a letter delivered to me just before lunch this morning. The remarks he has made are almost a verbatim report of the matters he raised in his letter to me. It would be the normal practice and a courtesy to the Chair for the Leader of the Opposition to have given the Chair the opportunity to respond in confidence to the matters raised in confidence by the Leader of the Opposition in a letter to the Chair. If he then wished to go further with it he would have every right to do so.

The Leader of the Opposition raised the matter of a former member in another place, the Honourable Alan Hunt and a debate in September 1985. If I am not wrong that matter referred to Mr Kennan, the then Attorney-General, who made some corrections or alterations of *Hansard*. The Leader of the Opposition did not go on to say that the then President, the Honourable Rod Mackenzie, ruled that there was no breach of privilege and there was no matter to answer, but that it was in the hands of the honourable member.

I was intrigued when the Leader of the Opposition said at the beginning of his point of order that he had heard from the Otief Reporter of Hansard that a statement would be made about the matter in Parliament. He must be a mind reader because at no stage have I said to the Otief Reporter of Hansard that a statement would be made in Parliament.

Mr **Brumby** - It might have been the minister who said it.

The SPEAKER - Order! I do not know who said it, but it certainly was not me. However, as this matter has some currency, I indicate that the *Hansard* record is the responsibility of Mr President and me, and this morning we conferred on this matter and prepared a form of words which I will make available after reading it to the house:

> **In relation to any proposed corrections to** *Hansard* **members of Parliament have the right to suggest changes to the draft** *Hansard.*

That is in line with the precedents set by the Honourable Rod Mackenzie, a former President of the Legislative Council and other Speakers, including the previous Speaker, the Honourable John Delzoppo, and others before. It is then up to Hansard to decide whether the proposed changes are in accordance with the rules governing changes. Those rules are set out in the *Parliament of Victoria Member's Guide* and are as follows:

> **1.2.2 ... Based on long usage, the practice in Victorian Hansard is not to allow a member to make alterations in meaning unless it can be shown that the reporter has misheard or misunderstood the member, or the member has made an obvious error. Obvious errors include wrong dates, names or figures, the accidental use of the negative, and so on. Substitution of words and phrases and reconstruction of sentences for clarification and grammatical accuracy are allowed provided there is no alteration of meaning. The deletion of statements made is not permitted.**

In the case the Leader of the Opposition is referring to, it is my understanding - for the sake of better accuracy, if the Leader of the Opposition wishes, I shall check in great detail that what I am saying is correct - that the Minister for Education suggested corrections to his *Hansard* proof - that is, his green - and that Hansard accepted those corrections. Having looked at the changes, the minister then determined that they were in fact not a true representation of what he said the day before.

I am advised by the Chief Reporter of Hansard that he had discussions with the minister and that the minister changed the *Daily Hansard* record for the weekly *Hansard,* which is the permanent and authoritative record of Parliament, to ensure that the words were exactly as he said them in Parliament. The minister said publicly and I believe here that he stands by what he says.

Mr Rowe - On a point of order, Mr Speaker, I raise with you a matter in relation to the conduct of the Leader of the Opposition at question time. Standing order 89 covers this situation. The Leader of the Opposition obviously was not prepared or was unable to prepare himself to rise speedily to ask a question today and it has happened on a number of occasions. It has happened to me twice: I had risen to my feet and there was a significant time before the Leader of the Opposition rose. I ask you, Mr Speaker, to rule on standing order 89, which states:

> When two or more members rise to speak the Chair calls upon the member who first rose in his place.

As it seems to be the practice of the Leader of the Opposition not to be prepared to rise - -

The SPEAKER - Order! The honourable member is debating the point of order.

Mr Rowe - He does not want to allow the house to get on with its business expeditiously. I ask you, Mr Speaker, to rule whether in future you intend to abide by that standing order or whether you will allow the Leader of the Opposition to waste the time of the house.

The SPEAKER - Order! I advise the honourable member that this house follows various practices that will continue to be followed. The honourable member for Essendon took me to task last week on the same matter. I advise that I will continue to follow the practice of calling the Leader of the Opposition to ask the first question without notice; that is the practice of the house. It will continue while I am in the chair.

Mr Brumby - On a further point of order, Mr Speaker, I thank you for your ruling, which gives the Leader of the Opposition the first call. In relation to the point of order of the honourable member for Cranbourne and in terms of the conduct -

The SPEAKER - Order! I hope this is a point of order, not a point of view.

Mr Brumby - It is a new point of order. My point of order relates to the conduct of the house. Last Thursday the honourable member for Yan Yean was ejected from Parliament for raising with you your capacity to call the member who had first risen to speak. In terms of consistency and the practices of the house, I put it to you that one of our members was ejected on Thursday for making exactly the point the honourable member for Cranboume has just made.

The SPEAKER - Order! That point of order is absolute nonsense, and the Leader of the Opposition should understand it. The honourable member for Yan Yean earned the displeasure of the Chair on Wednesday when, after the ruling on the adjournment motion, he shouted out his displeasure at the Chair's ruling. It was a direct reflection on the Chair. The honourable member was warned. After the ruling about where the call should go, the honourable member again reflected directly on the Chair by shouting out 'That is ridiculous' in an unparliamentary manner. The honourable member was asked to apologise. The honourable member did not apologise. Therefore, the honourable member was named. It has no bearing on the point of order of the Leader of the Opposition.

Mr Dollis - On a further point of order -

The SPEAKER - Order! Be sure it is not a frivolous point of order, otherwise I will hear no further points of order.

Mr Dollis - It is imperative and very important that the independence of the Speaker is paramount and that the Speaker is not political.

Mr Cooper interjected.

Mr Dollis - If you listened you would find out. In his previous point of order the Leader of the Opposition referred to some statements that may have been made reflecting on the ability of the Speaker to act independently. He named a person who predicted that the Speaker would act in a particular way. Given that there has been considerable public comment, given that a ministerial officer speaking on behalf of a minister clearly stated how the Speaker was going to rule on a particular matter, given that that statement clearly reflects on the Speaker's independence, and given that the ministerial officer was speaking on behalf of a member of the executive, I ask you to investigate and report to the house. If need be, I will be more than happy to provide further details.

The SPEAKER - Order! While I am in the chair I intend at all times to be absolutely impartial. I think the Deputy Leader of the Opposition knows me well enough to accept that. In relation to the matter he raised, if I am correct, he said that a ministerial officer said he knew how the Speaker would rule. He must be a mind reader, because at no time had I had any discussion with any member of the minister's staff or the minister on this question, except when the minister rang me and asked me how this matter could be raised by way of privilege. I advised the minister of the practices in raising privilege matters and gave him no more information than I would give any other member of the house in relation to raising matters of privilege which are part of the record of the house.

In relation to any statement made by a ministerial officer, I completely reject the inference in the point of order. The member of staff had no backing for his statement and no reason to make it. I completely reject it.

Mr **Thwaites** - On a further point of order relating to the changing of ***Daily Hansard*** by the Minister for Education, I ask you, Mr Speaker, to follow the precedent adopted by your predecessor and report to this Parliament on the circumstances of the change. I ask you to do that regardless of any confidential communications you may have with the Leader of the Opposition. On 7 September 1993 your predecessor reported to Parliament on the changing of ***Hansard*** by the honourable member for Polwarth. That was done at my request. It was done because the alteration of ***Hansard*** is such a serious matter and the accuracy of the parliamentary debates is so important that it is appropriate that this house and the public be satisfied as to that accuracy. It is not sufficient for there to be some confidential communication between you and one member of this house. For those reasons, I ask you to follow the precedent that your predecessor followed and to report in public to this house about the circumstances of the alteration.

The SPEAKER - Order! I will be very happy to oblige the honourable member in due course.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 6

Mr **RYAN (Gippsland South) presented Alert Digest No. 6 of 1996** on:

Professional Boxing and Martial Arts Bill

together with report and appendix.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Oerk:

Aluminium Smelters of Victoria Pty Ltd (Aluvic) - Report for the year 1995-96

Construction Industry Long Service Leave Board (Colnvest) - Report for the year 1995-96

Crown Land (Reserves) Act 1978 - Order pursuant to sections 170 and 17DA giving approval to the granting of a lease for the purposes of Boatshed with associated Restaurant/Cafe and Museum Lake Wendouree Ballarat

Financial Management Act 1994 -

Financial Operations Statement - Report for the year 1995-96

Auditor-General Report on the Statement of Financial Operations, 1995-96 October 1996-Severally ordered to be printed

Gas and Fuel - Report for the year 1995-96

Land Conservation Council - Report for the year 1995-%

Loy Yang Power Limited - Report for the year 1995-96

National Parks Act 1975 - Amendment of Terms and Conditions of the Consent to the renewal of Extractive Industry Lease No. 286-1 for the quarrying of hornfels - Chiltern Park

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

Bairnsdale (Shire) Planning Scheme - No. L56

Ballarat Planning Scheme - No. I8

Brighton Planning Scheme - No. *U7*

Campaspe Planning Scheme - No. L11

Delatite Planning Scheme - No. *U*

Greater Bendigo Planning Scheme - No. L38

Hastings Planning Scheme - No. L114

Melbourne Planning Scheme - No. *U02*

Morwell Planning Scheme - No. L58

Port of Melbourne Planning Scheme - No. L14

Woorayl Planning Scheme - No. L54

Yarra Ranges Planning Scheme - Nos L14, l.32

Powemet Victoria - Report for the year 1995-96

Statutory Rule under the Wildlife Act 1975 - S.R No. 98

Victorian Broiler Industry Negotiation Committee - Report for the year 1995-96

Victorian Multicultural Commission - Report for the year 1995-96

Zoological Parks and Gardens Board of Victoria - Report for the year 1995-96 (two papers).

MINISTER FOR EDUCATION

Mr BRUMBY (Leader of the Opposition) - I desire to move:

That this house censures the Minister for Education for:

1. misleading the house on Thursday, 10 October 1996 in answer to a question without notice when he said extra teachers 'cost the taxpayers of Victoria $26 million for no work, no return and not one iota of effort from those people';
2. misleading the house in attempting to falsify the *Hansard* record;
3. for his total mismanagement of the portfolio of Minister for Education;
4. for the virtual collapse of the state's industrial relations system while he was minister responsible; and
5. for the lack of a coherent policy in this state while the minister was Minister for Business and Employment.

Leave refused.

BUSINESS OF THE HOUSE

Program

Mr GUDE (Minister for Education) - I move:

That, pursuant to sessional order no. 6(3), the orders of the day, government business, relating to the following bills and items of business be considered and completed by 4.00 p.m. on Thursday, 17 October 1996:

Shop Trading Reform Bill

Gaming Machine Control (Amendment) Bill

Building (Amendment) Bill

Professional Boxing and Martial Arts Bill

Address-in-reply to the Governor's speech

Corrections (Amendment) Bill

Mr BRUMBY (Leader of the Opposition) - The opposition opposes the government's business program because of the total incapacity of Parliament to have a debate about current matters of the day, particularly issues that concern the people of Victoria, such as the Minister for Education's falsifying of the *Hansard* greens and his inept handling of the education portfolio.

A few moments ago I sought leave to move a motion to allow reasonable debate about the ineptness of the Minister for Education in his portfolio. As is not an uncommon occurrence in Parliament, the opposition was denied leave to debate the motion, a sensible motion condemning the minister for misleading the house, falsifying the *Hansard* record and for his statement last Thursday that 1500 extra teachers cost the taxpayers $26 million for no work, no return and not one iota of effort from them.

Mr Speaker, the opposition does not have an opportunity to raise this matter. For the benefit of honourable members who had not read the correspondence from the Minister for Education to the Speaker about why the minister changed the *Hansard* record, I shall read it. It is dated Friday, 11 October 1996, and I ask honourable members to keep that date in mind. They should think **about the minister sitting in his office on Friday, 11 October - the day after 10 October, writing to the Speaker. He states:**

Dear Mr Speaker,

Last Thursday-

! wonder whether he meant yesterday, or is it possible the letter was written on the Monday. The letter, allegedly written on Friday, continues -

I answered a question in the house which included in part:

> ... 'as I said earlier today, last year it cost the taxpayers of Victoria $26 million for no work, no return, and not one iota of effort from those people.'
>
> I had numerous conversations on the subject during the day and when reviewing the greens later that afternoon altered them consistent it would seem with the post-question time conversations.

That sentence is farcical and Wlintelligible. The letter continues:

> On reviewing a tape of the debate the next day -

Perhaps he meant the Friday -

> my amendments were clearly wrong.
>
> I asked the Chief Reporter on Friday, October 11 to reinstate the words in the original form for the official *Hansard.*

I ask honourable members to examine the letter - a letter supposedly written on 11 October. I asked the Speaker on what date he received the letter and wh ther he would release the fax details to clarify the issue. We have a letter supposedly written on 11 October relating to the debate on the previous day and the expression used is 'last Thursday'.

Parliament is a farce when the opposition is unable to have a substantial debate about a serious matter. The opposition relies on the rights of the house and enjoys the privilege of free speech, and part of the privilege of free speech relates to the accuracy of the *Hansard* record.

The ruling which you gave earlier, Mr Speaker, basically states that an honourable member can make whatever changes he likes to the *Daily Hansard* providing he gets away with it, but if he gets caught out he can change his corrections back to the original words and nothing will happen. That is what the Minister for Education did and that is why the opposition wants the opportunity to debate the matter.

It is easy to see why the Minister for Education is running away from a debate on this issue. This is the same minister who was caught out in a report in the *Herald Sun* of 24 August 1990 for failing to declare in the register of pecuniary interests a property in the eastern suburbs; this is the minister who was caught o t egarding the resignation of George Brouwer; this 1s the man who is caught out amending the *Hansard* report and trying to mislead Parliament by providing false information to the *Victorian Parliamentary Handbook.* This minister has an appalling record in relation to providing the facts and being honest. We ask for a full debate about these matters so that the integrity of Parliament is preserved.

Th ter accused teachers of double dipping and clamung double pay; in effect he accused them of being thieves! This is the minister who ruined the Victorian industrial relations system, presided over the lowest level of investment in the state and has now brought his special skills to the education portfolio. Mr Speaker, the opposition wants the opportunity of debating these issues; it rejects the government's business program and condemns the minister for running away from a debate.

Mr LEIGH (Mordialloc) - My remarks will be brief._I support the view that the house should get on with the government business program. I do so for several reasons, the first of which is that important legislation is listed for debate in this chamber today. Labor Party members seem to have conflicting views on matters affecting shop trading and gaming machines, so presumably they do not want to talk about those things! Perhaps one should refer to today's *Age* editorial, which says that apart from about four opposition members the rest should be removed.

The Leader of the Opposition is trying to make sme s and innuendos against the Deputy Leader of the Liberal Party and Minister for Education, so I shall refer to a couple of facts. I can recall the Hon?urable Jim Kennan, a former Attorney-General and infamous Minister for Transport - we all know of his ability to get trams up to this end of town! - being awarded the Politician of the Year award because he did not do what this education minister did, which was to make alterations to correct a transcript. The former Attorney-General rewrote his speech. He did not just make alterations to correct a transcript, he rewrote it.

The DEPUTY SPEAKER - Order! The motion before the Chair is the government business program. I ask the honourable member to make his remarks relevant to that motion.

Mr LEIGH - I am, Sir. I am explaining the reason why the house should get on with debating government business and pointing out that the Deputy Leader of the Liberal Party and Minister for Education has done nothing wrong. The fact is that the minister altered *Daily Hansard,* as has been the

right of every member of this house in the 14 years I have been in this place. Clearly he has done nothing like what I suggested a former Attorney-General did with his speeches. To show the significance of the opposition's argument, I will give another example of the changes that used to be made, and this example is by none other than a former Premier, the Honourable John Cain. He could not remember the numbers whenever he gave a reply in this chamber at question time or on some other occasion, so he used to order his adviser to run down to Hansard to alter the transcript and put in figures to suit the words he had used.

The DEPUTY SPEAKER - Order! I will not warn the honourable member for Mordialloc again. If he does not make his remarks relevant to the debate, I shall call the next speaker.

Mr LEIGH - The opposition's claim to want to debate this matter today is irrelevant because the fact is that the minister has not demonstrated. anything other than the fact that he is competent, well-meaning and intent on providing Victorian children with a good education. That has been demonstrated to me on numerous occasions when I have visited schools in my electorate.

Obviously the house will deal today with the Shop Trading Reform Bill. Of course, the opposition does not want to talk about that because of the unionists in their ranks who are all against it while the other half of opposition members who do not belong to unions support it like the rest of us do.

The Gaming Machine Control (Amendment) Bill is also listed for debate. The opposition does not want to talk about that because the Labor Party introduced gaming machines to Victoria. If the opposition wants a chance to govern this state one day - which will not happen for at least a couple of generations, judging by the way they are going - it has to face up to the fact that it has mucked it up. It must get rid of the few members of the Guilty Party who are still here and address the programs of the house responsibly rather than just giving us the carping nonsense we have heard today. If they did that perhaps people would see an opposition with some credibility.

That would advance the government as well because it would be seen to have some competition, and in the same way that competition in business is good, competition in this chamber would be good, too. At present there is no competition for the government because opposition members are all pleading guilty and do not want to participate in debate on the real issues before Parliament. Let us see the four opposition members that today's *Age* editorial said are okay stand up in this chamber and address the future of their party and debate the legislation brought before the house.

Mr MILDENHALL (Footscray) - The opposition opposes this motion because it wants to debate a censure motion. The opposition wants to debate the real issues facing Parliament today about which the community is expressing concern and about which there is public debate. The motion the Leader of the Opposition sought leave to move includes the facts that the education minister misled the house on Thursday, 10 October in answer to a question without notice when he said that extra teachers cost the taxpayers of Victoria $26 million for no work, no return and not one iota of effort from those people; that he misled the house and attempted to falsify the *Hansard* record; and that he has totally mismanaged the education portfolio.

The DEPUTY SPEAKER - Order! The honourable member must refer to the government business program.

Mr MILDENHALL - The opposition seeks to debate these matters. It wants to debate matters of currency before the house. It wants to debate the mismanagement of the education portfolio, as mentioned. in the motion the Leader of the Opposition attempted. to move but for which the Leader of the House refused leave. I would have thought that related to the government business program and the decision by the Leader of the House and the government to refuse to debate these matters. The opposition wants to debate this strange letter and the principle that, having made a contribution to this house, instead of honourable members then reading the greens and saying, 'Is that really what I said?', the minister says that as a result of conversations after the debate - -

The DEPUTY SPEAKER - Order! The honourable member is again going back to discussions that were held earlier about the *Hansard* corrections. Let me remind him that that issue is well gone. The house is now debating the motion moved by the Leader of the House, which relates to the government business program for this parliamentary week. Therefore, the honourable member's remarks should be relevant to that motion and not to discussions that have occurred and are now long gone.

Mr MILDENHALL - Mr Deputy Speaker, the Leader of the Opposition sought leave to move a motion and leave was refused. He then addressed - -

The DEPUTY SPEAKER - Order! For the purpose of clarification, the Leader of the Opposition moved a censure motion but leave was refused for that motion. The Leader of the Opposition then stepped to his next course of action, which was to oppose the motion before the house on the government business program. That is the issue the house is now debating, nothing else.

Mr MILDENHALL - In opposing the motion the Leader of the Opposition - -

Mr Cole - On a point of order, Mr Deputy Speaker, I wonder whether the issue of the scurrilous change to *Daily Hansard* would come within the Corrections (Amendment) Bill.

The DEPUTY SPEAKER - Order! With some mirth, the Chair rules that there is no point of order.

Mr MILDENHALL - My point is that the Leader of the Opposition addressed the need for the house to debate matters of greater importance, matters of currency - the contents of the censure motion. My argument is that the government business program motion does not relate to the matters of currency or great urgency before the house. Given that the education minister has left the ministry with no budget, with staffing confusion and with schools facing closure and in absolute shambles, these matters are of greater urgency.

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

Mr COLE (Melbourne) - Mr Deputy Speaker, I accept what you are saying about the changes to *Hansard*. I will stick to my objection to government business being truncated and pushed through in the fashion that it is. Do you know what 'truncated' means, Minister for Education? It means stopping it, hitting it on the head - and that is what is happening here.

Let's turn to the program. We need more time to discuss the Professional Boxing and Martial Arts Bill. I know that people on the government side think they know a bit about boxing and thuggery, and we observe that they do. But we want to bring it right out, flesh it out, as they push things through and amend them without any consideration for the proper processes of Parliament. They tell us they don't read the *Age* but when they do read it they race down and correct *Hansard* again.

We have a scurrilous situation with the Shop Trading Reform Bill. It proposes a major change that will destroy small businesses and hurt workers yet again. And how long will we have to debate it? We will be prevented from debating it because the government says we will go only until 4.00 p.m. on Thursday.

Mr McArthur interjected.

Mr COLE - Listen, thug, I am not going to be pushed around by a thug like you!

The DEPUTY SPEAKER - Order! The honourable member for Monbulk is out of order interjecting from the back seat and the honourable member for Melbourne is casting unparliamentary aspersions on the honourable member for Monbulk. I ask him to ignore interjections and proceed with his contribution to the debate.

Mr COLE - I am very sorry. I won't refer to him in that fashion ever again. The important point is that the government is again forcing members to discuss important legislation in a short time.

Mr Steggall interjected.

Mr COLE - The people of Swan Hill will be disgusted at what is happening with shop trading hours.

Mr Steggall interjected.

Mr COLE - You have sold them out yet again. What a sell-out you are! Swan Hill small traders, go north - they will be heading to New South Wales because they will be put out of business by people like you who have no regard for them. Members opposite paraded themselves all around country Victoria, saying, 'We will defend you', and as soon as they were in government they not only truncated legislation and failed to allow decent debate on it but plan to also destroy small businesses without allowing any chance for proper and respectable debate.

As for the Gaming Machine Control (Amendment) Bill, there is the issue of what the government is doing about gambling. The links and the relationships are of major concern to all of us. What

sort of time are we getting to discuss these important issues?

Mr McArthur - Mr Deputy Speaker, on a point of order, I understand that the opposition is actually opposing the motion relating to the government's business program. It seems to me that the honourable member for Melbourne is now busily engaged in debating the Shop Trading Reform Bill and the Gaming Machine Control (Amendment) Bill, which are both items on the government's agenda for debate later this week. Perhaps he would like to get on with the job.

The DEPUTY SPEAKER - Order! That is not a point of order; it is merely expressing an opinion.

Mr COLE - I try not to express opinions, as you know, Mr Deputy Speaker, but the honourable member for Monbulk obviously does.

My concern is that, as usual, debate on major and important legislation will be truncated, including the Corrections (Amendment) Bill. How pertinent can debate be to today's society than discussing amendments to the Corrections Act - amendments that propose change, as opposed to locking people up in prison? We won't get the appropriate time to discuss those important issues.

If we had done this when we were in government, it would never have got through the upper house. It would not have worked. We have never been able to impose the guillotine in the fashion that is being imposed by this government. Government members think they are above scrutiny. That is the danger. Again and again we have seen articles about the gaming legislation. This government thinks it is above scrutiny. It is pushing legislation through with debating times which are totally unacceptable, which are hurting Victorians, and which are not subject to anything that resembles scrutiny of legislation in an appropriate fashion. The government has the attitude: 'We don't care about it; just do it; just push it through'. We have to go into the community and say, 'Look, this is what they're doing, this terrible 4.00 p.m. rule, by which it all goes through, without debate, by 4.00 p.m. on Thursday. We don't guarantee there will be any debate'.

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

Ms GARBUTT (Bundoora) - I oppose the government's business program for three main reasons. The first is that the business program should recognise the priorities of this Parliament - in other words, it should include current urgent, substantial matters of community concern and debate, and this government business program does not. It is significant that the program omits the major issue of the day - never mind the major issue of the week. The government business program does not include the current issue, which is the education system in Victoria and ministerial standards as they are being applied by the Minister for Education.

I do not object to what is on the government business program. They are substantial issues, and I wish to contribute to debate on them as time goes by. However, what is omitted is the single most important political issue of the day and of the week. It is not on there. This is supposed to be a house of debate and review. Part of its role is to scrutinise the government.

Honourable members interjecting.

Ms GARBUTT - So we are not allowed to review what is going on in the community? That is simply obscene!

This is not a place to rubber-stamp bills, where the government wheels in its legislation and we just say, 'Yes, okay; off you go'. This is supposed to be a house where matters ranging over the entire political spectrum are revised and scrutinised. We are not allowed to do that.

Today we have asked to debate education. Last week we sought debate on the hospital system, which was arguably the single most urgent issue of last week and this week, but it is not on the government's business program and it was ruled out of order last week. So I argue this house is failing to debate the most important issues of the day.

The education system is an important issue. That is what the debate in question time was about and that is what we should be debating now, or at least finding time during the week's program to talk about it.

The government business program was invented by the government as a ploy to limit debates. That is what we are talking about: a method by which we can stop debate by 4.00 on a Thursday afternoon so it does not continue any further. The alternative is to add any important issue to the government business program and continue the debate on the next sitting day. What is wrong with debating matters? If we do

not finish it this week it should be included in future debates.

We seem to have got ourselves into a straitjacket, where if a bill is not on the government business program it cannot ever be debated. Part of the problem is the desire of the government to close this place down as a house of debate. The ploy that the government is using to achieve that is the government business program. That is why I am opposing it.

What we should be debating is our education system, and the cuts brought in by the government. They were highlighted by the minister's comments last week in the house. Now we should be debating them. He talked about teachers in excess doing no work. Ibis government invented the problem of teachers in excess by lowering the entitlements of schools, by just saying, 'You're not entitled to as many teachers as you used to have'.

The DEPUTY SPEAKER - Order! The honourable member should not go down the path of elaborate debate on a particular issue. Up to this point her contribution has been very good. I remind her to stick to those guidelines.

Ms GARBUTT - I am trying to highlight that the education system of this state is an important matter. Debate is raging out in the community because of the concerns of parents, teachers and students about its quality, yet we are not able to debate it here today. That is just outrageous!

Another issue of crucial importance on which debate is being gagged today is ministerial standards. A minister has changed ***Hansard;*** he has misled Parliament in question time; and he has falsified his education qualifications in his entry in the ***Interim Parliamentary Handbook.*** Those things go to the heart of ministerial responsibility as well as to the propriety and responsibility of every member of this and every other Parliament around the country. Those issues are being debated around the country because of what is happening in federal Parliament, but in this state we cannot debate them.

Mr DOLLIS (Richmond) - Ibis is a very important debate. The whole idea of our approving government business for the week is to ensure flexibility and to make sense of the program the government is proposing. Although the program is adequate in most cases, there are situations such as those we are facing now when we must have the agreement of the house to raise other matters of substantial importance. As we say time after time to the Chair and to members on the benches opposite, unless opposition members are allowed to debate particular issues on behalf of the Victorian community the house will be brought into disrepute.

The issue is clear cut. The opposition asks the government to agree to amend the program. If there is nothing to fear, why not have a debate? If the government is not frightened by the question of ministerial standards, why not have a debate on them? Ministerial responsibility goes to the heart of good government.

An honourable member interjected.

Mr DOLLIS - You will get an opportunity to debate it: you need only convince your government to allow the debate to take place. Today a second member of the Howard government resigned for reasons to do with ministerial responsibility. He had a conflict of interest, and his resignation came about because in the federal Parliament standards were upheld. We want the same standards upheld in this place, and that is why we are asking for a debate. We want the Victorian community to hear the opposition's arguments.

Time after time the rules of the house are used to gag debate because the government is frightened. The government does not want to allow the Leader of the Opposition to expose the things that should be exposed in this place, and it does not want the Leader of the Opposition and the opposition to lead on behalf of the state. As a result we cannot have a debate on decent standards. Today, the second time in one week, a minister has resigned from the new Howard government because the federal Parliament upholds the principles of ministerial responsibility and ministerial standards.

Our proposition is straightforward. We can debate all the bills listed in the program set by the government business programming committee, but we want to debate an additional item. What is more important than a debate on education? What is more important than the integrity of teachers, which the minister has questioned? Having done that, he altered the record! Never before has a Minister for Education expressed such a low opinion of the people who are educating our children. If we do not get an opportunity to debate that - -

An honourable member interjected.

Mr DOLLIS - The honourable member for Mordialloc displays his lack of knowledge of the education system. He talks about excess teachers without understanding how the system runs. It relies on teachers who commit themselves day in and day out. We rely on teachers to make sure we have a decent education system, and opposition members have confidence in the teachers who are running the system under very difficult circumstances. But we want to raise our concerns about a minister, a government and a political party that refuse to allow democratic debate in this chamber. The options are clear: if the government has nothing to fear, it should allow the debate.

The SPEAKER - Order! The time allocated for debate on the question has expired.

House divided on motion:

Ayes, 54

Andrighetto, Mr	McGrath, Mr W.D.
Ashley,Mr	Mclellan, Mr
Brown,Mr	Maclellan, Mr
Burke,Ms	Maughan,Mr
Clark,Mr	Napthine, Dr
Coleman,Mr	Paterson, Mr
Cooper,Mr	Perrin,Mr
Dean,Dr	Perton,Mr
Dixon,Mr	Pescott,Mr
Doyle,Mr	Peulich,Mrs
Elder, Mr	Phillips, Mr
Elliott,Mrs	Plowman, Mr A.F. *(Teller]*
Finn,Mr	Reynolds, Mr
Gude,Mr	Richardson, Mr
Henderson, Mrs	Rowe,Mr
Honeywood, Mr	Ryan,Mr
Jasper,Mr	Shardey, Mrs
Jenkins,Mr	Smith, Mr E.R.
John,Mr	Smith, Mr I.W.
Kilgour, Mr	Spry,Mr
Lean,Mr	Steggall, Mr
Leigh,Mr	Stockdale, Mr
Lupton, Mr *(Teller)*	Tehan,Mrs
McArthur, Mr	Thompson, Mr
McCall,Ms	Traynor,Mr
McGill,Mrs	Treasure, Mr
McGrath, Mr J.F.	Wade,Mrs

Noes,27

Andrianopoulos, Mr	Hamilton, Mr
Baker,Mr	Hulls,Mr
Batchelor, Mr	Kosky,Ms
Bracks,Mr	Langdon,Mr
Brumby,Mr	Leighton, Mr
Cameron, Mr *(Teller)*	Lim, Mr *(Teller)*
Campbell,Ms	Loney,Mr
Carli,Mr	Maddigan, Mrs
Cole,Mr	Micallef, Mr
Cunningham, Mr	Mildenhall, Mr
Dollis,Mr	Pandazopoulos, Mr
Garbutt,Ms	Seitz, Mr
Gillett,Ms	Thwaites, Mr
Haermeyer, Mr	

Motion agreed to.

SHOP TRADING REFORM BILL

Government amendment circulated by Mr REYNOLDS (Minister for Sport) pursuant to sessional orders.

Opposition amendments circulated by Mr **BRUMBY** (Leader of the Opposition) pursuant **to sessional orders.**

Second reading

Debate resumed from 12 September; motion of Mr GUDE (Minister for Education).

Mr BRUMBY (Leader of the Opposition) - I have circulated amendments to the legislation, and later in the debate I will move a reasoned amendment. By way of introduction I point out that the opposition will strongly oppose this legislation. We have circulated proposed amendments, we will move a reasoned amendment, and we will divide on the final readings of the bill.

I welcome the agreement reached between the opposition and the government to restrict most speakers in this debate, apart from myself as lead speaker, to a period of 15 minutes to give as many members of this house as possible the opportunity to speak on a significant piece of legislation for Victorians.

At the outset I must say this bill marks yet another broken election promise by and another broken election commitment of this government. It places the interests of a few over the rest, and it displays a total disregard of the views and the interests of the Victorian community.

At the end of the day when you look at this legislation, at the way it was introduced into this Parliament, and at the total lack of consultation with employees, employer groups, and with small business, you will see that it is a betrayal of trust - a

betrayal of trust of small and medium-sized traders, of retail workers and of the Victorian community.

All of a sudden and out of the blue, after an appalling few weeks politically, having been under extraordinary pressure over its proposed budget, the crisis in the health system, and the crisis in the education system, on Monday the government produced open-slather, 24-hour-a-day, 7-day-a-week shop trading hours.

As I pointed out a moment ago, this was not something that had been in the government's mind for just a few weeks. This was an about-turn, a U-turn, a rapid change of policy and it was designed to take attention away from the government during a bad week because it had delivered a lacklustre budget with no tax relief for Victorians, with a continuing crisis in health and education and with nothing being done to generate new investment in jobs. Surprise, surprise, we got this extraordinary announcement that was made by the Minister for Industry, Science and Technology on the following Monday.

Make no mistake about the proposal; it is divisive! It will have a devastating impact on retail workers and their families, small business, country towns, strip shopping centres and shops in Melbourne's central business district.

Mr **Hamilton** - And the National Party!

Mr BRUMBY - Well may we say, the National Party! I shall point out a little later, They twist and turn, they slip and slide and they change their views on this. I will point out how strongly opposed most members of the National Party have been to Sunday trading and seven-day-a-week trading. They have done an about-tum on this and they have sold out the interests of their constituents - the people in the country towns. Make no mistake, this legislation **will** transfer business away from small business and strip shopping centres to big regional centres. The big losers will be the little country towns which cannot compete with the regional centres. Opportunities and jobs will be siphoned away from country towns that have already been decimated by the policies of the government.

I shall now examine the policies presented by the government at the last election, just six months ago. On 27 March the Liberal Party made a pre-election commitment that shop trading hours - -

Mr **Reynolds** interjected.

Mr BRUMBY - The minister is interjecting about the results, but he should look at the policy. On 28 March a headline in the *Age* says, 'Kennett woos business', and the article lists coalition policy. The minister either did not read the article or he has no conviction, no integrity and no intention of keeping these promises. The article says that coalition policy was to extend Sunday trading to the first weekend of each month. That is what the Liberal Party said before the election. No open slather, no seven-day-a-week shopping, no 24-hour-a-day shopping, and no 365-day-a-year shopping. The question the minister must answer is why he misled the people of Victoria. Why did he promise there would be no change to shop trading hours except for trading on the first Sunday of the month and on three Sundays in December when six months after the election the policy has been changed. A June 1995 publication from the Office of Small Business entitled *Small business: On the Move* says under the heading 'New initiatives':

> **... the government will amend the Shop Trading Act in its next term to:**
>
> > **abolish the current 10 trading Sundays regime relating to non-exempt shops; and**
> >
> > **permit trading for all shops on the first Sunday in each month and each Sunday in December preceding Christmas day.**

I thought that was pretty clear. That was the promise made to small business, country people, retail workers and to everybody who works in the industry. A couple of month after the election, the *Ringwood Mail* of 14 May 1996 states under the headline, 'Premier offers more Sunday trading days':

> **Mr Kennett, speaking at a Ringwood Chamber of Commerce and Industry luncheon last week, said trading hours could be increased to 11 Sundays a** year **between January and November and the three Sundays leading to Christmas.**

He said that that would occur later in the year. That was what was stated in the government's 1995 small business policy and its pre-election promise, which all members of the Liberal and National parties promoted around the state as their policy. At Ringwood in May the Premier said that the government was going to extend shop trading hours to the first Sunday of the month later in the year.

I wonder what happened between 14 May this year and the announcement made in September. We can guess what might have happened. We can ask who the Premier met with and why the government sold

out the interests of country people, retail workers and small business. The fact is that a dirty deal was done. In the space of three months after the Premier had spoken to goodness knows who and after goodness knows what donations were made to the Liberal Party there was a sudden about-turn and a complete change of policy.

The Minister for Industry, Science and Technology in the Upper House had virtually gone around Victoria saying that anyone who supports shop trading on the first Sunday of the month is a dill. I assume he is directing that comment at the Premier because until May this year the Premier supported shop trading on the first Sunday of the month. The opposition believes the government should honour its election commitments. The government put up a policy involving shop trading on the first Sunday of every month and three Sundays in December - that policy was supported by many groups in the retail sector industry - and it should honour its commitment.

The existing policies offer a great deal of flexibility. A great deal of flexibility and consumer choice is available around Victoria. It can be improved and finetuned by making the government stick to its election commitment of extending shop trading to the first Sunday of the month and the three Sundays before Christmas.

It is germane to the debate to run through the hypocrisy of government members. *Hansard* reports the honourable member for Murray Valley as saying:

> The extension of trading hours over the weekend would bring the family unit in Victoria, and in Australia, under increasing pressure as one, either, or both parents will be working at some time over the weekend. As politicians we understand the demands made on our lives in attending functions and attending to business in our electorate, and this puts pressure on our family life. That pressure would be transferred to the family unit with the extension of trading hours over the weekends. Weekends are an important part of family life.

The honourable member for Warmambool said in the *Warrnambool Standard* of 12 September:

> 'I fought to prevent longer hours'.

He did not fight too successfully did he? The test will be how he votes when he is given the opportunity. Since he fought against the legislation I assume he will be voting with the opposition. We will wait to see whether he turns up. The article says:

> Warmambool MP John McGrath said yesterday he had fought against the deregulation of shop trading hours because of concerns about the negative effects it would have on small business ... 'I am personally not convinced that deregulation is in the best interests of all people in the long term. That's my personal view, and I expressed that in the forums. I fought the good fight ...

I hope he fights a good fight in Parliament. That is what Parliament is for - that is, for people to say what they believe and speak honestly. The honourable member for Warrnambool has been honest enough to give his views to the *Warrnambool Standard*. I hope he will be honest enough to give them to this house. During a debate in the Upper House the current Minister for Finance said:

> While the National Party concedes that the issue is complex, it does not believe it is a reason to completely vacate the field - in other words, completely deregulate trading hours - because that would introduce a whole range of complications and distortions. No-one would doubt that deregulation would favour the larger centres and operators at the expense of the smaller centres and operators. It would see the demise of a whole section of the retail industry. Total deregulation would produce a dog's life for those involved in the industry as employers and employees, and I speak from the heart having had approximately 23 years experience in retail and having lived through an extension of trading hours.

What did our mate Besty in the Upper House say? He is never slow to slip and slide, is he? I note the smiles that have come to the faces of members of the National Party. I refer to a letter to Gracia Baylor, the President of the National Council of Women of Victoria, in 1991 from the Hon. R. A. Best, MLC. It must have been when he was trying to get r lected. The letter says:

> Re: Sunday trading
>
> Thank you for your recent letter, expressing strong concern over the Sunday trading issue.
>
> Having been a retailer myself, I am personally opposed to the introduction of Sunday trading, as I believe it will not serve any real purpose, other than to impose further disadvantages on small specialised traders who are trying to compete against the large retail chains.

> The spending dollar only goes so far, and all we will see is that dollar being spent over one more day.

I could go back a long way. I do not want to go back too far. When the Premier was first elected in the 1980s he seemed to have some commitment to family values. He said:

> Most shopkeepers don't wish to open for longer hours because they have little enough time to spend with their families as it is. This aspect of longer hours for traders can't be overstated; the health and wealth of our society depends on the wellbeing of our families.

I did not know that families or the demands on families have changed but it seems that the Premier has changed his views about the importance of families.

We are opposing this legislation for a wide range of reasons. Firstly, we oppose it because it represents an extraordinary U-turn by this government on its election promises. We believe the government of the day, as in every part of its portfolio responsibilities, ought to enact the promises on which it was elected. It is called a mandate. The government had a mandate to increase trading to include the first Sunday of each month, but that was as far as it went.

We are opposing this legislation for a range of other reasons. Let me go through them. Firstly, we are opposing it because of the negative impact on workers and their families. Ibis bill would have a serious impact on the lives of workers in the retail sector and on the lives of their partners and their children. I stress this point to the Parliament: the bill will have a disproportionate effect on women, who make up 70 per cent of employees in this sector. I cannot stress this issue strongly enough.

If you look at the proposals for seven-day-a-week, 24-hour-a-day trading across the retail sector and at the demands that will be put on workers in the retail industry, you will realise that people will be going home at 11 or 12 o'clock at night and one o'clock in the morning. As I said, 70 per cent of the employees in this industry are women. Most of them have families. The time they can spend with their spouses and their children is absolutely vital to them. These women appreciate the opportunity to be at home on Saturday nights, Sundays and public holidays so that they can spend time with their families. The people who work in this industry use these times for pleasure, for relaxation and, for some, for church. Public holidays should be for all the community, not just for some.

The attitude of workers in this sector is absolutely crystal clear. A recent meeting of retail workers, representing the views of more than 50 000 in the industry, overwhelmingly condemned the government's proposal for open-slather trading hours on the basis that it 'extends trading hours much further than in any other state of Australia', 'ignores the interests of retail workers' and 'is a massive attack upon the rights of families to spend time together'.

I have been getting dozens and dozens of letters and petitions for tabling in this Parliament. I shall quote from a letter from a woman in Frankston who works in the retail sector. She states:

> If the extended trading hours come into force it will take me away from my family even more because I will be forced to do late nights, Sundays and public holidays.
>
> As a young woman I am worried for my safety travelling to and from work at such late times and I will lose even more time with my family if I am made to work public holidays.
>
> If I don't work the hours expected I run the risk of losing money which I cannot afford.

That letter is typical of dozens and dozens I have received. There is also widespread community concern about seven-day-a-week, 24-hour-a-day open-slather trading. The Anglican Archbishop of Melbourne, Dr Keith Rayner, believes it would simply destroy family life and small businesses. The Catholic Archbishop of Melbourne, Dr George Pell, in the *Age* of 14 September called on the government to respect the right of all people to have time with their families, to preserve this traditional day of rest and recreation and not to place yet another burden on family life. I could go on and on about that sector, but we have an agreement today to keep our speeches relatively short.

The second reason the opposition opposes the legislation is the impact on small business. As every bit of research and every bit of poli$_{cy}$ from small business organisations has shown, this proposal will rip the heart out of small businesses in Victoria. It poses a threat to the commercial viability of every small business in Victoria, whether it is in the large shopping centres, the strip shopping centres, the regional centres or the small country towns. This tips the scales in favour of large businesses, particularly those in the mega shopping centres and the CBD.

The opposition commissioned an independent group to survey 150 small businesses across Melbourne, and it paid for the research. I will come to the results in a moment. In essence, the 150 small businesses confirmed that this legislation will decrease profitability, it will benefit large rather than small business and it will not increase employment opportunities.

Over the past two months I have visited businesses around the state-in Ballarat, Geelong, the eastern suburbs of Melbourne, Essendon and Gippsland. I have to say in this house, where honesty is absolutely vital, that I have not found one small business among the dozens I surveyed that favours this legislation. I also went to 11 businesses in Stawell. I have not found one small business that supports this legislation.

An honourable member interjected.

Mr BRUMBY - The minister interjects about Halls Gap. It is a good example. At the moment, under existing laws, the shops are able to open for seven days a week because it is a tourist precinct. Not every area of Victoria is a tourist precinct. The honourable member for Swan Hill skulks out of the chamber. He has done an about-turn. He is prepared to see the country towns in his electorate die off one after another. They are finished, gone. He is prepared to see the government take the public sector, the shops, the schools, the water board, the banks and the businesses out of them and then opens up 24-hour-a-day, seven-day-a-week open-slather shop trading which he knows will transfer business away from those towns to the bigger centres in metropolitan Melbourne.

The government has trouble getting the message. I will tell the government what small businesses say when they are surveyed. When an independent agency surveys them about the impact they think this legislation will have on their businesses, this is what they say: 'being closed - going out of business', 'open for longer hours', 'close them down', 'critical- a family business, disgusted, financially harder', 'higher costs, no increase in sales', 'step backwards', 'it wouldn't be good, want to have time for family', 'devastating', 'spins out profit margin', 'will go insane', 'already work too much', 'create problems', 'detrimental', 'ruin it', 'disastrous', 'impact on staff of business, impact on quality of life', 'ruin me, have to close down', 'kill it, and my family life, too', 'decrease time with family', 'people will just take longer'.

The government is a slow learner. These are the results of an independent survey. The Hon. R. A. Best agreed. He said, 'No, no'. According to the research those 150 businesses say they do not want 24-hour-a-day, open-slather, seven-day-a-week trading. They go further: 'work longer', 'get less work in', 'too hard, can't cope if had to open longer for 24 hours, seven days a week', 'terrible, small business very hard as it has to compete with big centres', 'increase costs', 'reduce sales - competition'.

Articles in the *Geelong Advertiser* under the heading 'Non-stop trade go-ahead' state:

> **Small businesses fear jobs will be lost.**
>
> **Shoppers wary of new hours.**

Under the heading 'Backlash over trading hours' in the *Herald Sun* an article states:

> **Up to 15 000 people working in small business in the City of Knox may oppose deregulated shopping hours.**

The list goes on and on. I have many cuttings with me. The *Maroondah Mail* of 17 September refers to 'Trader anger'. The *Whitehorse Gazette* has the same headline. The *Lillydale and Yarra Valley Express* refers to 'Traders slam reforms'. The list goes on and on, wherever one goes in Victoria. I have a few more. The Master Grocers Association of Victoria wrote:

> **The MGAV remains extremely concerned by the practical effect of the bill and see it as an attack on small businesses. Members are extremely concerned that their commercial viability is under threat with the eventual outcome likely to be store closures and local job losses across the state.**

That is the impact on some small businesses. I now refer to what the legislation will do to country Victoria. I direct honourable members to the comments of local newspapers and chambers of commerce. The *Ballarat Courier* of 25 September had a front-page story entitled 'Council attacks open trading' that states:

> **State government plans to deregulate retail trading came under fire at Ballarat City Council's finance and strategy special committee meeting last night ...**
>
> **'It's another case of Kennett-knows-best legislation', he said.**

An article in the *Wimmera Mail-Times* of 13 September on shop trading under the heading 'Pontius Pilate Premier rapped over shop hours' states:

> **The Premier Mr Kennett had 'done a Pontius Pilate' on shopping hours, Horsham Retail Traders Association chairman Bob Hayes said last night.**

The Ballarat *Courier* of 11 September states in part:

> **Ballarat's Chamber of Commerce may call an emergency meeting to discuss planned state government legislation to allow 24-hour shopping, seven days a week.**

Mr Jenkins interjected.

Mr BRUMBY - They did call the meeting, you fool. Don't you know? Have you spoken to them? You would not have a clue. Has the honourable member been to the mall and talked to the shopkeepers? I have and they do not want any part of it.

The Shepparton Chamber of Commerce and Industry recently conducted a comprehensive survey into trading hours. The result of the business survey of 394 respondents was that 315 people, or 79.9 per cent, said no to Sunday extended trading. It is the same right around the state.

Recently, the member for Ballarat East tried to avoid tabling a petition containing 8000 signatures opposed to Sunday trading. The president of the chamber of commerce in Warmambool, Mitch Preston, says he has had a big reaction from his members and that at least 90 per cent are against extended hours. He says they have tried 24-hour-a-day, seven-day-a-week trading as a tourist precinct, and even at special festival times when the area is flooded with tourists there is not enough business to make staying open economically viable.

Country Victoria does not want any part of open-slather trading, which is why members of the National Party previously were so adamantly opposed to 24-hour-a-day, seven-day-a-week, open-slather shopping. Why is it that they now insist on selling up their constituents?

The Labor Party opposes the legislation also because of the effect it will have on small business, country towns and retail workers. The legislation will have a devastating impact on the Melbourne central business district, which must remain open for business to attract tourists to the centre of town. I remind honourable members that Melbourne is a tourist city. Mr Bill Pickford, President of the Victorian Chambers of Commerce and Industry, was reported in the *Herald Sun* of 12 September stating:

> **Melbourne's CBD will become a shopping desert and all-hours trading will wipe out the government's own shopping precincts scheme.**
>
> **People aren't going to go to those areas if they can shop close to home when they like.**

The Lord Mayor of Melbourne Oty Council, Cr Ivan Deveson, said he expected deregulated trading would cost CBD traders $230 million a year.

It is important that the CBD is a live, vibrant, centre of Melbourne because it is part of our tourist precinct where people stay when they come to Melbourne, yet this decision will cost the CBD traders **$230** million a year.

I have spoken to small-business people in the suburbs of Melbourne and throughout country Victoria and their views on this issue are not unique. A recent survey by the Small Business Association of Australia found that more than 3000 small businesses in New South Wales closed directly because of the introduction of open-slather trading. The worst part of the legislation is that the changes the government will put in place go further than the New South Wales legislation, which had the effect of closing 3000 small businesses. We will see at least that number of small businesses go down the drain. Honourable members opposite ought to hold their heads in shame because that is what they are proposing to do to small business.

The legislation not only fails retail workers and small and medium businesses but also fails to reflect the demands of consumers. On the week ending 28 September, Morgan Gallup polling found that almost 60 per cent of Victorians were opposed to unrestricted trading. A *Herald Sun* phone poll of consumers on 11 September asked the question, 'Should shops be allowed to open 24 hours a day, seven days a week?' and 83.5 per cent of respondents said no. Right across the state, in Bendigo, Ballarat and Shepparton, small businesses are opposing the changes to the legislation.

As a consequence of the government's failure to fulfil its election commitments to the retail sector,

including small and medium-sized businesses, retail workers and their families, I move:

> That all the 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 the government abides by its plection promise to consult with all relevant groups and holds a proper independent review and further explains why it has abandoned commitments made by the Premier to extend Sunday trading to only the first Sunday of each month and the three Sundays before Christmas'.

I am sure that if members of the National Party are given the opportunity of voting with their conscience they would support the reasoned amendment and the amendments that I propose to move during the committee stage of the debate.

The legislation will impact on local government because it will lock local councils into all or nothing referendums at their own cost without any flexibility. In some parts of Victoria large regional shopping centres may open but others may not. We will have a mosaic of trading rules throughout the state. The cost of petitions and referendums will be borne by local councils, which will make the legislation unworkable. I urge the government to rethink the proposals and support the reasoned amendment.

The amendments I propose during the committee stage will provide local government with flexibility to hold the referendums proposed by the government whereby specific times or days of the year may be open for trading; overcome the situation where a council must hold a ballot every three years to opt out of the open-slather system; increase the number of public holidays without trading; and ensure employees are not forced to work on public holidays.

In conclusion, the legislation is a betrayal of the wishes of the people of Victoria, retail workers and small and medium-sized businesses. This is a betrayal of trust and broken election promises and the government should not proceed with the legislation.

It is clear that the bill does not enjoy the support of small and medium-size businesses, retail sector workers or the majority of consumers. It should be withdrawn and amended to give effect to the commitments the government gave before the last election.

This bill is policy on the run. We all recall the appalling press the government received during the week it presented its budget. It was forced to make this about-turn or U-turn decision to detract attention from its budget. We all recall that at the end of the budget week the government publicised its sentencing survey so that that news would make it on the front page of newspapers and in lead items on television to detract attention from the budget, which was under attack from the media.

The opposition opposes the bill vigorously and will force a division to be called. It opposes it because of its negative impact on workers and their families, businesses, strip shopping centres, country traders and the Melbourne central business district. This legislation is not in the interests of all Victorians. It provides for open slather, seven-day-a-week trading. It is anything-goes, let-her-rip, sink-or-swim legislation. It is not a sensible or balanced approach. It has not been developed after consultation.

The opposition emphatically rejects the bill, and I urge members on the gcwernment side to show some guts and a bit of backbone and stand up for what they really believe, rather than kowtowing to and allowing themselves to be bullied by the Premier into supporting legislation which I know many of them privately do not support.

The ACTING SPEAKER (Mr **Maughan)** - Order! Before calling the next speaker, I remind the house that an agreement has been made by both sides to limit speeches to 15 minutes so the maximum number of members can speak. Because there has not been a resolution of the house the Chair will not be able to police that 15-minute limit, so I leave it to members on both sides of the house to keep an eye on the clock and abide by the agreement entered into by both sides.

Mr STEGGALL (Swan Hill) - Honourable members have just seen an example of why the Leader of the Opposition will remain in opposition - and probably not as leader - for some time. It was a very disappointing contribution on a subject that has had enormous discussion and debate over the years. He has just trotted out the usual nonsense and put arguments for it, but it is very difficult to work out why he accepts it for the Melbourne CBD but rejects it for anywhere else.

I received a few mentions during his speech, which I appreciate, and I thank him for those comments. I should point out that the Swan Hill city introduced 24-hour, seven-day-a-week trading in 1973.

Mr Brumby interjected.

Mr STEGGALL - That is not a bad run; for 23 years unlimited trading has operated in my community. I also point out that, along with the chamber of commerce of Swan Hill, I was involved in introducing it and trying to make sure the Swan Hill community and business sector were given the opportunity they sought. Regardless of whether it has been a tourist area, trading on that basis has been very successful in Swan Hill. It would be very difficult in many areas of country Victoria if an attempt were made today to limit the shop trading that has been enjoyed over the years.

The Leader of the Opposition has advanced some very interesting arguments for us to ponder. I would have hoped that he had thought about the whole operation of shop trading and what it means. After all, he is the Leader of the Opposition - an alternative Premier - and, as such, should have given some consideration to the issues, objections and problems that exist throughout Victoria and Australia with regard to shop trading and the existing legislation.

Mr Brumby interjected.

Mr STEGGALL - The arguments the Leader of the Opposition used are rather interesting because he slammed the fact that families and workers and strip shopping centres will suffer enormously as a result of this bill. However, families and workers and strip shopping centres have been operating quite successfully in communities with unlimited trading hours for many years. They have used the legislation to their own advantage to make sure they enjoy the benefits it provides - freedom of trade, freedom to shop, freedom to work and freedom for communities to decide for themselves whether or not they want to have seven-day-a-week, or unlimited, trading.

The bill is very good. The arguments the Leader of the Opposition has just advanced expose the enormous confusion about shop trading that exists right throughout Victoria. Some consideration should be given to the exempt shops. No-one is arguing for their closure. The list of exempt shops throughout Victoria spans a page and a half. However, the Leader of the Opposition made no mention of the families and workers in those exempt shops, to say nothing of those involved in the entertainment industry, television, radio and other services that operate in our community seven days a week.

For the first time in many years - probably the first time ever - the bill puts some sense into shop trading. It does not do what Labor Party members have been arguing very strongly: it does not force shops to open seven days a week, 24 hours a day. Shopkeepers or traders are free to choose when and how they wish to trade. That is an important difference that the Leader of the Opposition ignored when advancing his populist arguments.

The Leader of the Opposition did not mention the many exemptions in various areas in our society apart from the exempt shops to which I referred earlier, which are untouchable. Those exemptions include tourist areas, tourist school holiday areas, Saturday areas, festival areas, markets, and the statutory Sundays. Anyone who thinks shop trading hours are reasonable and proper under existing legislation should think again. It behoves the government of the day to take the issue by the scruff of the neck and really straighten it out so that people understand where they are at and what is happening with shop trading.

People in my position have been arguing for extended shop trading hours for 20 years. It has been a major issue throughout Victoria and in this chamber in the time I have been a member of Parliament since 1983, and this is the first time we have legislation that actually makes sense. I therefore ask honourable members to consider the responsibilities of legislators and Parliament to try to ensure that legislation that is put in place is responsible, fair and workable.

The provisions of the current legislation are not achievable. It is an absolute nonsense. The problems include cases in the courts of breaches of the act, the limit of fewer than 20 employees, and other problems of where you draw the line in the sand for what is right or wrong with the legislation. Members should consider the issues surrounding the shop trading confusion.

The other issue that did not get much of a run from the Leader of the Opposition was the position of the consumer. If members look closely at the bill, they will see that the government has taken the decision making away from the chambers of commerce, whose members over the years have had the ears of members of councils, and placed it in the hands of consumers.

If a community feels as strongly as the Leader of the Opposition has said he does, the bill provides that community with the opportunity to close its own

area. The members of such a community can vote for restricted shop trading hours on Sundays. The provision is there for people who feel very strongly about it. It will be an interesting test to see how that goes.

People say they are worried about the appropriateness of a community deciding to regulate its shop trading hours on a Sunday, because it will bear the cost of doing so. If a community votes to regulate shop trading its council will budget to meet the costs of the community's demand.

The cost was no worry to the Leader of the Opposition. He was more interested in the family - not the family that works in an exempt shop or area, not the family whose members work in the CBD, just the family, other families.

Can honourable members understand what a nonsense the debate is when you get down to tin tacks? The exempt shops have been, are and will be open - there is no change. There is good evidence in the CBD that the community will take advantage of the shop trading facilities. The shop traders have been doing it as well.

In my community the small shop traders have used the shop trading legislation in various forms to enjoy an advantage over others when they can see one. It is true that people in Swan Hill will say, 'It's a bit of a nuisance; we won't have all those people from Kerang shopping in Swan Hill on a Sunday'. But it will depend on how communities operate. It will depend also on the ability of a community's retail sector to compete to meet the needs of the consumers in a catchment area.

In my time in local government we spent a lot of time and effort competing with other communities in the Mallee. It might sound funny to hear that we set out to compete with places like Mildura, Horsham, Hay, Deniliquin and Echuca for the shop trading dollars in northern Victoria, but we did it successfully. Each of the areas responded in various ways and now there is a good standard of shopping throughout the area.

The Leader of the Opposition also referred to workers and longer hours. He did not mention the penalty rates, just the pain and angst of people working, and the unions. It is interesting that the unions successfully concluded workplace agreements with the major shopping centres in the CBD quickly after it was opened up. The union movement has understood the advantage for its members and what the community is after. The workplace agreements we have in place now, in Melbourne particularly, reflect that. It also gives workers and employees the flexibility they have sought. A lot of people can now take up the advantage that the flexibility gives them, and that will be widened.

As everyone knows, our society is changing very rapidly. The bill is a shot in the arm for business and will give many of our communities the opportunity to change. No-one in Victoria understands the shop trading legislation as it exists. All communities have had trouble with it. All shoppers have had trouble with it. Many of the people operating shops in Melbourne and in the major provincial areas have been opening their shops anyway. The courts have had difficulty with it. At the moment all the cases in the Supreme Court are held up. The opposition to the bill is a bit of nonsense.

If people look at the legislation and the opportunities for communities that wish to maintain regulation, they will see that they will be able to do so. That is fine. If that is the way they want to go, they can and that will be good for them.

The bill is using the local government method for determining the poll - that is, a petition of 10 per cent will be required. A vote will be decided on a simple majority, but one-third of the population will need to vote to make the poll valid.

Another issue has not been mentioned. A safeguard in the bill picks up lessees, so that no landlord will be able to force a lessee to open a shop on the days on which he or she is currently not allowed to open, which is Saturday afternoon or Sunday, depending on which part of Victoria they are in.

As a country member of Parliament, I am absolutely delighted that the bill has been introduced. This is the first occasion during my time as a legislator that we have had any commonsense approach to the legislation for shop trading and the law of fining a person for opening a shop. For the first time, we have a proper and sensible approach to the legislation.

The bill has safeguards. Any community that feels strongly about it will be able to take its case to the people. If people feel as strongly as we are told they do, they will be able to take the appropriate actions for that community. That will need to be tested each three years. The reason is that the principle of the legislation is that people will be able to open their

shops because all of Victoria will be a non-regulated area. If one part or two parts of our society decide they want to regulate their Sunday trading, they may do so, but they will need to test it every three years.

1bis debate has been a long time in coming. During the 13 years I have been here, this is the first shop trading debate I have enjoyed. I have not enjoyed any of the others.

Mr Haermeyer interjected.

Mr STEGGALL - You have to understand that today we are legislating for what I helped to put in place in my own community 23 years ago - thank God for that! Let's take Victoria forward and make the law clear so that our legislation is fair, responsible and achievable. I believe the bill does it, and I look forward to the debate for the rest of the evening.

Mr LONEY (Geelong North) - I support the Leader of the Opposition both in his proposed amendment to the Shop Trading Reform Bill and in his opposition to the bill.

Firstly, I should take up a couple of points the honourable member for Swan Hill made and deal with them briefly. He spent a long time talking about what has applied for 23 years in his electorate. I point out that was under no threat and could have continued regardless of the bill. Nothing was going to bring that to an end. It is hardly something to hang your hat on in the debate.

The other thing he made a lot of play about was the unworkability of the current act. There is some recognition both here and in the broader community that certain parts of the act present problems. However, in spite of these problems being brought to the attention of this government on an almost daily basis over the past four years, the government chose to do absolutely nothing about it.

It was the government's decision, nobody else's, to allow the act to deteriorate to its present condition - and that is clearly recognised by the community. The previous Minister for Small Business wrote to many people saying he believed those who were trading outside the provisions of the act were clearly acting illegally and that his government would do something about it. That never happened.

An honourable member interjected.

Mr LONEY - We will get to that; that is not what the minister said to them. The bill is symbolic of the way this government goes about its business. It is symbolic of the government's deviousness, deceitfulness and straight-out dishonesty. On any given issue on which a decision must be made the government always comes down on the side of the big and the powerful - and essentially this bill is about supporting them. This is very much a government of sectional interests, so long as those interests are big and powerful and capable of returning big favours.

The Liberal and National parties have always paraded themselves as the protectors of small business, telling us they are the only ones who understand small business. Over the past four years small businesses, particularly small retail businesses, have been let down at every step along the way. The coalition parties have inflicted higher taxes and charges and higher power bills on them, and they have failed to adopt the recommendations of the working party on the retail tenancy legislation. The member for Swan Hill spoke about some aspects of the working party but not about his government deferring consideration of the report. Small business is desperately looking to have the recommendations implemented.

The government has failed abjectly to address illegal Sunday trading over the last four years. The members for Doncaster and Swan Hill have misled the community about Sunday trading. The government promised to protect and nurture small business; instead, the government has relentlessly attacked it. The coalition promised small business it would have a special relationship with government; instead, it has sold small business out. For four years small business has looked to the government for help, but it has turned away. It has attacked small retailers by allowing the open-slather installation of gaming machines. The government had to be dragged kicking and screaming to review the economic and social effects of gaming. It should have done that beforehand, but said it did not matter. The big end of town was doing all right so gaming had to be good. That is typical of the attitude of this government.

The coalition explicitly promised the community that shop trading hours would not be extended unless a full and open public review was carried out. Instead, what happened was predetermined and secret. We are asking the government to do what it promised the community it would do. According to the second-reading speech, the legislation is based

on the result of a poll. The important question is: who was polled? The government will not give us any details. We do not know who was polled, but we know who was not polled. The small retailers certainly were not, because they are and have been overwhelmingly against it. For instance, the Master Grocers Association of Australia said:

> **The current push to extend the already very liberal trading hours is yet another attempt by the corporate chain store retailers to make further gains at the expense of the owner-operator retailers.**
>
> **Any change to weekend trading hours could ruin the livelihood of many of our members and cause the demise of neighbourhood and strip shopping centres ...**
>
> **You must understand that in no other industry in the world, either retail or manufacturing, is there such an undisputed dominance as in Australia with Coles/Myer and Woolworths/Safeway, and if you include the multinational Franklins, these three chains control more than 73 per cent of the total food dollar in Australia.**
>
> **In 1975 the corporate chain stores held 46 per cent of the national market and the independents 54 per cent, and in 1994 the difference has altered to 73 per cent chain stores and independents 27 per cent.**

This government wants to give the chain stores the other 27 per cent. The Retail Confectionery and Mixed Business Association, formerly the Victorian Food Retailers Association, was not polled. For years it has put arguments to governments of both persuasions. I will not go through the voluminous correspondence, but in 1994 the association told the previous minister:

> **... some large retailers - particularly the Tuckerbag chain - are deliberately trading in breach of the law and are not to be pursued in an effective way by the government. The result of the Tuckerbag trading is to seriously damage the sales of small retailers and it was to avoid this result that the employee limitation was introduced.**
>
> **The extended trading of large supermarkets - even within the law - has had a huge detrimental effect on milk bars and mixed businesses throughout the state and particularly in the metropolitan area. We believe that substantial numbers of these small shops have closed in the last two years and the government has simply done nothing to protect these small family businesses.**

The government has done nothing to protect small family businesses! Small retailers in my area certainly were not polled. According to a survey by the chamber of commerce 25 respondents, or 16 per cent, were in favour of it and 122, or 83 per cent, were against it.

Consumers were not polled. The chamber of commerce asked consumers a couple of interesting questions. The first was: would you like to have more shopping choices on Sunday? Only 47 per cent of respondents were in favour of more choice. The more significant question was: do you find weekend shopping meets your needs? Only 23 per cent of respondents said no.

The National Party room was not polled, as the member for Swan Hill will tell us. The member for Warrnambool said he fought it all the way, that he fought the good fight against it because he does not believe in it.

I might add, since he is here at the moment, that I believe it was probably.not the honourable member for Pakenham, because when he was transport minister in a previous government, according to an article in the ***Sun*** of 15 October 1981, he was reported as having said:

> **The Transport Minister, Mr Maclellan, also told Parliament that the 'Gang of Five' - the five major retailers who have been campaigning for Saturday afternoon trading - could 'go to hell'.**
>
> **He said the government 'did not have the slightest intention' of allowing Saturday afternoon trading and he would not be a part of -**

allowing shop assistants to be used as political footballs.

So he obviously did not take part in the poll. And we know it was not the Premier who was in the poll - he is well on the record with what he said about Sunday trading. So who on earth was the poll based on?

An honourable member interjected.

Mr LONEY - Maybe it was; maybe it was Coles Myer, maybe it was Franklins. It must have been someone, because the government would not lie to us about there being a poll, would it? So perhaps it should bring it out.

But what has happened? Why have the Libs and the Nationals caved in? Why have they gone down? Who has put the pressure on them? What has changed?

The only thing that has changed - as has been pointed out by the Master Grocers Association - in the time we are talking about until now has been the increased domination of the market by the big five. They have increased their domination by about 50 per cent, and they want to increase it further. That is the only thing that has changed.

Mr Perton interjected.

Mr LONEY - It is interesting that the honourable member for Doncaster should say that. I wonder what the previous member for Doncaster would say about interjections such as that?

So what has changed? What do the darlings of the right have to say about this? Let us go to one of the oracles of the right, and one of their icons, the wonderful Michael Barnard.

What does Michael Barnard say about this? I referred to an article in the *Age* of 6 August 1991 under the heading, 'Sunday trading hours a sellout test for Liberals' when we were previously discussing this. Much of what he says is relevant, and can apply just as much today:

Soon-

and in this case 'soon' will be later today-

> **in Victoria the coalition must signal whether it is a party for giant retailers and profit-hungry conglomerates, befitting the socialist left's taunts, or, more in the Menzies mould, a party attuned to small businesses and families as part of a more modest enterprise class ... Anything short of outright rejection of the proposed extension, coupled with a declaration of support for the vast majority of small traders who oppose extended trading ... will confirm the plight of modern liberalism: its inability to reconcile untrammelled exercise of the free market with the morality of what the American historian Ouistopher Lasch has termed cultural conservatism ... The stakes are immense. Small business, not the big stores, collectively form the biggest employer of labour. They also represent the biggest outlet for Australian manufacturers of retail goods and the service industries ... It is not too much to say that, in total, a cultural pattern is under threat.**

At that point, I will let Michael Barnard speak.

Mr PERTON (Doncaster)-Restricted trading hours represent an era when community life revolved around smaller units and was more structured.

The member for Geelong North has made a speech that represents the past: a time when one-income families were the norm, when mothers stayed at home and raised children and did their shopping on week days, when church attendance was common, and when entertainment was not as strongly identified with consumption. The member for Geelong North harks back to a day when the AFL was called the VFL and played only on a Saturday. In that context the restrictions were appropriate.

I sympathise with Victorians who retain a lingering affection for those times, but in opposing extended trading hours they are attacking the symptom rather than the cause.

The truth is that the world that the member for Geelong North yearns for no longer exists.

An Honourable Member - It is here today, but not tomorrow.

Mr PERTON - It has not existed for years. I am sorry, Mr Acting Speaker, I try to avoid answering interjections, but this bunch of hypocritical members of Parliament in front of me were the people who introduced 10 Sunday trading days.

Mr PERTON - I am sorry, if the morality is there to allow trading on 10 Sundays - -

Mr Dollis interjected.

Mr PERTON - And the member for Richmond, who himself is probably more libertarian than socialist, exercises almost the greatest acts of hypocrisy on this matter. The government's more flexible approach to trading hours represents a recognition that Victoria and Victorians have changed. Flexible trading hours are a response to that change, rather than the cause of it. They are a response to the needs of workers who cannot get to the shops during the week and who do not have a partner at home to take care of their affairs during the week. They are a response to the growth of shopping as a leisure activity. They are a response to the growth of other leisure industries which compete with retailers for the disposable income of Victorian families - gambling venues, sporting

venues, outdoor markets and cinemas do not close at 5.00 p.m. on Saturday.

An honourable member interjected.

Mr PERTON - I am sorry, but why should a candle shop in Doncaster not be able to trade when candle shops in St Kilda can trade? It is an absurdity, is it not? Why can't my constituents buy a piece of furniture on a Sunday?

Opposition members interjecting.

Mr PERTON - Why not, when you have allowed, through the legislation that you passed, people to gamble on a Sunday in a casino, in a pub, or in a club?

Opposition members interjecting.

Mr PERTON - I am sorry, but the world the honourable member for Geelong North - -

Honourable members interjecting.

Mr PERTON - That world no longer exists. I have never heard as much rubbish as I have heard from the other side today.

The ACTING SPEAKER (Mr Maughan) - Order! The interjections are disorderly and I ask the honourable member for Doncaster to please address his remarks to the Chair so he will not invite so many interjections.

Mr PERTON - These changes are also a reflection of the changing nature of the economy. The member for Coburg is not in the chamber, but he is probably more adept in and more acquainted with the changes that are occurring in the economy than are the members who are sitting in the house. But this quaint reluctance to extend trading hours takes absolutely no account of the looming reality of widespread interactive shopping by television and by Internet.

Honourable members interjecting.

Mr PERTON - I am sorry, but I am afraid I will have to tell my colleagues who question it that on Sundays people actually advertise on television and invite people to phone in to buy products. Those 200 000 households who subscribe to cable television have the option of buying goods internationally. C N N does not stop advertising in Australia on a Sunday.

Mr Maclellan interjected.

Mr PERTON - As the minister says, will the opposition be asking for automatic teller machines to be closed on Sundays as well? I suspect that, on the basis of the arguments they are putting today, they would shut everything. You would not be able to buy milk in a service station; you would not be able to do any of the things that the changes in trading laws that their 10 years in government brought about in this state.

The honourable member for Richmond is at his loudest when he is most embarrassed about the case he has to put.

Mr Dollis - I am coming to get you!

Mr PERTON - I take up the interjection by the honourable member. In the way of his predecessors in the seat of Richmond, he said that he is coming after me. How pleasant it is that the honourable member lives up to the rich legacy of corruption!

I have the greatest sympathy and respect for those who mourn the loss of Sunday as a day when families spend time together at church and at home, but times change. Last week in my contribution to the budget debate I referred to the Rev. Francis Macnab of St Michael's Church who talked about our society becoming a society of finger-pointers. His sermon on Sunday, which I was unable to attend, was an analysis of why people go shopping on Sundays rather than going to church. The honourable member for Richmond is waving his finger. It appears that the argument put by the honourable members for Geelong North and Richmond is that the government should force people back to church. I will not embarrass the honourable member for Richmond by asking him when he last went to church. It is not relevant. The reality is that our economy will change dramatically over the next few years. Victorian retailers will be outsold by those who can trade electronically or interactively by television.

I have had a number of points of view put to me by my constituents. I have listened to shopkeepers who say they are pleased to open on Sunday. On Saturday my fruiterer complained because he does not believe it is an appropriate step. Like all my colleagues, I have gone out and listened to the community. One of the most best telling points was made by an interstate truck driver who spends his week driving to and from Sydney and whose wife works. He asked what role the government has in

telling him that he and his wife cannot buy furniture on Sunday. What role does government have preventing him from doing so?

The honourable member for Springvale is interjecting. He is someone who voted for the opening on Sundays of brothels, gaming venues and the casino. For him to say that people cannot buy the things they need for their households on a Sunday seems a monumental act of hypocrisy.

In the face of the widespread changes in the community attitudes state governments have moved relatively slowly on this issue; they have been conservative. They have followed the community rather than leading it. This may have been appropriate, but it is time for the government to catch up with public opinion. The anomalies have become so glaring that it is neither just nor reasonable to restrict the rights of retailers to trade at those times when customers wish to shop.

Obviously such a change has to be sensitive to the needs of individual communities. The government has opened the gate to allow residents in local government areas to be polled about whether Sunday trading is appropriate in their local areas. That provision places control of an important local issue firmly where it should be - that is, in the hands of the local community. It is interesting to see that no poll has been called in any community.

Many suburbs and towns may be surprised by the benefits of Sunday trading. I find that some delicatessens in my electorate that open on Sunday mornings receive a huge amount of trade. They sell meat among other things. People choose to buy smallgoods on Sunday rather than mid-week. This development has the potential to enhance the sense of cohesion within the communities. While many leisure activities take people out of their localities, Sunday shopping will encourage them to spend their time and money locally. That is particularly true in my constituency, which has a large Chinese population. The shops situated around restaurants that thrive on Sundays could open and people may be pleasantly surprised by the amount of trade that goes through those shops. Local shopkeepers are ideally placed to cater for the more relaxed Sunday clientele. If a trip out to buy a pair of school shoes develops into lunch and a new vacuum cleaner, so much the better for local retailers. If Victorians want to spend their money on weekends then why should it not be on vacuum cleaners as much as on AFL tickets and poker machines?

Restrictions on Sunday trading have become anachronistic and counterproductive. Victorian lifestyles have changed substantially in the past few decades, and that is reflected in the way we spend our weekends. Money will be spent on Sundays, and whether it is spent at entertainment venues or at the local shopping centre should be a choice for the consumer rather than the government. The government is responding to a consumer-led assault on rigid trading hours. In the most democratic of outcomes, Victorians will vote with their credit cards. Their shopping behaviour will determine the opening hours of retailers.

As the minister says, the government is empowering people. The honourable member for Geelong North neglected one of the most shameful incidents in this state and that was the persecution of Frank Penhalluriack. In his case hardware stores within his immediate vicinity - within walking distance - were legitimately open on Sunday. That was the absurd regime that existed under the former government. He was supported by his community. I do not condone or encourage breaking the law, but the law in that case was so absurd that this man was persecuted while many other people continued to trade without prosecution. It is a blot on the history of this state.

I turn again to the provisions put in place by the Labor government of ten shopping Sundays a year. There was no moral problem with that; the former government had no qualms about the rights of unionists and other interested people whatsoever.

Mr Dollis interjected.

Mr PERTON - The question was asked of me of what my predecessor - -

The ACTING SPEAKER (Mr Maughan) - Order! I ask the honourable member for Richmond to remain silent. I ask members of the opposition to remain silent while the honourable member for Doncaster finishes his speech.

Mr PERTON - It was the Labor Party that introduced Sunday trading in this state; it allowed trading in pubs on Sunday, the use of poker machines; and it was Labor government legislation that provided for the trading of the casino on Sunday. Its legislation also allowed brothels and restaurants to open on Sunday.

In my constituency, if I want to buy hardware on Sunday I can drive to Whitehorse Road where I can

enter the stores of any one of a number of huge multinational organisations. Under the former government, legislation was in place that discriminated against small traders in my area - those who had a legitimate right to compete against those huge multinationals. Under the Labor Party multinationals have run rampant, but under the Liberal Party small business will flourish because in a true free market small traders can be responsive to the needs of consumers.

When the truck driver I referred to wants to do business on Sunday with local shopkeepers and not multinationals it is important that he is allowed to do so. Titis is a good piece of legislation which is supported by the community. Over the coming years we will see the success of the changes introduced by this government in response to changes in community attitudes.

Mr DOLLIS (Richmond) - As the minister said, remember the middle ground, which is something that the honourable member for Doncaster totally forgot. In fact, in this case I am tempted to say that the honourable member for Doncaster should have been given an extra 15 minutes for his contribution because as he began to advance his argument the nature of what the government is doing was becoming more apparent. There was not even the slightest attempt by the honourable member for Doncaster to justify what is an incorrect decision. It is true that the government has broken a promise. The honourable member cannot argue with that. The government has broken a promise. True or not? True, obviously. Before the election the government said it would not extend shop trading hours beyond one Sunday a month. True or not? Absolutely true.

What happened? The honourable member for Doncaster believed he was surfing on the net, and suddenly he got lost in this wide space and forgot the logic of his argument. He attempted to make a mockery of the position that the churches have taken on this issue. I will take a little time on this issue, especially for the honourable member for Tullamarine.

Honourable members interjecting.

The ACTING SPEAKER (Mr Maughan) - Order! I ask members on my left and on my right, including the honourable member for Tullamarine, to remain silent while the Deputy Leader of the Opposition is making his contribution.

Mr DOLLIS - What did Archbishop George Pell say? 'The weekend mentor', as the minister said. What did the minister call his mentor before? We will not mention the unmentionable. The archbishop said:

> **The weekend as we know it will cease to exist. Sunday will become a trading day no different from any week day, a day when goods and services are to be made available as indiscriminately as on any other day, a day when people will have no choice but to provide those services at the expense of their personal freedom and their family life.**

I want to know whether the honourable member for Tullamarine agrees with those sentiments, which the opposition wholeheartedly and fully supports. The archbishop went on:

> **I call upon the government of Victoria to respect the right of all people to have time with their families, to preserve this traditional day of rest and recreation and not to place yet another burden on family life.**

Family life is something those on the government benches quite often mention but somehow lose sight of in describing it. The archbishop concluded by saying:

> **Government may win a short-term economic argument at the expense of long-tenn family dislocation. It has no right to do this.**

In a letter to the Minister for Industry, Science and Technology, a representative of the Anglican Church wrote:

> **However, in removing anomalies by giving carte blanche to traders, you have created the potential for a series of social effects that will seriously undermine the family life of both workers and small business people, while at the same time placing the small trader in an unequal battle with large retailers ...**
>
> **Further, the alleged protection for smaller traders in large shopping complexes will be ineffective. Already there are examples of those who are unwilling to trade on the 10 designated Sunday trading days being fined by centre managers. When the government invokes 'market forces' and 'consumer demands' as the basis of its actions it is in effect asserting that it has no responsibility for the social and business consequences of its legislative decisions. This represents a thorough and, we believe, alarming redefinition of the role of government which in the past has always taken**

> seriously its role of protecting the rights of vulnerable minority groups.

We know the position of this government in regard to protecting minority groups. The Anglican Church concludes by saying:

> We regret the failure of the minister to consult ... in the community as the Premier had promised.

The church says the Premier promised it, but he has broken his promise. That is another lie, another broken promise. Are honourable members opposite saying the Anglican Church is lying? Are they saying the Premier did not promise before the last election to listen? Are they saying the church is lying on this issue and that the Premier did not promise it? It seems they are saying that it is an error by the Anglican Church for remembering the dear-cut promise of the Premier before the last election. The Premier was promising a lot of things before the last election. What did he do? He failed to consult.

Let me come now to the other side of the religious fence - the Uniting Church of Australia. It says:

> Citizenship is further eroded as we are purely defined by our ability to consume. Business and government want us to consume and to construct a society in which the point of our leisure is to consume, and is guided by such values as being selfish, individualistic, demanding with no limits. We demand and everyone else has to cater for our needs ... With people forced to work longer, antisocial hours, the concept of a day of rest, of being with family and friends, becomes more and more alien.

The church is saying that this move is altering society as we know it. Many people are mad about the losses in rural Australia. I have heard members of the National Party say time and again that small country towns will disappear. They are disappearing only because places like this have legislated to alter the fundamentals of their daily existence. As a result, they cease to be. Therefore, we have a different Australia - not necessarily a better one but one that we are failing to recognise in many places.

This legislation will force people to compete on a daily basis. How would a shop-owner deal with his or her family? When will they see their children?

Mr DOYLE - Shush!

Mr DOLLIS - 'Shush', says the honourable member for Malvern, but he is not short of breath when it comes to invoking family values in this place. He is not short of breath when it comes to invoking morality in this place. He is not short of tears when it comes to weeping crocodile tears in defence of those who cannot defend themselves. The principles of democracy and the principles of government have never been practised by the hypocrites on the other side.

They cannot have it both ways. On the one hand, they cannot invoke family values in this place while at the same time destroying the fundamentals of family life. They destroy the basics that keep families together. They think it is a laughing matter.

Mr Perton interjected.

Mr DOLLIS - I suggest to the honourable member for Doncaster that he continue surfing the Internet. That is allowed seven days a week, 24 hours a day.

Mr Perton - When do you go shopping with your wife?

Mr DOLLIS - Saturday morning.

Mr Perton - Never on Sundays?

Mr DOLLIS - The honourable member for Doncaster is hypocritical. The honourable member does not understand that even dogs stop barking.

The ACTING SPEAKER (Mr **Andrianopoulos**) - Order! I ask the honourable member for Doncaster to cease interjecting and the Deputy Leader of the Opposition to stop inciting honourable members opposite.

Mr DOLLIS - Do I look like the sort of person to challenge the basic humanity that is not being displayed by honourable members opposite? I shall deal with the question raised by the honourable member for Doncaster about shopping on Sundays. The government is forcing people, particularly small shopowners, to open seven days a week, 24 hours a day to compete with large conglomerates just because people may change their shopping habits as a result of the legislation. The government does not have the decency to admit that the Premier has changed his mind.

The Minister for Planning and Local Government will remember that when the Premier was a minister in the former Hamer Liberal government he issued press releases and sent messages to Canberra about family life being sacred. We did not have the Crown Casino opening 24 hours a day then. How could family values change from 1979, 1980 and 1981 to the present day? The honourable member for Malvern may think that society has redefined basic family values. It is impossible for members opposite to defend what the government is doing with shop trading hours. It is impossible for them to stand straight. As the honourable member for Yan Yean says, they cannot lie straight in bed.

The honourable member for Doncaster seems to bark louder than any other dog, and perhaps if we throw him a bone he may keep quiet! He may surf the Internet 24 hours a day, but open-slather trading requires families to work day in and day out just to compete on an unequal basis with large conglomerates. It requires them to operate on rules that are unequal. Small businesses are not in the same category as large conglomerates that can do almost anything they want.

The Premier and the government promised something different before the election, but he and the mob opposite have broken their promise. It is a shameful day when the wishes of most groups in society and of ordinary families are disregarded because of legislation that the government promised would never see the light of day.

The opposition asks the Premier to honour his commitment and withdraw the legislation. It is morally wrong, economically bankrupt and will see Victorians suffering for many years to come.

Mr **DOYLE** (Malvern) - It is always a pleasure to listen to the noble traditions of rhetoric of the honourable member for Richmond. His speech today was in no small measure one of his better speeches. I shall return to the issue of street theatre later in my contribution because it is an important part of what I want to say.

It is important to have a base line. Honourable members should consider what oppositions should do to evince, as this opposition has, such strong views about what the bill will do. It is not enough to run a commentary saying, 'We are against it'. Oppositions should say what they propose as sound policy and a way forward for shop trading hours in Victoria.

The honourable members for Swan Hill and Doncaster pointed out the various anomalies, exemptions, tourist precincts, prohibitions and service restrictions in many areas of Victoria.

Mr Maclellan - Chaos.

Mr DOYLE - Yes, chaos. It has got to the point where the community is unsure what is appropriate to be traded and what is not and where goods may be traded and where they may not be traded. We have not started this debate from ground zero but from a hotchpotch of rules that have grown to the position we are now in. It is not enough to run a negative commentary. Many municipalities have anomalies that operate within their boundaries. Some local councils have four different exemptions or ordinances operating at different times on top of the trading times provided by the state government. We do not have a clean slate.

As I said earlier, it is not good enough for the opposition to run a negative commentary; to call a division and vote against the bill. I understand Labor Party policy is for 15 trading Sundays a year. So 10 trading Sundays are not enough but 15 is philosophically different and families will be better off having rules apply to 15 Sundays, but not 20, 30 or 52 trading Sundays. There is a philosophical problem with that argument.

Members of the opposition were keen to quote the views of government members when they considered there were anomalies in previous times when the coalition was in opposition. I quote a news release of the then Minister for Consumer Affairs dated 8 December 1991, which states:

> The Minister for Consumer Affairs, Mr Theo Theophanous, today welcomed the first of the three legal Sunday trading days before Christmas by joining shoppers at Melbourne's newest retail centre, Melbourne Central.
>
> Mr Theophanous said he expected thousands of Victorians to take advantage of the opportunity to shop at their leisure on each of the three Sundays before Christmas.
>
> The extra retail activity will create part-time employment opportunities for young people during the Christmas period.
>
> This will not only boost the Victorian retail industry and the manufacturing sector but also our balance of payments.

> Victorians can do their bit to get this state moving again, he said.

It is fascinating that the coalition had to be elected to get the state moving again after a decade of Labor government. Putting that aside for the moment, however, it seems to me that for those three Sundays Mr Theophanous was saying in essence, philosophy and concept exactly what the government is saying now about employment, retail and consumer opportunities through Sunday trading.

I shall take up an interjection made earlier by an opposition member who said, 'So it is all or nothing, is it?' In the first part of my speech I said that that is not where we are; we do not have the option of nothing. There are so many anomalies and exemptions and such a hotchpotch of provisions that we cannot go back to nothing.

Having a policy on this matter does not mean simply running a negative commentary; it means actually having something to offer as a viable policy.

How often can members of this place recall the two daily newspapers agreeing exactly on the same issue on the same day? Yet, after the Minister for Industry, Science and Technology in another place announced the shop trading legislation, both the *Herald Sun* and the *Age* of Wednesday, 11 September, were in furious agreement on the government's position.

Mr Maclellan interjected.

Mr DOYLE - It is a bit unsettling for the government, and it may be more unsettling yet as I refer to an article in last week's *Sunday Age* with which I am in furious agreement.

Mr Maclellan interjected.

Mr DOYLE - That is certainly so, Minister, but you can't be wrong all the time.

Mr Haermeyer interjected.

Mr DOYLE - The honourable member for Yan Yean says, 'Yes you can', presumably from personal experience. I am not able to comment on that, but I am happy to accept his word for it. The *Herald Sun* of 11 September states:

> But where voters in a local community record a majority against unrestricted trading, the council will be able to impose its own restrictions.
>
> The government has correctly barred trading on Good Friday, Christmas Day or before 1 p.m. on Anzac Day except for shops already exempt.
>
> Another important qualification is that no shop can be forced to open even if an existing lease requires this.

The *Herald Sun* chose to focus on the safeguards the government has put in place to protect against the very abuses opposition members have been hinting at but have not been quite brave enough to mention in their contributions so far. It continues:

> Not everyone will support deregulation. Shops already allowed to open will not welcome the increased competition. The opposition view it narrowly as bad for small business and as making inroads on the time families whose members work in shops can spend together.
>
> But the unrestricted hours will create more jobs in an industry that already employs nearly 400 000 and in June alone had a turnover of $2.2 billion.

How do the sentiments of the *Herald Sun* sit with the pronouncements of Mr Theophanous in 1991? The answer is that they are very comfortable together, so I wonder what Mr Theophanous's argument will be when the bill is debated in the other house.

An opposition member mentioned the Master Grocers Association, and the *Herald Sun* has taken that up. Why wouldn't you protest against an expansion if you were a group already permitted to trade on a Sunday? I think the self-interest in that argument really does not deserve further comment.

The *Age* of Wednesday, 11 September, is in furious agreement with the government and with the *Herald Sun*. It states:

> Mr Birrell's announcement that the government proposes to let all shops open whenever they want, apart horn a minimum number of public holidays, signals a long-overdue triumph for the common good over special self-interest. Victoria has come of age.

I take up the point I raised earlier about what policy is, as against just running a negative commentary on everything the government proposes. Later in the same editorial the *Age* says:

> Perhaps when the Kirner government decided in 1991 that shops should be allowed to trade on 10 Sundays a year it made cautious sense, given the residual hesitation about Sunday trading in certain circles. If

> that was a trial, we believe all fair-minded people would concede that the Victorian public has given its considered verdict and is now, on balance, more than ready for a fuller taste of freedom.

I concur with that judgment. If the 10 Sundays was a dipping of the toe in the water before Christmas 1991, what does 15 Sundays represent? Is that a slightly bigger test? It may well be that the opposition has finally hit upon the answer to one of the great conundrums of this time: can you be 'a little bit pregnant'? An expansion of that analogy would suggest that the opposition would answer, 'Yes, 15 times a year you can be a little bit pregnant'. It makes no philosophical or conceptual sense at all to say the 10 Sundays now permitted be extended to 15. What have we gained? Does that mean the opposition is prepared to destroy family life on an extra 5 Sundays a year, or that five more will make no difference? The opposition is arguing about degree, not on principle. Good public policy is based on principle, and that is what the opposition is yet to come to terms with.

Another furphy on which the opposition relies is that in some way the legislation will play into the hands of certain parts of the retail trading sector. Just on the edge of my electorate is the Chadstone shopping centre. My electorate also encompasses the Malvern Central shopping centre, a smaller conglomeration of some 100 shops, as well as the strip shopping centres of Glenferrie Road, High Street and others. The opposition would have us believe that this proposal will destroy strip shopping areas. In 1991 when Mr Theophanous was making his pronouncements, shops in Glenferrie Road had 'For Rent', 'For Lease', 'Out of Business' and 'Oosing Down' signs on them - the predominant feature of Glenferrie Road was small businesses going out of business. That was not the result of open-slather trading, as the opposition suggests will occur in this case; it was the result of movements in retail trading.

What do you do if you own a small shop? The *Sunday Age* ran an excellent feature in its Living Image section on what retailers in High Street, Armadale, did last weekend. The President of the High Street-Glenferrie Road Business Association had geared up a charity Sunday where all the streets and strip shops were involved in actually promoting themselves in a way that would appeal to the public. When you think of High Street, Armadale, you think of antique shops. There are some 100 of them, but there are a further 30 clothing and footwear shops, 32 furniture and home items shops, 16 art galleries, 19 cafes and restaurants, and 10 rug dealers - I thought there were more than that, but never mind. There also seems to be a growth industry in bridal wear shops and travel agents to go with them.

If small shops wish to survive and thrive, which the government certainly wants to encourage, the way to do it is not by the government prohibiting certain other sections of the community from enjoying the same rights that present Sunday traders do. All shops have to get out and promote what they have to offer, describe some niche in their own marketing and then ensure they capture interest and encourage people to come in through their front doors.

The number of people in High Street, Armadale, on Sunday was a testament to the fact that that approach works. When promotions of that kind are held at strip shopping areas, people shop there and enjoy themselves and the shops build up a clientele. Whether it be the local milk bar, like mine at Orchard Street and Union Street, or the huge shops in Chadstone shopping centre, there is room for them all if they position themselves appropriately, but trading success cannot be given to them as of right by the government excluding some parts of the retail community. To suggest that it is a right or that you can fix the problem by having trading on 15 days is not a policy; it is a running commentary and a negative one at that.

In conclusion, the important thing is the community test. There are two community tests of the policy. The first one is a safeguard. If a community does not like it, there is provision for a municipal poll to be conducted and that gives local councils the right to decide trading in its own area. That is entirely appropriate. The larger poll is the more important one, and that is the consumer poll. What is it that the people of Victoria want to do? The answer is: they want to shop on Sundays, in my electorate, whether it is at Chadstone or Malvern Central or in strip shopping centres on High Street, Glenferrie Road, Wattletree Road or Malvern Road. People will determine where they do their discretionary spending. That is exactly as it should be. If there is one thing government can do for retail businesses, it is not to make artificial regulations but to get out of the way of businesses and let consumers and businesses interact appropriately. Anything else is artificial. Worse still, all we've got from the other side is a running commentary of negativism, not a policy position.

Mr BRACKS (Williamstown) - Some of the claims of the honourable member for Malvern are

extreme and should be addressed. The key issue in the debate on the Shop Trading Reform Bill is that, except on Sundays, in Victoria we have 24-hour shopping. That is what we are debating. Let us strip it back to what it is: we are talking about one day of the week, Sunday, and only certain Sundays. It is not as if there is no shopping on six days of the week, or that we do not have 24-hour shopping. We do have shopping on six days of the week and 24-hour shopping. The issue is what do we do about Sundays.

The government's proposal is to allow continuous shopping, including Sundays and public holidays throughout the year. That is what will be different. The member for Malvern is quite incorrect in his assertions that there is some confusion about shopping. There is no confusion about shopping in Victoria. There is ample opportunity for shopping in Victoria. I have not heard any groundswell of opinion from my constituents or when moving around Victoria from people saying that they do not have the opportunity to shop at their choice in a precinct or at a time of their choice. No latent demand has built up.

Nor have we heard from the government about any research or studies or of any socioeconomic impact that shows that a demand has built up that requires legislation to ensure that we have shopping for 24 hours on Sundays throughout the year.

Mr Perton interjected.

Mr BRACKS - The key issue is the opportunity for Victorians to shop. There is no question in my mind there is no great demand to increase the existing shopping hours. If there is that demand, I encourage the government to table and raise in debate the background research that shows that that demand is developing.

A case can be made for some adjustment to the shopping regime. The opposition accepts that to pick out some Sundays and not have them as known, regular shopping days is an anomaly. It is difficult to know on which Sundays there will be shopping. And it is not just the opposition that has that view; before the election, the government had the same view. Before the March election the government's policy was that the first Sunday of each month would be the Sunday on which there would be trading in Victoria. There is some logic in regularising the number of Sundays, and the opposition supports that.

Opposition members are not saying they are totally against modifying the existing regime. They are concerned at the absolute deception of the government before the last election. The government went to the election on one platform, and after the election it came up with a different platform. I refer particularly to the Liberal Party's small business policy, which was explicit and was announced to the Victorian public before the election. I refer to bits of the Liberal Party policy on small business on which people voted:

> The small business portfolio provides effective administration of relevant shop trading legislation to support retail small businesses. The overriding focus is to deliver a shop trading environment which balances the interests of consumers and traders -

that was good to recognise. But there has been some change and I would like to hear about the change and why the interests of traders have not been considered in the preparation of the proposed legislation-

> and recognises the imperatives underpinning the state's economic development.
>
> The introduction of the Capital City Shop Trading Act 1992 has been a significant achievement in the coalition's first term. In addition, greater support has been afforded to local communities seeking extended shop trading hours outside the Melbourne CBD for tourist precincts and special events.

Here is the key commitment on which the coalition, that is, members opposite individually, went to the Victorian public, and what members of the government have to face up to:

> The next coalition government will:
>
> > conduct a review of the Shop Trading Act 1987 in consultation with all relevant groups, with a view to simplifying the act's applications and clarifying its provisions.

Mr Steggall interjected.

Mr BRACKS - Where is the review? Where is your consultation? Where is your discussion? You were explicit. Each of you committed yourselves to that policy. You have changed and you have not explained to the Victorian public how you have changed. There has been no effective review.

Mr Steggall interjected.

Mr BRACKS - The member for Swan Hill says there was a review. I challenge him to table in this house during this debate the outcome of the review and to say who has been consulted. His coalition party poli$_{cy}$ says:

... in consultation with all relevant groups ...

That was the policy. If a review was undertaken I would be keen to discover the degree of consultation undertaken with the Shop Distributive and Allied Employees Association and the Shop Assistants Union. The answer is zero. There has been zero discussion with the people who work in the industry. How can you have a reversal of a policy about which you said you were going to consult and not talk to the people who work in retail shops? The key issue is that you have not talked to one retail shop worker or to their representatives. It is clearly a broken promise about which the government should be ashamed.

I appreciate that the government has allowed a large number of speakers to contribute to the debate, and I realise that it is almost time for the suspension of the house for dinner, so I will not be very much longer. I make a few quick points. The government has not recognised that small business is already hurting. Gaming now brings $1.1 billion to the state coffers and there is an extraordinary turnover through gambling at Crown Casino and gaming machines--

Mr Maclellan interjected.

Mr BRACKS - Absolutely, but the extension of it is your policy; the extra 150 tables are your policy, not ours.

Mr Maclellan interjected.

Mr BRACKS - Imagine what it will be.

Mr Maclellan interjected.

Mr BRACKS - The minister has made exactly the point I want to make: people have the same amount of disposable income and when you have discretionary expenditure you can put it only in certain places. Evidence overseas - including the United States - and Australia shows that small business suffers from the decision to gamble. Textiles, footwear and entertainment are the key areas that suffer. Small business is therefore suffering, as the minister knows.

Mr Maclellan interjected.

Mr BRACKS - Absolutely, but the extension to Crown Casino is to the credit of this government. The first point is that the extra spending on gaming means that small business is hurting.

Secondly, the government does not have a poli$_{cy}$ to encourage domestic growth. Currently the state is suffering the highest taxes and charges of any state in Australia, which has the effect of depressing expenditure and consumer demand. So there is a double effect of gaming and high taxes and charges resulting in less spending.

Now we have a third point - strip shopping centres in suburban Melbourne and small provincial centres will be squeezed because they will have to compete with large retailers.

So the government is hurting small business in the state in three ways and there is no clear socioeconomic policy to describe how that might affect small business. I have much more I would like to say but I recognise the time limitations. I am happy to have contributed to the debate.

Sitting suspended from 6.31 p.m. until 8.02 p.m.

Mr JASPER (Murray Valley) - Shop trading has always been a big issue for the National Party. We have always fought hard for what we believe is right for the people in our electorates. Throughout the 1970s and 1980s and into the 1990s we have fought for restrictions on Saturday and Sunday trading, and the reasons are well documented.

The Leader of the Opposition quoted what I, Ken Jasper, the member for Murray Valley, has had to say about restrictions on Saturday and Sunday trading. I would be less than honest if I said I did not have some concerns about the legislation. The Premier and others talk about how important this issue is to Victoria. We are in a new age, heading into the next century; but we need to consider the past and the present as well as the future. We need to recognise the realities of shop trading and in doing so decide what is best for the future.

Shop trading is an issue on which passionate speeches have been made on many occasions. Mr Speaker, you are well aware that in the late 1970s and the early 1980s we fought hard to contain the extension of shop trading hours. We tried to protect what we believed were the interests of people in businesses both large or small, but particularly those

that were small. Trading hours have changed since then - and the former Labor government was a party to many of the extensions.

When an extension to Saturday afternoon trading was sought in the mid-1980s members of the National Party, under the leadership of Peter Ross-Edwards, discussed at a party meeting whether to support or oppose it. I was handling the legislation for the National Party, so I put the case for both sides. I said I would argue whichever way the party wanted me to argue because I believed we had to start to rethink the issue.

An honourable member interjected.

Mr **JASPER** - That is a key point. The then leader's comments in counselling the party are worth putting on the record. He said that if we wanted to maintain our opposition to Sunday trading we would have to do a trade-off by agreeing to Saturday afternoon trading. As a party, we agreed. The then Leader of the National Party also said things would change because we were living in a changing world. That was 10 years ago. His remarks were prophetic.

The Labor Party, which talks sanctimoniously about what it is supposedly protecting, first allowed extended Sunday trading. The anomalies in the Shop Trading Act have to be corrected, and if members of the Labor Party do not agree that there are anomalies in the system they are not facing up to the truth. The act is a mishmash, and I have always been concerned about what we should do to achieve a balance. Some people can trade 24 hours a day, seven days a week. Some people can run exempt shops while some cannot trade at certain times. Others have to close the shutters on one part of the shop because they cannot trade in the lines on that side, although they can trade on the other.

The act imposes fines. Mr Speaker, you will recall as well as I do the enormous problems we faced in the 1980s when we were trying to increase the penalties imposed on those who were breaking the law by operating on Saturdays or Sundays. What a great demonstration the Penhalluriack case was of the anomalies in the system and the need to overcome them. Mr Penhalluriack refused to pay $500 000 in fines, preferring to go to gaol as a matter of principle. All sides of the house believed they were right in not allowing Saturday and Sunday trading. Then Parliament said it would allow small businesses to trade on Saturdays and Sundays.

Later we amended the legislation to allow all businesses employing fewer than 20 people to trade on Saturdays and Sundays, which created another anomaly. Eventually a great many people were able to trade on those days. Businesses in tourist areas were allowed to extend their trading hours. The member for Swan Hill talked about businesses in his electorate trading 24 hours a day, seven days a week, and the Labor Party has talked about similar trading hours. At present the act allows trading 24 hours a day for five days, but not too many businesses trade for 24 hours a day during the main part of the week. But there is the ability to do it. In reality what happens is they open when they wish to, and when they do not wish to open, they dose. That is the situation we find ourselves in today.

I will refer to my home town of Rutherglen because that is a classic example of the difficulties we face. As you know, Rutherglen is one of the great wine growing areas of the state, Australia, and indeed the world, and produces some of the greatest red wines you would ever see.

When I was at a dinner recently hosted by the Premier I was extremely disappointed that we were drinking South Australian wine. I am sure that after representations I will make directly to the Premier, he will make sure that in future we will have Victorian wines at functions.

Mr Kennett interjected.

Mr **JASPER** - There you are talking about a great Rutherglen winery - Campbell's Rutherglen Wines. We were pleased to see the Premier visit Rutherglen to celebrate - -

Dr Napthine interjected.

Mr JASPER - My mother was a Campbell, you see. For 125 years they have been operating in Rutherglen.

I want to highlight the point the Premier makes. In the mid-1980s it was decided that wineries would be allowed to operate on Sundays. The wineries at Rutherglen were sanctimonious about that and said, 'We will not trade on Sundays'. However, after two or three months Campbells said, 'We are going to trade on Sundays', broke away from the other wineries and started trading on Sundays. About three months later every other winery in the Rutherglen area traded on Sunday.

Mr **Kennett** interjected.

Mr JASPER - Campbells Durif is a wonderful wine, as the Premier rightly knows because he visited the winery and did an excellent job in celebrating the 125th anniversary. We will have to get some more **Durif** wine down.

That highlights the situation. The greatest trading day for most of the wineries is Sunday because people who come into the area are tourists.

Now we also have extended trading. I refer to my family business at Rutherglen: a GMH dealership, which has operated there since 1929. We also operate a service station. That service station can operate 24 hours a day, seven days a week. But the first guy starts there at 7.45 a.m. and runs through until about 7.00 p.m. We could trade at night as well, but we do not need to. We can trade for 24 hours a day, seven days **a week,** but we trade the hours that suit the circumstances.

That highlights the situation in the tourist areas that have been declared right across country Victoria - in the electorates of the members for Rodney, Portland and many other areas. We also heard the honourable member for Swan Hill speak about his area and other areas that have the ability to trade seven days a week because of the reality of the situation: tourists go to country Victoria.

I will again quote a case in my home town of Rutherglen. Two small privately owned supermarkets operate on Saturdays and Sundays from 8.00 a.m. until 1.00 p.m. and service the people who come through. It was ironic that the owner of one of the supermarkets wrote to me complaining about the legislation before the house. When I spoke to him he said he was complaining because he would have to meet with competition from the big supermarkets. I said that in Corowa, just 7 miles away across the river, Safeway operates on Saturdays and Sundays anyway, and that if he went down to Wangaratta he would see that they operate on Saturdays and Sundays. I said that he is giving service locally - to the people who camp along the river, and to the people who go to the caravan parks, and they will come into his supermarket because it is open on Sundays.

I have tried to highlight the changes to and the reality of the situation in Victoria. I know the downside and I know the other side, which I have highlighted in my comments. The downside is probably the difficulties that will be created for the many small businesses throughout Victoria. But they have to meet that, too.

Many small businesses are resilient; the people who run them are innovative and will rise to the occasion. They will operate on the hours that suit them in the circumstances of the new Shop Trading Act.

The Leader of the Opposition denigrated members of the National Party for changing the attitude they held in the past. I make no bones about the arguments that we used in the past and the fact that we are facing a new reality - I have mentioned that word on many occasions - and that new reality is the fact that we are going into a new age.

Mr Speaker, you need only talk to your children, as I talk to my children, to learn that we are in a new era. These people - young people in particular - are now saying, 'We want to be able to shop when we want to shop, and we want to buy things when we think we should be able to buy them', and we, as businesspeople, whether small businesses or large businesses, have to meet the demands of the market.

As we approach the turn of the century and a new era, we will need to lead the way more and more. Perhaps we should be leading the way in Australia by saying, 'We will give businesses the opportunity to operate within the hours they wish to operate'. There will be difficulties - but they have to face them. Being able to meet those realities is part of being a businessman or a businesswoman.

Mr Hamilton interjected.

Mr JASPER - And competition! The only thing I would say we don't have fair competition on is petrol pricing, and I won't talk about that. I would like to think we could get that; I would like to think I could get the Treasurer to agree that there is not fair competition. But that is a different story. The fact is that we have to face the changes.

If we go through the papers right across Victoria we will see that the editorials generally - despite the comments of the Leader of the Opposition - support the attitude of and the actions that have been taken by the government.

It was interesting to receive a copy of a letter from Ron Thomlinson from the Retail Traders Association to the Minister for Industry, Science and Technology, in which he says:

> **The association wishes to commend you and your government, as this has been a long-term, vexed question for the retail industry in Victoria. Current**

legislation contains a number of anomalies, capable of misrepresentation, and we are delighted to see that this situation will be remedied.

He goes on to talk about the difficulties over the years and says that there are many examples where consumers are looking for changes.

I know there are limitations on time, but I again point out that while many businesses will face difficulties with this new reality, the fact is that it will bowl out all the anomalies that we have, and we will look to a new future. If we supported what the Labor Party is putting forward, we would be supporting extended trading anyway, but would still have all the anomalies that we have in the act today.

I support the legislation and strongly oppose the reasoned amendment put forward by the Leader of the Opposition because it is impractical, unworkable and something that would not help retail trading in Victoria

Ms CAMPBELL (Pascoe Vale) - I totally oppose the bill. In doing so I will quote from some letters that have come to my office from shop workers in my electorate.

Most of what I have to say surrounds family issues, and the letters I have chosen surround this issue particularly. The first is a letter from a person who manages a shop and has 26 employees:

> What arrogance of the government to want seven-day-a-week, 24-hour shopping.
>
> I write having just seen the *Herald Sun* article of 15 September 1996. The photo of Mr Birrell and reference to his wish to shop with his family on a Sunday. Let me say it will be at my own family's expense.
>
> My experience is as a manager of a small shop which em.ploys a total of 26 people. My employment is very arduous.
>
> I need at least one day of rest
>
> My family knows Sunday is our day together. Now I cannot be called into work on a Sunday because the law prohibits my shop opening.
>
> Unlike the minister I will have no freedom of choice on whether I regularly enjoy Sunday with my family. Arrogance and self-interest of this government will only be served by my family losing precious time together.

That is a letter from a manager of a small shop. I have received another letter from Coles in Coburg. The workers at Coles objected to the 24-hour, seven-day-a-week trading. One of them actually decided to organise a petition. She writes:

> On the 2nd October I took a petition to my work. Within 15 minutes I had 76 people sign the petition, and upon leaving I had customers asking to sign ...

After just 45 minutes of work she had a total of 131 signatures.

> Just think what it would be if I was there longer.
>
> How dare Mark Birrell speak for me and say most workers want open slather trading! He didn't ask me.
>
> Jeff Kennett said consultation would be held with the people it would affect -

I will not read the word she used there -

> He didn't consult small traders or retail workers. The people this will affect directly are the 7!) per cent of retail workers who are women and small family traders.
>
> Jeff Kennett also said a few years back that the family unit must be protected. What changed his mind? The almighty buck!
>
> Do you realise that companies are only going to move full timers to part-time work. I ask you, who rosters? Additional staff will have to be em.ployed as far as I'm aware, just shuffling the existing staff like pawns. The great Australian family life has been lost forever because of greed and shame. Fancy trading people for money.

She goes on to talk about the 15-year-olds who work in the store:

> Imagine your 15-year-old daughter working graveyard shifts. Who takes her to work and who's picking her up and how does this affect your work performance as a parent? Will you still have a job when you start making mistakes when you are tired?

Maybe we can have time together with our families on Mondays. She continues:

> Jeff may allocate us (Monday). He seems to be able to do as he pleases and we just have to cop it on the chin.

The workers at Coles in Coburg are particularly concerned about the effect of the legislation on family time.

The family lives of small retailers will also be affected. I received a letter from Mrs Campisano of Devon Road, Pascoe Vale, which is in a small shopping centre. She begs that the 24-hour shop trading legislation not be passed, and states:

> As a small business we would suffer greatly. We feel the hours we put in to our business are long enough. 6.00 a.m. to 11.00 p.m. We effectively get $2 an hour.

Members of this house will understand one of the greatest causes of stress and breakdown in family life results from financial issues. Welfare workers are aware of it and every member should be aware of it. Extended shop trading hours will effectively cause this family to lose their business. They live in my electorate.

When I looked through the newspapers from the metropolitan region I found that people from Mordialloc, Frankston and Heidelberg were concerned about the effect of the legislation on their family life. In the *Mordialloc Chelsea News* of 18 September the Parkdale Chamber of Commerce says:

> From a retail point of view the big boys will have the added advantage and the smaller shops are just going to have to work harder to keep clientele.

The same situation applying to the families of Parkdale shopowners applies to those in Frankston. The *Frankston Standard* carries a report of a manager at a supermarket where there is seven-day-a-week trading. He spoke about his concern about family life and said that he has to take his children out of school to get time with them. The worst example of hypocrisy in terms of attitudes to families is outlined in the *Frankston Independent* of 24 September. The Frankston Chamber of Commerce and Industry and the honourable member for Frankston undertook a survey. They found that 90 per cent of people were opposed to the deregulation of shop trading hours, but the honourable member for Frankston will not vote against deregulation because she believes it is in the best interests of Victorians.

Many people consider family life to be high on their list of priorities. If the bill were to be assessed on the basis of a family impact statement it would have f-r-a-u-d written across it; it would be clearly spelled out that the legislation is a fraud in every aspect in an analysis based on family impact criteria.

The major criterion for family time is that the family unit needs time together. Those of us who are parents can testify to the fact that our children tend to ask life's more complex questions at times when we are relaxing with them.

Most people in the community have time with their families at weekends. How are parents to listen and comment if they do not spend time with their children because they are working in the retail industry? It will be extremely difficult. How will they have time to listen to each other, laugh together and enjoy leisure together? Much of Victoria's leisure activities are held at weekends. In order for the family unit to spend time together they should not have to do as the gentleman from Seaford suggested - that is, pull his children out of school to get family time. That is not the community we want.

For the parent-child relationship to work there must be time to be together to work with the disharmony, the hurt or the disquiet. So much of this is self-evident, so why is it necessary to spell it out? It is because members in this house cannot see what is obvious to people outside. The people who answered the survey on 7-day-a-week, 24-hour-a-day shop trading clearly say they do not want extended shopping hours.

The second criterion on which to judge the bill is that of full-time job opportunities with full-time wages. Families need full-time wages in order to provide housing, food, clothing, education, and transport. Extended shopping hours will not give retailers additional income to employ more staff; it merely spreads the hours over which staff are employed. In my experience full-time workers in the retail industry - I have a great deal of experience with the retail industry - need full-time wages.

Under the present circumstances Sundays are not part of this arrangement, and nor should they be. The legislation will make Sunday trading compulsory, but there is no voluntary work provision in it. Voluntary work provisions will be provided for in an amendment that will be moved by the opposition during the committee stage, and I urge members of the government to support it. The weekly take-home pay for most full-time shop assistants is $408.40. There is little discretionary income in that amount. Shop assistants who work full-time in a retail establishment will find that

Sunday work is inevitable and they will have to decide whether to keep their full-time jobs or say no to working on Sunday, which will probably mean losing their full-time employment. Families without the ability to know what their incomes will be, particularly those on low incomes, will have great difficulty managing their budgets.

The third criterion on which to assess this bill is its impact on workers with family responsibilities. The school-aged children of retail workers, obviously, are at school from Monday to Friday. Saturday is generally for extra curricula activities such as sport, and sometimes shopping with their families. Sunday is their time together. On Sundays there are no extra curricula and sports activities like those the children are generally involved with on Saturdays, and there is time for family units to be together.

For two-parent families where both partners work in retail, the ludicrous situation arises where, because shops are expected to close only two and a half days a year, that couple may see each other only on two and a half days a year when the shops are closed. For sole-parent families it is even worse. Children often have week-end access visits with one of their parents. However, children with contact with only one parent will also be adversely affected.

What about grandparents? Many grandparents are under 65 years of age. Many of them work in retail. They want to spend time with their families at barbecues, at parties and in general recreation together. What about families with children who have special needs? There are no special schools open on a Sunday. There are no specialised day centres.

What about preschool children? There may be some advantages for families that have preschool children. They soon will have 24-hour-a-day, seven-day-a-week child care. Titis will be institutional care, something that both sides of this house have objected to over a long period.

The fourth criterion is the impact on young members of families. During the last state election campaign the Kennett advertising propaganda machine went into overdrive with young people and first-time voters. Saturday night entertainment and raging take on a new dimension when we think of what can happen if shops are open for 24 hours a day, seven days a week. Five out of eight young people change jobs each year. Those who currently work under provisions for voluntary work will realistically be expecting contracts that have no voluntary provisions.

The fifth criterion concerns family heritage, race, ethnicity and religion. What effect will unrestricted shop trading have on families that want to hand on their values and traditions?

I am very conscious of the time. Therefore, I will conclude by asking a couple of questions.

How much has this legislation to do with families? Nothing.

How much has it to do with extended, full-time job opportunities? Nothing.

How much has it to do with the fact that the Coles group's earnings were down by 21 per cent? How much has it to do with the fact that the K-Mart operations were down by 45 per cent? How much has it to do with the Grace-Myer department stores having a 27 per cent profit downturn?

I suggest it has a lot to do with those points - more than it has to do with the freedom to shop whenever one wishes. The first Kennett government was characterised by the fact that it gambled with families. Titis government will be characterised by the fact that it has traded off family values for big companies' profits.

Mr I. W. SMITH (Polwarth) - I welcome the opportunity to support this legislation which was brought in by a strong, enlightened and reforming government. My attitudes to extended trading hours were formed some considerable time ago. Any members who have been in business, whether or not it is on a farm, have found themselves working all hours to survive.

I well remember when the debate was in full swing in the late 1970s being beset by a number of constituents in the electorate I then represented. They felt that extended trading hours would be the death knell to shopping in Warmambool. I heard them out. They raised all the arguments that the honourable member for Pascoe Vale raised. In the end I said to them, 'It is clear that you people do not realise you have had extended trading hours seven day a week for 12 weeks of every year for the past nine years'. Doom and gloom had not prevailed on the place. People knew about it. Those who wanted to use it used it. Few did. They adjusted to the market place. This legislation is about choice.

It seems ironic to me that at 8.30 on a Tuesday night the honourable member for Pascoe Vale talked about family values and proper hours, whatever they happen to be. Does she want the trams to stop at 5 o'clock, the pubs to close at 5 o'clock and everyone shuffled out of hospitals at 5 o'clock? I am sure she does not. There are many occupations that, of necessity, go around the clock.

There is no question that a few people will not like the changes and that a few people, in order to remain competitive in their businesses, will have to adapt and change. The changes that will be allowed as a matter of choice under this legislation will provide the overwhelming majority of people in the community with a choice that they do not have at the moment.

We all recall the silly arguments of the Labor years when hardware stores, in particular, were not allowed to open in some areas. Along the coast, in a tourist area, one could get practically anything. Along the coast in my electorate, from Anglesea, through Lome and Apollo Bay and further, businesses have unlimited rights to trade whenever they want to. They adjust to the market demand. There is no question that in towns like Colac and Camperdown a few people will find some difficulty adjusting. They realise they will not be compelled to open their shops for 24 hours a day, seven days a week. It certainly will not be the case that the large supermarkets or Target stores will necessarily be open seven days a week, because it simply will not pay them to do so.

This legislation presents to people in an electorate like mine and, I suggest, in most areas of the state an enormous opportunity to move ahead. Some people believe, wrongly, that there is a finite amount of money to go around in the community, and that all this measure will do will be to spread that money more thinly and to make their businesses less viable or even unprofitable. That is not the case. The more we can create demand and the more that demand is satisfied, the greater the pressure on innovation and the need to produce more goods and services. Satisfying the extra demand increases the tempo of the economy. That has been proven time and again.

There is no such thing as a finite amount of money. It would certainly be finite if everything shut at 5 o'clock. There would be no incentive and no initiative. No progress would be made.

I believe that enlightened communities that use extended trading hours sensibly will receive a huge fillip and will generate greater net wealth. There will be an opportunity for places like Colac to expand upon things like Sunday markets. In my electorate there are something like 2.6 million day visitors per year. Most of them scoot in and out, unsatisfied at the time and effort they put into it. They would certainly welcome opportunities like the Sunday market in Colac which attracts many visitors.

Some people will have been to Williamstown and seen the weekend market. Others may have visited the Eumundi Saturday market on the Sunshine Coast which attracts hundreds of people from everywhere and creates an enormous impetus and business for the rest of the town, not just for the people who come to trade on Saturdays.

I believe the prospect of running Saturday or Sunday markets is begging for places like Camperdown and Colac, which has a village green-type configuration in the main shopping centre, thus adding to the attractions for people to visit those areas, and encouraging them to stay longer, spend more money and return again to enjoy the spectacular and stimulation of the shopping opportunities that are provided.

We have had from the opposition a classic union-shellback position, a restraint-of-trade argument. The overwhelming majority of the work force have enormous flexibility in their lifestyles and working hours. Very few workers work fixed hours. Even in the public service there is flexitime and it is a rare office of administration that does not have a number of people working back on Saturdays or Sundays. As I mentioned earlier, many institutions owned and run by the state have seven-day-a-week trading and three shifts a day.

For all those reasons it is high time we cut out the myths and rubbish of extended trading hours and allow people to choose for themselves what hours they want for their shops. They will no doubt, where they employ staff, negotiate among the staff things mutually suitable. The days when you can compel staff for any length of period to do things against their will are gone. Good people are hard to get and will always be hard to get. People with skills and talent will move on under repressive employment regimes, so it is inevitable that the overwhelming majority of employees are in workplaces where sensible agreements will be reached and incentives will be generated for both management and staff to enjoy. Under this enlightened proposal it will not be long before a small readjustment in the thinking of people will lead to a sensible approach to the hours

they open and trade. Such is the case in most of our tourist areas. You do not see every shop opening 24 hours a day, seven days a week. They manage the adjustment particularly well. The opposition members who put the opposite view, as the member for Pascoe Vale did, should as soon as possible enjoy a Commonwealth Parliamentary Association tour to different parts of the world so that they can bring back more enlightened policies, change their attitudes and put Victoria in a leading position, rather than burying their heads collectively in the sand and holding us back in the development of world commerce, trade and particularly tourism.

With those remarks I commend the bill to the house and oppose the reasoned amendment.

Mr HULLS (Niddrie) - I oppose the legislation and support the reasoned amendment. I shall make a few comments on the motives behind the legislation. The legislation is devious because of two principal reasons. It is a blatant broken promise of the government, a promise the government made going into the last election. Indeed, the government does not have a mandate for the legislation. One has to look only at the comments the government made regarding shop trading hours to see clearly that this is a broken promise. When one looks at the comments of the Premier, referred to earlier, about extended shop trading hours, one sees he was keen on protecting the interests of families. The Premier has changed his views, and that is something he will have to answer for. In 1981 the Premier said this:

> Most shopkeepers do not wish to open for longer hours because they have little enough time to spend with their families as it is. This aspect of longer hours for traders cannot be overlooked because the health and welfare of our society depends on the success of our family unit, as I have said many times.

Obviously the Premier has abolished his interest in the family *unit* when it comes to open-slather trading hours.

A letter written by the then Minister for Small Business, the Honourable Vin Heffernan, prior to the last election to the Retail Traders Association of Victoria made it clear the government had no desire to increase shop trading hours. His statement is in black and white, yet the government went back on that promise.

The other reason the legislation is devious is that it is a stab in the heart of small business. It will destroy many small businesses throughout the state. In my electorate the strip shopping centre in Keilor Road, Niddrie, will die a quick death as a result of the open-slather trading hours that is being enunciated in the bill.

As we are debating the legislation today in the federal Parliament a coalition senator has fallen on his sword because of a perceived conflict of interest. Senator Gibson, the parliamentary secretary to the Treasurer, had owned a parcel of Boral shares at the same time as he was making decisions directly affecting Bora!. He realised that was in breach of the Prime Minister's code of conduct and as a result he resigned. Only yesterday the Assistant Treasurer, Senator Short, resigned because of a perceived conflict of interest in that he was making decisions in relation to the banking industry while at the same time he had a large parcel of bank shares. It is necessary to take notice of the major beneficiaries of the bill. The major beneficiaries will be the large shopping centres: Coles Myer, Woolworths and large shopping complexes, such as those owned by Gandel Group Pty Ltd. Indeed they have said so themselves on numerous occasions. When it was first mooted by the government that it would legislate for open slather trading, Peter Bartels, the Chief Executive Officer of Coles Myer, welcomed the decision and made it clear it would increase the profitability of Coles Myer. The Gandel retail trust investor relations manager, in a report in the *Herald Sun* of 12 September, said there would be a big jump in trade as a result of extended trading hours. Woolworths has been lobbying for many years to extend trading hours. The reason it wants open-slather shop trading is to increase profitability. If its profitability is increased, the return to their shareholders is increased.

Mr Perton interjected.

Mr HULLS - The honourable member for Doncaster agrees that the shareholders of large trading companies will benefit directly as a result of the legislation. It is essential that we have a look at who are the shareholders of these large retail outlets because one would have to conclude that the beneficiaries of these large companies ought not be involved in the debate, let alone be involved in a vote on the passage of the legislation.

Let us examine who are the major shareholders and beneficiaries of an extension of trading hours. It just so happens that a large number of members on the government side of the house are shareholders in Coles-Myer, Woolworths or Gandel. It is interesting because those companies will be the major

beneficiaries. Therefore, if the people sitting on the government side who own such shares vote for the bill and the bill is passed, they will line their pockets with increased profits from those shareholdings.

In view of the debate on conflict of interest currently taking place in federal Parliament, it is important to examine who on the government side of the house has shares. Let us look at who they are. The honourable member for Knox just happens to have a large number of shares in the Coles-Myer group, the Woolworths group and the Gandel retail trust. If the honourable member for Knox votes for this legislation, he is really voting to line his pockets with the profits. That is an absolute conflict of interest.

Who else do we have? None other than the Attorney-General of this state, who just happens to have a large parcel of shares in Woolworths. If she votes for this legislation when the house divides on the motion, she will also be voting to line her pockets with increased profits. The honourable member for Bulleen, who has argued in support of the bill, just happens to have purchased some Coles-Myer shares. It is very interesting that he has purchased them just at a time when he was sitting in the party room and knew full well that this legislation was coming before the house.

The honourable member for Bellarine has noted in the register of interests that he has some 17 000 shares in the Coles-Myer organisation. He will indeed increase his profits if he supports this bill.

Honourable members interjecting.

The DEPUTY SPEAKER - Order! Interjections across the chamber will not be tolerated by the Chair and the Chair will not tolerate the level of interjection that has now been reached. As I often say in situations such as this, I like a little bit of exchange across the chamber because I think it is good for debate, but the art of it all is to know at what point to withdraw. I suggest we have far exceeded that point, and hope debate can proceed in an orderly fashion.

Mr HULLS - The opposition can understand why government members are so sensitive about this matter: senior federal members have resigned as a result of conflicts of interest. I shall continue because, if the environment minister votes for this bill, she will be voting to increase profits because of her shareholdings in Woolworths. We also have the honourable member for Portland.

Mr Perton - On a point of order, Mr Deputy Speaker, the honourable member for Niddrie is in breach of the rule on casting imputations against other members. He is entitled to set out the shareholdings of other members but he is not entitled to make any conclusion arising from those shareholdings that cast aspersions against members. I therefore ask you, Sir, to rule that he is in breach of that rule.

The DEPUTY SPEAKER - Order! It is my understanding of the point of order raised by the honourable member for Doncaster that the honourable member for Niddrie is using the members' register of interests, which is a public document and which he is using only as part of his argument in the context of putting his side of the argument on the bill. It is my understanding that that is part of rigorous debate and that, in fact, at the appropriate time a member of the government can take issue with the honourable member for Niddrie if the details he places in *Hansard* are inaccurate. If they are accurate, I suggest he is not casting aspersions but stating fact. If they are inaccurate, that is a different story.

Mr Perton - On a further point of order, Sir, in relation to the statement the member is making, what I understand from your ruling is that reading from the register of interests and setting out the ownership of members is permissible, but that to then make an imputation that there is some dishonesty is not permissible and out of order, and I ask you to rule that out of order.

The DEPUTY SPEAKER - Order! My understanding is that the honourable member for Niddrie is detailing to the house what is recorded in the members' register of interests. If he is attempting to include in those register details shareholdings that he perceives will in fact benefit as a result of this legislation and therefore say that the return to the investors would be consequently affected, in my view that is within the forum of the house.

At this stage I am accepting that what the honourable member for Niddrie is putting forward is part of the actual detail from the members' register of interests, and if that is the case I have no problem with that line of debate. If it is inaccurate, the honourable member for Niddrie can be called to justify the statements he is making to the house, and if a member of this place wishes to deny it he or she can have the call at the appropriate time following the contribution of the honourable member for Niddrie. I do not uphold the point of order.

Mr John - On a further point of order, Mr Deputy Speaker, I distinctly heard the words, 'lining their pockets'. There could not be a greater imputation than that. The pecuniary interests register is a public document that has been available to all of us for many months, and the entire speech of the honourable member for Niddrie has been associated with casting aspersions on certain people in the government who will vote, allegedly because of their pecuniary interests. Of course, the underlying assumption is that the government's shop trading reforms will result in some mysterious rise in Coles-Myer or Woolworths shares, and that may not be the case. Indeed, I know many small businesses in my electorate that will thrive because of this legislation. Therefore, my point of order is - -

Honourable members interjecting.

The DEPUTY SPEAKER - Order! It is only fair that a member from either side of the house should be given an opportunity to put forward his or her point of order so the Chair can hear it. The Chair will decide whether the honourable member for Bendigo East is debating the issue and ask him to act accordingly. I therefore ask members of the opposition to give the honourable member an opportunity to speak so that the Chair can hear his point of order and adjudicate on it.

Mr **John** - I reiterate my point, which is simply that there is no evidence, and no evidence has been presented, by the honourable member for Niddrie to suggest that Coles Myer or Woolworths shareholders will benefit from the reforms. My assertion and that of the government is that everybody will benefit - indeed small business will benefit more than others. To say these holdings are lining the pockets of members is a disgusting imputation on their characters.

Mr **E. R. Smith** - On the same point of order, Mr Deputy Speaker, on imputations against members and the words 'lining their pockets', standing order no. 108 provides:

> **No member should use offensive or unbecoming words in reference to any member of the house and all imputations of improper motives and all personal reflections on members shall be deemed disorderly.**

Through you, Mr Deputy Speaker, I ask the honourable member for Niddrie to withdraw the words 'lining their pockets'.

The DEPUTY SPEAKER - Order! To take the second point of order first, the honourable member for Glen Waverley has difficulty with those words. I did not hear those words. He has asked for them to be withdrawn. Is the honourable member for Niddrie prepared to withdraw those words?

Mr H U L L S - I withdraw.

The DEPUTY SPEAKER - Order! In response to the honourable member for Bendigo East, again I go back to the fact that it is my understanding that the honourable member for Niddrie is attempting to make an argument about the connection between the members' register of interests and the share issue in relation to the Shop Trading Reform Bill and who will be beneficiaries. At the same time it is correct that under standing order no. 108 imputations cannot be cast. I ask the honourable member to take note of that as he proceeds with the debate. At this time I do not uphold the point of order.

Mr **Lupton** - Mr Deputy Speaker, on a further point of order, the honourable member for Niddrie has made reference to me in particular as being the first one to have shares in a number of companies. He indicated that I had a large holding in the particular - -

Honourable members interjecting.

The DEPUTY SPEAKER - Order! The honourable member for Knox has the right to raise a point of order or a further point of order on this issue, but he must not use this opportunity to attempt to make a personal explanation about any position that has been stated in debate. I expect that there will be an opportunity at a later stage for the honourable member to refute any argument, but he must not use this opportunity to make a personal explanation. Does the honourable member for Knox wish to proceed with a further point of order?

Mr **Lupton** - The fact is that the register of interests indicates the shares in which a person has an interest. It does not indicate whether the number of shares is large or small.

Honourable members interjecting.

The DEPUTY SPEAKER - Order! The honourable member is well aware that that is an attempt to make a personal explanation. I suggest he should use an opportunity at a later time in the debate to refute or argue that point of order. There is no point of order.

Mr HULLS - It is important to conclude my contribution by making it clear that the honourable member for Portland, the Minister for Youth and Community Services, has a shareholding in Woolworths. As a result of this legislation, Woolworths will be a major beneficiary, as will the shareholders of Woolworths.

The member for Caulfield also has shareholdings in Woolworths and the Gandel Retail Trust. Those companies will also be major beneficiaries, and as a result shareholders of those companies will be major beneficiaries.

The member for Carrum also has shareholdings in David Jones, Woolworths and the Gandel group. Again, those companies will be major beneficiaries as a result of this proposed legislation.

The member for Wantima has shareholdings in Woolworths and as a result of this legislation, as we all know, Woolworths will be a major beneficiary. As a result the shareholders will be major beneficiaries.

We also have, sitting up the back there, waiting for her name to be read out, the honourable member for Prahran, who also has a number of shares in the Woolworths company.

These companies will be major beneficiaries of this Kennett legislation. Ihis-open slather legislation will have as its major beneficiaries the companies I have mentioned, and as a result shareholders of those companies will also be major beneficiaries. In light of the debate on conflict of interest that is occurring in Canberra today, it is absolutely incumbent upon those members I have mentioned who have shareholdings in companies that will be major beneficiaries of the Shop Trading Reform Bill to abstain from being involved in the legislation, to abstain from voting on the legislation. If they do vote for the legislation, what they are voting for is an increase in their profitability as shareholders of these companies. That indeed is a blatant conflict of interest and they should therefore abstain from being involved in a vote on this legislation.

Mr KENNETT (Premier) - I support the Shop Trading Reform Bill because it reflects - -

Mr Brumby interjected.

Mr KENNETT - You are already over it.

Mr Brumby - Mr Deputy Speaker, on a point of order relating to the debate and the procedures in this place, as I pointed out in the introduction of my remarks this afternoon, the opposition and the government had an agreement that tonight debate on the second reading would go to a certain time and we would then move into committee. We are now at the stage where we should be in committee. We have that agreement with the Leader of the House. I ask the Leader of the House to honour his word that he gave to the opposition, that we would move into committee and have the opportunity to debate the opposition amendments.

Mr KENNETT - Mr Deputy Speaker, on the point of order, it is often the case with debate in the house that there are time frames that are set and agreed upon between parties. That in itself is not a point of order. I am rising to speak because your colleague has once again come into cowards' castle, as you so often do, to slander people in this place in the most irresponsible way. I am going to point out in my address - -

Mr Brumby - Mr Deputy Speaker - -

Honourable members interjecting.

The DEPUTY SPEAKER - Order! A member cannot raise a point of order while another member is raising a point of order. The Premier has the call on a point of order.

Mr KENNETT - The point of order raised by the Leader of the Opposition, like so many other things he does, is not a point of order and should be ruled out of order.

The DEPUTY SPEAKER - Order! There is no point of order. If some arrangement has been made across the chamber between the parties, the Chair cannot be aware of it unless the Chair is told. Again I remind the house that the Chair is really in the hands of the house on those sorts of issues. I suggest that the Leader of the Opposition should have his discussion with the Leader of the House if some arrangement has been made, but again remind the house that it is outside the realm of the Chair to invoke that without the necessary compliance of the Leader of the House or an acting Leader of the House.

Mr Cole - Mr Deputy Speaker, on a point of order, I was to speak tonight and I relinquished my right to speak pursuant to an agreement on both sides. I was under the impression that you had a list

of speakers and that you would comply with that list. If you are now saying that the Premier can swan in here and just violate all those agreements and speak whenever he wants to and you have no control whatsoever over the debate, there is no method of proper control.

I seek your guidance as to whether there is any limitation at all on the right of people to speak, even when agreements have been made. I was supposed to speak.

The DEPUTY SPEAKER - Order! I thought I made it abundantly clear that whatever the arrangements that might be made between the leader of opposition business and the Leader of the House, the Chair is still in the hands of the house. The Chair needs somebody to get up and move that the motion be put or to put some question before the Chair. Until 10.00 p.m., as it happens, of this particular day, the Chair can continue to hear speakers as long as they stand in their places, unless some other arrangement has been made.

Mr **Cole** interjected.

The DEPUTY SPEAKER - Order! There may have been, but the Chair is not aware of that. Again, even if the Chair was aware of that, the Chair still needs action from the floor of the house to put in place that arrangement. There is no point of order.

Mr Gude - On the point of order, when the Leader of the Opposition made his point I think it is fair to say he may not have been aware of the discussion that had taken place across the table between his colleague on his left and me. The discussion was about the fact that because there had been a number of interjections the debate had dragged on. I indicated to the honourable member opposite that if necessary I would be prepared to extend the debate for 30 minutes to deal with this issue. In the course of conversation across the table that may have been resolved.

Mr **KENNETT** - As I was saying, I support the legislation and to reject the hypocrisy of the member for Niddrie. In one sense the legislation reflects changing attitudes in our society and the opportunities and challenges that exist for the vast majority. It is not unusual that on this issue the Labor Party should again be seeking to hold back the tide of change. The opposition has no imagination; it cannot in any way adopt a leadership position. As the Leader of the Opposition said on Sunday, the Labor Party seems to take one step forward and two steps back.

In its approach to this legislation it has done more than take one step forward and two steps back. It has totally misread the fact that the community is making decisions about its opportunities and leisure time and that there is a need to reflect the changes that have taken place right around the world. I make no apology for the fact that the government had a different position some years ago. Any political party that cannot change is ultimately doomed to failure and irrelevance - and we are now seeing that happen to the Labor Party.

I have been prompted to speak because of the comments of the member for Niddrie. He is not new to Parliament. He served at a federal level but failed to hold his seat even when the fortunes of the Labor Party were on the rise. He was not relevant to his community and rarely spoke on their behalf in the federal Parliament. He has come to this place after a period as chief-of-staff to the Leader of the Opposition. The member for Niddrie has long been out of touch with the aspirations of average Australians. While chief-of-staff to the Leader of the Opposition he entered into a campaign with Mr David White, a former member for Doutta Galla in the other place, to vilify individual members of the government.

An honourable member interjected.

Mr **KENNETT** - He says he has us worried. In what way do you have us worried? You would have to be one of the most unattractive members to come to this place. The member for Niddrie, with his comments tonight, has once again - -

Mr Haermeyer - On a point of order, Mr Deputy Speaker, the Premier has been on his feet for just under 7 minutes. The bill relates to shop trading hours, but in the time he has been on his feet the Premier has not referred in any way to shop trading hours. He has been totally preoccupied with his view of the member for Niddrie. Mr Deputy Speaker, I ask you to call him back to the bill.

The DEPUTY SPEAKER - Order! The honourable member for Yan Yean raises a point of order about the Premier's comments not being relevant to the debate even though he has been on his feet for several minutes. I suggest to the honourable member that the Premier has been on his feet for about 2 minutes. The rest of the time has been taken up with a variety of points of order in an

attempt to settle an arrangement that has been made across the table. The honourable member is premature in raising the issue of relevance. I do not uphold the point of order. The Premier will be heard provided his comments are relevant to the bill.

Mr KENNETT - The contribution of the honourable member for Niddrie was illogical even by his definition. That should not surprise us. As we have seen, he is more concerned with personality than with policy, and he is more concerned about the past than about the future. When we have been altering stamp duty or considering other issues in which we could all be said to have had a pecuniary interest, I have not heard the member for Niddrie once express any concern.

Mr Brumby interjected.

The DEPUTY SPEAKER - Order! I draw the attention of the Leader of the Opposition to the standing order that relates to interjections and debate across the chamber. I ask him to take note of that and to allow the Premier to continue with some reasonable order in the house.

Mr KENNETT - I do not remember any member on the other side of the house who might have had only a small parcel of rural land expressing a personal interest or a conflict of interest when something being discussed in this place has affected the agricultural industry of this state, even though there are members on the other side as well as on this side who have small or large parcels of agricultural land. The nakedly hypocritical comments of opposition members on this issue will again fall on deaf ears because the Labor Party will be seen for what it is. It is a political party so out of touch that it seeks to do only one thing - to denigrate individuals rather than challenging policy.

This legislation is about the debating of ideas in our society. It represents the opening up of opportunities and the provision of choices for anyone who wants to accept them. That does not include those on the other side. Their opposition to this legislation is like their opposition to casinos. There are seven million visitors a year to the casino, but the opposition is against it. People will vote with their feet on shop trading hours and the opposition will be seen to be wrong again. Until the Labor Party comes to the realisation that it has to address both today and tomorrow, it will continue to fail.

The member for Niddrie, not the poor old Leader of the Opposition, and Mr David White must accept responsibility for the Labor Party failing to increase its vote at the last election. Their policies of personal vilification drove Labor to a position worse than the one it was in before the election. The Leader of the Opposition had no say. He is a puppet; he is a has-been; he is gone. The member for Northcote is the brightest man on the opposition side of the house but he will be gone too because in the last few months the Labor Party has stacked his branches with 1600 members of the Philippine community in order to roll him. As the Leader of the Opposition said on the weekend, members of the Labor Party are all about white-anting each other and white-anting the community.

Mr Hulls interjected.

Mr KENNETT - Tell us how you went in your federal seat. The poor old member for Niddrie! With him it's all personal. I challenge him to tell us about one policy issue he has raised since he came here. He has raised not one. The member for Niddrie and the Leader of the Opposition stand for the modem Victorian Labor Party. They are retreads who were rejected by Canberra and rejected by the Victorian public at the last election because they could not make any distinction between personalities and policies. I welcome their contributions because the public will continue to see them for what they are. On the other hand, my colleagues and I will continue to introduce legislation which is not only relevant but also exciting and which gives people challenges and choices as to what they do with their lives.

I don't know many people of the young community, young Victorians, who oppose this legislation. I don't know many working mothers who oppose this legislation. In fact, increasingly, with more women working, and with children involved in a whole range of activities, you will find that members of the public will vote with their feet to provide themselves with the opportunity that this legislation offers.

The opposition - in its opposition to this legislation, the comments of the retreads on the other side, and the irrelevance of the Labor Party - is just another stark example of the great divide between the government and the opposition. You have a party in opposition, Mr Deputy Speaker, that is all about the past. You have in the government, Mr Deputy Speaker, a party that is about the future and is about legislation that will accelerate opportunity and growth. Importantly, Mr Deputy Speaker, it will accelerate employment opportunities, but of course the opposition is opposed to it.

Let the member for Niddrie and the Leader of the Opposition continue to attack personalities in this place and outside; let the Leader of the Opposition - -

Honourable members interjecting.

Mr KENNETT - Let the Leader of the Opposition and the member for Niddrie continue to illustrate - -

Honourable members interjecting.

The DEPUTY SPEAKER - Order! A bit of frivolity is quite good, but we have gone over the top.

Mr KENNETT - Mr Deputy Speaker, it is a fortunate thing this Parliament is not televised because if it were, the illustration of irresponsibility by the Leader of the Opposition would stand - -

Mr Brumby interjected.

Mr KENNETT - Listen to him, Mr Deputy Speaker. I don't know what he had for dinner. I don't know whether he is under pressure.

Let me conclude where I started: we support this legislation. We honestly believe that the vast majority of Victorians will, and you will be able to measure the success or failure of this legislation as you move around the suburbs in the weeks to come and men, women and children vote with their feet to shop on Saturdays and Sundays, regardless of your failure to understand the importance - -

Honourable members interjecting.

The DEPUTY SPEAKER - Order! The Chair has had enough. I will call Mr Speaker back and I will give him the names - and I have started ticking them off. I have had enough. If we cannot proceed with some semblance of sanity and commonsense, then I will leave the Chair.

Mr KENNETT - Mr Deputy Speaker, I conclude by saying that this legislation is a reflection of changes in our society. It is a reflection of the future. It is not swprising that it was introduced by this side of the house, and it is not swprising that it is being rejected by that side of the house. The Labor Party condemns itself by failing to be relevant in anything else but the white-anting and the lack of confidence it has in its leadership, and its lack of policies. I commend this bill to the house.

Mr COLE (Melbourne) - The Premier, as usual, makes a heavy-hearted plea. It always astounds me that he talks about shop trading hours as if it has some great impact upon new world order. But that is his nature. If we were talking about moving one toilet from one position to another, it would have an historical impact. But there we are!

I went to my local milk bar at 6.30 p.m. tonight with my two sons. I have been going to that milk bar for eight years. The people who work there are Lebanese; they work seven days a week, and they work for long hours. They are good people. They said to me, 'What are you doing?'. I said, 'I'm going back to debate shop trading hours'. I was not expecting to be up on my feet speaking, I must say, but you did me the favour of going berserk on the conflict of interest issue.

They then said to me, 'Is there any hope?', and I replied, 'With this government, there is no hope. You can debate against them until you are blue in the face, but it ain't going to change them'.

And the simple unequivocal fact is: your tide of change, such as it is, will significantly affect their business. In fact, it will probably put them out of business. The people that it benefits, whether you like it or not, are the big boys, the big businesses - the Gandels, the Myers, and the Coles. They will be the great beneficiaries of this substantial tide of change, this historic movement. It is a movement that I would have thought a party that allegedly supports family and small business would not move at this particular time when things are so tough for small businesses. But that is not the case. For some reason, out of the blue, contrary to agreement, and contrary to what was stated about the City of Melbourne and the 24-hour trading tourist agreement, the government decided to move on shop trading hours - no consultation, no discussion.

The result is that all those small businesses will be significantly affected. When you look back, Mr Premier, at your tide of change and your history, be it known that those small people were significantly hurt by you. So don't come in here and be proud of it! Because it is a mug act, so don't be proud of it!

An Honourable Member - Just relax!

Mr COLE - It's all right; I'll settle down.

It is interesting, Mr Deputy Speaker, that it is all right for the Premier to come in here and carry on like a galah, but anybody else who gets up and speaks with a bit of passion somehow has to stop it. Of course the member for Swan Hill never bothers to defend his position on this issue. He never bothers to come in here - -

Honourable members interjecting.

Mr COLE - And I will not get into the parakeets over there from Bulleen - -

An Honourable Member - The corellas!

Mr COLE - The corellas. The fact is that the Premier comes in here and speaks passionately about the tide of change and the historic movement forward, as people are being destroyed, as small businesses are being put out of business, so don't make grandiose statements and laugh about what you are doing to people, because it is doing that to people, Mr Premier, and you should be aware of it! And I do sincerely hope that when you go down the path of 24-hour trading you remember the people you will be hurting - and there are a lot of people out there who are going to hurt.

I raise the issue of the beneficial interests, the shareholdings, raised by the member for Niddrie. It is not unusual for them on that side of the house to accuse people on this side of the house of being guilty - in fact, of being criminals. It is not unusual; it is a catchcry over what were just policy decisions. But oh no, you did that.

Mr Kennett interjected.

Mr COLE - There is nothing that the Premier has not said about people on this side of the house, whether it be by bod.gied-up commercials or whatever. Yet when the member for Niddrie gets up and says, 'Look at all these people with a beneficial interest in those companies that are most likely' - I would say certainly - 'to benefit from this change', he cries crocodile tears on behalf of them.

We ask the question: why? We know there are a lot of capricious actions with the now world-famous Hudson Conway group and the Liberal Party Treasurer - the shareholdings and the preferential deals and treatment given to him with licensing provisions. We have seen all that.

So when we raise it against you in Parliament, the Premier, as usual, gets terribly, terribly defensive. But he is not particularly good at listening - that is one of his problems. He goes around convinced that everything he is doing is right for this state. He will not brook criticism, he will not accept proper debate, and he will not listen to the people who are being hurt most while a lot of other people with beneficial interests are gaining enormous amounts out of this government.

It is not unusual for it to be said that the government is good for business, providing it is big business! If it is small business, forget it; you are in big trouble! It seems on balance that big business has done very well, but under this government small business, particularly in my electorate, has done extremely badly. The shift in consumer demand will damage small business, if it has not done so already. There have been substantial shifts away from consumption towards poker machines and the casino, which has been devastating for small business. Titis will be the final nail in the coffin. It is indisputable that this is happening, but there is no regard for this sector whatsoever.

Small business in the city is suffering. An agreement was reached that 24-hour shop trading would be put in place for the central business district only. That was said in Parliament, but that promise has been broken. I shall go through other promises made to shop traders: they were promised land tax relief but it was increased in the city; they were promised that something would be done about the Queen Victoria site, but nothing has happened; and in addition to the loss of the exclusivity of 24-hour shop trading hours the city has suffered a vast movement of business to Southbank with the pull of Crown Casino, particularly with the addition of a hotel. The shop traders in the city are suffering badly under the government, but no regard is paid to them.

A friend of mine telephoned the office of the Minister for Industry, Science and Technology and made the valid point that if we know the status quo for shop trading hours will not hurt people but changing them will, why do we have to change them? Why are we going through this substantial shift? Perhaps it is to provide extra shopping time for consumers, but I doubt it. I believe the main reason is to support the Gandels, Coles and the Myers of the world. It is a tragedy, which is not surprising under the government because it is keen to increase the profits of the big companies. It is keen to look after its mates. We have seen that time and again.

Another important example is the Queen Victoria Market, which is in my electorate and which was badly affected when 24-hour trading was introduced in the city. Titls legislation will probably destroy the Queen Victoria Market as we know it. It attracts most of the tourists visiting Melbourne, but this legislation basically says that we do not want the Queen Victoria Market to exist in its current form anymore.

I am glad the honourable member for Nidd.ri.e raised some points that got up the nose of the Premier. It is about time someone did, because the arrogance of the government and the Premier is no better typified than the damage wrought upon small business. Maybe they will be the Lebanese who own milk bars in Flemington, who the Premier obviously does not give a damn about because they are not the Gandels, the Coles or the Myers and none of the members of the coalition have shareholdings in their businesses, but these people will be hurt by the legislation. The Premier and the government do not give a damn about them because they are too busy looking after people who do not need to be looked after, which is bad for Victoria.

Mr GUDE (Minister for Education) - I thank all honourable members who made a contribution to the debate. At the outset I acknowledge, as did the lead speaker for the opposition, that there was agreement between the parties, which was not always evident, that there would be shorter speeches to allow as many contributions as possible from both sides of the house. Indeed, there was a further understanding regarding the extension of the debate.

I shall not recite the differences that exist between both sides other than to encapsulate them in a general sense. It seems the fundamental tenet of the opposition is the claim that there was an election mandate for shop trading hours to be extended to the first Sunday of each month and three Sundays in December, but that could not be further from the truth. The government went into the election with a dear commitment to undertake a review of shop trading hours and bring about reform consistent with the review. The Minister for Industry, Science and Technology has done a first-rate job of undertaking that review, and that is now reflected in the legislation.

The reforms give effect to the urgings of small business for government to get out of its way. Many times I have heard members from both sides plead for government to get out of the way of business to allow it to do the things it does well - that is, trade, profit and create jobs and wealth for our community. The reforms reflect the government's commitment to competition. I know that is anathema to the other side, but the government and indeed most Australians - not just Victorians - feel passionately about the value of competition. They know they get better service, better products, better diversity of products and cheaper prices as a result.

Unrestricted shopping hours should increase employment in the retail sector. The structure and nature of employment in our community has changed, particularly over the past decade, with a substantial increase in the number of people taking advantage of part-time employment during the variety of hours available. It has come about as the consequence of the changed structure of the traditional family. The new regime presents a challenge for small business to identify niche opening hours to allow the balancing of family commitments with commercial judgments. I thank honourable members for their contributions.

Mr Brumby - On a point of order, Mr Speaker, I raise standing order 2 which states:

> **No member shall be entitled to vote in the house, in committee of the whole, or** in **a select .committee upon** any **question** in **which he has a direct pecuniary interest,** and **the vote of** any **member so interested shall be disallowed.**

I raise this matter because in the debate tonight the honourable member for Nidd.ri.e and following the Premier obviously discussed the pecuniary interests of members of the house. On the basis of the register of members' interests the honourable member for Niddrie named a number of members who are about to vote on the legislation and who have shareholdings in companies which, on the basis of public comment and expert commentary in the media, stand to benefit as a result of the legislation.

An article on small business in the *Australian Financial Review* of 25 June 1996 states, under the heading 'Strip centres hit by longer trading hours':

> **Government policy which allows the free market to determine trading hours hands market share to large retailers at the expense of small businesses.**

I have many other articles with me. Because this legislation allows seven-day-a-week, 24-hour-a-day open slather it is dear that it will divert market share from small to large businesses. In turn, we are entitled to ask which of those large businesses are

likely to be the beneficiaries. On the basis of public comment, they are companies like Coles-Myer, Woolworths and those who own the regional shopping centres, the Gandel Group and Westfield.

I raise the issue with you, Mr Deputy Speaker, because there may be members on both sides of the house who have interests in some of those companies which, it could be argued, could affect their financial interests and therefore their capacity to vote on the measure. I realise these matters do not often arise. The Premier mentioned tonight that in some areas all members are affected. They are.

What makes this issue somewhat different is that a small number of members have shareholdings. I think it can reasonably and tenably be argued that there is an interest in shareholdings in major retailers, particularly those mentioned by the honourable member for Niddrie. Therefore, the question arises: regardless of whether you, Mr Deputy Speaker, rule on the matter or whether members make their own judgments about their qualifications to vote, should they be permitted to doso?

Mrs Tehan - On the point of order, Mr Deputy Speaker, the basis of the opposition's so-called pecuniary interest argument rests on its assumption that the deregulation of trading hours will bring an assumed automatic advantage to large traders or other large public companies. It is that assumption or assertion only that forms the basis upon which pecuniary interest is being argued. It is not about those who have interests in large companies. The argument rests on the acceptance of the proposal that automatic deregulation of trading hours implies a benefit to large traders or to large corporations.

Apart from the two or three references to media comment by opposition speakers, there is no basis whatsoever for making that assumption. There is no legal, logical or even commonsense argument that bridges the deregulation of trading hours to an advantage or benefit to large corporations. That is the basis of the argument in the opposition's point of order. Until this house can be convinced of the logical or factual basis upon which that assumption is made, there can be no point of order, and I ask you to rule accordingly.

Mr **John** - On the point of order, Mr Deputy Speaker, I support the point made by the Minister for Conservation and Land Management. The opposition's argument is based on the assumption that the passing of 24-hour-a-day, **seven-day-a-week** shop trading - with freedom of choice for shopper and trader - will somehow benefit the large retailers. The Leader of the Opposition has given no evidence that that necessarily will be the case.

As the member for Bendigo East I can advise the house that the first shop of Sidney Myer, a migrant from Eastern Europe who came to Bendigo a long time ago, was in Pall Mall, Bendigo. He brought with him a freedom to trade, a freedom to expose new ideas and the right to sell door to door. He built up the Myer empire that today is Coles-Myer. He was a small businessman with a right to trade and with a right to freedom of choice.

The Leader of the Opposition is not very interested in my comments. He is showing me his rear end. I find his rear end more attractive than his front end! The reality is that there are plenty of small businesses in all electorates that will benefit from open trading.

We are not about forcing people to open; we are about freedom of choice as to when they open and trade. That is the important point and the Labor Party's stultified policy has failed to recognise that. Its backward-looking view is irrelevant in today's Australia. I point out that in Bendigo East, the electorate I represent, freedom to trade is very important.

Mr **Haermeyer** - On the point of order, Mr Deputy Speaker, I find the argument from the other side rather curious. The argument is that somehow the bill before the house does not benefit the large retailers in which some honourable members have shares. I have to say to you, Mr Deputy Speaker, that I find that a rather specious argument.

The DEPUIY SPEAKER - Order! The point of order before the house, which was raised by the Leader of the Opposition, was about potential voting opportunities. It is not an opportunity to wage a full debate on the merits of shop trading. It is a very narrow argument on the voting aspects of this legislation.

Mr **Haermeyer** - I understand your point, Mr Deputy Speaker. I assure you that I will stick a lot closer to the point of order than the two speakers from the other side did. The argument that somehow there is no potential conflict of interest because it cannot be shown that the companies involved will not benefit from this legislation, I find, rather curious. Small businesses in this state have

virtually a free rein in terms of when they will open. Let us be clear what this bill is about.

The DEPUTY SPEAKER - Order! I again remind the honourable member that it is a very narrow question dealing with the voting aspects of the legislation. It is not an opportunity to debate the merits of the legislation.

Mr Haermeyer - I think it is important in terms of determining whether people should disqualify themselves from voting on this matter because there is a potential for a conflict of interest. The legislation being considered by the house gives large retailers the option to open on Sundays. They do not have that option at the moment. They are the only beneficiaries of the legislation. I do not see them opposing it. I ask you, Mr Deputy Speaker, to uphold the point of order of the Leader of the Opposition.

The DEPUTY SPEAKER - Order! The Leader of the Opposition was right when he said that on occasions matters that do not have much cause for precedent or reflection arise during debate in the house.

Honourable members interjecting.

The DEPUTY SPEAKER - Order! This is the Old Testament. We are moving to the New Testament. It is a very interesting question. It is summed up best at page 354 of the 21st edition of *May.* This is the New Testament, which states:

> **No member who has a direct pecuniary interest in a question is allowed to vote upon it; but, in order to operate as a disqualification, this interest must be immediate and personal, and not merely of a general or remote character. On 17 July 1811 the rule was explained thus by Mr Speaker Abbot ...**

This is the Old Testament:

> **This interest must be a direct pecuniary interest, and separately belonging to the persons whose votes were questioned, and not in common with the rest of his Majesty's subjects, or on a matter of state policy. 'State policy' may be equated with 'public policy' and is not confined to public bills introduced by the government, but is also the subject-matter of private members' bills.**

That clearly demonstrates where the responsibilities lie, and I will therefore proceed to put the question. The question is:

That the words proposed to be omitted stand part of the motion.

House divided on omission (members in favour vote no):

Ayes, 52

Andrighetto, Mr	McGill,Mrs
Ashley,Mr	McGrath, Mr W.D.
Brown,Mr	Mclellan, Mr
Burke, *Ms(Teller)*	Maughan,Mr
Clark,Mr	Napthine, Dr
Coleman,Mr	Paterson, Mr
Cooper,Mr	Perrin, Mr
Dean,Dr	Perton,Mr
Dixon,Mr	Pescott,Mr
Doyle,Mr	Peulich, Mrs
Elder,Mr	Phillips, Mr
Elliott,Mrs	Plowman, Mr A.F.
Finn,Mr	Richardson, Mr
Gude,Mr	Rowe,Mr
Henderson, Mrs	Ryan,Mr
Honeywood, Mr	Savage,Mr
Jasper,Mr	Shardey,Mrs
Jenkins,Mr	Smith, Mr E.R.
John,Mr	Smith, Mr I.W.
Kennett,Mr	Spry,Mr
Kilgour, Mr	Steggall, Mr
Lean,Mr	Tehan,Mrs
Leigh,Mr	Thompson, Mr
Lupton,Mr	Traynor,Mr
McArthur, Mr	Treasure, Mr
McCall, Ms *(Teller)*	Wade,Mrs

Noes, 23

Andrianopoulos, Mr	Hulls,Mr
Baker,Mr	Langdon,Mr
Bracks,Mr	Leighton, Mr
Brumby,Mr	Lim,Mr
Cameron, Mr *(Teller)*	Loney,Mr
Campbell,Ms	Maddigan, Mrs *(Teller)*
Carli,Mr	Mildenhall, Mr
Cole,Mr	Pandazopoulos, Mr
Dollis,Mr	Seitz, Mr
Gillett,Ms	Sheehan,Mr
Haermeyer, Mr	Thwaites, Mr
Hamilton, Mr	

Amendment negatived.

The DEPUTY SPEAKER - Order! As the required statement of intention has been made pursuant to section 85(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.

House divided on motion:

Ayes, 52

Andrighetto, Mr	McGill,Mrs
Ashley, Mr	McGrath, Mr W. D.
Brown,Mr	McLellan,Mr
Burke,Ms	**Maughan,Mr**
Clark, Mr	Napthine, Dr
Coleman,Mr	Paterson, Mr
Cooper, Mr	Perrin,Mr
Dean,Dr	Perton,Mr
Dixon,Mr	Pescott, Mr
Doyle,Mr	Peulich, Mrs
Elder,Mr	Phillips, Mr
Elliott, Mrs	Plowman, Mr A F.
Finn, Mr	Richardson, Mr
Gude,Mr	Rowe,Mr
Henderson, Mrs	Ryan,Mr
Honeywood, Mr	**Savage,Mr**
Jasper, Mr	Shardey, Mrs *(Teller)*
Jenkins, Mr	Smith, Mr E. R.
John,Mr	Smith,Mrl. W.
Kennett, Mr	Spry,Mr
Kilgour, Mr	**Steggall, Mr**
Lean, Mr *(Teller)*	Tehan,Mrs
Leigh,Mr	Thompson, Mr
Lupton,Mr	Traynor,Mr
McArthur, Mr	**Treasure, Mr**
McCall,Ms	**Wade,Mrs**

Noes, 23

Andrianopoulos, Mr	**Hulls,Mr**
Baker, Mr	Langdon,Mr
Bracks, Mr	Leighton, Mr
Brumby,Mr	Lim, Mr *(Teller)*
Cameron, Mr *(Teller)*	**Loney,Mr**
Campbell,Ms	**Maddigan, Mrs**
Carli,Mr	**Mildenhall, Mr**
Cole,Mr	Pandazopoulos, Mr
Dollis, Mr	Seitz,Mr
Gillett,Ms	**Sheehan,Mr**
Haermeyer, Mr	**Thwaites, Mr**
Hamilton, Mr	

Motion agreed to by absolute majority.

Read second time.

The DEPUTY 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 GUDE (Minister for Education).

Committed.

Committee

Oausel

Mr BATCHELOR (Thomastown) - Gause 1 sets out the pwpose of the legislation:

> The purpose of this Act is to provide for the management of shop trading in Victoria.

I use this opportunity to make some brief comments about the management of shop trading in Victoria. I went to the trouble of contacting shopkeepers in two discrete areas of my electorate to find out their views on the proposals that were put forward. The shopkeepers came back with a resounding and unambiguous opinion on the Shop Trading Reform Bill. The traders in Thomastown that I surveyed were in High Street and in the Bonwick Street shopping centre in Fawkner, another part of my electorate. Those small local shopping centres are supported enthusiastically by their local communities. They are made up of small businesses, by and large they are run by families, and the people who own the businesses also operate them. Each and every person who contacted my office by this morning indicated that he or she had a range of concerns.

Initially I refer to the hours. The most striking thing in the responses that came through was the rejection of having to trade on Sundays. When asked if they would be extending their trading hours to open on Sundays beyond those that are currently available to them, the answer was an emphatic no. Strong and overriding concern was expressed on the impact that it would on their families - that the family lives of the owners and operators of the small businesses, not only the principals but other members of their families who are engaged in running the businesses, would deteriorate dramatically. The very nature of small business means that the family members - that is, the parents, the children and other members of the extended family - work directly in the business. They would have to forgo part of their family time if they were to trade on the additional Sundays that are to be made available courtesy of the bill.

People have commented that this would lead to family breakdowns and additional stress on individual members; that it would not be fair; and that people's recreational and family contact would effectively be denied. Shopkeepers also expressed their concern about the impact on costs given the extra working hours that would be required of them.

The competitive impact of the large, regional shopping centres on trade would be such that local shopkeepers' overheads would increase significantly. Some were concerned that they would no longer be able to maintain the staffing levels of people outside the family unit who are engaged in working for the businesses.

A range of responses came forward, and as I said, they were unanimous. They do not want the change and they think it would be disastrous. I owe a duty to the small traders in High Street, Thomastown, and Bonwick Street, Fawkner, to bring their views before Parliament. Many of these people may not be supporters of or vote for the Labor Party. In fact, a couple of them indicated that they were or had been Liberal voters and in the circumstances were not prepared to continue their support for the Llberal Party.

As a member of Parliament I have sought the views of the local shopkeepers and traders, and in the circumstances it is important that Parliament be informed of the response of the small local traders. They say no to 24 hours a day, seven days a week trading. They want this Parliament to reject it. I use this opportunity in the committee stage to convey their views to Parliament.

Mr JOHN (Bendigo East) - The Shop Trading Reform Bill is about freedom of choice: freedom to trade; freedom to choose when you open; and the freedom of the consumer to be able to choose shopping hours. We all know that the existing system is hopeless, but, more importantly, the government has given the lead with very sound legislation. I quote from the *Bendigo Advertiser* of Saturday, 14 September 1996:

> **Sunday trading is now inevitable. Since the state government announced the deregulation of shop trading hours, the reaction has been predictable. But this is not the end of civilisation as we know it, as some would claim. Sunday trading is not anti-small business; Sunday trading is not anti-family; Sunday trading is not anti-religious. The truth is quite the contrary.**

Safeguards are built into the bill with the poll provisions. The existing situation is full of anomalies. In fact, the stable door has been left open and the horse has bolted. It is now time that we got some commonsense into shop trading hours.

The government has shown great leadership. Bendigo, which I represent, has leapt ahead in the past four years, with a wonderful marketplace development worth more than $25 million, improved schools and better health care. The shop trading moves today are part of our tourism strategy, which depends on shop trading reform.

Bendigo has also received a 20 per cent reduction in rates and its growth is enormous. We must not throw this momentum down the drain. We must not return to the dark ages of closed shops. With those few comments, I commend the bill to the house.

Oause agreed to.

Oause3

Mr LONEY (Geelong North) - I move:

1. **Clause 3, page 3, lines 13 to 17, omit all words and expressions on these lines and insert -**

   "'ordinary shop closing times" means all times on -

   (a) New Year's Day;

   (b) 26 January (Australia Day);

   (c) Good Friday;

   (d) Easter Sunday;

   (e) 25 April (Anzac Day);

   (f) the first Tuesday in November (Melbourne Cup Day) but only in metropolitan municipal districts;

   (g) Christmas Day;

   (h) The day after Christmas Day (Boxing Day);

   (i) Geelong Cup Day but only in the City of Greater Geelong;'.

The intention of the amendment is to expand the number of days on which ordinary shop closing times must apply. Under the legislation any shop would be compelled to close only two and a half days a year. Consequently, both small businesses and employees of small businesses have only two and a half days on which they can have the entitlement that others in the work force normally have.

The opposition is moving that that entitlement should be extended to cover a range of other days, including New Year's Day, Australia Day, Easter Sunday, Melbourne Cup Day in the metropolitan area, Boxing Day and Geelong Cup Day in Geelong. There are specific reasons for doing that. In Geelong it has been a gazetted day for some years in lieu of

Melbourne Cup Day. That clears up any doubts about that in the City of Greater Geelong.

We are attempting to keep for employees what they are currently entitled to. The 8 days listed would be even fewer than the entitlement under the fairly draconian provisions of the Employee Relations Act, which allows for 10 plus 1 public holidays. The amendment would bring Victoria into line with the standard that prevails in other states, particularly New South Wales. People running small businesses in this state would be assured of having some days on which they could enjoy holidays with their families. The days referred to are recognised as family holidays which the legislation does not give those people as of right - and we believe it should. The amendment also ensures that employees will hold the conditions in their awards and will not be forced to work under threat of losing their jobs. We believe the amendment would be an important inclusion in the act, and we seek the government's support for it.

Mr STEGGALL (Swan Hill) - The amendment conflicts completely with the spirit of the provision, which has been designed to look after Christmas Day, Good Friday and Anzac Day up to 1.00 p.m. The extensions sought by the opposition are not acceptable to the government. They are way out of line with the spirit of the bill.

Committee divided on omission (members in favour vote no):

Ayes, 50

Andrighetto, Mr *(Teller)*	McCall, Ms *(Teller)*
Ashley,Mr	McGill,Mrs
Brown,Mr	McGrath, Mr W.D.
Burke,Ms	Mclellan, Mr
Clark,Mr	Maughan,Mr
Coleman,Mr	Napthine, Dr
Cooper,Mr	Paterson, Mr
Dean,Dr	Perrin,Mr
Dixon,Mr	Perton,Mr
Doyle,Mr	Pescott,Mr
Elder,Mr	Peulich, Mrs
Elliott, Mrs	Phillips, Mr
Finn,Mr	Plowman, Mr A.F.
Gude,Mr	Rowe,Mr
Henderson, Mrs	Ryan,Mr
Honeywood, Mr	Savage,Mr
Jasper,Mr	Shardey, Mrs
Jenkins,Mr	Smith,MrER
John,Mr	Smith, Mr I.W.
Kennett,Mr	Spry,Mr
Kilgour, Mr	Steggall, Mr
Lean,Mr	Tehan,Mrs
Leigh,Mr	Thompson, Mr
Lupton,Mr	Traynor,Mr
McArthur, Mr	Treasure, Mr

Noes, 23

Andrianopoulos, Mr	Hulls,Mr
Baker,Mr	Langdon,Mr
Bracks, Mr	Leighton, Mr
Brumby,Mr	Lim, Mr *(Teller)*
Cameron,Mr	Loney,Mr
Campbell,Ms	Maddigan, Mrs *(Teller)*
Carli,Mr	Mildenhall, Mr
Cole,Mr	Pandazopoulos, Mr
Dollis,Mr	Seitz,Mr
Gillett,Ms	Sheehan,Mr
Haermeyer, Mr	Thwaites, Mr
Hamilton, Mr	

Amendment negatived.

Clause agreed to; clauses 4 and 5 agreed to.

Oause6

Mr LONEY (Geelong North) - I move:

2. Clause 6, line 30, omit paragraph (b) and insert -

"(b) at all times on a specified Sunday or Sundays; or

(c) between specified hours on all Sundays; or

(d) between specified hours on a specified Sunday or Sundays.".

Essentially what is being done here is what the government has always said it intends doing - that is, providing some choice.

What the government is doing with the poll that may be conducted is to give people no choice - or at least the choice they have been given may well be described as Buckley's choice or Hobson's choice. It is an all-or-nothing choice: you can have either the whole thing or effectively nothing at all.

The effect of the opposition's amendment would be to provide people in those areas with the choice of having what the government promised them: a maximum of 15 days per year. The intention is to allow government members to vote for the promise they made their electorates and to allow communities to have the sorts of choices that they may well be seeking, by giving them a poll or referendum, that is a real choice, not the pseudo choice that they have been given under the current drafting of the legislation.

If the government is arguing that it is important that people have choice, it is very difficult for it to argue that that choice should not be extended to cover a range of options. That is what this amendment does.

Mr STEGGALL (Swan Hill) - The government rejects the amendment moved by the honourable member for Geelong North. The choices in the legislation are to open at all times on all Sundays or between specified hours on all Sundays. It provides a deliberate and narrow choice, which is understandable; it will not reinvent the confusion the honourable member's amendment would tend to if it were accepted. The government stands by the bill as presented.

The ACTING CHAIRMAN (Mr Richardson) - Order! The question is that the words proposed to be omitted stand part of the bill. Before putting that question, I advise the committee that should this amendment fail, opposition amendments 3, 8, 9, 11 and 12 will also fail, since they are consequential on the passage of this amendment.

However, for the information of the honourable member for Geelong North, I indicate that opposition amendment 4 would not fail if this particular amendment does. So I put the question that the words proposed to be omitted stand part of the bill.

Amendment negatived.

Mr LONEY (Geelong North) - I move:

4. Clause 6, page 7, lines 18 to 22, omit sub-clause (4).

This is a simple amendment. It removes the whole subclause, which is the sunset provision that applies to the poll and limits it so that it sunsets in 10 yea.rs.

The opposition is of the belief that, with the other requirements in the bill, there is no reason to have the sunset provision there. The government has already made it difficult enough for people to continue with the poll, without also including the sunset provision. Therefore we would suggest it is unnecessary and should come out.

Mr STEGGALL (Swan Hill) - The principle of this legislation is to introduce deregulated trading throughout Victoria. When a community wishes to have and has a successful poll which changes that, the desire of the legislation is that that would be retested every three yea.rs, as set out. We reject the amendment moved by the honourable member.

Amendment negatived. Cause agreed to; clauses 7 to 12 agreed to.

Cause13

The ACTING CHAIRMAN (Mr Richardson) - Order! I now invite the honourable member to address amendment no. 5 to clause 13, page 14.

Mr LONEY (Geelong North) - We understand this amendment to be consequent upon amendment 2, Mr Chairman, so I will not proceed with it.

Cause agreed to; clause 14 agreed to.

New clause A

Mr LONEY (Geelong North) - I move:

6. Insert the following new clause to follow clause 7 -

"A. *Employees cannot be required to work on weekend after 5:00 pm Saturday*

Despite any provision to the contrary made by or under any Act or by any contract of employment or other agreement or arrangement relating to employment or by any employment agreement within the meaning of the Employee Relations Act 1992, an employer within the meaning of that Act cannot require an employee within the meaning of that Act to work at any time between the hours of 5:00 pm and midnight on a Saturday or at any time on a Sunday.".

The opposition believes this amendment should be included in the bill if for no other reason than to have consistency in the way people are treated. The legislation provides that owners of businesses cannot be forced to open on any of the prescribed days should they not wish to do so and that they should have some choice as to whether they open. The government has been clear in saying that it wishes to provide choice for small business operators, particularly in large shopping centres, and that they cannot be forced to open against their wishes. However, the legislation does not give the same comfort to employees should they not wish to work. The opposition believes it is a basic right of employees to choose whether they work on the prescribed days, just as it is a right of the people who own the business to decide whether to open. If choice is to be applied to one sector it should be applied to the other sector of the retail community that has an intense interest in the legislation - t h a t is, the employees.

If the government does not adopt this new clause it will show a disregard and contempt for the rights and choice of employees working in the retail sector. As the legislation stands they are effectively being denied choice. We strongly believe any choice that exists for the employer in the legislation should also apply to employees in that sector.

Mr STEGGALL (Swan Hill) - It is not intended that the legislation should interfere with employment relationships. There are significant protections and balances in the Employee Relations Act 1992 to satisfy the legitimate interests of employees and employers. These matters have been resolved in amicable terms in the workplace agreements which have already been reached between the interested parties - unions and employers.

Committee divided on new clause:

Ayes, 23

Andrianopoulos, Mr	Hulls,Mr
Baker,Mr	Langdon,Mr
Bracks, Mr	Leighton, Mr
Brumby,Mr	Llm,Mr
Cameron, Mr *(Teller)*	Loney,Mr
Campbell,Ms	Maddigan, Mrs
Carli,Mr	Mildenhall, Mr
Cole,Mr	Pandazopoulos, Mr *(Teller)*
Dollis,Mr	Seitz, Mr
Gillett, Ms	Sheehan,Mr
Haermeyer, Mr	Thwaites, Mr
Hamilton, Mr	

Noes, 51

Andrighetto, Mr	McGill,Mrs
Ashley,Mr	McGrath, Mr W.D.
Brown,Mr	Mclellan, Mr *(Teller)*
Burke,Ms	Maclellan, Mr
Clark,Mr	Maughan,Mr
Coleman,Mr	Napthine, Dr
Cooper,Mr	Paterson, Mr
Dean,Dr	Perrin,Mr
Dixon,Mr	Perton,Mr
Doyle,Mr	Pescott,Mr
Elder,Mr	Peulich, Mrs
Elliott,Mrs	Phillips, Mr
Finn, Mr	Plowman, Mr A.F.
Gude,Mr	Rowe,Mr
Henderson, Mrs	Ryan,Mr
Honeywood, Mr	Savage,Mr
Jasper,Mr	Shardey, Mrs
Jenkins, Mr	Smith,MrE.R.
John,Mr	Smith, Mr I.W.
Kennett, Mr	Spry, Mr *(Teller)*
Kilgour, Mr	Steggall, Mr
Lean,Mr	Tehan,Mrs
Leigh,Mr	Thompson, Mr
Lupton,Mr	Traynor,Mr
McArthur, Mr	Treasure, Mr
McCall,Ms	

New clause negatived.

The CHAIRMAN - Order! Before proceeding, I inform the committee that I am advised that the observation of the honourable member for Geelong North about opposition amendment No. 5 being consequential upon the passage of opposition amendment No. 2 was correct.

Schedule 1 agreed to.

Schedule 2

Mr LONEY (Geelong North) - We believe the amendments listed as amendments to schedule 2 are consequent upon clauses already dealt with. Therefore, I will not proceed with them.

Mr GUDE (Minister for Education) - I move:

1. **Schedule 2, page 19, lines 8 to 13, omit "resides within the municipal district and is enrolled, or is entitled to enrol, as an elector for the Legislative Council and the Legislative Assembly and to vote at an election for the province or district in which the municipal district, or any part of it, is situated" and** insert **"is enrolled on the voters' roll for the whole of the municipal district of the Council, or a ward of that municipal district,".**

The intention of the amendment is to change the voting rolls to be used for polls to restrict Sunday trading from the rolls used for the Legislative Assembly and the Legislative Council to the voting rolls used for municipal council elections. This came about as a consequence of representations from the Municipal Association of Victoria. The government is of the opinion that the use of municipal electoral rolls is the simplest and cheapest option.

Mr LONEY (Geelong North) - Coming as the amendment has, the opposition has not had time to consider it. Therefore, it has a number of questions that require answers. What does it mean? What effect does it have? Will the government explain the changes to the voting entitlement as envisaged under the original legislation and as envisaged by the amendment?

Will the amendment give large retail landlords a vote that they would not have had under the original legislation? In the case of major shopping centres, who will get the vote? Will it be the shopkeepers in the centre or the owner of the shopping centre? How many votes will there be?

In relation to strip shops, will the amendment mean that people who run shops in strip shopping centres but who do not own the shops will not get a vote? Will it mean that the person who is part of the community will not necessarily get a vote but that absentee landlords may get a vote? These important questions need to be answered.

At this stage we do not quite understand the intent of the government. I heard what the minister said about the rolls. It seems to me that the electoral rolls for the Legislative Assembly and the Legislative Council would apply to people who are resident in the community. Given that the aim of the poll is to reflect the voice of the community, we are not quite sure why the minister is suggesting that the provision be extended to allow people who are not part of the community to vote. It seems to us that would be the effect of adopting the amendment.

The opposition would like to hear from the government whether the purpose of the amendment is to give the vote to people who, it suggests, should not be voting in communities. The opposition believes the wording in the original legislation is preferable to the amendment now moved by the government.

Mr STEGGALL (Swan Hill) - I find that a very strange response. I would have laid London to a brick on the ALP's introducing a similar amendment of its own. By using the local government roll, the amendment brings the measure into line with all other measures under the Local Government Act. It includes all residents in the municipality as well as those who own property in the municipality or their nominees.

The amendment gives all small businesses a vote. Under the original proposal, which was based on the Assembly and Council rolls, some small business people who might have worked in but not lived in the community would have been excluded from participating in the poll.

The MAV told the government that it would be far better and more equitable for the community to use the local government roll and that it would be a lot simpler for the councils involved to use their own rolls instead of rolls that would be difficult for them to operate.

The proposals are being put with the full support of the Municipal Association of Victoria.

Mr LONEY (Geelong North) - I listened carefully to what the honourable member for Swan Hill said, but he still did not clarify the issues I raised. I believe he said the measure would give small business people who do not own the premises from which they operate the opportunity of voting in a poll. However, the honourable member alluded to the point, and this is the important issue, that the landowner or his nominee will have the right to vote, and it is not certain that the nominee will necessarily be the person who is operating a business out of a particular premises.

The honourable member also did not answer the question regarding large absentee landlords or how major shopping centres will be divided regarding the right to vote in a poll. They are important questions because they affect a range of things, as the honourable member for Swan Hill is only too well aware. For example, if the measure is expanding the roll by a number of absentee landlords, it will have the consequential effect of expanding the numbers required for the 10 per cent to get the poll. The measure is mucking around with more than one provision.

Before the opposition can agree with the measure it would want satisfactory answers to the questions raised.

Mr STEGGALL (Swan Hill) - The committee must go back to the Local Government Act. The procedure put in place and the roll from which local councillors are elected under the Local Government Act is the roll on which the poll is based.

I should have thought the opposition would drive this amendment because it includes the small business people in municipalities and gives them the opportunity to vote.

It is true that some large business owners who are the owners of property have the right to vote at council elections if they do not live in the municipalities because they register their votes or have nominees vote on their behalf. Those people who have the right to vote in local government elections will have the right to vote in polls. The original concept did not include the people who did not live within the boundaries of the municipality. If

you were an owner of a small business in a strip shopping centre and lived in another municipality, you would not have been eligible to vote because you were not on the appropriate roll. This measure was adopted following discussions with the Municipal Association of Victoria and in order to get rid of any confusion that may have existed from a different roll being used under the Local Government Act.

Amendment agreed to; amended schedule agreed to.

Reported to house with amendment.

Report adopted.

Third reading

The DEPUTY SPEAKER - Order! As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

LEGAL PRACTICE BILL

Returned from Council with message relating to amendments.

Ordered to be considered next day.

Remaining business postponed on motion of Mr GUDE (Minister for Education).

ADJOURNMENT

Mr GUDE (Minister for Education) - I move:

That the house do now adjourn.

Immigration

Mr LIM (Clayton) - I raise with the Premier in his capacity as the Minister for Multicultural Affairs the considerable anxiety, trauma and pain inflicted on the Asian community by the Prime Minister, John Howard, through his reluctance to provide leadership in the latest flare-up of the so-called immigration debate following the maiden speech of the federal Independent member for Oxley, Pauline Hanson.

I do not intend to raise questions concerning her attack on multiculturalism or immigration, particularly Asian immigration, nor do I wish to raise questions about her attack on the indigenous people of this country. However, I direct the Premier's attention to her questioning of the level of immigration to this country.

On numerous occasions the Prime Minister has made comments to the effect that the federal member for Oxley has the right to question the level of immigration. I believe his doing so is a covert way of saying there is too much immigration to this country. I have received statistics from the high commissions of Canada and New Zealand, which indicate that, based on population, Australia has taken four times fewer immigrants than New Zealand, which, with a population of 3.6 million, has taken in 5000 immigrants. Canada has taken twice the number that Australia has.

I ask the Premier to convey to the Prime Minister in the strongest possible terms that he must stop this public hysteria about high immigration because, in fact, Australia has taken in fewer immigrants than New Zealand and Canada. If the Premier does not do that we will be considered a laughing-stock, particularly in the Asia-Pacific region, because we will indicate to the world that we are intolerant and not capable of managing a migration program, especially when compared with Canada and New Zealand.

Roads: Melboume-Ballarat signs

Mr JENKINS (Ballarat West) - I raise for the attention of the Minister for Tertiary Education and Training, who is the representative in this house of the Minister for Roads and Ports, the signs on roads and freeways from Ballarat to Melbourne and back. Since the opening of the Western Ring Road there has been a fair amount of confusion about the signs from the West Gate Freeway to Ballarat or the Western Freeway/Highway.

I congratulate the engineers of Vicroads on getting that interchange built, but one matter that has been overlooked is the inclusion of a sign showing where Ballarat is, and we cannot have that. There was a

sign at Grieve Parade that said 'To Western Highway and Ballarat'. That has been removed and since the new interchange was opened no new signs have been erected showing that route. There are only signs that show 'Western Ring Road Exit'.

I ask that the minister have his team examine the approaches to that new interchange and ensure that signs are placed there showing the direction of the Western Freeway/Highway and the route to Ballarat. Motorists have been passing through that section of the road and finishing up in Werribee. That is a long way from Ballarat, and we cannot have that.

There is more confusion in that, because the bypass has gone through Sunshine, the old signs have not been removed. They show Station Street, I think, as being the access road to the freeway, when in fact the new freeway bypass is the best route to travel. I ask again that consideration be given to placing new signs along that route because people are seeing the old signs and getting lost down the old road network.

The last point of my request is that as quickly as possible the planned Western Highway connection route be constructed. That is shown on map 39 of the *Melways* directory in dotted form. I note that the constituents of Ballarat and beyond in the west and north-west are only too keen to see it finished and I am sure there will be some happy people in those areas when that occurs and there is again access to the area from this very modem road network.

Housing: waiting list

Ms KOSKY (Altona) - I raise with the Minister for Housing the waiting list for public housing, which is now at least two years and indefinite in many regions for those who are not on the priority housing list. Given that the income level is no longer the sole determinant for gaining access to public housing, people on low incomes have actually had to return to the private rental market.

I refer to the government's own rental report for the June quarter 1996, which shows that the asking rents in Melbourne's private rental properties increased 3.2 per cent in that quarter and 8.6 per cent for the same quarter a year ago. Adjusted for inflation, the real annual rental growth is 5.4 per cent for the June quarter.

The availability of private rental properties decreased considerably in the June quarter. The weekly average number of advertisements for rental dwellings fell 28.5 per cent from the March quarter and was down 38.2 per cent for the same quarter a year ago. The latest vacancy rate in the private rental market in Melbourne was 1.4 per cent for June. There is a significant imbalance between the supply and demand for private rental accommodation in Melbourne, and that comes from the government's own rental report. The balance between supply and demand of 3 per cent is considered to be an indicator of that balance.

My office has been inundated with calls from low-income renters who have been on the public housing waiting list for years and who either cannot find appropriate, secure or affordable accommodation in the private rental market where they need it, or are in constant fear of eviction. I call on the minister to outline her government's strategy to ensure low-income tenants can gain access to accommodation in the private rental market which is affordable, appropriate to their needs and which provides certainty of tenure, not in one or two years, butnow.

Health: breast cancer

Mrs SHARDEY (Caulfield) - I raise an issue for the attention of the minister representing the Minister for Health in another place. Yesterday was Australian Breast Cancer Day. It is very timely that we should focus on this issue as breast cancer kills more Australian women than any other cancer. The incidence of breast cancer is rising at the rate of 2 per cent per year - in other words, 1 in every 14 Australian women will develop breast cancer. However, we have found that early detection through breast screening has in fact led to the stabilisation of the rate of death due to the disease and now we are in the happy position that death rates are not increasing.

The Victorian breast cancer screening program provides a clinic in Elsternwick, in my electorate. The target age group for breast cancer screening is from the ages of 50 to 69 years. Caulfield is an electorate where the demographics show that the number of people in the age group between 50 and 69 years is higher than for many other electorates. We are finding that fewer than 50 per cent of the women in the target age group are presenting for screening, and the statewide average is 57 per cent.

I ask the minister to say what action he can take to encourage more women in the target age group to access the clinic in Elsternwick, and what action the

government is taking to contribute to research into this important disease.

Housing Guarantee Fund

Mr SAVAGE (Mildura) - I raise an issue for the attention of the Minister for Fair Trading. On 27 April 1994, Mr and Mrs Graham Hartwig of Boomerang Avenue, Cardross, engaged a builder by the name of Mr Colin Bruce to construct a new home. In accordance with the Housing Guarantee Fund (HGF), the prescribed percentage was paid. Unfortunately, the owners of the house did not receive the pink copy of the contract. The builder did not comply with the contract but used pine on the verandah instead of merbau, a hardwood of some considerable difference in price.

From the time of occupancy the issue was raised with the builder but Colin Bruce did not say he would fix the problem and he never returned to rectify it. The Hartwigs were unaware of the six-month process. They approached the Office of Fair Trading and Business Affairs and were referred back to the HGF. It advised the Hartwigs to put the claim in writing and give the builder a reasonable time to comply. No advice was given on the six-month limit. When the Hartwigs got a response from the HGF they were advised it was too late because of section 14 of the House Contracts Guarantee Act, which precludes any claim that is more than six months old being processed.

I ask the minister to inquire into the situation as the Hartwigs did not receive proper information from the HGF or from the builder. This has significantly disadvantaged them. Now they may have to wait up to seven years for the verandah to fail and claim under a different perspective. Have fairness and equity prevailed in the handling of the matter by the HGF?

Telephone interpreter service: maternal and child health

Ms CAMPBELL (Pascoe Vale) - I raise a matter for the attention of the Minister for Youth and Community Services. The charges by the commonwealth for the telephone interpreter service are having an impact on Victoria's maternal and child health services. I have been contacted by the northern working group on language services, which represents the Moreland, Hume and Manningham councils, the Broadmeadows-Craigiebum Health Service, the Moreland Community Health Service, the Royal District Nursing Service, the Royal Women's Hospital, Acquired Brain Impairment, and the Northern Metropolitan Migrant Resource Centre.

Their particular concern, which I am raising tonight, is the impact on maternal and child health of the inability of women to have access to the telephone interpreter service as it is currently operating. Compulsory competitive tendering has resulted in the Victorian maternal and child health service changing from what was recognised as world's best practice under our government to a mishmash of services under the present system of compulsory competitive tendering.

I have been contacted also by representatives of the maternity and child health consumers group, who are desperately concerned that the service no longer has universal standards and quality assurance throughout the state, which they consider to be a mandatory requirement. That is the responsibility of the state government.

At the moment access by non-English-speaking women to the telephone interpreting service through their maternal and child health centres is costing some of the people in this community who can least afford it quite a deal of money. It is imperative that these families have access and that lack of English should not be the barrier to access.

I ask the minister to give an assurance that the department will provide funding for a telephone interpreting service for non-English-speaking people and that the assurance will be given quickly.

Kingston: trailer billboards

Mr LEIGH (Mordialloc) - The matter I raise for the attention of the Minister for Roads and Ports in the other place concerns the registration of trailers and the operations that some people are using them for. I am referring to trailers that are usually carried behind motor vehicles. Recently my office has received complaints, as has the Oty of Kingston, about some individuals who are doing business in their own homes and setting up registered trailers with very large signs outside the fronts of their homes, so they are effectively advertising the businesses they are operating from their homes.

To quote an example, there is a gentleman who runs a business from home on the Nepean Highway, Cheltenham. Provided it does not intrude on anybody else, of course, nobody has any objection to that. This gentleman has a trailer sitting in a service

lane out the front. It is never moved. Previously the trailer was parked on his block. After a number of residents complained to me and to the council, the council took action. Subsequently he has registered the trailer and put the same 6 foot by 5 foot signs on the trailer at the front of his property in the service lane on the roadway.

In my opinion, given where the trailer is located, it borders on being dangerous. It is a service lane and a residential area, not an advertising hoarding area. I ask the minister what, if anything, he can do to ensure that the City of Kingston can take action against such individuals. Currently, the city can take action about any signs on a property. Unfortunately, when the sign is on a trailer on the road it is outside the parameters of the City of Kingston. The sign is detracting from the amenity of the neighbourhood. People in the area like to live in a residential area. They do not expect to have huge billboards in front of their homes. Again, I ask the minister what he can do to stop this practice. As I said, I have no objection to the gentleman conducting a business from his home, but when he has huge advertising hoardings out the front on the trailer, it is appalling. I would not like it in my street.

I repeat that a number of residents have complained to me and council officers have told me that there are a number of similar examples in the City of Kingston. I ask the minister to take action.

Nillumbik: planning approval

Mr HAERMEYER (Yan Yean) - I ask the Minister for Planning and Local Government to investigate the questionable and controversial decision of the commissioners of the Shire of Nillumbik to approve an application from Dallas Price Homes Pty Ltd, acting on behalf of the Shell Corporation, to establish a service station, a Hungry Jack's hamburger outlet, and other shops on the former Eltham council site, which is commonly known as the Eltham gateway proposal.

The council referred this matter to its own special planning committee, which comprised three community representatives and the commissioners. The chairman of commissioners of Nillumbik disqualified himself from voting on this matter, due to a potential conflict of interest.

However, after three of the community members on the committee had spoken against the proposal it became immediately obvious to the commissioners that they would lose the vote by three to two without the chief commissioner present. Commissioner Heffernan, who should be known to honourable members as a former minister, then assumed the chair and, with the support of Commissioner Abbott, referred the matter back to the council, thereby preventing the council planning committee which the commissioners themselves had set up from taking a vote on this matter. I regard this as an extremely farcical exercise.

Mr A. F. Plowman - On a point of order, Mr Deputy Speaker, I believe that the request to the minister is about town planning rather than a rezoning application. In that respect the request is out of order. I do not believe it lies within the jurisdiction of the minister. If it were a town planning request it would be - -

The DEPUTY SPEAKER - Order! I have heard enough. I do not uphold the point of order. I ask the honourable member for Yan Yean to come to the point of the matter he is raising with the Minister for Planning and Local Government.

Mr HAERMEYER - This is an abuse of the council process set up by the commissioners. Community participation is a charade that is tolerated so long as community representatives uphold the position taken by the commissioners. If not, it is ignored. The commissioners have behaved like a South American junta. I ask the minister to examine the behaviour of these commissioners.

Community Services Week

Mr McARTHUR (Monbulk) - I raise for the attention of the Minister for Youth and Community Services the importance of the efforts the volunteers in our community put in day after day, week after week and year after year throughout Victoria. The importance of their input into the community and the benefits that flow to the recipients of their efforts right across Victoria should not be underestimated.

The people involved in community service dubs get substantial satisfaction from their volunteer efforts. The work the volunteers do across the state underpins significant projects in Melbourne and country Victoria, including regional centres and local communities. It would be appropriate if the community of Victoria and in particular the government recognised the efforts made by those volunteers. The government should not only recognise the value of their work but also thank them for the benefits they provide to the community of Victoria.

An opportunity for the government to do so comes up each year during Community Services Week. During that week the Victorian Council of Community Service Clubs recognises excellence in community service and volunteerism under two categories: individual projects, and joint service projects. The individual projects award goes to a specific service club and acknowledges the excellence of its particular project. The joint project award goes to a group of two or more clubs that cooperate in a service project of an excellent standard.

As I understand it, in the past the government has provided financial assistance to the Victorian Council of Community Service Clubs to enable it to present these awards. I urge the minister to again consider providing assistance to the council so that it can recognise both the importance of community service club projects and the excellence of volunteer efforts. I hope he can make $5000 or $6000 or more available to the council.

Lome: sewage treatment

Ms GARBUTI (Bundoora) - I ask the Minister for Conservation and Land Management to investigate an alternative proposal to the disposal of sewage through the Lorne ocean outfall. There is an option for a solution through a pipeline to an expanded Aireys Inlet land-based waste water treatment facility. The existing Lome ocean outfall is one of 14 around the coast which together pump 500 million litres into the ocean every day. The Lome outfall is alone responsible for 40 million litres of effluent each summer. It is an environment disaster, because our beaches and water are polluted as a result. It also has an impact on Lome, a town which relies on tourism. There have been proposals to upgrade the waste water treatment at Lorne, but still the proposal has been to dispose of the effluent through ocean outfall. That represents a missed opportunity to end the practice, to turn off the tap and dispose of the effluent properly.

The community opposes the proposal to upgrade the waste water treatment with a focus on ocean outfall. The locally elected council rejected it, and the whole process has been a farce since then. The minister made Otway Regional Water both the judge and jury by making it responsible for deciding its own proposal. Worse than that, no environmental impact statement or study of the water quality was carried out before some guesstimates were made about what might happen afterwards. The minister needs to ensure that the opportunity is taken to study the new proposal which the Surfrider Foundation has produced using a land-based facility at Aireys Inlet. It has developed the technical details and has costed the proposal. The minister should give an undertaking to investigate this proposal, which is far preferable to the ocean outfall.

South East Water

Mr LUPTON (Knox) - I raise for the attention of the Minister for Agriculture and Resources the policy of South East Water and its greasy water program. It is asking certain premises to install grease pits and then charging them annual fees of $350 for the privilege of being in the greasy water program.

I raise for the attention of the minister the case of a bowling club that operates for 4 hours, 6 days a week, for 8 months of the year. Sandwiches that are usually prepared off site and meat for an occasional barbecue are the only food the club handles. However, South East Water has told the club that it is required to install a 900-litre grease pit. An organisation that is open for only a short time each day is required to have a 900-litre grease pit which you could just about have a swim in.

In 1980 the City of Knox required all premises to instal grease pits. When the Melbourne and Metropolitan Board of Works put through the sewer it took out the grease pits in private houses and many commercial premises. Now, some 16 years later, South East Water is demanding that firms and organisations install the pits, register their businesses, have their grease pits pumped out three or four times a year and pay registration fees of $350. It is ironic that after 16 years it is going back on action the Melbourne and Metropolitan Board of Works took. I believe the cost is excessive. To appeal against the installation of a 900-litre grease pit an organisation has to go through formal procedures, and no-one is particularly interested in reviewing a case until the formal procedures have been adhered to.

I ask the minister to look at the situation in the Oty of Knox, where the Melbourne and Metropolitan Board of Works pulled out the grease pits, which I assume was all right then, and at the fact that to challenge the 900-litre grease pit order requires a formal process. To me it appears to be bureaucracy gone mad. I ask the minister whether he will intervene to examine the matters and advise me accordingly.

The DEPUTY SPEAKER - Order! The honourable member for Keilor has 1 minute.

Problem gambling

Mr SEITZ (Keilor) - I direct to the attention of the Premier a gambling matter and ask him to allocate funds from the Community Support Fund to the western suburbs for an education program on the effects of gambling on family life and our society.

I urge the Premier to take this matter seriously because although the government receives at least $20 million annually from the City of Brimbank alone through gambling funds, the local council is not equipped to handle the effects gambling is having on local families and on the young people. No-one in our society has the answers. A study into the effects of gambling will be carried out by the Victoria University of Technology over a two-year period. I ask that the Premier expedite the program by providing funds for the education process.

The DEPUTY SPEAKER - Order! The honourable member's time has expired. Before calling the Minister for Housing to respond to the honourable member for Altona, I point out that it has been an interesting evening in the house tonight. I was wondering, when I was sitting here contemplating it before, if there was something in the water in the dining room.

However, it has come to my attention since then, and it is appropriate to do it now rather than after 12 o'clock, that there are three birthdays in the place today: the honourable members for Williamstown and Albert Park, and the honourable member for Bentleigh, who is having a special birthday - and although Bernie Finn asked me to be more definitive, I will not be. Happy birthday to those three people. That partly explains the agitated and elevated aura in the house this evening!

Responses

Mrs HENDERSON (Minister for Housing) - The honourable member for Altona raised with me some issues relating to private rental for low-income families who need affordable housing.

The honourable member asserted that there was a two-year waiting list for people on priority housing. It gives me pleasure to advise the honourable member that since substantial reform into priority housing was introduced by broadbanding priority housing - I am sure the honourable member would understand what that is because my department has given her very good briefings - there has been an enormous change in the waiting list for priority housing. We have increased the numbers of people who have been placed by about 15 per cent; and I am pleased to advise that through the new broadbanding of families and individuals who are at risk of being homeless, who are suffering illness, or who have suffered some level of domestic violence and need housing, we are able to place people in urgent need immediately. It is really a great change from the old days of the priority waiting list. Of course, that is for eligible people.

I was very pleased that the honourable member for Altona read and quoted substantially from the rental report. It is a valuable piece of information for the community. Members would also notice that there have been very good results in terms of affordable rent in regional areas such as Geelong, Ballarat and Bendigo.

The member also asked what we could do to assist people who require assistance in the private rental market. I am pleased to advise that the government's bond scheme to help people into the private rental market is well accessed by the community. The bond scheme is there for eligible people who require help to get into the private rental market. Titls is a very successful scheme, and millions of dollars go into it each year. That is of great assistance for people who need some assistance.

For people who want to get into private home ownership and are bordering on whether they go into private rental, we also have a good scheme - the self-build group scheme. The scheme allows low-income earners who would not otherwise access private home ownership to have the opportunity of giving their labour in exchange for funds. It is a superb scheme where people are able to contribute small deposits and the Office of Housing provides the land and the expertise. The group scheme works very well. A group of eligible people - it may be 12 or 15 people - will get together and work in a group to provide the labour for each other's houses. It becomes a group based on self-build; it is a superb scheme to get people into home ownership.

Only recently I was at Sunshine opening the most recent group build scheme in the western suburbs. The group was made up of families from South America. It was superb to see the efforts of those people who had used their labour not only on their own homes but on each other's homes, the

enormous skills they had learned, and the great contribution that both the men and women made to the scheme. They were able to learn some management skills, and they were able to hone their building skills.

We are doing a lot of things to assist low-income earners in the private rental market and on the priority housing list. As I said, anyone in desperate need who is prepared to take up the offer does not have to wait at all. Certainly the claim by the honourable member of a two-year waiting list is absolutely wrong, because since we have broadbanded priority housing, people are able to access housing in an appropriate time.

Dr NAPTHINE (Minister for Youth and Community Services) - The honourable member for Pascoe Vale raised concerns about the telephone interpreting services provision for community health centres, particularly maternal and child health centres.

I am advised that it was the former federal Labor government under Prime Minister Keating in 1992 that withdrew the commonwealth subsidies for the telephone interpreting services for community health centres and maternal and child health centres. So it was a decision of the former Keating government in 1992 to withdraw those subsidies across Australia. The advice I have is that it applied to community health centres and maternal child health centres across Australia. In contrast, the Victorian government continues to provide a high level of interpreting services to people in need.

The state commits $9.5 million per annum to the Victorian Interpreting and Translating Services, which involves the employment of some 550 contracted professional interpreters to provide free access to interpreting services for those needing them. On top of that, the specialised Central Health Interpreter Service located in Mount Alexander Road in the north-western part of Victoria under the leadership of Barry Elliott, who does an excellent job in providing interpreting services in the health field for community health centres, hospitals, and private medical practices, and, I would suggest, for maternal and child health services who would need it.

The Central Health Interpreter Service is an excellent specialist health interpreting service and the interpreters cover a wide range of languages and have expertise not only in interpreting but also in health matters. The government provides $1.2 million a year for that specialist program.

In addition, this government has taken the initiative to help people from non-English-speaking backgrounds access interpreting services and better access to government services across the board with the interpreter card, which has been well accepted by people from non-English backgrounds. More than 100 000 interpreter cards have been distributed across Victoria.

They are now being widely used within those communities to help people dealing with government, local government and other agencies. They are able to produce their interpreter cards to receive free service and assistance in helping them dealing with such agencies.

The government has not reduced funding for interpreting services. Indeed, services are now being provided for at least 20 per cent more cases. Since the government was elected in 1992 there has been no reduction in funding for maternal and child health services. Indeed, in the last budget it injected an extra $1.4 million in recognition of the importance of maternal and child health services. The government will continue to provide a high level of support for those services and will seek to ensure in the arrangements with local government that it continues its efforts as it is a joint state and local govemmentproject.Thegovemmentwillcontinue to provide a high level of maternal and child health services for people in need.

It is important that these services are provided to children under the age of five years - pre-school age - because in the past the emphasis has been placed on the provision of services to younger children, particularly those under 18 months. There has been a decline in services for children between 18 months and school age. During that time there is substantial opportunity for the early detection of developmental delay and physical abnormalities, which can be more easily remedied if they are detected at an early stage. The government is seeking to extend the maternal and child health services to place emphasis not just on early childhood but right through until children attend kindergarten.

The honourable member for Monbulk raised the issue of support, assistance and recognition for the excellent work service clubs do in the community. He spoke on behalf of all members who recognise the high quality of work done by service clubs, whether it be Apex, Llons or Quota. They do excellent work on a voluntary basis. They receive recognition in their own communities and rewards

in personal satisfaction for the work they do. They put in thousands of hours of voluntary work to improve their local communities and to help individuals and families in need. They provide new playgrounds or improved facilities and work at a national and international level raising funds and creating awareness about particular issues.

Parliament and the Victorian community owes a debt of gratitude to service clubs and to those who coordinate their volunteers. I ask the honourable member to take back our thanks to his community for that.

The honourable member for Monbulk made me aware of an issue raised by the Chairman of the Victorian Council of Community Service Clubs that Community Services Week recognise some of the particular projects undertaken by those clubs and provide recognition for those clubs and the individuals involved. I am pleased to inform the house that since the matter was raised by the honourable member as well as in other quarters I have allocated $5000 from my minister's discretionary funds to the council so that during Community Services Week in March next year suitable recognition will be given to clubs and individuals who do the work.

The honourable member for Caulfield referred to breast cancer and what can be done to increase awareness of people in her area about access to Breastscreen services. The honourable member raised the issue in a positive way and made us aware once again that breast cancer kills more Australian women than any other cancer. Each year 2600 Australian women die prematurely from breast cancer. I am pleased to say, as the honourable member did, that the rate of death has plateaued because of the excellent work done by Breastscreen and the promotion of other issues to protect women against breast cancer.

One in 14 women will develop breast cancer at one stage in their lives, but I am pleased to say that positive action can be taken by women to reduce the risk by the early detection of breast cancer and by appropriate treatment at an early stage. The early detection method involves two basic practices: breast self-examination, in which all women should be trained and should do on a regular basis; and mammogram screening, which the honourable member said particularly targets women between 50 and 69 years who are at the highest risk.

Breastscreen in Victoria has grown from a small program to one attended by more than 300 000 women. The honourable member said more than 50 per cent of women in that age group have had a mammogram screening.

In 1995-96, 143 500 women were screened in a statewide network of 36 services, including a mobile van. I am pleased that the greater proportion of those people serviced were rural women. Rural women have taken to the program probably because of the promotion with Sara Henderson as the figurehead. She is a considerable figure for women. I am pleased to inform the house that we will be conducting particular programs to encourage women in that age group to attend the program. We are also targeting women from ethnic groups, because they are one group that needs special attention to ensure that they attend the service. The Breastscreen service provides an excellent early detection program. We aim to have nearly 60 per cent of women in that age group tested on a regular basis. It would be good to have 90 or 100 per cent tested, but our aim is a feasible 57 to 60 per cent.

The honourable member also referred to research. The Victorian government has committed $30 million over 10 years - $3 million per annum - specifically for research into this important disease. The Anti-Cancer Council of Victoria will manage the research project, which will involve a consortium of people doing individual projects. It is an initiative taken by the government in recognition of the importance of this disease among the women of Victoria and Australia.

Mr MACLELLAN (Minister for Planning and Local Government) - The honourable member for Yan Yean referred to the disposal of the Shire of Nillumbik offices at Eltham. I have had meetings with the honourable member and also with a deputation of citizens he brought to see me who were critical of the shire's action. I agreed as a result of that deputation to obtain some information regarding the circumstances of the demolition and subsequent sale of the property. I have received that information, which I will make available to the cabinet subcommittee. I made it perfectly clear to the deputation at the time that I would be doing that and that I would be seeking information for the cabinet subcommittee information that would not be available under freedom of information. In other words, I wanted confidential advice regarding the land monitor's assessment as an independent adviser to me of the circumstances relating to the demolition of the building and the disposal of the

site. I have received the report and I will take it to the cabinet subcommittee which will examine the matter in due course.

Mr HONEYWOOD (Minister for Tertiary Education and Training) - The honourable member for Clayton raised an immigration issue. Although the honourable member is new to the house he should be aware that immigration is a federal government issue and has been for many years. Notwithstanding that, he used as a benchmark New Zealand which he said has taken on more migrants per head of population than other nations such as Australia. I am well acquainted with the New Zealand policy, having visited that country recently. The quality of settlement services pales into insignificance compared with Australia. For many years New Zealand has given the responsibility for the settlement of migrants in that country to the Red Cross and some church groups.

I was in New Zealand when the Red Cross was told that because of the commitments made by the then New Zealand immigration and foreign affairs minister a full plane load of Somali women was arriving that very day and the organisation had no idea what to do with them because it had no settlement service scheme in train to settle those women. In contrast to Australia, which has very comprehensive services for initial settlements and ongoing backup services, whether it be interpreting services, free access to English as a second language or a whole range of important quality-of-life services that are important to migrants when they first arrive in a country, New Zealand has lagged behind other nations for some time in this vital area.

It is one thing to talk about quantity; it is another to talk about the quality of backup and service provision to ensure that those migrants are able to become good New Zealanders or Australians as soon as possible and are able to access employment opportunities and so on for their families.

It is also wrong for the honourable member to say Australia is not taking its share of migrants. The migration program into Australia has traditionally fluctuated depending on the economic circumstances at the time. Not so many years ago it was 120 000 a year and it is now 80 000 a year. Under former minister Bolkus it was not much higher than what it is under the new federal government, as I am aware from attending ministerial council meetings which decided on these levels in consultation with Senator Bolkus.

Again it is wrong to say this new federal government has taken a harsh line because if you look at recent political history in Australia you discover the immigration levels have fluctuated from year to year depending on the economic circumstances of the nation at the time.

I turn to the issue raised by the honourable member for Bundoora. I am sure no member of the house would support the long-term future of ongoing ocean sewage outfalls. However, it should be pointed out that the honourable member was a member of the Cain government when that government authorised a new Geelong ocean outfall, which is pouring many hundreds of thousands of litres of sewage off the shores of Geelong. That treatment plant had no secondary treatment process. Premier Cain authorised the plant for the Geelong region and Minister Birrell has been at great pains to ensure that at least there has been some attempt at some form of secondary treatment for the ocean outfall. The implementation of remedial works is very expensive. The honourable member for Bundoora should be aware that it is wrong to argue that this government should be doing something when the Labor government did nothing for almost 11 years.

Notwithstanding that, the government is attempting to apply some secondary treatment processes to the remaining five outfalls. It is important to note the government's reform of water bodies. Whereas before there were many hundreds of small rural-based water bodies there are now much larger ones and the Otway Region Water facility is therefore better able to ensure that sufficient capital can be raised in the future to provide for secondary treatment involving more than just pumping waste water into the ocean, which no honourable member would support as a long-term future prospect. I shall convey her concern about Lorne to the Minister for Conservation and Land Management.

The honourable member for Keilor raised an alleged lack of studies into gambling in the western suburbs. The irony of his claim is that he then provided me with a copy of the *Brimbank Independent* newspaper. An article on the front page states:

> A group of researchers from Victoria University in St Albans will meet this Thursday to begin a study into the effects of gambling in the west.

The honourable member seems to be calling for something that is already happening. In addition, I point out that the Victorian Casino and Gaming

has implemented a comprehensive social tdy on gambling across the state and the iS frozen any further approvals for new :hines until that very important poker tudy is completed. The government is not to reach the level allowed in the state by : Kirner government's legislation. We are hirds of the way to the 48 000 poker that were provided for by the former emment.

t, the government has had concerns with nentation and is acting on those concerns 1enting this comprehensive social impact by freezing the number of poker machine until that study comes forward with 1dations. While that study is going on lemics are hopping on to the gambling n. They are all interested in these issues *Brimbank Independent* pointed out, a esearchers is already doing its own study t of the honourable member for Keilor.

.lrable member for Mordialloc, who is a .g supporter of small business in his and across the state, raised a legitimate ·hich I shall pass on to the Minister for Fair bout businesses operating from home and g illegally to advertise their businesses at)Ut getting appropriate approvals. I am no) those issues in the Warrandyte electorate re are a number of 1-acre and half-acre ; and where many people operate ; from garages and so on. That is obviously .convenience to their neighbours in terms ·vels and is unfair competition for those done the right thing in paying rent on a shop.

!l'ests of public safety it is important to it there are no distractions for drivers down busy streets being faced with signs re. It is important in terms of good ty values to ensure that the City of is doing the right thing. I shall pass on the le member's concerns to the Minister for n g and I am sure the issue will be acted on

The honourable member for Mildura also raised an issue for the attention of the Minister for Fair Trading about policy responsibility. I believe the names of his constituents were Mr and Mrs Hartwig. The builder appears prima fade to have done the wrong thing by the honourable member's constituents by using the wrong wood and other problems. I understand his concern about the alleged lack of information from the Housing Guarantee Fund and I will pass on his concerns to the Minister for Fair Trading.

The honourable member for Knox raised for the attention of the Minister for Agriculture and Resources a 900-litre grease pit which has been required by various authorities to be installed by a small food preparation provider in his electorate, and again I will pass on those concerns to the minister.

The DEPUTY SPEAKER - Order! The honourable member for Ballarat West raised an issue for the attention of the Minister for Roads and Ports.

Mr HONEYWOOD - The conscientious Minister for Transport was in the chamber at the time but had to leave and consequently was unable to answer the question of the honourable member for Ballarat West.

The honourable member is a passionate believer in having efficient public transport and road systems. The government is supporting the honourable member's concerns by ensuring signage on the Western Highway and the connection with the Western Ring Road are sensible, logical and visible. I will pass on the honourable member's concerns to the appropriate minister forthwith.

Motion agreed to.

House adjourned 12.10 a.m. (Wednesday)

Wednesday, 16 October 1996

The SPEAKER (Hon. S. J. Plowman) took the chair at 10.03 a.m. and read the prayer.

Mr Hulls - On a point of order, Mr Speaker, you may be aware that last night there was vigorous debate in this house on a particular bill. The Deputy Speaker gave the house some advice on the matter. As a result of the ruling by the Deputy Speaker last night no opposition members who had particular interests in a number of companies voted on the legislation, on the basis that they believed there would be a conflict of interest in their so doing.

I seek your ruling on this matter, particularly in light of the admission by the Attorney-General on radio this morning that she has recently instructed her solicitors to set up a blind trust in which she will place her share portfolio, obviously because she is of the view that either there is a conflict of interest or a perceived conflict of interest in her holding certain shares and in having the Attorney-General portfolio. In light of this recent admission by the Attorney-General, will you undertake to look into the matter with a view to establishing the validity of the vote taken last night, particularly in light of the fact that certain members on the government side of the house voted in the full knowledge that they had share portfolios that would increase in value as a result of the passing of the legislation?

The SPEAKER - Order! I heard the debate in my room, and I heard the Deputy Speaker rule on the matter. I heard him quote from page 354 of the 21st edition of *May,* which deals with votes on matters affected by pecuniary interest. The principal matter in relation to pecuniary interest on which the Deputy Speaker ruled was:

> This interest must be a direct pecuniary interest, and separately belonging to the persons whose votes were questioned ...

The question is: what is a direct pecuniary interest? Is it something members might generally have by way of investments? Is there a direct pecuniary interest? Will the member benefit directly by the vote?

I think it is drawing a long bow to argue that, because a member had shares in a particular company, voting on a share-trading issue might directly and beneficially affect that member. As I heard it - I have not seen *Daily Hansard* yet - and if I remember rightly, the honourable member for Niddrie said that if the bill passes through the Parliament and becomes law certain supermarkets and so on might be beneficiaries. That is a point of view the honourable member put in debate but one that has certainly to be tested.

The Chair is certainly not in a position to rule whether or not that will be the case. If there were a direct pecuniary benefit as a result of a vote - and I mean a direct pecuniary interest, not one which is speculated on but one which could be clearly identified - the Parliament would be concerned at that pecuniary interest. In relation to the passing of the bill through this house last night, and assuming it passes through all its remaining stages, it is very hard for the Chair to see that there is a direct result, as distinct from a speculated result, in the value of any company in which a member has an interest.

PETITIONS

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

Shop trading hours

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

The humble petition of the citizens of the City of Greater Dandenong and surrounds sheweth the disastrous impact the extension of shop trading hours will have on small businesses in Victoria.

Your petitioners therefore pray that the members of the Legislative Assembly reject the Shop Trading Reform Bill which seeks to set up provision for 24-hour shop trading in this state.

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

By Mr Micallef (309 signatures)

Contaminated site, Yarraville

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

The humble petition of the undersigned citizens of Yarraville and the citizens of the state of Victoria strongly object to the part/whole sell-off of the contaminated land site abounded by High Street and Williamstown Road, Yarraville (the arsenic site) for the purpose of any residential or commercial development

until contamination is removed. Furthermore we are opposed to any business development detracting from the existing trading environment in Yarraville.

Your petitioners therefore pray that the state of Victoria will take suitable steps for the site to be decontaminated, before any residential or commercial development is considered.

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

By Mr Bracks (2196 signatures)

Laid on table.

PAPERS

Laid on table by Clerk:

Intellectual Disability Review Panel - Report for the year 1995-96.

National Parks Service - Report for the year 1995-96.

LOCAL GOVERNMENT (AMENDMENT) BILL

Returned from Council with message relating to amendments.

Ordered to be considered next day.

Mr **Maclellan** - On a point of order, Mr Speaker, in the ordinary course of events I was advised the Deputy Leader of the Opposition would move an adjournment motion today in relation to a decision I made to call in a proposal to establish a gaming venue at the Broadmeadows town hall. I was prepared to argue to you, Sir, as to whether that adjournment motion would be admissible. However, I have since heard on the rumour machine, which is very busy around this place, that it is not proposed to go ahead with that adjournment motion.

My point of order is that where formal stages are undertaken in relation to an adjournment motion the house should be advised whether that adjournment motion will or will not proceed. For instance, I would have put to you that I received a request from the Broadmeadows Progress Association to call the matter in; I received a request from the solicitors to call it in; and I was requested by the applicant to call it in.

The SPEAKER - Order! I have heard sufficient of the minister's point of order to respond. The normal practice is that the Chair is advised that an adjournment motion will be proposed. The Chair was duly advised. It is also customary that the minister about whose administration the adjournment motion is to be proceeded with is advised by 8.00 a.m. of that adjournment motion. In terms of the pursuit of an adjournment motion, it is entirely in the hands of the person who was proposing to move it whether he or she wishes to continue with it. It is a question of propriety, I suppose, as to whether that member advises the minister and the Chair. In fact, the Chair has been advised. I think perhaps there has been a communication breakdown in this case, but the Chair is aware that the proprieties of the matter have been accorded with.

Mr Maclellan - On a further point of order, Mr Speaker, I am pleased the house has your advice about the procedure regarding the matter and to know that it is in the hands of the member concerned to move or not move the motion. I ask you, Sir, to give a ruling on whether the house will be advised of those matters or whether it will be left in the circumstances in which I find myself.

The SPEAKER - Order! The house does not normally become aware of an adjournment motion before it is moved and, as such, there is no requirement for the house to be advised one way or the other.

PUBLIC TRANSPORT SYSTEM

Mr **COOPER** (Momington) - I move:

That this house, while regretting the lack of general policy commitment by the Labor Party to transport issues, congratulates the government on its transport achievements during its first term in office and applauds the commitments to further improve the transport system in Victoria during the coming four years as outlined in the public transport policy of the coalition published in March 1996.

Public transport is very important, and I shall start my contribution by quoting from a document that was published some time ago:

The run-down and inefficient public transport system which this government inherited exemplifies, perhaps more completely than any other system, the effects of the previous policies.

The document continues:

> In the 1983-84 budget expenditure on transport (excluding roads) was increased by 55 per cent. The government is committed to further significant improvement in public transport facilities in Victoria.
>
> A comprehensive leasing program has facilitated the operation of new trains and trams, and the government has instituted major management improvements, including the restructuring of the transport agencies and reformed fare systems.

The document from which I have just quoted is one produced by the former Cain Labor government entitled *Victoria. The Next Step - Economic initiatives and opportunities for the 1980s.* As the honourable member for Swan Hill says by interjection, that was a good one. In chapter 16 at page 153 the booklet details what it calls deficiencies of previous government policies. It states:

> Before coming into office the government had already identified the major deficiencies of previous governments' transport policies. In summary these deficiencies were -
>
> (a) uneconomic investments resulting in very little improvement in services but provided at major cost to both the transport user and taxpayer;
>
> (b) poor accountability mechanisms, particularly the lack of efficient and effective audit systems;
>
> (c) transport organisations with inadequate management structures based on techniques established in the nineteenth century ...
>
> (d) a rundown affecting the quality and reliability of basic infrastructure in the rail transport system - particularly rolling stock, stations, and maintenance workshops.

It then goes on to detail:

> (f) inadequate resort to funds available from commonwealth and state sources for the funding of transport systems in general and road networks in particular ...

Lastly, it highlights:

> (g) poor industrial relations leading to confrontation and disputation.

In 1992 this government inherited a transport system from its predecessor, and I intend very briefly to cover that inheritance. It is very important when talking about the advances the government has made in public transport to understand the position and low level from which we have come and the gigantic steps we have taken.

To identify the state of the public transport system in 1992 it is necessary to go back and quote a few statements, and who is better to quote than one of the previous Labor Premiers, the Honourable John Cain? In October 1992 in an article in the ***Age*** headed 'A scratch that became a wound', John Cain is reported as saying:

> The reform program in transport was progressively dismantled in the months that followed and we moved to a policy of ad hockery and perceived populism.
>
> It also had the effect of killing stone-dead a range of programs for work practice changes in other areas of the public sector. In health, community services, education and even police the forces of resistance to change received an enormous lift.

That is what John Cain said in 1992. The article continues:

> Stripped of all its trimmings, what this meant was that a group in the left was prepared to resist forcefully a government decision which had gone through the proper processes simply to try to maintain a left base within a union to ensure that it remained supportive of that faction.

John Cain is also reported as saying:

> A bit of revisionism was going on in government ranks.
>
> Maybe we should have made clear that the scratch ticket was an interim phase only and machines would be introduced later. Perhaps we should have fixed a lower price for the emergency tickets. A discount pricing policy for tickets sold in bulk at shops may have helped a lot.

Mr Cain was agonising in retrospective over the way he was white-anted by his own party in this Parliament and by the trade union movement.

In the book he had published, called *John Cain's Years: Power, Parties and Politics,* Mr Cain refers at length to the way transport reforms that his government proposed were demolished by his own party. On page 217 of his book he says:

> The forces opposed to the transport changes used the federal election result of March 1990 and what surrounded it to bring about an upheaval in the government and changes in the cabinet that effectively

> killed any long-term reform program. The factional manoeuvring and deals that led first to the resignation of Evan Walker, Minister for Planning and Environment, and then to the forced retirement of Rob Jolly and the removal of Jim Kennan from the transport portfolio, spelt the end of the government's long-term vision to reform transport.
>
> We fell into the populist line that became the hallmark of the government of doing what we thought people wanted, both in the party and outside, because of the short-term political benefits it might bring. The reform program in transport was progressively dismantled in the months that followed and we moved to a policy of adhockery and perceived populism. This change in tack also had the effect of killing stone dead a range of programs for work practice changes in other areas like the public sector; in health, community services, education and the police, the forces of resistance to change received an enormous fillip.

I move to a slightly more modern document, headed *Economic and Financial Management of Victoria under Labor,* by Mr Theophanous, dated February 1994. At page 8, in describing how the Labor Party literally fell apart and mismanaged the state to an incredibly bad extent, he says:

> Of particular importance was the farcical attempt by the then government to remove conductors from Melbourne's trams. The initiative was poorly thought out and relied on scratch ticket sales to substitute for conductors. The proposal was ridiculed by the public and press alike and in the subsequent showdown with the tramways union, which saw trams abandoned in the city streets, public sympathy was very much with the union.
>
> Despite public recognition of the need for reform, the dominant perception in the community was that Labor's proposal was flawed, that it was incompetent in its handling of the dispute and that it had caved in to the unions. The Labor government was perceived to have lost its nerve - and perhaps it had.

This is Mr Theophanous, a leading light in the current opposition and a man who I suppose from a Labor point of view should be looked at and whose words should be listened to.

What absurdities were there that Mr Cain, Mr Theophanous and others have quoted? We had some wonderful things, like conductors on the restaurant trams! This was well documented. It was part of the cave-in by the government to the unions.

On 22 May 1986 the *Australian* published the following in an article on public transport:

> When Labor came to office in 1982, after a debilitating 27 years in opposition, Mr Roper was appointed minister for health. He was shifted sideways three years later because under his guidance the health system, once regarded as the best in the country, had fallen into chaos.
>
> He became Minister for Transport, and now the public transport system is facing a crisis, with metropolitan train, tram and bus services losing money at the rate of $1000 a minute.

An article in the *Age* of 28 April 1986 quotes Mr Lynn Strouse, who was appointed by Steve Crabb when he was Minister for Transport to head up the Metropolitan Transit Authority. Mr Strouse's revelations about what happened when Tom Roper became the Minister for Transport have perhaps not been given the publicity they deserve. Mr Strouse is reported as saying:

> ... Tom lectured us like a schoolteacher. You talk to him for 5 minutes and the hair on the back of your neck starts to bristle'. Morale slumped within a month of Mr Roper being in the job ... 'Once he started screaming and yelling and throwing things across his office. Pencils. Memo pads. In the end I had to leave the office without a decision'.

That is how Labor was running public transport. John Cain stated publicly that the perception being put about by Tom Roper when he became minister was that he had inherited a bad system. The reality was that the system had been bad from the time that Steve Crabb had got his hands on it in 1982. He dragged it down into the gutter and Tom Roper dragged it along the gutter and successive public transport ministers did nothing for it. Jim Kennan continued the Roper trail along the gutter and the well-known and lamentable Peter Spyker did nothing to help the situation.

In 1992, when the government came to power, we had some enduring memories in the minds of the public and certainly in the minds of the members of the new government about Labor's handling of public transport. Those enduring memories included the image of trams banked up from end to end in Collins Street and Elizabeth Street for days as the unions closed down the system.

Mr Perrin - I remember that.

Mr COOPER- Yes, the honourable member for Bulleen remembers that - as we all do. There was Labor's failed attempts to close the Upfield line - we all remember that - wall-to-wall graffiti in carriages and service delivery where cancelled and late trains were the norm rather than the exception.

The profitable Brighton bus service was bought and turned into a financial disaster - another of Labor's transport initiatives. Jim Kennan took on the Bus Proprietors Association and was done over like a dinner. We all remember the buses circling this building and the Bus Proprietors Association doing the minister over - because he finally caved in. Weak, weak Minister Kennan! He couldn't create a policy or stand up for what was right. He simply gave in when the going got tough. When it got tough in here, after Labor lost the election in 1992, the then new Leader of the Opposition was so weak that he gave that up and walked out of here. He threw his dummy out the door and followed it. That's how weak he was. These sorts of people were running the public transport system in the state.

If we want to look at what happened to transport generally, we have only to consider Labor's South Eastern Arterial, the famous car park Labor created that ran out to the south-east chock-a-block every morning and night with cars. That was Labor's contribution to the roads system.

In my electorate, as I have previously informed the house, the incomplete Mornington Peninsula Freeway was another example of Labor's decision that it was all too tough. It had run out of money and could not borrow any more. It had gone to its bankers all over the world and couldn't find any more things to hock, so it just gave up. So we had scars on the landscape where earthworks had been done and promises made to complete projects like the Mornington Peninsula Freeway, but promises were being made in the absolute knowledge of the minister making them at the time that he had no money for and no intention of ever completing that freeway. These were the sorts of things that Labor were giving to people of this state.

In 1992 when we took over government we found that the Jolimont workshops had 800 workers to service a maximum of 11 trains at any one time. When a benchmarking exercise was done, it revealed that the Jolimont workshops were not needed at all. But the previous Labor government had simply caved in to the union demands to keep something going that was not needed at all. They had workers by the multi dozen standing around doing things which were not needed and which could be done in other parts of the system. This is what Labor left.

We had the famous Warana Valley situation. New members would not know much about Warana Valley, but it is something they should know about because it shows in a snapshot just how bad Labor was. Warana Valley started in 1990 because the Public Transport Corporation was facing a budget blow-out of at least $50 million in 1991-92 and the government had to find a way of pushing the costs into the following year to balance its budget. This was Labor's way of balancing the budget. You don't try to do it by reducing your costs; you just move things around; you move the deckchairs around on the Victorian Titanic.

Because of a potential $50 million blow-out in the transport budget in 1991-92, Labor came up with a wonderful plan. In November 1990, it decided to move the payments to private bus operators from the existing one month in advance arrangements to quarterly in arrears. That was the way it was going to handle the potential blow-out. The arrangement deferred payments normally due in April, May and June into the following financial year, thereby pushing some $24 million of expenditure into the following year.

In 1991-92 that arrangement saved - I use the term loosely - $15 million because it was implemented too late to push the amount out to the full $24 million. On 16 November 1990 the Labor cabinet approved new seven-year contracts with the bus operators, reflecting the change to quarterly payments in arrears, and agreed that operators would suffer no financial disadvantage as a result of the move - that is, that the PfC would meet all the legal, interest and bank costs arising from the arrangement. Those contracts were negotiated at a time when the government had to give in. That was known to the bus proprietors, who made a meal of it, as anyone would have in a similar commercial situation. That was done at the taxpayers' expense.

In January 1991 the Bus Proprietors Association requested the PfC's assistance in arranging a single funding package on behalf of the 47 bus operators because not all operators could individually obtain the additional bank overdraft required by the change to payment in arrears. In February the PfC approached nine local and overseas banks with the proposition, supported by a PfC letter of comfort. All the banks rejected the proposal for a variety of reasons, ranging from the lack of a guarantee to concerns about the political and economic state of

Victoria. Does that not say something about the Labor government of the day? It approached nine local and overseas banks with a deal that should have been gold plated. The government wanted to organise financial arrangements, but the nine banks all knocked it back. They did not trust a Labor government.

In April the PTC approached a further overseas bank on the same basis as I have detailed. This bank expressed interest but preferred to deal with a single consolidated loan rather than 47 separate ones. In response, the PTC - that is, the government - proposed that a shelf company called Warana Valley, owned by the Bus Proprietors Association, be set up as the holder of a consolidated overdraft on behalf of the 47 individual operators. An upper limit of $35 million was set for the overdraft. The overseas bank agreed to the arrangement subject to obtaining credit clearances from its parent company and the completion of documentation. In May 1991 the PTC obtained a temporary overdraft of $15 million from the then Victorian Development Fund to help fund the May and June payments, as the overseas bank had still not obtained clearance from its overseas head office.

In June 1991 a second overseas bank provided a bridging loan to repay the VDF advance, which had to be repaid by 30 June. In October 1991 the first overseas bank received approval from its head office and started making advances to Warana Valley in line with the new arrangements. From then on the arrangements between the PTC and Warana Valley and the first overseas bank operated routinely.

Central to the matter is the financial impact on the people of Victoria - and there are two severe financial impacts. The interest, legal and related costs of Warana Valley were of the order of $15 million over seven years. That cost would not have arisen if the previous arrangements had continued and payments had been made in advance rather than in arrears. The government is also facing a payment of up to $35 million to pay out the overdraft when it becomes due at the end of the 1997-98 financial year. This arrangement was made to try to get the Labor Party out of the financial shambles it had created in public transport, and it was done at the taxpayers' expense. The taxpayers were up the creek without a paddle when that arrangement was made. Members who read the newspapers on 17 July this year would have seen a report from the Minister for Transport saying that Warana Valley was being wound up by the government. The minister was quoted as saying:

> The Kirner Labor government used the shelf company as a mechanism for pushing tens of millions of dollars of bus payments from one year to the next in order to hide Labor's 1991-92 transport blow-out at significant cost to taxpayers ...
>
> Mr Brown said interest, legal and bank charges had cost taxpayers $8 million since the company was formed and would have cost up to $15 million had the repayment schedule been allowed to run its full term.

Through prudent financial management and getting the system back in order the Minister for Transport was able to pay out that amount and relieve the taxpayers of a further $7 million of losses, thereby getting that monkey off their back. That shows the difference between a competent Minister for Transport and a group of four or five totally incompetent transport ministers under Labor. Nothing signals the financial mismanagement of Labor better than the sale and lease-back disasters that it took part in.

Victorians should remember that over the decade between 1982 and 1992 the then Labor government sold new trams, trains and buses to Australian but principally overseas financial institutions for $872 million and leased them back for an estimated cumulative cost of over $1.4 billion. That amount has to be paid back because a desperate bunch of incompetents calling themselves the Labor government flogged off most of the trams, trains and buses in the public transport system principally to overseas financial institutions for $872 million. Companies in Japan, Germany, the United States and France owned our public transport rolling stock because when members opposite were in government they could not run the state properly.

The coalition government had to pay out close to $250 million in interest and principal in its first three years in office. The minister informed the public in December 1995 that worse was to come because interest and principal payments totalling $572 million will have to be made over the next five years to discharge these leases and regain ownership of the PTC's trams, trains and buses.

That was an appalling inheritance for this government to be saddled with when it came to office in 1992. We were also saddled with a whole range of other incompetent decisions and things that should not have been done. Mr Spyker, a former Labor transport minister, accepted a tender from Goninans for 22 Sprinter trains at a contract price of $49.02 million. It has become public knowledge that

they have recently been put back on the tracks, which we welcome, because they are great trains. They had to be taken off the tracks because they were not activating the signals at level crossings. A competent minister would have known that.

Unfortunately, we had an incompetent minister in Mr Spyker. He had a piece of paper put in front of him by one of his minders, who no doubt said, 'Here is a pen, Minister. Sign here'. He wrote 'Peter Spyker' on the line where it says 'Sign above here' - and he was just able to cross out 'Not approved'. He signed off on 22 trains that did not activate the signals at level crossings. That was the contribution Minister Spyker made to the system. It was a problem the present Minister for Transport inherited and had to fix - and fix it he did. Those trains are now back on the tracks and running safely, as they should have been all the time.

I referred earlier to the Labor Party's document about prudent financial management and auditing. It is extraordinary that the Labor Party can talk with a straight face about propriety, auditing and competent financial management.

Now they are in opposition they say these things with a straight face. That again sets the scene of what this government inherited - and it is important the house knows what this government inherited.

Let us talk about things that went on when Mr Spyker was the minister. When Mr Spyker was the minister it seemed a new building would have to be built to house his staff, because the number of his ministerial minders blew out by an enormous amount.

As at 2 October 1992 - when Labor went out of office - the staff of the Minister for Transport was of a considerable number. In fact, Minister Spyker had a ministerial staff salary - this is not with on-costs; this is just what went out every year in straight salaries - of $678 828. And that did not include the cost of his driver - the driver was an extra.

Some fascinating people worked for Minister Spyker, like Kay McNeice. Kay McNeice received money from so many places in the Labor government, it was amazing. For example, in the period between 1 December 1991 and 30 September 1992 McNeice Media received $36 000 in payments; it also received another $40 000 in payments from another source, making a total of $76 000. That is not bad for what looks like about 10 months work. In the period between 1 December 1991 and 30 September 1992 Kay McNeice received $152 594 in payments from Energy Victoria, the Ministry for Transport and the Roads Corporation. She also got a little whack for Swanston Walk - so we can blame her for that disaster - of $51 977. Other payments are also listed here; I will not bore the house with all of them, but let's put it this way: Ms McNeice did very well out of the Labor government and out of the long-suffering taxpayers of this state.

The inheritance we got in 1992 was an absolute shambles. Not even my friend over there who has just been interjecting, the member for Thomastown, could possibly defend what was in place in October 1992. He is probably prepared to defend a few things, but he could not be prepared to defend all of that, because he knows that the public transport system this government inherited was a disaster and a disgrace and is something the Labor Party will have to live with for decades to come before it can even think about having a hope of corning back into government.

I now move to the period 1992 through to now to outline what has been done in public transport. And an enormous amount has been done; far more than I will have time for today, because I know the honourable member for Thomastown will also want to say something about the motion. I hope I will be able to get through the mountain of material I have in support of my motion, but if I read out all the things - -

Mr Batchelor interjected.

Mr COOPER - I am not going to do that; I am going to give you something to talk about. If I went through every public transport achievement of this government from October 1992 to March 1996, I would still be talking at around 10.00 p.m. - but I am quite prepared to accept a motion for an extension of time.

Let me highlight a few details for the house. Let's go back to November 1992 when the minister made the decision to remove conductors from Melbourne's two restaurant trams. That may seem to be a small thing, but it is symbolic. For years this state had a tourism business which was desperately trying to be viable, which was popular with overseas visitors and with local people, but which was being absolutely hamstrung and ridden into the ground by its having to pay for a tram conductor to sit in the driver's compartment at the other end of the tram

and either read a book, knit, or whatever it was the conductor wanted to do. They were certainly not operating as conductors. The union had insisted that a tram conductor ride around; so the tram restaurant business had to pay for that.

The minister moved quickly. On 16 November he said, 'This is ridiculous, it is outrageous and they will go' - and they went. What have we seen since then? We have seen an expansion of the business. I wonder why? We took away an unnecessary cost. The business was popular anyway so of course it would expand.

So in the November the conductors were removed from the two restaurant trams. In the same month the minister made the decision to contract out to real estate agents the PTC's property portfolio - a saving to the PTC and to the taxpayers of this state of $1.1 million per year. It was a sensible decision and one that should have been applauded by all sides of politics.

In January 1993 the minister announced the government's public transport reform package to transform Victoria's public transport system into a service at a saving of $245 million per year - again, something that was warmly welcomed by the public of this state. On 4 February 1993 the minister signed an historic four-year agreement with the tram and bus unions, which it was estimated would virtually save all tram services from closure, and contribute to $245 million worth of annual savings to Victorian taxpayers.

When you say that quickly **it** doesn't sound like a lot, but it meant an awful lot to the Labor Party in this Parliament, because it saw a government comprised of the Liberal and National parties coming to an agreement with a union that it had never been able to come to an agreement with. In fact, that union had run roughshod over it; it had crucified and crushed it, and they were never able to come to an agreement.

Yet within a few months of coming to power, this government was able to sign an agreement with the unions that has seen virtually four years of industrial harmony. That is unprecedented in this state, and a tribute to this minister. No other minister has been able to do it. I will go back through the ministers: Steve Crabb, Tom Roper, Jim Kennan, and Peter Spyker - none of them had been able to do anything like it. In fact, the unions thought those four ministers were the weakest of the weak and had absolute contempt for them. The unions treated them contemptuously, but they do not treat the present minister that way. They signed an agreement with this minister which is still in place today and which has contributed immensely to the improvements to public transport in this state.

On 8 February 1993 the minister announced the government's mobility enhancement strategy. That strategy had been endorsed by the Accessible Transport Consultative Council. The essential elements of that strategy were: the provision of wheelchair-accessible coaches on new country services; the appointment of mobility-impaired users to oversee the administration of the M50 wheelchair accessible taxi program; new Victorian designed wheelchair ramps for trains; and compulsory destination announcements.

Here again was a strike out for better service. We are talking about turning a system into a service. And it is that service that has been driving this government along to do the things that **it** has done in public transport. The great achievements of this government have all been achieved because we are determined to create a service, rather than just have trains, trams and buses running around, with very little regard for the needs of the people who use them.

In February 1993 agreement was reached between the Victorian and federal governments for the standardisation of the Melbourne-Adelaide rail link at a cost of $153 million. That was a necessity for many years and it was done after the Kennett government came to power.

On 28 April 1993 the historic four-year agreement that I mentioned earlier was reached with the rail and other public transport unions. It has saved most railway services from closure and it has contributed $245 million in annual savings for taxpayers. It was signed by the minister and the unions. On 30 April 1993, an announcement was made by the minister about reforms to the Victorian country passenger services that would save the taxpayers of the state $30 million a year. The reforms included privately operated rail services to Warrnambool and Shepparton, which have been an outstanding success.

As you, Mr Deputy Speaker, will agree, the rail service from Melbourne to Warrnambool has been an outstanding success and it will continue to improve and be successful. The people of Warrnambool welcomed the announcement at the time and continue to welcome and support it. The

government also strongly supports the Warrnambool service, just as it supports the service to Shepparton operated by Hoys. It is another outstanding example and it shows the argument of those who say that public transport services must be run by the public sector is total nonsense.

Other reforms made to Victorian country passenger services include the continued operation of V/Line rail services at international best practice to Albury-Wodonga, Swan Hill, Stony Point and Sale and luxury road coaches replacing rail services to Mildura, Leongatha and Dimboola. The Stony Point line, which is in my electorate, is very successful. It has been well supported by the local community and it continues to grow. It is a tribute not only to the people of the area who welcomed the retention of the service but also to the staff who run it. We should not forget that if we had not had the warm cooperation of staff, through the unions, none of these things would have happened. I pay tribute to the staff of the Stony Point line. They do an excellent job and I know that that will continue.

In May 1993 the cleaning of Transport House was contracted out to Security Cleaning Services with savings of $160 000 per annum. The transport portfolio suffered massive losses during 10 years under the Labor government but the things I am now detailing are the ways this government was able to claw back from disaster and the decade of Labor mismanagement.

On 15 May 1993 one of the great successes that can be testified to by members living in outlying areas was the commencement of Melbourne's Nightrider bus service. Without a shadow of doubt that service is an outstanding success because it has been heavily patronised. It provides safety for young people who are leaving the entertainment areas of Melbourne and has created a sense of security for parents that young people have a safe service that will get them home. All buses have telephones so that young people can telephone their homes or taxis to be picked up when they reach their stops. For years parents have cried out for safe public transport for their children. They did not want them to be hitchhiking home. Some of the well-documented disasters that occurred when young people had taken the dangerous route home were the catalyst for the Nightrider service being put into operation. It is going from strength to strength. It is a lasting testament to the good management of the Minister for Transport.

In May 1993 the notorious Southern Aurora Hotel in Dandenong was demolished in the first step of a $5 million redevelopment of the Dandenong railway station. Anyone who has been to the Dandenong railway station since the redevelopment has occurred will see the tremendous difference that has taken place. Dandenong railway station was not a decent place to be, but now it is a pleasure to visit. The demolition of the hotel was the first step of the redevelopment program begun in May 1993 and it was warmly welcomed by the people of Dandenong and district.

In May 1993 the Geelong and Bendigo railway station refreshment rooms were contracted out for a combined savings of nearly $200 000 per annum. Every step of the way the minister has been able to achieve savings while maintaining and enhancing service delivery to the community. Also in May 1993 it was announced that 10 improvements would be made to the Flinders Street station, with a police booth on the concourse - which is now in place - new and upgraded food, newsagency and retail outlets, and improved customer waiting facilities on platforms. These were much needed and welcomed by the travelling public.

In July 1993, due to increasing patronage of the Nightrider buses - this is a quick endorsement of the service - the service was improved with the addition of an extra departure time at 4.30 a.m. from the City Square each Saturday and Sunday morning and three new bus stops in the city were added. That shows how necessary the Nightrider service was.

In July the new $6 million, 1.7 kilometre extension of the East Burwood tram route was opened. Again in July the weekday coach services from South Gippsland and Phillip Island began operating direct to Melbourne for the first time. I am sure the minister welcomed that because it provided services from his electorate to Melbourne. In July 1993 V/Line's freight trucking fleet was contracted out to TNT with savings of $650 000 over three years. That again showed how necessary it was to divest areas of loss from the public transport system that could be profitable under private ownership.

V/Line's new Goulburn Valley super freighter service began transporting containers to and from Melbourne docks on 2 August 1993. On 8 August trams were back on all Sunday services for the first time since 1961. Trams replaced buses on routes 3, 82 and 57. I emphasise that in 1993 for the first time since 1961 the Kennett government brought back trams on all Sunday services. They are things the

Labor government talked about or promised but was never able to deliver. It could not keep its promises.

On 11 August the first contract was awarded for $15 million to Lewis Construction Company for the standardisation of the Melbourne-Adelaide railway link. On 12 August the new $330 000 Moonee Ponds modal interchange was opened. On 16 August 1993 construction was commenced on the $6.3 million City Circle tram loop, which was the first tram extension in the central city for nearly 40 years.

The City Circle tram has been a terrific success. Sometimes you have to stand because you cannot get a seat. The Minister for Transport may correct me if I am wrong, but I understand that on the weekend when many public facilities were open for public inspection, 16 trams ran around the route. The tourism award was won by a Mr Warren Todner, a customer service employee on the City Circle trams who provides information and support services for tourists. It is an outstanding service. I have travelled on the City Circle tram on many occasions and have spoken to tourists using the service, and they all say it is one of the great tourist services in the world. Nowhere else in the world can you get a similar service at no cost. The free ride includes a commentary of various sights as you travel around the city. I urge honourable members who have not yet travelled on the trams to do so. It is a unique and outstanding tourist attraction.

On 22 August 1993 Hoys Roadlines commenced operating the Melbourne-Shepparton rail service, Australia's first private rail service. Also in August, improved V/Line services and modem luxury road coaches on four additional country passenger corridors were introduced. Improved suburban rail timetables providing 43 more loop services and four express services, and faster coach services between Mount Gambier, Ballarat and Melbourne were introduced.

The National Bus Company and the Public Transport Corporation were announced as the successful tenderers of the Met bus contracts. Members representing the eastern suburbs that are serviced by the National Bus Company will attest to the importance of the decision to **award** the contract to that company and the tremendous improvement to bus services in the eastern suburbs. All members say it has been an outstanding success and that the comfort of the buses has improved dramatically.

On 25 August Ballarat was announced as the new home for contracting out computer services for Vicroads and the Public Transport Corporation. The honourable members for Ballarat East and Ballarat West understand the importance of that service to Ballarat, and the government was delighted to make that announcement.

Mr Jenkins - It created 167 jobs.

Mr COOPER - The honourable member for Ballarat West informs me that 167 jobs have been created as a result of that decision. How important is that to Ballarat? It is vitally important and the government, as always, is delighted to support and enhance employment opportunities in provincial cities, as it has done since 1992.

The honourable member for Ballarat West informs me that it is also of great assistance to the Wimmera, and I know the Minister for Police and Emergency Services is keen on anything that helps the Wimmera.

In September there was an extension of driver-only trams to four more routes on weekends after 8.00 p.m., and in the same month Westcoast Rail commenced services between Melbourne and Warrnambool, the second private rail.service in Australia. Without wanting to involve the Deputy Speaker in the debate, I know that he welcomes the introduction of that service.

Mr Jenkins interjected.

Mr COOPER - The honourable member for Ballarat West is very helpful. The servicing of the Westcoast Rail fleet is done at the railyards in Ballarat, creating more jobs in Ballarat. The Melbourne-Warmambool rail service run by Westcoast is not only good for Melbourne and Warmambool but also Ballarat, which is a winner all round. That is why the two representatives of Ballarat are on this side of the chamber - the people of Ballarat know what is good for them. They know that what is good for Ballarat is good for the Liberal Party.

In October 1993 cleaning and graffiti removal for trains was contracted out to the private sector with savings of $910 000 annually. The service is contracted to remove graffiti from the rail system within 24 hours of its appearing. I have personal experience regarding this part of the contract agreement. I know the people doing graffiti removal are doing an excellent job, but are under attack, as they have said publicly. The graffiti on the public

transport system is endemic. It puts the contractors at full stretch. I travel regularly on the Frankston line and I have seen graffiti on stations in the morning and when I travel the same route either that afternoon, that evening or the following day, I note that the graffiti is removed. The contractors are doing their job, but a lot more is needed to be done than having people clean off graffiti. It is an issue that Parliament needs to address.

In November 1993 the Public Transport Corporation contracted out 21 major activities at a saving of $20 million annually - nearly half the in-house costs. The range of activities contracted out demonstrate the benefit of the government coming to grips with this issue.

The new, faster, larger XPT trains commenced overnight services between Melbourne and Sydney in November 1993, in cooperation with the State Rail Authority in New South Wales and in so doing reduced the travel time between the two cities by 3 hours. A contract was signed with the National Bus Company to run the Met bus services in Ringwood, Templestowe and Clifton Hill, and there was the opening of the $150 000 upgrade of the Sunbury railway station. The honourable member for Tullamarine worked hard to ensure an improved service was provided for the people in his electorate. He has been at the forefront of the NightRider bus services and other activities concerning the Sunbury railway station.

In December of that year a fare increase of 4.5 per cent was announced to take effect from 9 January. The popular 2-hour Met service, the NightRider service and most fares for V/Line long-distance journeys were frozen for 12 months. It was the first fare freeze for five years! It again shows the government knows what is going on and is doing the right thing.

In December 1993 the Port Melbourne-Mont Albert tram service provided a link service and the first two Sprinter trains travelling between Melbourne and Ballarat came into service reducing the travel time by 10 minutes. Because of the popularity of the NightRider bus service, on the last day of 1993 the frequency of the service was doubled to a half-hourly service on New Year's Eve. That marked the return of public transport on New Year's Eve - after five years. The Minister for Transport revealed that more than 4000 people used the service on New Year's Eve following the announcement, which was an outstanding achievement.

In 1994 the surplus railway land at Sunshine was donated for a housing project for homeless young people. The new Elizabeth Street tram terminus was opened in February. In that same month as a result of an agreement between V/Line and the Australian Wheat Board it was announced that grain rail freight rates would be reduced by 8 per cent over three years. The honourable member for Wimmera was particularly delighted by the welcome announcement. Grain rail freights are very important to country Victoria, and particularly to our wheat-growing areas.

In February public transport brochures translated into 13 different languages were released. They were designed to assist non-English-speaking Australians, particularly those with disabilities. In March the second stage of the government's transport reform program to improve customer services was launched.

In April three major announcements were made. V/Line freight was to expand its operations into southern New South Wales with the reopening of the Strathmerton-Tocumwal railway line. There was also the commencement of the City Circle tram service. We all remember the spectacular launch at the front of Parliament House, which showed that although members of Parliament may be some things they are also quick on their feet. There was also the announcement of the acceleration by six months of the $2 million upgrade of suburban railway stations over the next five years.

In May a number of outstanding announcements were made. The facade of Flinders Street station was to be cleaned, repaired and painted in heritage colours by the end of 1994. That has been done at a cost of $1 million, and it looks beautiful. There was the opening, which had been announced some months earlier, of the police booth at the Flinders Street railway station. There was also the abolition of the fee charged by country bus operators for the carriage of prams, pushers and shopping jeeps and a further extension of the Nightrider bus service - this time into the new areas of Craigieburn, Milton and Bacchus Marsh.

In June the $20 million program to upgrade suburban rail commuter safety and security was announced. The main features included the establishment of 51 premium stations and the appointment of 330 customer service employees and more than 200 Transit Police to regularly patrol the Met. All stations were to be monitored by closed-circuit television and to have improved

lighting, public address systems, pubic telephones and free-call, push-button communication links.

Also in June the Ballarat railway station's historic refreshment rooms were reopened. They had been closed since 1991 and contracted out to a local small businessman in 1994. I had the pleasure of visiting them recently and speaking to the gentleman who is running the business. He is delighted. They look gorgeous and they are great for the Ballarat railway station. He wants to expand the business. It is all happening at the Ballarat railway station.

Mrs Peulich - You must be getting tired.

Mr COOPER - No. I am prepared to go on for hours. In August two major announcements were made. The first was the signing of the 1994-95 annual service agreement between the Public Transport Corporation and the Department of Transport which set annual performance targets for all public transport modes. On 16 August there was the announcement of the third tramcar restaurant to be launched by the end of 1994. That marvellous initiative shows the value of the minister's first decision just after the election to remove conductors from tramcar restaurants.

In September there was the opening of the new $2.5 million V/Line wagon maintenance depot at Geelong. Again in September the $1 million upgrade for Flinders Street station was put into operation. Also in September was the launch of the National Bus Company's new $20 million fleet with Mercedes-Benz minibuses and some larger ones. The National Bus Company is making a substantial investment in public transport in outer suburban Melbourne.

In October an enterprise agreement was negotiated between the PTC and the public transport unions. It comprised three 2 per cent pay rises over a 12-month period, offset by further savings. There was also the announcement of the opening of the new $36 000 covered walkway between Belgrade's Met station and the Puffing Billy station, which was funded by the Department of Transport. On 3 November that year we saw the introduction of the daylight XPT passenger service between Melbourne and Sydney.

An honourable member interjected.

Mr COOPER - You should listen. I mentioned that before - I said, 'With the State Rail Authority of New South Wales'. On 14 November IBM, operating from Ballarat facilities, was awarded the PTC and Vicroad implementation technology contract, which will save the transport budget $20 million over five years. On 23 November the opening of the Ballarat East locomotive depot historical railway complex for Stearnrail Victoria and West Coast Rail took place.

A new $500 000 Bendigo freight gate to replace the old goods shed was opened in December of that year. It will become a feature of a $24 million shopping complex.

From there we move on to 16 December; I am not finished with 1994 yet. The announcement was made about the average 1995 fare increase of 3 per cent. It was also announced that the popular 2-hour zone 1 Met ticket, Nightrider bus fares and long distance V/Line fares would be frozen for the second year in a row. That again shows that this government knows what is going on.

On the final day of the year it was announced that the after-midnight Nightrider services would be doubled on the nine Nightrider routes, with buses running every half hour from 12.30 a.m. to 4.30 a.m. In addition, the last trains from Flinders Street station would be held back for departure between 12.10 a.m. and 12.20 a.m.

I move to 1995, and I am moving quickly now. In January the Met's first premium railway station at Mount Waverley was opened. In March there was the announcement of a $62 000 grant to restore and repaint the facade of the historic Hawthorn tram depot. A $50 000 grant to refurbish the former Seymour railway station refreshment rooms was announced, and the $27 million electrification of the Dandenong-Cranbourne railway line took place. The opening of the new Dandenong railway station and modal interchange also took place in March.

In April it was announced that a new $10.3 million tram depot would be constructed at Montague to replace the existing South Melbourne tram depot. That construction is underway. Members who want to view the construction will see that it is well advanced. It will be opened early next year. In April 1995 the government announced its intention to retain the Upfield railway line and to seek $23 million of federal funding for a long overdue upgrade.

Also in April a $31 million upgrade of Melbourne's bus, tram and rail facilities over the next four financial years was announced, with $22 million

going to upgrade 200 suburban railway stations, $6 million for new railway station car parking, $1.5 million for bus-rail interchanges and $1.4 million for the new Melbourne University tram terminus. Also in April there was the announcement of a $6.5 million V/Line freight capital works program for the following two financial years, $5 million of which was going to the standardisation of the Ararat-Maryborough and Maryborough-Dunolly railway lines and $1.5 million for the purchase of Australia's first road-transferable locomotive. That has been running on the lines during the past few months and has been doing very well, indeed.

In April there was also the launch of the Met's second premium railway station at Camberwell and the implementation of a priority review of Collins and Flinders streets tram services, with extra week-day services on those corridors.

In May there was the announcement of $49 million being allocated over four years for the overhauling of the Met's entire Comeng train fleet. In May it was also announced that the PTC would spend $360 000 in the 1995-96 financial year to install state-of-the-art digital clocks at 63 suburban railway stations.

In May it was also announced that public transport would receive an extra $145 million in capital funding over the next four financial years. That money would go towards the $49 million upgrade of the Comeng train fleet which I have just mentioned and would complement the $36 million already being spent to upgrade the Hitachi train fleet. That would mean that all suburban trains would be overhauled and refurbished over the next four years. There was the $10.3 million for the tram depot at Montague and the $5 million on the two country rail lines, which I have mentioned.

Also $6.2 million is allocated to eradicate ozone-depleting gases and PCBs from the PTC's equipment and facilities to meet Australia's international treaty obligations in Victoria's Environment Protection Act. In May there was also the announcement of the next stage of public transport reform with the introduction of new competition legislation for the bus industry and the setting up of two new transport corporations, with both V/Line Freight and Metbus to be established as separate corporations with their own boards independent of the PTC.

Again in May a new $4 million train-washing plant was opened in North Melbourne and there was an announcement that long distance V/Line fares had been frozen for the third consecutive year. As well, Victoria's newly converted $20 million standard gauge line was officially opened in Portland.

Announcements were also made in May about the need to upgrade safety on the Rosanna rail corridor and a new package of improved after-midnight Nightrider bus services following a boost in patronage of more than 25 per cent. Fares for the Nightrider service were to be capped at $5 for the third year in a row.

In June that year there was an announcement of the beginning of work to upgrade the Broadmeadows railway station to premium station status, with the work estimated to cost more than $400 000. Also in June was the launch of V/Line's new sprinter service between Melbourne and Traralgon and a new $9 million railway station and South Side Central development were opened at Traralgon. Expressions of interest were called for the commercial development of the Diamond Creek station surrounds. There was the announcement of an exciting private sector proposal to revitalise the Bendigo railway workshop, which it was said at the time could lead to the protection of the existing 110 jobs at the workshop and had the definite potential to create further jobs in the future. That has proceeded, the workshop is in operation and those jobs have been protected. That was greeted with considerable elation by the workers at the workshop as well as the unions, which were involved in the process of negotiation.

In July that year there was an announcement that the Werribee railway station was to become a $750 000 premium station and the site of a new $250 000 bus rail interchange.

In August there was the opening of the refurbished Sydenham station, including an enclosed waiting area, better car parking arrangements and improved toilet facilities; along with the launch of the Met's third premium station at Glen Waverley, followed very soon afterwards by the fourth premium railway station at East Malvern. Also in August it was announced that Victoria's public transport patronage had increased by more than 10 million boardings, or 3.6 per cent, in 1994-95. There were increases in patronage on every public transport mode, with the highest increase of 4.4 per cent in Met Train and Private Country Rail.

In September of that year it was announced that all the 53 W-class trams would have heating installed

by the following winter, and the Croydon Nightrider service was extended to seven days a week. Again we see the ongoing success story of the Nightrider bus service and its expansion.

In October that year the Bundoora RMIT tram extension was opened and the Sandringham premium station was launched. Also in October the minister announced that crime on public transport had fallen by 13.9 per cent in 1994-95.

In November the Frankston premium station was launched. On the same day the official launch of the upgraded Stony Point rail service was announced, and four days later the Elstemwick premium station was launched. Two days after that a $250 000 grant was announced for the Ripponlea railway station. I note that last Saturday the Minister for Transport and some members of Parliament - unfortunately, only coalition members turned up and showed any interest - were at Ripponlea railway station attending a barbecue/sausage sizzle to show the public the sorts of things this government can do.

The public welcomes that kind of interest from the minister. We are not just a Monday-to-Friday government; we are a 7-day-a-week, 24-hour-a-day government. We get things done and the reason is that we have ministers of the calibre of this Minister for Transport. We have a cabinet full of ministers of that calibre, but I pay particular tribute to the Minister for Transport for the tremendous job he has done in rebuilding the transport systems in this state.

In November the Brighton Beach railway station was given premium station status and the minister announced $100 000 would be allocated for new and improved bicycle facilities at railway stations throughout the system.

In December the Mordialloc premium station was launched. Seven days later the Oakleigh premium station was launched, and on 17 December the minister announced a fare freeze in 1996. The minister also announced that the fine for drinking alcohol on trams, trains and buses would be up to $200 from January 1996. I am only sorry he did not increase the fine to $200 for people who put their feet on the seats on the public transport system. That is one of the lingering things that irritates me as a regular public transport user, and I would like to see people putting their feet on seats dealt with so they do not do it again.

In December there was also an announcement of the deregulation of rail freight from 1 January 1996. In January 1996 we saw the opening of the upgraded Footscray bus depot. There was the announcement of a $300 000 works program for Richmond station.

In February there was an announcement of increased services on the Sandringham, Dandenong, Pakenham, Cranbourne, Frankston, Lilydale and Belgrave lines. There was also an announcement of increased services for the Melbourne grand prix and the launch of the Glenferrie and Mitcham premium stations.

A month later the public of Victoria endorsed this government's approach to public transport by re-electing it and saying, 'We want more of what you have given us over the previous four years'. That is what they are getting.

What has been done in public transport between 1992 and 1996? The answer is a lot. As I said when I started to read out that list, if I had more time I would be able to double the number of achievements with which I could acquaint the house that the government has initiated and put in place. They have resulted in what the minister set out to do in 1992 - turning a system into a service.

We now have to ask where we go from here. My motion expresses my concern, using the words:

> ... regretting the lack of genuine policy commitment by the Labor Party to transport issues.

I should like to address where Labor is, or is not, on transport policy because it is germane to the debate today. The house should be made aware of what has been, or has not been, going on.

In April 1995 the ALP published a document, *Melbourne Access 2000.* It is described as a balanced transport alternative to City Link. The document was produced by the same people who made Victoria's public transport a total catastrophe in the 10 years between 1982 and 1992, so of course it received jaundiced reviews. I shall address some of the jaundiced reviews in a moment, but, according to the Leader of the Victorian Labor opposition, a Mr John Brumby:

> Melbourne Access 2000 is an innovative and affordable plan. It is fully funded and financially responsible.

I do not want to go through the many pages of the document, which is large, but it is worthwhile to inform the house of some of the comments made by

people who have gone through the document because I think they are pretty important.

On 15 May 1995, the *Brunswick Sentinel*, a journal of which I have little knowledge but which obviously circulates in Brunswick, printed the following under an article headed, 'Branches attack ALP poli$_{cy}$':

> Two Brunswick ALP branches have joined the mounting criticism within party ranks of the opposition's Access 2000 transport policy document ...
>
> well-placed opposition sources told the Sentinel there was dissent between shadow ministers, members of the ALP's transport policy committee and long-serving ALP members over the preparation and release of the document.

It doesn't sound like it got off to a very good start, does it? In an article in the Camberwell *Progress Press* of 10 October 1995 - I found this remarkable - headed 'Downgrade Access 2000: :MP' the following appears:

> Shadow roads and ports minister Keith Hamilton has called for Access 2000 to be dropped from ALP policy.
>
> He said Labor's alternative to the Liberal government's City Link project should be regarded as a '$_{po}$sition statement rather than policy'.

The document was published in April 1995, and in October 1995 a frontbencher, the shadow spokesman for roads and ports, repudiated the document and said he wanted it dumped. I don't know whether he got his way, but other people commented. On 22 May, the *Brunswick Sentinel* reports:

> Brunswick-based anti-freeway group the Upgrade Upfield Coordinating Committee has criticised Access 2000.
>
> Spokesman Nick Dow said the document made Labor the 'lesser of two evils' ...
>
> 'At the moment the Liberal Party is looking a lot better than the Labor Party on public transport with the saving of the Upfield line.'

So their own people were turning on them. The *Melbourne Leader* of 22 May 1995 says:

> The Victoria Labor Party's Access 2000 document has come under fire from within its own ranks with some senior members and local branches condemning its release.

On 15 May 1995, the *Melbourne Leader* says:

> Opposition spokesman on roads and ports, Mr Batchelor ...

I thought that earlier Mr Hamilton was the opposition spokesman. The *Progress Press* in Camberwell of 10 October says the shadow minister for roads and ports is Mr Hamilton, and on 15 May the *Melbourne Leader* says it is Mr Batchelor. Obviously they do not know who's who - nobody over there seems to know what he or she is doing. The *Melbourne Leader* says:

> Opposition spokesman on road and ports Mr Batchelor says the ALP will devise a broader public transport policy than the Access 2000 document.

So he is obviously backing well away from *Access* 2000, too. The article says also:

> Mr Batchelor said that the ALP ... would outline an integrated public transport system taking into account their views.

So the ALP publishes a document that it then significantly repudiates. Since then we have heard little from the ALP on public transport poli$_{cy}$. I could quote various people and comments on the ALP's slightly weird approach to public transport. ALP members say one thing 1 minute and the next minute they back away from it. We have shadow ministers disagreeing with each other, we have repudiation of poli$_{cy}$ documents, we have descriptions of poli$_{cy}$ documents as not being poli$_{cy}$ any longer, but simply position statements. Generally it is a story of a political party that would not know its apex from its base!

I turn to a document published sometime in early 1996 by Victorian Labor entitled *Fast,frequent and reliable - A better public transport dealfor the outer suburbs.* It is published by the A1,1stralian Labor Party Victorian Branch 1996, and is authorised and printed by J. Lenders, 23 Drummond Street, Carlton South. The document says:

> Melbourne has one of the largest rail and tram networks in the world, yet patronage levels are low by international standards.

This is just great! It goes on:

> Public transport patronage in Sydney is 70 per cent higher than in Melbourne, and is nearly three times

> higher in Toronto, a city with a similar population density.

I suggest that whoever wrote this should go to Toronto and start learning about Toronto's public transport system. He or she would find Toronto's transport system is not what they say it is.

An honourable member interjected.

Mr COOPER - It is a misleading statement. The document goes on:

> A key challenge therefore is to make the system work better - to improve the frequency and coordination of services, passenger safety, and provide the necessary links in the network, particularly in new outer suburbs.

I turn to a section headed, 'Operation best transit' - they certainly got the names right. It says:

> A Brumby Labor government will establish a demonstration program ... An urban corridor will be selected for the demonstration program ... The selected corridor will be treated to a quantum rise in public transport service to match best world standards ... increased speed, frequency, and reliability of rail and tram services ... increased frequency and hours of operation of feeder bus services ... better security and safety for passengers ... a public education campaign to encourage a change in the culture of travel and attitudes to publish transport.

An ALP policy that was released just prior to the election says, like the VEDC on public transport: we're going to pick a winner; we're going to find a corridor somewhere, and we're going to give them everything - and the rest of you can all go jump! I wonder where the corridor would be? It wouldn't be Upfield because the ALP government wanted to close Upfield. It would pick a corridor that goes through some of its members' safe seats or through marginal seats, to try to shore themselves up. They would put on a demonstration program. They do not say for how long the program would run. It would probably go on for years - if they were still in government!

I wonder if members remember the last demonstration program introduced by Minister Spyker, or it might have been his predecessor Minister Kennan. He produced a demonstration program with the double-decker train. They brought one down from Sydney. It is still running around the circuit, because it is too expensive to scrap. It can run only on the eastern suburbs line. We had to lift bridges and lower tracks and God knows what else to get the train out there on the promise made by the minister at the time that we would have double-decker trains running all over the system. What happened? We got nothing. It was simply a ploy, a public relations stunt.

Here is evidence that Labor Party members have not learnt anything. They do not learn; they just repeat the same old sins. Prior to the last election they came out in desperation with something they hoped might be acknowledged as being a policy in which they say, 'We're going to establish a demonstration program'. That is wonderful. This is not a public transport policy; this is an attempt to hoodwink the travelling public! At the end of the short policy statement, in a little box on the last page, page 6, it says:

> Financial Management rider
>
> This platform is subject to the financial management plan, which commits Labor to rigorous financial management and reporting requirements, greater accountability and improved government performance.

In other words, they are saying, 'We are making the promise of a demonstration program, but if we don't have the money, we won't do it'. So it is what is called the fingers-crossed policy. They are saying, 'We're not going to do it, but we've got our fingers crossed so that if we don't do it we can't be accused of breaking the promise'. Isn't that just wonderful? Prior to the last election that was the best that Labor could do on a transport policy. We have been waiting for what the shadow minister, the member for Thomastown, whom I quoted earlier, said when he was repudiating Access 2000 - that the ALP will devise a broader public transport poli$_{cy}$ than the Access 2000 document. He said they would be taking into account a lot of views before they published the document. I have been waiting with bated breath for the document. It has not appeared; we haven't seen it.

Last Saturday, when I was in my electorate office and I was surfing the net, I came across the home page of the member for Essendon, who has established a site on the Net. It refers to somebody who describes herself as the 'Shadow Parliamentary Secretary for the Arts, Judy Maddigan, M P for Essen.don'. Under the heading 'Welcome to Essendon electorate!' it states:

> This is the home page of your local member ...

It asks people to 'click here' to bring up a range of interesting topics, including the arts, transport, e-mail and 'Judy'. I do not know what you get when you click on 'Judy' - and I sincerely hope I am not going to find out. One of the selections is Labor's transport policy. The policy has been released to the Net by the honourable member for Essendon, not the honourable member for Thomastown, who reputedly is the Labor Party spokesman on transport. The policy covers Labor's transport objectives and principles - although it is difficult to use 'Labor Party' and 'principles' in the same sentence. The policy also covers public transport infrastructure delivery, country passenger rail services, roads, road safety and airports. I had a quick read and found it very interesting. This is what the honourable member for Essendon has announced as Labor's public transport policy:

> Labor recognises that many public transport users have been turned off using the setVice during the period of cutbacks and gross mismanagement of the Kennett government.

That is a fascinating statement given that we have announced two successive years of significant increases in public transport patronage. I do not know what the honourable member for Essendon is talking about; she is certainly not talking about reality. She goes on to say:

> We intend to maintain safety and security whilst introducing new technology and ticketing systems.

I am glad she appears to be endorsing the present government's ticketing initiatives. Surely she is not saying she wants to go back to the days of Jim Kennan's scratch tickets, so one assumes she is saying Victoria needs an automated ticketing system and is therefore endorsing what the government is doing. She goes on to talk about services for aged people-although that information is historical. She also sets out Labor's policy for the next election. The minister will be delighted that, on behalf of the Labor Party, the honourable member for Essendon says:

> Labor will establish, on a formal basis, a structured advisory committee to deal with the transport needs of people with disabilities.

It will come as a shock to the minister to discover that he has been caught out on this matter! The minister established a committee such as that in 1992 or 1993. It has been in operation for four years or so, yet the honourable member for Essendon is promising that the Labor Party will establish it after the next election! She goes on to say:

> In government Labor will ensure that the infrastructure needs of our fixed rail (tram, train and light rail) system and our buses are expanded and upgraded to:
>
> help restore customer confidence in our public transport system
>
> dramatically increase the number of people using public transport, particularly people commuting to and from their work ...
>
> reach places of importance and go places where people want to travel.

It sounds as though the member for Essendon is saying she wants to turn the system into a service. She seems to be saying she is very happy not only for the honourable member for Cranboume because the train service has been extended to his electorate, where people want to go, but also for the people of the eastern suburbs, who are now receiving a significantly improved bus service because of the initiatives of this government. It sounds as though she is endorsing the transport policy initiatives of the Liberal and National Party government.

She goes on to talk about rail infrastructure and a commitment to upgrade the Upfield line - that coming from a political party that tried so hard to close the line down. The only thing that kept the Upfield line open was the Labor Party's belief that it would lose more seats than it did. It is obvious that when the honourable member for Thomastown takes over as deputy leader from the honourable member for Richmond, the honourable member for Essendon will be promoted to shadow minister for transport. Good luck to her!

On behalf of the Labor Party the honourable member for Essendon makes a commitment to electrify the rail line to Craigieburn and to upgrade the Sprinter and diesel services to Melton and Bacchus Marsh as a preliminary step to electrification of the Melton line. She also makes a commitment about extending the electrification of the Frankston line to Baxter as the first step towards electrification of the line to Mornington, which is a long way from Essendon. Obviously she does not know where it is, because it is beyond the tram tracks. The honourable member for Essendon should look at patronage levels. The line is now owned by the Momington Rail Preservation Society. Where will she get the money to implement that policy? Will she borrow again? We are not talking about chickenfeed; we are talking about the big money that

is needed for the electrification of the line to Craigiebum, the upgrading of services to Melton and the electrification of the line to Baxter. From Frankston to Baxter is not just down the road; it is a long way. It is even further from Baxter to Momington, yet the honourable member is committing a Labor government to doing all these things.

She is also committing the Labor Party to increasing the standard of metropolitan bus services to international best practice by increasing frequency and by providing a full service, including night and weekend services, better coordination between bus and train timetables, and increased feeder services to the rail network. I would like to know where the money for that is coming from, because that is not chickenfeed either. If the honourable member looked back in history, she would know about the seven-year contracts that her government entered into under pressure from the Bus Proprietors Association. Does she want to revisit those days?

Without understanding what is going on, she is committing the taxpayers of this state to pouring multi.millions of dollars into services that may not be needed. Talk about wet behind the ears! The fledgling member for Essendon knows nothing about public transport. She could not even get herself elected to the RACV board. She came fifth - and she would have come sixth if there had been six candidates. She does not understand a thing, yet publishes a document on public transport commitments not only on her behalf but on behalf of her party, describing it as Labor's transport policy. She says the buses will be funded by new contracts with the bus companies and an ongoing financial commitment from the Victorian government. That is a bland statement. What does it mean in dollars and cents? She does not spell that out. The history of Labor on transport has been one of debt, debt and more debt. The honourable member is talking about putting it on Bankcard, about plunging the state into greater debt.

Mrs Maddigan interjected.

Mr COOPER - She can yell as much as she likes in trying to wriggle out of what she has put on the Net. She has committed a gross crime against her party by putting onto the Net policies the party will not be able to meet. She talks also about country passenger rail services:

> A Labor government will review the operation of all bus services that have replaced the passenger train services ... A Labor government will also review contracts entered into by the Kennett government for the provision of replacement bus services ... Any such decision to reinstate a rail service is conditional on the local community supporting such a service.

In other words: we're promising you a lot, but we're not going to deliver. It is the old story, and on it goes. She goes through the freeway policy, pedestrians, cyclists, road safety - and she even gets into air. It is amazing; this talented backbencher has produced an all-embracing public transport policy. Welcome to the Essendon electorate, welcome to Labor's transport policy, welcome to debt, and welcome to the bad old days!

Let's revisit the bad old days. Instead of Crabb, Kennan, Roper, and Spyker, what will we have next? Batchelor and Maddigan. What a double! What a total disaster!

Let us look at that in comparison with reality and sanity. Let us look at the coalition's public transport commitments. Let us look at a public transport policy that meant something to the people of this state, a policy on which we went to the election in March this year and which was endorsed overwhelmingly by the people of this state. That is why we have all these people over here and why you have so few people over there - the very sad, dispirited rump that sits over there whining and carping with no policies, no commitment, no leader - nothing! It just sits over there.

You know the old joke, don't you? 'Knock, knock. Who's there? The Labor Party'. That's what it is. But all is not lost for it, because I understand - and I have heard this from good authority - that Labor Party members are doing a deal with and will be sponsored by the Australian Stock Exchange on the basis that they change their name from the Labor Party to the all ordinaries. I believe they are seriously tempted, because they reckon they cannot get any lower or any worse than they are now. They have really hit the bottom. Now they are not only on the bottom; they are bumping along it. So perhaps they will take up the option offered to them in that deal.

An honourable member interjected.

Mr **COOPER** - No, not really. It all comes naturally, Peter.

Mr **Batchelor** interjected.

Mr COOPER - Do keep going. I have another hour and 5 minutes, so if you want to keep interjecting, that's fine.

Mrs Maddigan interjected.

Mr COOPER - You just keep interjecting. Give me something to respond to and I will keep talking.

Mrs Maddigan interjected.

Mr COOPER - I am glad you are obliging. Not only do you want to cut your shadow minister out from policy announcements; you now want to cut him out from making a response on this motion.

Mrs Maddigan interjected.

Mr COOPER - She cannot stop. She is on a roll and she just cannot stop.

A n **Honourable Member** - That policy is called Maddigan madness.

Mr COOPER - It could well be.

The policy that was endorsed by the people of this state in March this year was the public transport policy of the coalition.

Mr Brown interjected.

Mr COOPER - Yes, an excellent policy. It included a number of dot-point commitments by the government, which I will read because they are important. In the executive summary the policy document says:

> In a second term in government, the Liberal/ National parties would introduce the following initiatives:
>
> > The current Met Summer timetable which reduces train and tram service during December/January will be abolished ..
> >
> > There will be only two timetables for Met train and Met tram, weekday and weekend/public holiday, thus providing customers with greater certainty and a better overall level of service ..
> >
> > Services on the Cranbourne line will become more frequent, increasing from 60 minutes to 40 minutes on Sundays. The hours of operation for Cranbourne services from the city will be expanded on Monday to Thursday from 9.30 p.m. to 11.30 p.m. to match the other three nights of the week ..

I note the honourable member for Cranbourne thinks that that is pretty good stuff, and it certainly is, because it is servicing the highest growth area of the state, which deserves to get that kind of increase in its public transport services. The document goes on to say:

> For the first time, City Loop rail services will run every Sunday ..
>
> The Upfield Railway Line will be maintained and upgraded ..

That is important. The commitment is there, the money is there - and it will happen.

Mr Brown - It is our money.

Mr COOPER - That is absolutely right. As the minister interjects, it is our money.

The document continues:

> The railway line at Boronia will be lowered to alleviate the problems which currently exist at the Boronia rail crossing ..

What a shame the honourable member for Knox is not here, because this is something he and his colleagues in the eastern suburbs have been very keen to see occur. That will now happen during the second term of the Kennett government. It continues:

> An additional 10 premium stations will be established ..
>
> All bus operators will be required to gain accreditation which allows the government to ensure that only competent operators enter the industry and provide services to the public ..
>
> The Public Transport Corporation will be disbanded with Met tram and Met train established as totally separate organisations and Met Bus to be divested, with a preference for an employee/management buy-out ..
>
> Met Train and Met Tram will contract out their infrastructure and vehicle maintenance requirements ..
>
> There will be a $23.8 million upgrade of amenities at Flinders Street Station ..
>
> V/Line freight will be separated from the P f C and established with its own Chief Executive and Board, thereby placing it in a more competitive position ..

A study will be commissioned to assess the costs and benefits of further standardising Victoria's remaining broad gauge rail network ...

A 'one-stop-shop' for all public transport service inquiries and bookings to be known as *Victrip* will be set up ...

Current V/Line coach contracts will be put up for tender upon expiry with the option for tenderers to nominate either rail or coach modes ...

A new station will be built at North Shore in Geelong to serve passengers using the interstate standard gauge line ...

A $400 000 program will be implemented to expand the network of secure storage facilities for our cycling customers throughout the metropolitan area by constructing new storage facilities at 30 premium stations ...

Expressions of interest will be sought from the private sector for the establishment of a world-class transport museum at the Docklands ...

That public transport poli$_{cy}$ is not only meaningful but has also been costed and can be put into operation. And it will be put into operation. It is not a poli$_{cy}$ of empty words; it is not a poli$_{cy}$ of false promises; it is not a poli$_{cy}$ of fingers crossed and we hope; and it is not a poli$_{cy}$ that depends on going out to the international money markets, borrowing on the state's Bankcard and plnnging the state back into significant debt. It is a responsible, fair and reasonable poli$_{cy}$ that continues the determination of this government to turn the system into a service. That is what we are doing.

The policy received significant approval and support from the people of this state, which they showed at the last general election when the coalition government was re-elected to power and given the mandate to go on with the reforms it has started to implement in October 1996.

I would now like to comment on some of the things people have been saying about the public transport system, their responses to the things that have happened, and their comments, good and bad, which I think are important to put on the record.

One of the things this government does not claim, and which would be ridiculous to claim, is that it has solved all the state's problems. We are not there by a long chalk; we have a long way to go, but we are a lot further ahead than we were in 1992. There is a heck of a lot more to be done, and the first people to acknowledge that, nnderstand it and work on it include this minister, the Minister for Transport, and members of this government. We are keen to see the public transport system in this state improved in an equitable and reasonable way. That does not mean going out, borrowing huge slabs of money and wasting it.

We can all remember the reformist zeal of Minister Crabb when he came in in 1982. He wanted to do a whole lot of things, including reducing staff numbers in the public transport system. So what did he do? He went out and borrowed massive sums of money and proceeded to give golden handshakes to a large number of employees, only to find that the ones who had grabbed the packages were essential to the system and that he not only had to re-employ them as contractors but also had to employ more. So we ended up with more people on the staff after spending, I think, $80 million of borrowed money.

That is not the sort of good management this government involves itself in. It is not about wasting money the way the Labor government wasted money between 1982 and 1992.

In 1995-96 patronage on all modes of public transport increased. Patronage increased on Met trains by 3.7 per cent. That was the highest patronage on Met trains since 1976-77. Patronage on Met trams also increased 4.9 per cent, the highest patronage since 1989. Met buses received a 3 per cent increase in patronage. V/Line had more than 7 million patrons in 1995-96, which was the highest V/Line patronage since 1954-55. The average patronage in 1994-95 increased by 4 per cent, with a further increase in 1995-96.

The government has made commitments for the upgrading of passenger facilities on conntry railway stations and to upgrade and retain the Upfield railway line with the subsequent introduction of evening and full weekend services. There has been a major improvement to the Flinders Street station, including the Swanston Street concourse, the platforms, the Elizabeth and Degreaves streets subways and the work on the ballroom.

There has been a $5.7 million upgrade, which is continuing, of the Z1 and Z2 trams and a further $14.2 million has been provided for continuing work on Melbourne's metropolitan stations. Approximately 50 premium stations have been completed and 10 more have been annonnced as

part of the government's election policy. Approximately 80 non-premium stations have been upgraded. Improvements announced in the election policy have been made to train timetables and city loop services on Sundays, with a timetable for weekdays and one for weekends and public holidays that have already been implemented. The summer timetable has been abolished.

Some 3 million people have been carried by the City Circle tram during the past financial year. As I mentioned earlier, Warren Todner, a conductor on the City Circle trams, won a certificate of merit in this year's tourism awards. That shows the tremendous impact the City Circle tram has had on the city and the tremendous boost it has been to the tourism industry in Victoria. The minister has made available a W-class tram to the City of Port Phillip if it decides to establish a free loop tram service in St Kilda. They are the sorts of things that have been happening that are worthy of credit.

In July the *Age* published a report from the Industry Commission which commended the Public Transport Corporation because it carried 61 per cent more rail passengers per employee in the city and 30 per cent more in the country and passengers were paying 10 per cent more in real terms, which has doubled the cost recovery ratio from 35 to 71 per cent. While the number of railway workers was almost halved, the number of train cancellations fell sharply, and more country passenger trains ran on time, although freight trains became less reliable. Taxpayers were still paying 52 per cent of the costs of running the urban system, compared with 60 per cent in Labor's last year. Passengers met 51 per cent of their costs on trains, 48 per cent on buses and 46 per cent on trams. The *Age* editorial on 2 August under the headline 'Many happy returns' states:

> We were led to believe it was not possible. The implicit message from the previous state government and the public transport unions was that the state's transport seIVice was as good as it gets ... This week, the transport minister, Mr Alan Brown, announced that the service has halved its 1993 annual debt of $500 million. Since coming to power in 1992 the government has shed 9200 public transport jobs. Staff and debt reduction were always important in terms of efficiency but, in themselves, they were never going to persuade people to use a system that was unreliable, unsafe and inconvenient. However, Mr Brown's latest figures would appear to have made significant improvements on this score. They tell of an increase in bus shelters, a reduction in graffiti, punctuality improvements and the upgrading of platform facilities. Pleasing as this evidence is, the most significant figures are those which show that the tide of public use has tumed: patronage of the system is now increasing. According to the Public Transport Corporation, train travel rose by 3.7 per cent in 1995-96, lifting the patronage level to the highest mark in 20 years. Tram use increased by almost 5 per cent, topping a 4.3 per cent rise the previous year ... even the harshest critics should commend Mr Brown for taking on one of the toughest portfolios and bringing to heel the unions that had made it so tough. The most creditable consequence of this political determination has been his success in bringing costs, previously regarded as virtually out of control, back to reasonable proportions ... Mr Brown deseIVes to be congratulated ... Commuters ... are looking forward positively to the next stage.

That was a fair and even-handed response to the announcement by the Industry Commission. I note that the *Age* editorial states:

> ... even the harshest critics should commend Mr Brown ...

What it did not take into account, however, was the knocking approach by the Labor Party. It does not matter what good is done in this state; the Labor Party will knock it! The Labor Party will not find anything good to say; it will say that it is not good enough! When the honourable member for Thomastown makes his contribution he will not congratulate the government on the good things that have been done; he will take the knock, knock approach. It is an approach that the Leader of the Opposition is desperately trying to stop his party from continuing. He is trying to get them to be a party that is not seen as a killjoy, knocking party that is constantly carping and criticising. However, that message seems to be lost on the members who sit behind him.

In August an editorial in the *Age,* which is not known as a newspaper that is overly friendly towards the government, gave unqualified praise for the job done so far by the government on public transport reforms. It said that commuters are looking forward positively to the next stage. So should the whole state, including the Labor Party! We should all be working together to fix something that was an embarrassment to the state, but the members of the opposition are more interested in being killjoys and being gleeful about the things that have gone wrong rather than the many things that have gone right!

In a press release of 27 April 1995 the Public Transport Users Association attacked the Labor Party transport policy document *Melbourne Access 2000*, which I referred to earlier. It referred to the indecision that led the Labor Party when it was in office to procrastinate endlessly over public transport alternatives. The association is right about that because it is the same approach the opposition is using these days. From one minute to the next we do not know where the Labor Party is on these issues because it does not have a consistent policy; it changes from one minute to the next. It is rather off-putting to read a document one minute and then to find in the next minute that press releases from various Labor Party members attack those documents. Mr Paul Mees, the Secretary of the Public Transport Users Association outlines in a press release of 27 April 1995:

> Some exasperated Labor Party members have suggested to me that if Labor's timidity and Alan Brown's new direction both continue, the Kennett government may emerge as more prerpublic transport than the ALP!

The forecast made by Mr Mees in April 1995 has come to fruition! The Kennett government is more pro-public transport than the ALP, and that is to be seen in all the statements and actions that are occurring.

Some people understand that public transport is improving and I shall quote those people. In a letter to the *Campaspe News* of 24 September 1996, J.E. Verity had some comments to make about the public transport system.

Mr **Batchelor** interjected.

Mr **COOPER** - The honourable member for Thomastown says he does not know where Campaspe is. That reflects what members of the Labor Party are on about. They lose interest when the tram tracks end. That is sad for the people of country Victoria because the Labor Party's attitude is, 'Bad luck, boys and girls, look after yourselves'. The Labor Party policy is to abandon country Victorians. It believes they can transport themselves on a horse, but in reality they do not really care.

J.E. Verity states:

> I am writing to publicly congratulate all who were involved in the V/Line promotion day on Sunday, September 15.
>
> The train ride from Rochester to Echuca and then from Echuca to Barnes was a wonderful opportunity for all to experience modem rail travel and to also explore other towns.

The letter is interesting because it comments on the fact that the government has returned a train service to Echuca, the first time a passenger train service has run to Echuca since the early 1960s. Everybody else gave the service away, but this government returned a passenger rail service to Echuca for the first time in more than 30 years, and the letter reflects the importance of that to the people in that area. When I read out the letter all I could hear from the opposition benches were jokes, sneers and comments that it is not important and who cares about country Victorians.

Honourable members interjecting.

Mr COOPER - The Labor Party does not care about country Victoria; it just wants to knock and sneer at the successes of the government. Those sneers are now on the record.

The Labor Party believes public transport passenger rail services outside metropolitan Melbourne are a joke. It does not care about them. The Leader of the Opposition is trying to stop members of the opposition being negative, sneering and knocking the successes of the government; he is trying to get them to be positive, but he is fighting a losing battle.

The contributions to debate by members of the opposition comprise sneers and knocking of the government's achievements. It is a sad reflection on them and bad news for country Victorians because once the tram tracks end the Labor Party's interest ends and the people of Victoria understand that.

The *Knox News* of 8 October under the heading, 'Trains get the nod' reports on a survey it undertook at Boronia railway station, where it interviewed a number of passengers. The article states in part:

> ... most people are reasonably happy with the service and believe it is better than it was a few years ago.
>
> These are among the findings of a survey of passengers at the Boronia railway station carried out by *Knox News* last week.
>
> ... Lindsay Simonsen, an insurance agent of Boronia, said he shared a concern about travelling on trains late at night, 'I never feel comfortable,' he said.

Apart from that, he said he was happy about the regularity and reliability of the service and the cleanliness of the trains.

Heather Leafe, a bank officer of Boronia, said the service was 'Not too bad' but she also had some concerns.

'School kids take up a lot of space and won't give up their seats, even though some of them don't have tickets,' she said.

... Brendan Prendergast, an accountant of Bayswater, agreed. 'The system has its bad days but overall I think it operates reasonably well,' he said.

A daily commuter to Box Hill for the past eight years, Mr Prendergast said he believed the service 'had probably got better' during that time.

Honourable members interjecting.

Mr COOPER - I said a few moments ago that the government does not claim that it has a perfect system and acknowledges that it has a long way to go. The comments from passengers using the service regularly indicate that it is getting better, which is the aim of the government and should be the aim of any government when improving a system that was bumping along at the bottom of the road; a system that had sunk as far as it could. The government is improving the service but cannot tum it around overnight or even in two or three years. It is a large task to tum around a dilapidated public transport system. It takes time to get it to the stage where passengers will make more favourable comments than those to which I have just read to the chamber. Despite the sneering from the honourable member for Thomastown, the comments show the system is improving and people using it are saying it is improving and getting better.

I do not know why the honourable member for Thomastown should feel happy at the fact that people cannot say it is a great system. When the honourable member was a member of the government he watched former ministers for transport operate a debt-ridden system that was falling apart. Surely the honourable member and other members of the then government would have welcomed comments such as those to which I have just referred. We should be encouraging and congratulating the users and operators of the services.

The current comments by people in the eastern suburbs acknowledge that the system has problems and that they have some concerns about the service, such as not feeling safe while travelling at night, and who would feel safe on the system at night. I have no doubt that more policing and work needs to be done in that area. No member of the government is saying that the system is perfect, but it is improving.

I have no doubt that the opposition will say, 'Hold on, you came to power four years ago and you have not created the perfect public transport system.' We have not created the perfect transport system, but look what we inherited - it is on the record. The honourable member for Williamstown was an adviser to a former Premier of Victoria, so he is one of the people responsible for the run-down of the service and should hang his head in shame for what he and his colleagues did until 1992. I am surprised the opposition has the gall and hide to attack the government over the improvements in the public transport system. The Labor Party has no credibility, as was shown during the election this year when it was wiped out, and it will be wiped out again at the next election. The political realists and the hard heads in the Labor Party know they will be wiped out at the next election.

They know they cannot dent this government. There is no way that they can dent it on performance. We have performed. In the public transport system the performance is on the record.

I repeat, because it needs to be put on the record time and again: this government does not claim that it has created the perfect public transport system, but it claims that it has created something a damn side better by a long way than the system it inherited in 1992.

On 23 September 1996 a Mr Kelvin Davies of Scott Grove in Glen Iris wrote a letter to the Minister for Transport in the following terms:

Dear Mr Brown,

Last Friday ... my wife and I travelled by train to the showgrounds from our local station, Gardiner. It was a very quick and comfortable journey.

When we left the showgrounds and boarded a city bound train I was most impressed to see staff removing any rubbish from the carriages before it left the station. We were even more impressed to be greeted in the train as it travelled between Spencer and Flinders

Street stations by customer relations staff asking if we enjoyed our visit to the show and wishing us well.

I am an occasional user of trains and trams and I have noticed a marked improvement in staff attitudes and cleanliness of transport vehicles of recent time. I hope the contents of this letter will be passed on to those concerned and trust this good work will be further improved with pride being engendered in all staff. This in tum will surely win back more users to our public transport system.

The credit for that does not go to the minister, although he certainly feels buoyed by the fact that he gets many letters like that. The credit goes to the staff of the public transport system - the staff who are running our trams, trains and buses and who are having to put up with smart-alee customers like the honourable member for Essendon and other sneerers who make their lives a misery. She does travel on public transport, does she not? I am glad. Anyone who writes the Labor Party's public transport policy would want to travel on public transport.

An honourable member interjected.

Mr COOPER - I do ride on them. That is unfortunate for you.

Mr Batchelor interjected.

Mr COOPER - I was not aware that the honourable member for Thomastown was hanging around the zoo station as often as he was. Obviously he is. The letters of congratulation that go to the minister on a daily basis reflect very well on the staff in the system and upon the fact that the staff are committed to improvements in the system. They want to see it improved and they want to see more patronage. They are as one with the government in that regard.

That is why it is so disappointing when we get the sneering and the knocking from the Labor Party. They get joy out of any disaster - any little disaster or any big disaster; it does not matter. They immediately applaud it and come out with their mealy-mouthed hypocritical approach. It is bad news for the government; therefore, it has to be good news for them. They do not see things on the basis of what is good for the state and for the people of the state, the travelling public and, probably more importantly, the people who run the system, the employees in the system. Members of the Labor Party see it in their narrow, focused, blinkered political view that anything that could reflect badly on the government, therefore, has to be good ne-.vs for them.

They do not have any policy of note. The docurrent published by the honourable member for Essene.on is ajoke not a policy. The opposition does not h,ve anything substantive to put before the people of the state on any issue, let alone transport. All it has$ the sneering, knocking approach its members ar so well known for.

I am aware that the honourable member for Thomastown is anxious to speak to the motion. : will give him a reasonable chance. I commend the motion to the house. I believe the performance cf the government on public transport is excellent and deserves the plaudits of the entire house because it has certainly received the plaudits of the state o! Victoria, particularly the people who use public transport.

Mr BATCHELOR (Thomastown) - We havt just heard more than 2 hours worth from the honowable member for Momington. And what a tragic and pathetic performance it was! A former and failed shadow minister was brought into the house by the current Minister for Transport. No doubt the minister and his staff have provided him with reams of written material which he has taken the time)f this house to read out in the very patronising, rebid and hysterical way that is par for the course wit1 this member.

He spent hours a week for weeks practising his routine, trying to learn it off by heart, going ove.- it time and again and practising the two jokes he delivered in more than 2 hours which went *ove1* like a lead balloon. It is horrible to imagine the honourable member for Mornington working himself into an absolute frenzy while practising in front of a mirror for hour after hour, going throt1.gh his histrionics and practising his jokes until he couldn't see himself anymore because the mirrcr had steamed up!

It was one of the more tragic responses this government has made to any of the matters that have been dealt with in general business. It pro}ably will not be surpassed during the term of this Parliament because of the depths to which he salk and the pure embarrassment he reaped on the minister. Today this man was desperate to use t1e forms of the house in an attempt to boost his standing with the minister, but tragically the reft of the Parliament was singularly unimpressed.

I recall that about an hour into his speech we had the pathetic vision of one of his loyal colleagues and luncheon partners, the honourable member for Bentleigh, not being able to stomach it anymore and leaving the chamber. It was even too much for her! He failed to make any significant point in his contribution, which began with events back in 1986. From memory, that was one of the first dates he mentioned. He systematically went through and highlighted dates over that long period, quoting from written material and completely missing the point.

A number of points need to be made in response to the honourable member for Mornington. He claimed a number of initiatives on behalf of the state government that were funded by the federal Labor government. The advice from which he was reading was provided by bureaucrats, because we know he would not be able to gather such information. He has had a team of people working with him to provide it. He obviously has a lack of understanding of the precise detail of what he was reading.

It is clear from his comments that he did not know that a number of initiatives claimed for the state government were clearly not initiatives of that government.

The honourable member for Mornington mentioned the upgrading of the Sunbury railway station. We know that was federally funded. He also sang the praises of the City Circle tram service. That was also federally funded. In fact, not a day goes by when in discussion about public transport in Victoria a member of this government mentions the City Circle tram service, but at no stage does anyone ever say that the funding for it came from the federal government.

It is more duplicitous than that, however, because a component of the federal funding that was used for the City Circle service was actually diverted from the outer suburbs. A proposal had been put forward by the previous Labor government and a request made for funding from the federal government to extend the Bundoora tram line out to Childs Road, Mill Park. An agreement was reached with the federal government and the money was allocated and set aside to provide for that extension. However, because that was a Labor electorate which had rejected the Liberal Party time after time, upon coming to office the government decided in a very punitive and partisan way to take the money that was dedicated to people in the northern suburbs and reallocate it to the City Circle tram service. Not only do government members come into this chamber and give no credit to the federal government for providing the funds, but they also fail to acknowledge that in a very punitive and politically motivated way they have stifled the long-overdue extension of the Bundoora tram line to Childs Road, Mill Park. There was only a partial extension out to the Bundoora campus of RMIT when it should have been extended all the way up Plenty Road to Childs Road, or even further to South Morang.

At no stage in his contribution today or at any time in public has the honourable member for Mornington acknowledged that the government stole that money from the people of the northern suburbs to use it for the City Circle tram service. But time and again government members come into this house and the public arena claiming absolute credit for the City Circle tram initiative.

The honourable member for Mornington also claimed that speakers from the Labor Party would not give credit to the government. We give credit for the City Circle tram service. That initiative has assisted the transportation of people around our central business district. It has assisted tourists from country Victoria, interstate and overseas and it is an important part of our public transport network. But this is not the first time the Labor Party has made this comment; it has made similar comments from the time of the launching of the City Circle tram service.

Contrary to the scenario and atmosphere that the honourable member for Mornington tried to depict, the Labor Party in Victoria only wishes the government would pay attention and undertake a whole series of further initiatives that would result in a return to public transport usage. The government has been in power for more than four years. This transport minister has been in charge of public transport throughout that period, and the honourable member for Mornington has been one of his coterie of supporters throughout that time.

Upon coming to government, through savage cutbacks and changes they almost destroyed the public transport system in Melbourne and rural Victoria overnight. It is only now, after four years, that they have been able to get public transport patronage back to the level that existed under the previous Labor government. They have struggled throughout that four-year period because of their actions to initiate cutbacks, closures and reductions in the first place and introduce administrative chaos and bungling. Those things have had a huge impact

on the system and frightened people away from it. It is only in recent days that the patronage level has returned to what it was under the previous Labor government.

Not once did the honourable member for Morrungton acknowledge the damage the government has done to confidence in public transport, the number of people who were using it and the services that were provided under the Labor government. Not once did he mention any of the issues that have been at the forefront of the public transport debate over the past four years. He acts as though all of that did not happen. He assumes there has been no crisis in confidence or no decrease in the patronage level and that the government has not faced any problems at any stage of its four years in office.

The honourable member for Morrungton just read out a detailed list that was given to him by the minister or his ministerial aides. In doing that he demonstrated there were many things he did not understand. For example, he mentioned that a great initiative by the government was the outsourcing of IT services from Vicroads and the PTC to a private consortium. However, what did the Auditor-General say about the first year of operation under the new arrangement? He said the private company had been overpaid by $20 million! That was a massive waste of resources. It was a gift, a transfer from the public purse, to a company that won the outsourcing contract.

That is the sort of initiative the honourable member for Morrungton read out today. But because he was given only partial information and did not understand it, he did not have the wit or knowledge to discern or differentiate as to which pieces of information he should read out in his contribution to the debate. Like a ventriloquist's doll he simply read out what he was told to. Like a ventriloquist's doll he was told to stand up and say this, so he did. He did not have any knowledge or understanding of the issues or implications in this matter - he just read out the list in his pathetic contribution.

Earlier I talked about a number of initiatives that were paid for by the federal government. Another was the electrification of the train line to Cranbourne.

Again, we hear nothing from the government, nothing from the member for Morrungton, about the contribution the federal Labor government made in providing funds for the initiative. Funds were made available by the then federal Labor government. In a duplicitous way the member for Mornington today tried to claim credit for the initiatives: the City Circle tram route, the extensions of tram lines to Bundoora and elsewhere, the electrification of the line to Cranboume, and the Sunbury railway station. The list goes on and on.

Mr Bracks interjected.

Mr BATCHELOR - The member for Williamstown rightly interjects that government members are probably claiming credit for the Sprinter trains. That is right; they have tried to claim credit, saying that the initiative for the Sprinter trains was their's and that the initial round of funding came from them, when in fact it came from the federal government.

The government has tried to claim credit for things that were funded by the federal government and the member for Morrungton also tried to claim credit for ideas that were developed by the previous Labor government. They were in the pipeline, in the process of being developed by the bureaucracy and on coming into government the Minister for Transport implemented and tried to steal them as his own.

On a number of occasions today, and certainly on a number of earlier occasions, the government has directed attention to the Nightrider bus service and claimed it as being its idea. Nothing could be further from the truth. Previously I have brought into this house documentation from the time of the Labor government that set out the details of the Nightrider bus service.

Honourable members interjecting.

Mr BATCHELOR - We have documentation that has been shown to Parliament that shows the idea for the Nightrider bus service came from the previous Labor government.

Mr Cooper interjected.

Mr BATCHELOR - You can see the member for Momington surge to life again in the most rabid and predictable way. We said to our colleagues, 'Just wait until we raise the Nightrider bus service and you'll see how he'll spring into life, how he'll burst into action and carry on in an absolutely uncontrollable way'. And as sure as anything, as soon as it was raised, as predicted, the member for Momington interjected and carried on in the most derisive and predictable way.

The Nightrider bus service was developed under the previous Labor administration. Steps were taken to finalise the sponsorship and the routes were selected. It was, for all intents and purposes, an initiative of the previous Labor government. Time after time this government has tried to claim credit for this Labor trophy.

It doesn't stop there. The government has not only claimed credit for things that the federal government funded, for projects that had been worked on and developed by the previous Labor government, but today we heard the member for Momington talk about services operating today that are actually provided by other state governments. He claimed the passenger service to Sydney as a great initiative of the government, whereas the service is actually provided by the New South Wales State Rail Authority. It is not provided by V/Line.

Mr Cooper interjected.

Mr BATCHELOR - You don't know! It is provided by New South Wales. You are absolutely hopeless!

Mr Cooper- You couldn't lie straight in bed, could you, Peter?

Mr BATCHELOR - The next thing we will hear him claiming credit for is that the services to Warmambool or Shepparton are provided by V/Line - and nothing could be further from the truth.

He went on to say that this government looks after rural Victorian transport. That is the biggest load of codswallop I have ever heard. Within minutes of being elected to government in this state, what did government members do? They got stuck into six country rail lines. Passenger rail services that were previously provided to places in rural Victoria were finished. This was despite a personal guarantee given prior to the election by the then Leader of the Opposition, Mr Kennett, that he would save the *Vinelander.* What happened? Within minutes of their election, the Minister for Public Transport, as he then was, killed off the Vinelander, because it was a personal promise by the then Leader of the Opposition - because Jeff Kennett made a promise, Alan Brown knocked it off and in the most vindictive way penalised the people of Mildura.

That act of political vindictiveness was responded to at the next state election when the then liberal member for Mildura was thrown out of one of the safest Liberal seats in this state. The community turned on the member of the Liberal Party and threw him out because of the personal squabbling and fighting that took place between the Minister for Transport and the Premier. As that long history of antipathy between these two individuals was acted out and within minutes of this new government, the people of Mildura were hung out to dry. They had their train line removed from them and they were never allowed to have it replaced. Despite years of constant campaigning, of approaching the minister, of hearing suggestions that things might be changed by the government, the people of Mildura were dudded by this government - not on public transport grounds but because of the antipathy between two of its leading contenders for the leadership position.

The people of Mildura, to use the vernacular, were wasted by the feud that has existed for many years between the Minister for Transport and the Premier of Victoria. They paid back the government. They got rid of the member for Mildura, who was a close personal friend of the Premier. That action should teach the members of the backbench in the house today the lesson that it does not pay to be a personal friend of the Premier in your party, because when the going gets tough, when the choice has to be made between his ambitions and the ambitions of a contender to his leadership position, the Premier will not support a personal friend - he will look after the interests of the Premier first and foremost. Any backbencher is expendable, just as the former member for Mildura, Mr Craig Bildstien, was expendable - when the Premier no longer considers a person is needed or when he considers his or her personal interests are impinging on what the Premier wants to do.

The ACTING SPEAKER (Mr McArthur) - Order! I ask the honourable member to come back to the matter before the house.

Mr BATCHELOR - One thorn in the side of the government which was glibly glossed over by the honourable member for Momington is the automatic ticketing debacle. You could say automatic ticketing is the albatross the Minister for Transport has had dangling around his neck for the last four years. In his headland address on 6 January 1993 he gave a commitment that he would introduce automatic ticketing. He said it was on the way - and I see him nodding in agreement. Successive deadlines have come and gone, but the automatic ticketing machines have not been successfully introduced into our public transport system.

Mr Brown - They are operating properly now.

Mr BATCHELOR - The minister says they are operating properly now: some are being trialled at Ashburton railway station. Although it was claimed that people could use their credit cards, the machines take only debit cards, so people cannot use the most commonly available form of plastic card. The system is not maximising the convenience of the public transport user. There are many more credit cards than debit cards. The joke going around the Public Transport Corporation is that you can put your Medicare card in the machine and get a ticket. If you want to use one of the more convenient ways of purchasing a ticket, the system will not let you do it. Those conducting the trial know it will fail. If you put in a $20 note the machine will give you the wrong change.

When we sent someone out to purchase a 2-hour ticket, the three customer service people there said, 'How can we help you? Can we show you how to purchase the right type of ticket?'. Being familiar with the machine, the person did not require assistance; but on inserting money the person was told, 'You cannot do that. It will not work unless you put the exact money in'. The PTC people handed our staff member the correct money. Those conducting the trial are providing free tickets because they do not want members of the public giving the system a proper trial run. They know it will fail.

Members should look at one of the machines. At the bottom they will see a metal sign saying that the machine is not the property of the company that has ownership of it. The machines on the Alamein and Glen Waverley line are in hock; they are the property of the bank. So concerned are the banks about the prospect of losing their money that they have taken the extraordinary step of placing signs on every piece of automatic ticketing equipment being trialled to warn not the customers of the public transport system but the repossession agents.

Mr Brown - It is Mayne Nickless.

Mr BATCHELOR - It is not Mayne Nickless. The banks have put signs on the machines because they know the system is in danger of falling over. They know you have a pathetic and useless - -

The ACTING SPEAKER (Mr McArthur) - Order! The honourable member will address the Chair.

Mr BATCHELOR - As you would know, Mr Acting Speaker, the implementation of the automatic ticketing system is three years late. It is long overdue. Each time there has been an announcement, the system has been subsequently deferred. The company installing the machines has them on tick to financiers. The banks are so concerned about the prospect of someone claiming them for the repayment of debts that they have placed signs on them warning any repossession agents to keep their hands off. They are saying that if the system gets into more trouble they will have first claim over the machines. The signs on the machines are not designed to bring this to everybody's attention, only the attention of competing repossession agents in case a mad scramble takes place.

The system the minister is burdening Victoria with is an utter joke. The government negotiated the contract for eight months, but it should have been negotiated over one month. What was the government doing during the additional seven months? The tender specifications said four weeks would be allowed for negotiations on finalising the contract. I repeat: the negotiations took eight months. Since the commencement of the project there has been delay after delay, and at each and every stage the delay has exposed an element of intrigue.

Having announced the successful tenderer, why would the government take eight months instead of one to negotiate the contract? The reason is that the minister is so derelict in his duty that he has let the people of Victoria down. He has entered into contractual arrangements which will be difficult for the government to get out of. We know that something has been hidden away. The people of Victoria have been sold down the drain because of the government's need to protect the minister, who has previously misled the house. The people of Victoria have not been looked after; the minister used the negotiations to look after himself.

The member for Momington failed to address a range of issues. He did not deal with the automatic ticketing system. It is a disgrace and a debacle, a $300 million bungle by the Minister for Transport, who sits there smiling and nodding his head in agreement.

Sitting suspended 1.00 p.m. until 2.03 p.m.

DISTINGUISHED VISITOR

The SPEAKER - Order! Before proceeding with business I wish to welcome Ms Maria Minna, member of Parliament for the Canadian federal government and Parliamentary Secretary for Immigration and Citizenship in Canada.

The SPEAKER-Order! Yesterday the Leader of the Opposition directed a question without notice to the Chair. I disallowed the question and drew his attention to the relevant section in ***May,*** which states that questions dealing with matters within the jurisdiction of the Speaker should be addressed to the Speaker by private notice.

On a point of order the Leader of the Opposition drew my attention to a further statement in ***May,*** which stated that:

> a question can, however, be addressed to him on a matter which urgently concerns the proceedings of the house for which he is responsible -

'he' being the Speaker in this case.

I did not uphold the point of order on the grounds that I did not consider the matter 'urgently concerned the proceedings of the house'.

Subsequently the honourable member for Thomastown raised a similar and lengthy point of order with me regarding the same matter. I asked for research on the matter of questions to the speaker. There is very little precedent, except in 1887 where Speaker Lalor responded to a question stating that it is out of order to put a question to the Speaker.

The longstanding practice of this house, however, is that questions without notice are addressed to ministers of the Crown. Matters concerning the administrative responsibility of the Speaker have been raised in chambers.

This practice has been adhered to over many years with the underlying principle that the executive government is accountable to the people of the state through the Parliament and that the time allotted for raising questions without notice is one of the most valuable occasions for members wishing to seek such accountability.

Standing order no. 121 does not specifically mention the Speaker. Standing order no. 3, however, makes it clear that where our standing orders, sessional orders or practices of the house do not make the matter clear, the rules, forms, usage and practice of the House of Commons shall be followed so far as the same may be applicable.

In this case the practices of the house must be our principal guide, as spelt out in standing order no. 3.

Secondly, the 21st edition of ***May,*** page 285, specifically states that questions should be addressed to the Speaker by private notice; in other words, in chambers or by letter. ***May*** goes on to say that:

> a question can, however, be addressed to him on a matter which urgently concerns the proceedings of the house for which he is responsible.

The judgment of the Chair in this instance must revolve around the question of urgency in relation to the proceedings of the house. Such an instance would be rare and an example would be an imminent security issue threatening the normal proceedings of the house and its members.

Question time is about members seeking information relating to government administration. If members have any questions regarding parliamentary administration they should approach me personally or write to me and I will do my best to assist them. I will, however, respond to questions in the house on a matter where genuine urgency exists concerning the proceedings of the house.

I would stress, however, that it is inappropriate that questions be asked which would involve the Chair in any political controversy and may be seen to prejudice the impartiality of the Chair.

QUESTIONS WITHOUT NOTICE

Health: golden staph infection

Mr BRUMBY (Leader of the Opposition) - I refer the Premier to today's ***Age*** article, which reports that the Austin and Repatriation Medical Centre has reached a disastrous golden staph infection rate of one in five heart surgery patients in the cardiac unit, and that patients were infected by the dirty metal retractors used to keep patients' chests open. Does the Premier concede that government cutbacks in cleaning and in other areas of the health budget are undermining infection control in our public hospital system?

Mr KENNETT (Premier) - I thank the honourable member for his question. Both the ALP and the *Age* tend to use incidents that occur in the health system as a way of trying to scare the public.

I understand and accept the reporting of such incidents when they *occur;* that is good and in the public interest that it be brought to the attention of either the network or the government so that action may be taken to address whatever the incident is.

Incidents of golden staph or other similar diseases have occurred in our public hospital system from time to time over very many years. It is not something that has occurred - -

Mr Brumby interjected.

Mr KENNETT - That is what I say - you are just not responsible. These things happen from time to time. They are not wished for by the government, they are not wished for by the opposition, and they are not wished for by the staff, but they do happen from time to time, and as they happen we have to respond as quickly and as best we can. The North Eastern Health Care Network, of which the Austin is part, has released a statement this morning, as I understand it, which - -

Mr Brumby interjected.

Mr KENNETT - I cannot emphasise enough how irresponsible the Leader of the Opposition is on any matter of health. I also have to include the honourable member for Albert Park. You don't deliver a policy; not once in four years have you brought down a policy. All you do is chase ambulances - -

Honourable members interjecting.

The SPEAKER - Order! I ask the Premier to address the Chair.

Honourable members interjecting.

Mr KENNETT - You always react! In March it was reported the infection rate was higher than one would expect or want within one group of surgical patients at the hospital. The infection was isolated and confined to that group and the overall infection rate at the Austin hospital is well within approved standards.

The government has taken on board what has been identified and will address it. Obviously the answer to the question asked by the Leader of the Opposition about whether this is to do with cutbacks is no. If the answer was otherwise - -

Honourable members interjecting.

The SPEAKER - Order! I ask honourable members to cease interjecting because they are wasting the time of members wanting to ask questions.

Mr KENNETT - If the answer were otherwise why time and again were there outbreaks under the Labor government?

Mr Thwaites - Rubbish!

Mr KENNETT - That is untrue, and honourable members who have been here for a number of years know that from time to time there have been outbreaks of golden staph and other varieties of infectious diseases in hospitals. It is not something that anyone wishes upon the hospital system or upon the patients. I say to the *Age* that it should report such outbreaks - the government welcomes it - but it should not do what it tried to do with TB.

Mr Brumby interjected.

Mr KENNETT - The Leader of the Opposition has interjected that it has reached epidemic stages, but that is grossly untrue. The opposition is absolutely irresponsible in the way it reacts.

Mr Brumby - On a point of order, Mr Speaker, the Premier is clearly debating the question. The question related to infection control. The medical research that was undertaken makes it clear that the sampling of the processed surgical instruments, namely the retractors, was culture positive for the infections. That came about because of the cutbacks in hospital cleaning, Premier. When will you acknowledge that?

The SPEAKER - Order! The Leader of the Opposition has used a point of order to get across a point of view. I do not uphold the point of order and I ask him to cease interjecting across the table because it invites the Premier to stray from his response to the question.

Mr KENNETT - The government will continue to deliver the best health service it can. We are continually going through change. There will always be incidents that come to attention when dealing

with as many public hospitals and with as a large population of staff and patients as there are.

Victoria has a hospital system of which it can be proud. If the opposition wants to be an effective player it should lead by policy development rather than harping and carping and chasing ambulances.

Firearms: buy-back scheme

Mr FINN (Tullamarine) - Will the Premier inform the house of any outcome of his recent discussions with the Prime Minister regarding the cost of the administration of the gun buy-back scheme?

Mr KENNETT (Premier) - When the Prime Minister started the program to have certain weapons withdrawn from communities across Australia governments here and in Canberra entered into a number of protocols, one of which was that the commonwealth would meet the compensation costs for weapons surrendered to a scale developed by the Australasian Police Ministers Council and/or their officers. Initially we believed the commonwealth would pick up the entire administrative charges, but it turned out that it was planning the compensation on the basis of a 1 to 2 ratio and that we would be sharing the cost along the track. Victoria has spent $3.5 million of its own resources on the administration of the gun buy-back scheme because we have tried to establish as many outlets as possible so that guns can be received as quickly as possible.

It was a concern to us when the commonwealth was raising a sum of $500 million this year through the Medicare levy that Victorians should have to pay the Medicare levy and then be penalised again because of the additional cost to the state in administration costs. We made representations to the Prime Minister that we believed the full administration costs and the compensation for weapons surrendered should be met from the pool of $500 million raised by the commonwealth.

I am happy to say that the Prime Minister has agreed to that principle and the commonwealth will be picking up the full administrative costs on the basis that those costs and the buy-back costs do not exceed $500 million or whatever will be raised from the Medicare levy this year. I do not believe $500 million will be spent across the nation. Victoria has already spent $13 million and the commonwealth has picked up $8.66 million, which has left Victoria $3.5 million out of pocket. This move will give us further impetus to get more of the guns back as quickly as possible. We are thankful for the Prime Minister's policy decision made today.

I also hope we can get a decision fairly quickly from the commonwealth on the sale of leases for our airports. It is an outstanding issue that has to be resolved because the airports are being put up for tender. Even though some people look narrowly at the issue of the casino, if leases are sold and the airports are not subject to state planning laws there is the potential to develop hotels, shopping centres, residential developments and perhaps even entertainment facilities, including casinos. It will mean that Victoria runs the risk of losing its curfew-free airports.

Mr Batchelor - On a point of order, Mr Speaker, the Premier was asked a question about the gun buy-back scheme and not how he expects to best look after the interests of Ron Walker with the airport lease.

The SPEAKER - Order! I do not uphold the point of order, but I ask the Premier to round up his answer.

Mr KENNETT - We have just seen another mealy response from the opposition. Two issues with the commonwealth are very important: firstly, the gun buy-back scheme in which we are participating; and, secondly, the issue of the covenants on the sale of Melbourne Airport, which I have already raised with the Prime Minister. One issue has been resolved and we are working on the other. I hope it will produce positive results for the people of Victoria against the inane interjections by the opposition.

Ministers: pecuniary interests

Mr BRUMBY (Leader of the Opposition) - I refer the Premier to today's announcement by the Attorney-General that she intends to put her shareholdings into a blind trust to avoid the dangers of a conflict of interest. Will the Premier adopt the same standard for himself and his ministerial colleagues?

Mr KENNETT (Premier) - I find it hard to accept the hypocrisy of the opposition. The Leader of the Opposition has said that he wants one set of principles established for the government but not for himself. He has not indicated whether he is prepared to put his own affairs into a blind trust. Does he intend to put his property and affairs into a

blind trust? This shows the double standards of the opposition.

My ministers and backbenchers can do what they see fit to meet the requirements regarding pecuniary interests. Enterir.g into a blind trust is a decision for each individual to make.

Mr Dollis interjected.

Mr KENNETT - They show great leadership. The Leader of the Opposition does not want to do it but he wants us to do it. This attitude indicates clearly that you ·Nill never be in government to have that demand made of you!

There is another rule of thumb that we work to: over a number of yea:-s the opposition has believed that people are guilty until proven innocent. That has occurred on a number of occasions.

Mr Dollis - On a point of order, Mr Speaker, the question was straightforward: will the Premier adopt the same standing as his minister - y e s or no, it is as simple as that. The Premier does not have to go around the world in giving an explanation.

The SPEAKER - Order! The Deputy Leader of the Opposition knows the rules of the house. I do not uphold the point of order.

Mr KENNETT - Even though my learned friend is a member of the Socialist Left, he is not so slow that he does not understand that I have already said it is a matter of choice whether a member wishes to adopt the code. If the opposition believes it is so relevant it shoU:d set the so-called standard. Members of the opposition should put all their holdings into blind trusts, and I include the land owned by the Leader of the Opposition.

Mr Brumby :ntetjected.

Mr KENNETT - The Leader of the Opposition said he did not mow that he could make the decision. I know he does not make the decision, but he should not come into this place and be such a hypocrite.

The SPEAKER - Order! The Premier has used an unparliamer.tary term, and I ask him to withdraw.

Mr KENNETT - I withdraw. The Leader of the Opposition sho·.tld not be such a loser all the time. If he believes the :ssue is one on which he should take a stand he and other members of the opposition who have property or shares should put them into blind trusts.

Honourable members interjecting.

The SPEAKER - Order! I ask those members on my left in particular and a number of members on my right to uphold the dignity of the house and stop the shouting match going on across the chamber.

Mr KENNETT - The test of the seriousness of the Leader of the Opposition will be judged on whether every member of the opposition has put his or her affairs into a blind trust by the time Parliament sits at the beginning of next year. I guarantee they will not have.

Legal aid: federal funding

Mr McLELLAN (Frankston East) - Will the Attorney-General inform the house of the extent of the recent cuts in legal aid funding by the federal government and the effect the cuts will have on legal aid in Victoria?

Mrs WADE (Attorney-General) - The commonwealth Attorney-General has announced cuts to legal aid Australia-wide. He has said the cuts will commence in 1997-98 and continue for the following two years.

The decision has immediate implications for legal aid because if the cuts go ahead the applications for legal aid received now by Victoria Legal Aid will be affected. The applications may relate to cases that go well into 1997-98. People are being warned they may not get legal aid or that their legal aid may not continue in the following years.

Various estimates have been made of the Commonwealth legal aid cuts. I was at a conference at the weekend where it was suggested legal aid cuts Australia-wide amounted to $120 million over a period of three years. I have examined the commonwealth budget and the cuts identified in the budget amount to $51.9 million over three years, although other cuts may be disguised and impossible to identify.

Even if the cuts are only $51.9 million, the effect will be devastating on the people the commonwealth government has always said it is responsible for: social security recipients, war veterans and refugees, who are involved in both commonwealth and state courts but predominantly state courts. The commonwealth government has said that money

from the commonwealth legal aid funds will not be available except for commonwealth law matters, which means cases in the federal and family courts.

There will be a much greater call on the state for legal aid because a majority of cases are in state courts. If the people the commonwealth is responsible for apply for state funding there will not be enough money to go round.

If the cuts go ahead a person in receipt of social security benefits wrongly accused of theft may find he cannot get legal aid. I say 'may not' because the Victorian government will endeavour to make legal aid funding available to as many people as possible. The Victorian government has not cut back on legal aid funding since it came to office and because of the collapse of the Solicitors Guarantee Fund the Treasurer has had to find additional funding for legal aid. Last year the Treasurer made approximately $24 million available for legal aid.

I have been exploring why the commonwealth cuts to legal aid have been made. The commonwealth Attorney-General said it is a contribution to the black hole in the commonwealth budget. An examination of the budget so far as it applies to the commonwealth Attorney-General's Department shows that over a three-year period while legal aid funding is being cut back the department's budget is supplemented by $69.9 million more than would have been the case if the appropriation for the department had been the same each year as it was in 1995-96. During the period when legal aid funding has been cut back at least $51.9 million, the commonwealth Attorney-General's Department's budget is being increased by $69.9 million!

I have written to the commonwealth Attorney-General on three different occasions. I have drawn his attention to the matter and asked him for an explanation of the cutback on legal aid funding when his department's budget is being topped up. I have not yet received a reply. I hope that once the federal Attorney-General examines his budget in more detail I may be able to inform members that the cuts may not go ahead.

Ministers: pecuniary interests

Mr BRUMBY (Leader of the Opposition) - I refer the Premier to the resignation of Senators Short and Gibson for conflicts of interest in that they breached the Prime Minister's code of ministerial conduct. Will the Premier adopt the Prime Minister's code of ministerial conduct? There it is: will you adopt it?

The SPEAKER - Order! The Leader of the Opposition should address the Chair.

Mr KENNETT (Premier) - One has to feel sorry for the Leader of the Opposition. As he said on the weekend, one step forward and two steps back; this week it is one step forward and 10 back. I refer the Leader of the Opposition to the Labor Party's leader of the upper house, Mr Theophanous, the spokesman on finance, who did not declare any company office positions or company beneficial interests in the parliamentary register of interest. Don't come into the house trying to set a standard you do not support yourself!

The Leader of the Opposition gets very excited on a daily basis about what is happening in the federal Parliament in that regard or what happens in the *Age*. But we have yet to hear him raise one question on policy or anything else on which he actually takes a leadership position. More importantly, the Leader of the Opposition does not even insist on his own members meeting the standards of this place with its own rules let alone introducing any more.

Mr Dollis - Are you going to adopt the federal standards - yes or no?

Mr KENNETT - Am I - yes or no? Am I the Premier - yes or no?

The SPEAKER - Order!

Mr KENNETT - I am sorry, Mr Speaker. This is fantastic. They are a great group, this mob. I can only say to the Leader of the Opposition that he will obviously find, for as long as he remains in that office, that he cannot come in here and make demands on others that he does not even enforce himself. I do not mind your not asking Mr Theophanous to stand down, because I accept that it was a genuine mishap, a genuine oversight.

Mr Hulls - On a point of order, Mr Speaker, the question was simple: will the Premier adopt the standards of the Prime Minister or will he continue to wear conflict of interest on his sleeve like a badge of honour? Answer the question. Will you adopt the precedent set by the Prime Minister?

The SPEAKER - Order! I ask the Premier to return to the question about the standards of ministers. There is no point of order.

Mr KENNETT - The Leader of the Opposition reckons there are now two of them who will not get the vote when the leadership challenge comes. Ilus week has not been one step forward and two steps back - it has been one step forward and 10 steps back for the opposition. If the Leader of the Opposition wants to come in here and make demands on us or on anyone else, he should apply the standards that operate in this Parliament to his own. He does not do it; his is not an even approach.

As I said, I do not even mind the fact that Mr Theophanous slipped up, because I take it to be a genuine slip. The only people in this world who I know who are perfect are journalists, the Leader of the Opposition and the honourable member for Niddrie. The latter two strut themselves around and puff out their chests because they consider that they are better than anyone else. Both are failed federal politicians, and as long as they have any say in the administration of the Labor Party it will go nowhere.

The SPEAKER - Order! I call the honourable member for Albert Park.

Mr Thwaites - Mr Speaker, my question is directed to the Premier.

The SPEAKER - Order! The Chair has done it again. The honourable member for Bayswater should have had the call.

Public transport: strategy

Mr ASHLEY (Bayswater) - Will the Minister for Transport inform the house of the importance, as he sees it, of the strategy that underlies the recent document *Transporting Melbourne?* Will he indicate whether there is a similar strategy for country Victoria?

The SPEAKER - Order! I call the Minister for Transport - briefly.

Mr BROWN (Minister for Transport) - It will have to be brief; I have only 4 minutes.

The SPEAKER - Order! Having mistakenly called the honourable member for Albert Park and cut into the time in which the honourable member would normally expect to ask a question I advise the house that if the minister goes over the 4 minutes remaining I will still call the honourable member for Albert Park to ask a question.

Mr BROWN - On a point of order, Mr Speaker, if you assess all the questions and answers in the house today, you will find they have averaged precisely 5 minutes. I was concerned that I would not have a chance to answer the question in full. I think it is only fair that if the questions and answers average 5 minutes - -

The SPEAKER - Order! The minister is wrong in his premise. I do not uphold the point of order.

Mr BROWN - I have very great pleasure in informing the house that I have released the first total transport plan for Melbourne in more than a quarter of a century. The stature of Melbourne as a world city depends in no small measure on getting its transport services right, as this government has been doing for the past four years.

The *Transporting Melbourne* strategy is crucial to this government's views on the city of Melbourne as a competitive, livable and sustainable city for the 21st century. The strategy sets clear directions and a sound basis for the setting of priorities. It proposes for consideration a number of new transport investments in light of the objectives of growth of the Melbourne metropolitan area. Much of *Transporting Melbourne* focuses, quite rightly, on getting better value from our major existing transport assets through improved management and effective reform. It is no coincidence that the sense of purpose and direction that produced the historic transport reforms of the past four years has also been able to produce the first integrated transport plan for 25 years.

That stands in stark contrast to the ad hockery that existed under the Labor government for 10-plus years. Under its ad hoc plans, misguided priorities and plain incompetence, there was no visionary plan of any kind for transport. Not only did Labor fail to produce a transport plan in that 10-year period, it did not have one prior to the last state election. That contrasts with what this government has done, and that has been outlined in this Parliament over recent weeks.

The central element of the strategy is to build on recent increases in patronage. There has been a marked boost in patronage over the past two years. We want to make public transport the mode of choice by as many Victorians and Melburnians as possible.

The document proposes unprecedented enhancement of public transport to further ensure

Melbourne's livability and environmental living quality into the next century. Some examples include the assurance of an integrated service, upgraded services on our extensive tram and train networks and a vast array of other improvements.

The plan has been warmly welcomed by a large number of individuals and organisations. The RACY is on the record as saying that *Transporting Melbourne* is one of the most important planning reports ever released by the government because it provides a blueprint for the future of Melbourne's transport. We have also received plaudits for the plan from the Royal Australian Planning Institute, the head of the department of civil engineering at Monash University, the Committee for Melbourne and a raft of other organisations.

One thing that sets this government aside from the Labor Party is that it governs for all Victoria. Therefore, we are now working on a plan called *Transporting Victoria*, which will address into the next century the desirable reforms needed to be put in place throughout rural and regional Victoria. Seminars will be held, and a large number of personnel will be directed to that task over the next few months. I invite the communities in which the regional consultative workshops will be held to participate and assist the government in formulating the blueprint for transport priorities for the next century for the entire state of Victoria.

The document I have released is a draft. It will be on public exhibition for the next three months. We seek input from all Victorians. I am grateful for the enormous support of what seems to be every organisation and individual in the state other than the Australian Labor Party. Notwithstanding that, the government will continue with the excellent and well-accepted priorities in transport for many decades to come.

Mordialloc-Cheltenham Community Hospital

Mr THWAITES (Albert Park) - I refer the Premier to the promise by the former Minister for Health, the honourable member for Seymour, that the Mordialloc-Cheltenham Community Hospital would not be closed and further to the promise by the honourable member for Mordialloc prior to the election this year that the hospital would not be closed. Is the government about to renege on this promise and announce the closure of the hospital in the hospital services plan?

Mr KENNETT (Premier) - I thank the honourable member for his question and note with interest the role he has already played in the St Vincent's Hospital debate, where he very clearly established a position of being opposed to change, even though the Sisters of Charity wanted to move it.

Mr Brumby - He supported a good hospital.

Mr KENNETT - But what he also did was fail to understand that our need to provide health to people wherever they live obviously requires change. The shadow spokesman for health took the natural line he has been taking on every other health issue - h e either chases ambulances or he opposes. He has no concept of actual leadership, nor has he developed a policy on health that looks to the future.

I have indicated before that the government has been conducting a number of reviews and changes in the way health care is delivered and administered in this state. Of course, the honourable member for Albert Park tries to judge everything on a day-by-day basis or respond to something that is reported in the *Age*. He has no concept of where he wants health services to be in 2001 or 2050. He has no policy at all.

The government is about to release the next stage of a very responsible health plan that looks at how health services can be provided to the community where people live and recognises the changes in technology, pills and drugs, and the use of day surgery as opposed to people having extended stays in hospital. All those three factors lead to change.

Mr Micallef interjected.

Mr KENNETT - I remember the honourable member for Springvale saying before the last election that we would lose seats. The reality is that we came back with more members than we had before the previous election. That is because the public recognises that although the system may not be perfect, the government actually has the courage, on the advice of many people who make their contributions responsibly, to deliver a responsible health policy.

The program will be released at some stage in the future, and when it is released the honourable member for Albert Park will be able to decide on the accuracy or otherwise of the claim he makes. There is not much point in his coming in to the chamber and, as he does all the time, simply referring to the

Age newspaper or the local paper, as he has done today.

Mr Thwaites-On a point of order, Mr Speaker, I direct your attention to standing order 127. The Premier is simply debating the question and not answering whether Mordialloc hospital will close, which would be in breach of the promise made by the honourable member for Mordialloc.

Mr Leigh - That's a lie! That's a fib.

The SPEAKER - Order! The honourable member for Mordialloc made an unparliamentary remark and I ask him to withdraw it.

Mr Leigh - I think I said it's a lie and then I said it's a fib. I withdraw the word 'lie', if that helps the honourable member for Albert Park.

The SPEAKER - Order! I do not uphold the point of order.

Mr KENNETT - I can only say again that leadership is not about the honourable member for Albert Park, who simply follows. If you want to lead on health, develop a policy - do something creative. Today, like yesterday, is another day on which the opposition finds itself totally out of step with the needs of the community. It is not a case of one step forward, two steps back. With the entry of the honourable member for Albert Park it is one step forward and 15 steps back! He just reconfirms in everyone's mind that the Labor Party is not part of the real world and is certainly not part of the future.

UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN

Mr MACLELLAN (Minister for Planning and Local Government) - I move:

> That pursuant to section 46D(1)(c) of the Planning and Environment Act 1987, amendments nos 91, 92, 93, 94 and 95 to Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved.

Motion agreed to.

ELECTRICITY INDUSTRY (FURTHER AMENDMENT) BILL

Introduction andfirst reading

Mr STOCKDALE (Treasurer) introduced a bill to amend the Electricity Industry Act 1993 and the State Electricity Commission Act 1958, to amend certain acts to make further provision for land entitlements for generation companies and for other purposes.

Motion agreed to.

Read first time.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT

Introduction andfirst reading

Mrs WADE (Attorney-General) introduced a bill to re-enact with amendments the law relating to births, deaths and marriages in Victoria, to repeal the Registration of Births Deaths and Marriages Act 1958 and for other purposes.

Motion agreed to.

Read first time.

MISCELLANEOUS ACTS (FURTHER OMNIBUS AMENDMENTS) BILL

Introduction andfirst reading

Mrs WADE (Attorney-General) introduced a bill to amend the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Associations Incorporation Act 1981, the Borrowing and Investment Powers Act 1987, the Casino Control Act 1991, the Crown Lands Act (Amendment) Act 1994, the Crown Land (Reserves) Act 1978, the Docklands Authority Act 1991, the Ethnic Affairs Commission Act 1993, the Financial Management Act 1994, the Financial Management (Consequential Amendments) Act 1994, the Land Conservation Act 1970, the Livestock Disease Control Act 1994, the Lotteries Gaming and Betting Act 1996, the Magistrates' Court Act 1989, the Melbourne and Olympic Parks Act 1958, the Miscellaneous Acts (Health and Justice) Amendment Act 1995, the Police Regulation Act 1958, the Prostitution Control Act 1994, the Racing Act 1958, the Stamps Act 1958, the Teaching Service Act 1981, the Transport Accident Act 1986,

the Treasury Corporation of Victoria Act 1992, the Victorian Funds Management Corporation Act 1994 and the Victorian Managed Insurance Authority Act 1996 and to repeal the Decentralized Industry Incentive Payments Act 1972 and the The Decentralization Advisory Committee Act 1964 and for other purposes.

Motion agreed to.

Read first time.

HEALTH ACTS (FURTHER AMENDMENT) BILL

Introduction and first reading

Dr NAPTHINE (Minister for Youth and Community Services) introduced a bill to amend the Cancer Act 1958, the Drugs, Poisons and Controlled Substances Act 1981, the Pharmacists Act 1974, the Cemeteries Act 1958, the Health Services Act 1988 and the Mental Health Act 1986 and for other purposes.

Motion agreed to.

Read first time.

CHIROPRACTORS REGISTRATION BILL

Introduction and first reading

Dr NAPTHINE (Minister for Youth and Community Services) introduced a bill to make further provision for the registration of chiropractors, the investigation into the professional conduct or fitness to practise of registered chiropractic services, to establish the Chiropractors Registration Board of Victoria and the Chiropractors Registration Board Fund of Victoria, to repeal the Chiropractors and Osteopaths Act 1978 and to make consequential amendments to other acts and for other purposes.

Motion agreed to.

Read first time.

OSTEOPATHS REGISTRATION BILL

Introduction and first reading

Dr NAPTHINE (Minister for Youth and Community Services), by leave, introduced a bill to make further provision for the registration of osteopaths, the investigation into the professional conduct or fitness to practise of registered osteopaths, to regulate the advertising of osteopathic services, to establish the Osteopaths Registration Board of Victoria and the Osteopaths Registration Board Fund of Victoria and to make consequential amendments to various acts and for other purposes.

Motion agreed to.

Read first time.

GAMING MACHINE CONTROL (AMENDMENT) BILL

Second reading

Debate resumed from 12 September; motion of Mr STOCKDALE (Treasurer).

Mr HULLS (Niddrie) - The opposition supports the Gaming Machine Control (Amendment) Bill. It is nice from time to time to be in a position to support government legislation. The bill is appropriately brief. Its aim is to take the administrative costs of the Community Support Fund out of the fund, instead of continuing with the mishmash of the current arrangements. We welcome any moves by the government to make the distribution of the Community Support Fund more transparent, and as a result we will support the bill.

However, the opposition would prefer the Community Support Fund to be made even more accountable by moving the distribution of money from that particular fund from the sole authority of the Premier. As members know, not long ago legislation was moved in this house which took the Community Support Fund away from the control of the Minister for Gaming and placed it in the hands of the Premier. The opposition is on the public record as saying the Community Support Fund has now become no more than a slush fund for the Premier. That is of grave concern to us.

It would be more appropriate for the fund to be set up along the lines of the fund in New South Wales, where it is set up under the umbrella of a trust deed. That trust deed is managed and overseen by a number of community groups, including welfare and church groups and the like. Those groups make recommendations to the government based on a set of criteria, and the fund is used accordingly.

Unfortunately in Victoria there seem to be few guidelines on the fund. Recently, the Auditor-General commented on the way the fund had been used and misused in the past. He handed down a report that was tabled in the Parliament on 29 May in which he made a number of observations on the fund, in particular the observation that the fund was not transparent enough. Indeed, a number of organisations that received funding out of the Community Support Fund had received such funding retrospectively, almost at the whim of the Premier.

When special report no. 40 entitled *The Community Support Fund: A Significant Community Asset* was tabled on 29 May, a brief outline of the findings of the report was published with it. A number of key audit findings were made by the Auditor-General on the Community Support Fund. I will read a couple of them to the house because it appears to the opposition that none of the key findings tabled in May of this year have been addressed by the government. That is of concern to us and we will continue to push for the fund to become more transparent.

The Auditor-General found that:

> **There is a need for application of a more consistent approach to the assessment and approval of distributions from the fund and for participation in the decision-making process by all relevant ministers.**

Obviously the recent change to the fund makes that situation far worse, by really putting total control of the fund into the hands of the Premier. Another finding of the Auditor-General was that:

> **Assignment of a principal advisory role on funding priorities to a representative community body would be compatible with the conceptual nature of the fund as a mechanism established to specifically service community interests.**

As a result of that key finding by the Auditor-General and in line with the findings of the Auditor-General, the opposition put a proposal to the house that the entire fund be restructured to set up a trust deed with various community groups having input into the way the moneys are distributed from the fund. I have a copy of the reasoned amendment that I moved at the time. It is probably appropriate to refer to that again in this debate, to outline the opposition's view of the way the fund ought to be run and administered.

We called for:

> **the establishment by the Minister for Gaming [who at that stage had control of the fund] of a board of community trustees to determine and advise the minister of the priorities and expenditure of the following areas according to relative need from the Community Support Fund ...**

We identified a number of areas, including the Research and Development Fund for research into the social and economic effects of gambling. We also listed programs for the prevention of compulsive gambling or for the treatment or rehabilitation of persons who are compulsive gamblers. We listed as a priority programs for the treatment or rehabilitation of persons who are addicted to or who abuse drugs. We further listed educational programs related to drug addiction or abuse, and programs for financial counselling services or support and assistance for families in crisis. We listed programs for the benefit of youth; and research or pilot programs relating to community advancement. We listed programs for the benefit of sport or recreation. We also listed programs for the benefit of the arts, and programs establishing or developing tourist destinations or facilities or services, or for the purposes of promotion of tourism.

We then listed how the board ought to be set up to administer the fund which would make it far more independent than it currently is. We suggested that the composition of the board should include up to nine voluntary representatives from a broad cross-section of the community, selected after nominations had been called for by way of advertisement and that the minister who oversaw the fund should distribute the money in the fund to projects on the basis of the board's advice and determination of priority.

We considered this was a sensible amendment that would have taken the politics out of the Community Support Fund and made it more of a community asset, rather than, as I said, a slush fund of the Premier. It is a pity that a fund that is generating such large sums of money can be administered at the whim of the Premier.

That is an observation made not just by the opposition but by the Auditor-General in his key audit findings. Another key finding is:

> **Further consideration should be given by the government to the desirability of legislative change to require clubs and the casino, in addition to hotels, to**

make statutory contributions to the fund to address the social ramifications of gaming.

Whenever Crown Casino's contributing to the fund is raised, the people associated with it say they are already contributing and should not be called on to pay any extra. The casino does not contribute 1 cent to the fund. Under the Casino Control Act a community benefit levy is applied to Crown Casino, which is dealt with in a totally different way from the money that comes from the gaming machines in hotels and dubs.

Earlier this year the Leader of the Opposition in the Legislative Council asked the Minister for Gaming a question on notice about how much levy money Crown Casino had paid into the fund pursuant to the Casino Control Act. The answer was that in 1992-93 no moneys were paid; in 1993-94, no moneys were paid; in 1994-95, $3.2 million was paid; and in 1995-96, $4.7 million was paid. The answer made it clear that the temporary casino did not open until 30 June 1994 and that the figures represented the cash collected in each financial year. The casino does not pay any money into the Community Support Fund. The question that must be raised is whether the casino and the people associated with it are paying their way by contributing to the benefits that come from the money that is allocated. We question whether $4 million is appropriate given the huge profits the casino makes.

One of the most disturbing findings of the Auditor-General is that there do not seem to be any dear guidelines governing allocations from the fund. He found:

> The broad nature of the legislative definitions of community programs or projects eligible to receive financial assistance from the fund makes it very difficult to form definitive judgments ... regarding the relative merit of individual funding decisions.

That observation makes it dear that the guidelines are inappropriate. They allow the Premier to run around the countryside with a huge stash of money at his disposal, doling it out to favoured groups, organisations and individuals based on nothing more than a very broad-brush approach to the guidelines. In another key finding the Auditor-General says:

> An annual report, which brings together in a consolidated form the performance of the fund against targeted outputs and outcomes, should be compiled and communicated to the Parliament and community.

That seems sensible and would make the operation of the fund far more transparent. The Auditor-General also observed:

> Some past management practices in relation to the fund within the Office of Youth Affairs were not up to the standard expected when dealing with distributions of public funds.

The findings are disturbing, particularly when we are dealing with large amounts of public money. More than $1 million a week goes into the Community Support Fund. The money is supposed to be used for community purposes; it should not be used simply at the whim of the Premier. We believe the amendments we proposed some time ago would have taken the politics out of the fund.

I raise one payment from the Community Support Fund that was approved some time ago to highlight the lack of accountability and clear guidelines and to see whether the house can get some answers from the Premier. Honourable members will recall the article that appeared in the *Herald Sun* of 6 March 1995 reporting that the *oneAustralia* yacht had sunk off the San Diego coast. With it, large amounts of public funds ended up on the bottom of the bay. The yacht features in the brochure distributed by the Auditor-General in his key audit findings. He makes it clear that $1.5 million was provided to John Bertrand from the Community Support Fund to assist him with his project. It is fair to say that John Bertrand, on one view of things, is a great Australian who has done much for yachting. By winning the America's Cup for this country all those years ago he instilled pride in all of us. Nonetheless, everyone has to be accountable; that goes without saying. Whether great or ordinary, all Australians have to be accountable.

It disturbed me a couple of weeks ago when allegations were made against Mr Bertrand regarding the *oneAustralia* challenge and the federal funding and tax concessions granted to him for one aspect of his project. I understand those matters are still being investigated. I do not want to cast aspersions on Mr Bertrand, but it has been alleged that there was not appropriate supervision of the funds that were given to him. That may or may not have been the case, and the issue will be decided elsewhere.

We must ask whether specific guidelines applied to the $1.5 million of Victorian taxpayers' money that went into Mr Bertrand's project, whether at the time the Premier was involved in approving the

$1.5 million he was aware of any allegations of impropriety against the Bertrand syndicate and whether the Premier or the people associated with the fund took steps to inquire into the probity of people associated with the *oneAustralia* syndicate. It is easy to ask questions in hindsight, but in light of the *Four Corners* allegations would the Premier still have approved the $1.5 million for that project?

I do not raise this question to impugn the integrity of Mr Bertrand; I raise it to show the house the lack of guidelines and to point out the questions that still have to be answered about approvals made in the past. The opposition has had difficulties in getting information from the government about the guidelines on Community Support Fund approvals. That is why questions have to be raised in this forum. We have made numerous freedom of information requests about the fund and specific grants, but we have received nothing but the vaguest of answers.

I guess that is what the Auditor-General is getting at. The fund should be more transparent. It is a community asset. It is not something that should be hidden from the community, and it is not something that should be the private plaything of the Premier; it is something that we all have a vested interest in, and all of us as members of the community are entitled to know exactly what the guidelines are, exactly what the priorities are, exactly how the money is spent, and whether it has been spent appropriately.

In his report the Auditor-General said that so loose have the guidelines been in the past that the Premier has been able to make promises to certain community groups almost on the run and then retrospectively approve them out of the fund.

That is certainly bad management. I think anybody in this house would agree that that is inappropriate management and that we need to clean up the entire fund to make it far more transparent.

In conclusion, I say this is a small step by the government to make the Community Support Fund more transparent, and we welcome it. However, we urge the government to go a lot further, to adhere to the guidelines that we presented to this house some months ago, and to take the Community Support Fund out of the hands of the Premier and return it to the community. We, as a community, deserve that. However, we certainly welcome this amendment, albeit small, to the act.

Mr RYAN (Gippsland South) - The bill has a very short compass, and that will be reflected in my contribution. In practical terms, it has one clause: an amendment to section 138(4) of the Gaming Machine Control Act. It inserts a provision, proposed subsection (c), to section 138(4) so that it reads:

> (c) thirdly, for payment of costs incurred in administering and managing the Fund and monitoring and reporting on the application of money from the Fund.

It has a twofold process, which goes to the core of much of what the honourable member for Niddrie has just contributed.

I was interested to hear, towards the conclusion of his contribution, the member make reference to the past, because it is a factor that is particularly pertinent.

Right throughout the process of designing this legislation, in the sense of accommodating the needs of the gaming industry, we have looked not so much at the past and the position the Labor Party developed when it introduced the relevant legislation to establish a gaming industry in Victoria, but at accommodating the needs of the present, and, more particularly, at accommodating the needs of the future.

That is the general thrust of the amendment. The amendment recognises the fact that the Community Support Fund needs to be able to pay its own way in terms of its administration.

The bill will allow the Community Support Fund to be applied towards the cost of administering and managing the fund's affairs and monitoring and reporting on the application of the money it has under its control. Currently the administration of the fund requires the government to assess and make recommendations on applications for funding from the fund; to monitor and report on programs funded from the fund; to prepare forward estimates and report on the status of the fund; and to perform such other administrative tasks as are required from time to time.

It is true that on a couple of occasions the Auditor-General has referred to the general operation of the fund. It is intended that this bill will address the matters that have been raised. The Auditor-General reviewed the operation of the Community Support Fund Unit in his report of May 1996. In paragraph 5.22 he said that the unit:

> ... has been very effective in establishing stringent procedures for guiding applications lodged for funding and for assessing the eligibility and suitability of applications against the fund's legislative criteria.

That was a fulfilment of a recommendation the Auditor-General originally made. When the Community Support Fund unit was established in 1994, the Auditor-General recommended the creation of a structured central mechanism to oversee and coordinate the fund's financial management and to guide and monitor the fund's activities, and the unit was established as a result of that.

There is inevitably an evolutionary aspect in the way these things unfold, and this is yet another stage in the development of that process. Among many of the rampant criticisms brought forth by the opposition in this place on the administration of gaming in the state of Victoria is the issue that gets a mention from time to time: the Community Support Fund and the way it functions.

A full assessment of the commentaries by the Auditor-General over the period since the fund was established leads one to the conclusion that it is functioning properly. The reference to the $1.5 million for the *oneAustralia* project is indicative of the criticism the honourable member for Niddrie chooses to level against the fund as evidence of its purported incapacity to be able to operate on a completely fair and discreet basis.

Let it be said at the outset that although John Bertrand was involved in that project, it was not his project in the sense of money being paid to him as an individual. The intention was that the funds would be used to support the endeavours of *oneAustralia* to win back the America's Cup. The background to that was myriad: what had happened when we - and I am using the royal plural - won the cup from America in 1983. Enormous benefits were derived for Australia by bringing people from all the other competing nations here to try to pinch it back from us again.

The driving view behind the whole process was that $1.5 million would be contributed to this endeavour with a view to assisting Victoria to get into the same situation as Western Australia after the 1983 win.

It would be interesting to reflect on the comments of the opposition if the most untimely event had not occurred - that is, if *oneAustralia* had not become, if I may use the euphemism advanced previously and repeated today by the honourable member for Essendon, yet another bottom-of-the-harbour scheme. We all agree nationally that it was a terrible shame that the yacht failed and that it sank. Nevertheless, the investment of $1.5 million had the prospect of enormous return to the state of Victoria.

Investments in the order of $50 million in the sports and aquatic centre at South Melbourne are indications of the fact that the government is prepared to use the funding obtained through the Community Support Fund for the betterment of the citizens of Victoria.

Mr Hulls interjected.

Mr RYAN - I hear the interjection. At the moment I have various applications before the fund in relation to sport. Only about 12 months ago I had the great pleasure of opening the extensions to the Sale art gallery. That entailed a contribution of $625 000 from the Community Support Fund. I am happy to stand here and say that had it not been for the operation of the Community Support Fund we would not have seen this absolutely brilliant initiative pursued in the city of Sale. It simply would not have happened.

That contribution has generated enormous interest in the arts and associated activities in the gallery. It is a great success story. Only last Friday night I attended a function to celebrate the first anniversary of the opening of that magnificent facility.

An example that readily comes to mind is the great contribution the fund has made to the city in which I reside. The new Regent Theatre in Yarram has made an application to the fund for $250 000. I hope it will succeed because it will be a great thing for the township of Yarram. The Community Support Fund is being used in a proper and appropriate manner to ensure it fulfils its true and fundamental role of returning to the populace at large the benefits derived from a percentage of gaming machine revenue.

The bill will ensure the Community Support Fund is better able to do the things to which the honourable member for Niddrie referred. He made reference to some of the recommendations made by the Auditor-General about better reporting. The single clause that effectively constitutes the bill specifically refers to monitoring and reporting on the applications of money from the fund. We applaud that as another stage in the appropriate initiatives

that drive the operation of this important source of money.

I commend the bill to the house. The government is to be congratulated because it has seen fit to further advance the administration of the fund in this fashion. With the passage of time I look forward to the great contribution the fund can make to people at large - I shall display my bias-particularly to the people of country Victoria.

Mrs MADDIGAN (Essendon) - I am pleased to enter the debate and to support the comments of the honourable member for Niddrie, the shadow Attorney-General. The widespread community concerns about the operation of the Community Support Fund are well known. The reasoned amendment moved earlier by the honourable member for Niddrie will help to overcome some of the problems. I would have been pleased if there had been some sort of research capacity in the bill to address the widespread effect of gambling income on the state, particularly the reliance of the government's budgetary program on funding from gambling activities. The honourable member for Gippsland South referred to a number of programs that rely on gambling activities.

It is shattering when one examines the budget estimates for this year to see the level of income the government receives from gambling and the increases it expects this year. Gambling tax on electronic gaming machines last year was $509 million and this year it is estimated it will increase to $589 million, an increase of 15 per cent. The gambling taxes from the casino last year were $110 million and this year they will be $138 million, an increase of 25 per cent. Income from lotteries and racing - which has declined - has provided a substantial income of more than $1 billion in taxes.

When I examined some of the information from overseas I found real changes occurring because of the effects on communities and concerns about the future of gambling activities. In the magazine *Governing* of May 1996 an article with the headline 'The gambling glut' examines some of the problems that American states have been having because they have been reliant upon a gambling income over the past few years. The article says that Oregon is so concerned about the effects of its budget's reliance on gambling income that its governor, John Kitzhaber, has put together a task force to examine a large number of questions about gambling, such as the viability of using lottery profits as a major element of fiscal planning, the revenue generated by legal and illegal gambling, the effect of competition on gambling activities, and the implication of expanding gambling. That sort of research is essential for people to understand the effects of gambling on the economy and the long-term effects of the over-reliance on the gambling industry. The article examines how various states in America have been severely affected by an over-reliance on gambling and states:

> Just a few years after America's gambling binge began-

there are certain similarities with the situation in our state at present -

> with state after state getting into the lottery business and legalising casinos and other forms *of* gambling, the nation has awakened to a gambling hangover. With state gambling revenues that skyrocketed in the 1990s flattening in some states, an increased awareness of the problems that accompany gambling has contributed to slowing its expansion nationwide.

The article goes on to explain that because of this great concern, no casinos have opened in America since 1993. The legalisation of gambling has dropped off in all states, and all bills to legalise gambling have been knocked back. In fact, some American states are considering decreasing the gambling available in their states while Victoria is increasing the number of gaming tables at the casino and the number of electronic machines. The article continues:

> Bills have been introduced to fund studies or create task forces to look at the economic, social and criminal impact and whether it is time to halt gambling's growth. That's a major turnaround for a state such as Iowa where every year from 1983 to 1994, legislation was proposed to expand gambling or to remove limits on it. This year, the Iowa legislature is considering two bills calling for reports by 1998 on the impact of gambling.

The bill before the house provides an opportunity for the government to put some further research activity in place or to provide some guidelines that will encourage examination of the effects of gambling on Victoria. The article continues:

> The questions being raised about gambling in state after state go beyond how to keep the revenues flooding in. To some, the endless proliferation of new forms of state-sanctioned gambling is getting more and more unseemly. 'The state is a whore,' says (Oregon state senator) Cease. 'The state wants revenue, and

> whatever game falls off, they're looking for new games to entice people to bet and play more'. Or as John Kindt, a University of Illinois professor who studies gambling puts it: 'Governments used to be protectors that provided police and fire. Now they're predators, advertising and preying on the public'.

The next paragraph sounds very familiar to people living in Victoria:

> The new reservations about gambling have opened the doors to more organised and effective opposition from anti-gambling forces. In the recent past, gambling enterprises rolled right over church groups that protested gambling on moral ground and activists who worried about its impact on family and community life. One only has to look at the casinos, lotteries and video poker running full tilt in the Bible Belt states such as Louisiana and Mississippi.

There has been an enormous change in people's behaviour, and a huge anti-gambling movement has been established because of the concerns about the effects of gambling on the personal lives of families and about the fact that gambling revenue will not increase forever. The American states have begun to see gambling as the basic part of their income and some policies that are central to the community are based perilously, if you like, on income received from gambling. The article is a valid lesson for the people of Victoria.

A report published in the *Bulletin* of July this year entitled 'Suckers' - a title that accurately reflects the government's view of people who gamble - makes a number of interesting points. Bronwyn Pike, the Director of Justice and Social Responsibility of the Uniting Church, says that gambling brings large and unforseen costs such as an upsurge in crime and the cost of imprisonment and:

> the cost of long-term support for affected families, the cost of emergency relief and lost workplace time and productivity.
>
> The government has linked its economic management with plans for continued expansion of the gambling industry. But this industry is an economic activity which produces no gain for the community at large, is destructive of retail and small business interests and, in individual cases, reeks havoc on families and home.
>
> We are also concerned that the government is in a compromised position. On one hand they depend on tax revenue from gambling, while on the other hand they are responsible for mitigating this industry's negative effects.

Although the government is receiving huge amounts of revenue from gambling, it needs to put money back in to cover some of the effects gambling has.on the community. What is the economic logic of that?

A number of articles refer to the problems of and lost opportunities relating to the gambling industry. An article entitled 'Impact Studies - Cost-benefit Analysis and Casinos' by Joseph Persky from the University of Illinois in Chicago points out that the expansion of gaming machines means people enter an industry that does not have the same multiplier effect of other industries, which restricts growth in the economy. The theoretical economic arguments raise concerns about gambling revenue and the effects it may have on the state.

Although the bill is excellent and makes the Community Support Fund responsible for its own administration, I would like it to undertake further research and economic assessment of the effects of gambling. The honourable member for Niddrie made the point that establishing a community trust to look at the expenditure of the Community Support Fund and examine long-range assessments of revenue foregone would be of value to the community.

The concern about the reliance on gambling as a revenue source for normal state functions was mentioned not only by the honourable member for Gippsland South but also by the Auditor-General in his report referred to by the honourable member for Niddrie in relation to arts activities. Sections 4.31 and 4.32 at page 37 of special report no. 41 state:

> Audit considers that the further implementation of elements of Arts 21 could be at risk if there is continued dependence for a large proportion of its funding from the Community Support Fund. This aspect is important as, given the nature of the Community Support Fund, there can be no guarantee that the magnitude of existing funding for arts purposes will continue for an indefinite period.
>
> Arts Victoria needs to recognise within its strategic planning arrangements that funding from the Community Support Fund for some Arts 21 initiatives may not always be available.

I believe strong arts activity is essential for the well being of the community. The arts community is concerned, as are other areas, that funding is

dependent on gaming revenue that may change from year to year. It creates uncertainty within the arts community because there is no guarantee of the level of funding, which must cause problems for the state.

It is of concern that we may become overly dependent on gambling income, as have some states in the United States, and have to take the same action to limit the income from that revenue source. The evidence is there, so at least the Community Support Fund has something to consider. I quote the last two paragraphs of the article in the ***Bulletin*** of July 1996:

> And what of the future? The introduction of 'interactive television' along with pay TV will bring uninterrupted 24-hour-a-day home gambling before the end of the century. Households will have their own automatic teller machines where they can deposit money from bank accounts in to their TAB, Tattersalls and casino accounts and bet on races, lotteries and casinos around the world.
>
> When pay TV gambling comes into Australian homes, making state and national barriers meaningless, what is going to happen to state government gambling revenues? It may be cold turkey time.

I would like the government to take action now and undertake research programs to ensure the residents of Victoria never reach that cold turkey time.

Ms GILLETT (Werribee)-I have a particular need and requirement to contribute to the debate as the member for Werribee because Werribee is badly affected by the government's reliance on a gambling-led recovery. Werribee is particularly vulnerable to this pervasive, unimaginative, basic form of economic recovery. It beggars our community and our children.

I shall demonstrate why Werribee is particularly vulnerable by referring to some statistics given to me by Break-Even Western, which demonstrate the distribution of gaming machines across the western metropolitan region. The figures were provided to Break-Even Western in February this year by the Victorian Casino and Gaming Authority. The number of gaming machines in each suburb is set out. Werribee has 252 and Hoppers Crossing has 130. Footscray has 245 gaming machines; Maribyrnong has 160; Moonee Ponds has 245; and Sunshine has 201. Those figures should be compared with the total number of gaming machines in suburbs of 3591. The number of gaming machines in the western suburbs clearly demonstrates the government's vision about the redistribution of wealth. It shows beyond any doubt that the government has a view about the redistribution of wealth which is certainly different from the vision of the Labor Party. As I have said before, the government's vision of wealth is based on the redistribution of wealth from those who can least afford it and who are most vulnerable to those who do not need it - that is, from those who have lost their jobs because of the disastrous policies of the government, introduced without care and concern for Victorians over the past four years, to the exploiters of working people.

The number of gaming machines in the western suburbs indicates the particular interest Werribee has in this issue and the problems facing the Community Support Fund. The fund had the potential to be an ameliorating factor for some of the less desirable impacts of gaming but, sadly, the fund has been no such saviour and has produced no such buffer or benefit for those people and communities badly affected by gambling.

I heard one of my parliamentary colleagues talk about the enormous benefits that have accrued to his community from the Community Support Fund. He spoke about the creation of an arts centre in Sale with an establishment grant of $625 000. He talked about being hopeful that Yarram would benefit from the munificence of the Community Support Fund as well. His comments gave some idea of what the Community Support Fund was about. In crude political terms, such a fund allows members on the other side of the house to do something that is called pork barrelling. Although apparently a fine tradition, it is not appropriate that when a problem such as gambling produces devastating effects in our community the ameliorating effects of something like the Community Support Fund are so narrowly focused to serve only the political ends of this government.

Recently I met with some representatives of the western division of Break-Even. We talked about the range of effects the organisation had witnessed since its operations commenced in the western suburbs 12 months ago. It was with some surprise that I heard them speak about those who were most seriously affected and say that the clients who came to see them did not represent the entire extent of the damage being done to human beings and communities by gambling.

It might be true or it might be an urban myth that single-parent females are most affected by gaming. Break-Even's clients do not indicate this. Break-Even advised that those particularly vulnerable people do not form the majority of its clients; most of its clients are married, female, part-time workers, aged over 30 with children at school.

In a community like mine, which has been dislocated and starved of the necessary infrastructure resources and support services required by an urban growth corridor, young women find themselves with time on their hands. They experience a sense of emptiness and frustration. They look for places to go to relieve those feelings and restore some form of self-esteem and self-assurance. Unfortunately, there are very few such places in Werribee. Often they find themselves at an RSL club, the Italian social club or any one of a number of other gaming venues in Werribee. There they do great damage to themselves and their families.

The resources of the western branch of Break-Even are severely stretched. It services Melton, Werribee, Williamstown, Kensington, Moonee Valley and Brimbank, a monstrously large geographical area to cover, with hundreds of thousands of residents.

I am concerned that machines that directly accept notes are now being developed so that gamblers do not have to walk to cashiers. I am advised that on occasions the results are devastating for chronic or addictive gamblers who go through their money more quickly than other gamblers. They find it confronting to have to go to cashiers more regularly than other gamblers. Those difficulties will be significantly lessened by the kindness and thoughtfulness of the manufacturers of gaming machines and those who house gaming machines in their premises!

Mr **Ryan** - In a sense, Mr Acting Speaker, I am sorry to interrupt the honourable member by taking a point of order. However, this one-clause bill deals with the operation of the Community Support Fund, which derives a percentage of its income from gaming machines. I appreciate the concerns the honourable member is expressing. However, with the greatest respect to her, the debate on this one-clause bill is hardly the time to be expressing such concerns. It has absolutely nothing to do with the issues on which she is now dwelling.

Mr **Hulls** - On the point of order, Mr Acting Speaker, the honourable member who raised it engaged in a very wide-ranging debate on grants made in his electorate. The bill deals with the administration of the Community Support Fund. It enables a wide-ranging debate on the fund regardless of whether the fund is being used appropriately and whether it is addressing certain problems appropriately. I contend that the bill - albeit, small - enables such a wide-ranging debate.

The ACTING SPEAKER (Mr Cunningham) - Order! The bill is fairly narrow. Although the honourable member for Werribee was making a case for a Community Support Fund grant to help gamblers in her electorate, I think she is starting to stray somewhat. I ask her to come back to the bill. At this stage I do not uphold the point of order.

Ms GILLETT - Mr Acting Speaker, I am attempting to provide some background so that honourable members develop a depth of understanding about the shape and size of the problems that gaming presents in Werribee. I want to demonstrate that the Community Support Fund should be used to establish what I hope might be a significant buffer zone to the worst effects of gambling in the areas of most desperate need. Lest my colleagues think Werribee is not an area of particular need, I was detailing examples to show why the role and function of the fund are critical to addressing the problems. I would like to see the fund doing more about one of the issues that Break-Even raised with me - that is, to provide funds for much-needed research into those most seriously affected by gambling and remedies for attendant problems. When one examines the distribution of the funds one queries whether the Community Support Fund is addressing the real issues of gambling.

I refer particularly to a couple of matters that Break-Even raised. The organisation has been gathering information and providing it to the Department of Human Resources. This year it has not received any of that statistical information back from the department. We have the perverse situation where Break-Even, a government-established organisation, has been gathering statistical information about the problems of gambling so that the department can develop strategies to ameliorate the problems. When Break-Even seeks that information back from the department it is told it has no right of access.

One would have to query the intent of the government in that regard. The department's databases originated from a questionnaire filled out

by all Break-Even clients. It thus minimises the task of data collection, yet covers all geographical areas. Break-Even is one of a number of groups that supply statistics to the department. Statewide information has not been made available to Break-Even. This makes it very difficult to compare the shape and the size of the problem. If the Community Support Fund is to function properly and address some of the more serious ills that gambling inflicts upon our community, the sharing of this information is absolutely vital.

Why would the government set up such groups and give them the job of informing the government of the potential problems so it can do something to fix them through the use of the Community Support Fund and then not provide the necessary resources to Break-Even Western and other Break-Even organisations to do just that?

The government has not evaluated its previous community education program on gambling problems and it is not clear whether it will schedule another targeted prevention program. Such prevention programs should be an absolute priority for the Community Support Fund. With the greatest respect to my parliamentary colleague the honourable member for Gippsland South, perhaps it could be said without too much risk of contradiction that a public education program comes before an arts centre at S a l e - although I am sure the people of Sale are grateful for that munificence. It could be said without fear of argument that an overall community education program such as the one that operated previously should be run again.

Of particular importance is the background information the community uses to address the problems that exist. If we cannot get accurate information about the shape and size of the problems it can be accurately said that the government is indeed trying to bury the problems. The grants from the Community Support Fund are based on pork-barrelling or on the view that people can be anaesthetised or distracted from dealing with the real problems that gambling produces in the community by the occasional free gift here and there.

Werribee, Footscray and other areas in the western suburbs that are so seriously affected by the results of gambling would expect to be given a certain amount of priority treatment, particularly given that the people in those areas are such enormous contributors to gambling revenue. Some $1 mil.lion worth of revenue for the government's coffers is generated every week in my electorate. We are assisting in a very real way in the government's gambling-led recovery.

The basic problems exist where I live and are suffered and felt by my community. It is very important for Werribee to see some tangible evidence of the government's commitment to addressing the real issues of gambling. The Werribee community has such an issue before it now. I have mentioned before the reopening of a very important community facility in Werribee - that is, Centenary Hall, which was created, built and funded by the people of Werribee 32 years ago. That facility in the main street of Werribee remains closed. It can hold 1400 people and has the capacity to be an enormous resource - a place where people can gather for meetings or celebrations or simply a place that community organisations can use and have a fair shake at resources.

Last weekend I was able to attend two functions for the many multicultural groups in my electorate. I had to watch 300 people of various Asian cultures congregate and squash into the community hall for their cultural and food festival when the Centenary Hall would have been a much better venue, had it been open. The Community Support Fund should be used to directly provide such resources directly back to the community.

I am pleased to have been able to contribute to the debate on this bill. I call on the government to think seriously about its application of the Community Support Fund and the commitment it does not demonstrate to organisations like Break-Even that are attempting to tidy up the mess, heal the victims and cater for the families that have been so badly affected by the government's reliance on a gambling-led recovery.

M r **THOMPSON** (Sandringham) - I am very pleased to join the debate on the Gaming Machine Control (Amendment) Bill. I believe there is great benefit in the casino and poker machine revenue being administered through and paid for out of the Community Support Fund on the basis that more effective administration and distribution of resources will take place throughout the state.

When the house debates matters such as this it is with some measure of concern that I listen to contributions from opposition members when they relate the history of gaming in this state and their concerns about the impact it might have on their constituents. Generally the history dates back only to 1992, following this government's accession to office.

Opposition members are very reluctant to comment on the full history of gaming in this state and the fact that it was the Kirner government in 1991 that introduced the empowering legislation for the introduction of poker machines in Victoria and for the structure for the future casino.

Casino operations such as those in Queensland have shown benefits over a period and now every state in Australia has a casino and gaming revenue of one form or another. The infrastructure that has been developed at Southbank in Melbourne will assist in the longer term development of tourism in Victoria. In Melbourne, things such as the development of the City Circle tram route and the new museum and the refurbishment of the State Library, Customs House and the old Treasury Building represent a level of infrastructure that complements Melbourne as the best and most livable city in the world, as defined by the Population Studies Centre of New York in 1990.

Melbourne is a marvellous city for people to visit and for holding conventions. A couple of years ago a Rotary convention was held which attracted 20 000 visitors to Melbourne. The infrastructure of a casino is understood to have some benefit to the tourism industry and the tourism development of the state.

The honourable member for Werribee outlined a number of entities and organisations in her electorate that may benefit from Community Support Fund money. The honourable member for Gippsland South did the same in his contribution. I take up the suggestion of the honourable member for Werribee that pork-barrelling is occurring. Of course, in regard to sports grants, pork-barrelling was turned into an art form at the federal level.

Ms Gillett - Indeed!

Mr THOMPSON - I acknowledge the honourable member's remark, and I note that Ros Kelly is no longer in that particular role.

There is good opportunity for money to be directed towards worthwhile causes in the provision of facilities right across the 88 electorates represented in this place. In my electorate the Lone Ranger Guiding Unit has recently made an application for funding from the Community Support Fund for the provision of a photocopier. The guiding leader of that unit, Helen Heath, has the responsibility of distributing a newsletter across the state, which requires regular photocopying of thousands of newsletters. The provision of a photocopier would enable her to be more effective in carrying out her duties. Although the outcome of that application is not certain at this stage, it has my full support. I strongly commend volunteers in the community such as Helen Heath, who give of their time to assist in the training and development of young people.

Another organisation I believe will make an application under the Community Support Fund is a group in the City of Bayside that is endeavouring to promote the refurbishment of the *Cerberus* as a centenary of federation project. The City of Bayside is not in a position to financially support the refloating of the *Cerberus.* However, in its present form, as a hulk that is collapsing below sea level, it may be that some constructive work should be undertaken to ensure that it does not become a hazard to sailors or to swimmers. Members of the house may be interested to know that the *Cerberus* is the only one of a class of ship of its kind that is still able to b e - -

Mr Baker - Mr Acting Speaker, on a point of order, you have previously ruled - and issued a couple of warnings to speakers on the ruling - that the nature of this bill is extremely narrow. I direct your attention to the minister's second-reading speech, as it is the custom and practice of this house to examine the minister's second-reading contribution to see whether it established wide boundaries. I assure you that it did not, but that it confines itself rather narrowly, and usually so, to the limited number of clauses in the bill, which, as you pointed out and as has been pointed out by the honourable member for Gippsland South, relate purely to the administration of the Community Support Fund and the way it is organised. The honourable member for Sandringham has been speaking for 5 or 6 minutes and has not at any stage even referred to the purpose of the bill. I suggest you bring him back in the same way as you did the member for Werribee.

The ACTING SPEAKER (Mr Cunningham) - Order! I have been fairly lenient in listening to speakers. I was hoping that some of them had strayed to make their cases in support of the Community Support Fund, its administration and the impact of the fund. In fairness to the other speakers, I will not uphold the point of order, but I ask the member for Sandringham to come back to the bill.

Mr THOMPSON - I am pleased to note that in this new session of Parliament, Sunshine is rising in the west!

Before the point of order was raised, I was referring to the *Cerberus*. I focus on the point made by the honourable member for Sunshine because the object of the bill is to facilitate payment out of the Community Support Fund for the administration costs of the fund and to enable worthy applications to be carefully considered. The *Cerberus* was acquired by the Victorian government to defend Port Phillip Bay. It had a rather unfortunate history. As it sailed out from England to Melbourne - -

The ACTING SPEAKER (Mr Cunningham) - Order! The honourable member for Sandringham is starting to go away from the bill. I ask him to come back to the bill.

Mr THOMPSON - I was endeavouring to define the relevance of my comments to the administration of the fund. In order that the government can decide which of the applications that will emanate from the 88 electorates of this state are appropriate for funding, those applications will need to be carefully considered so that competing considerations can be assessed and addressed.

In his second-reading speech, the minister said that the intention of the bill was to allow all costs of administering, managing and monitoring of and reporting on the fund to be met from the fund. Included in the administration of the fund are the consideration of possible projects, such as the Lone Ranger Guiding Unit, Centenary Hall in Werribee and a number of facilities in the electorate of Gippsland South, which might further the interests of local communities in the state.

I point out - and the honourable member for Sunshine may be interested to note this - that the Community Support Fund is a significant community asset. Recently, a constituent wrote to me making the constructive suggestion that we seek to ascertain the various areas in the state to which the funds derived from gaming might be directed. Formerly a proportion of the revenue gained from the TAB and other gambling activities in the state was directed to hospital and charity causes. While some people may have had reservations about the nature of the activity from which the income was derived, nevertheless it could be directed to a worthy cause. I recall that recently the Anglican Church received money that may have emanated originally from gambling. The question was posed: was the church taking bad money? A representative of the Anglican Church made the remark, 'We cleanse the money'. As a consequence the church felt it could be directed to a worthy cause and purpose.

It should be noted that the fund may be used for the provision of programs. An amendment was recently made because of concerns raised by Tourism Victoria that it could not use the fund to meet the cost of administering and delivering programs funded from the fund. The amendment allows all parties to meet such costs, but not the costs of the Community Support Fund Unit, which is part of the Department of Premier and Cabinet. Clause 3 provides that the costs can be met of:

> assessing and advising on applications for funding from the fund;
>
> monitoring and reporting on programs from the fund;
>
> preparing forward estimates and reporting on the status of the fund; and
>
> other administrative functions as are required from time to time.

One important aspect of the legislation relates to monitoring and reporting on programs funded from the fund. As was seen in the 1980s, not all the objectives were met for which the funding was originally granted under VEDC-funded programs. In 1988 we saw the example of the Whipstick Gold Mining and Development Company, which had $450 000 of state money but did not achieve the purpose for which the funding was originally provided. Therefore the process of monitoring the distribution of funds cannot be underestimated. It is an appropriate and important step, which will facilitate the management and administration of the fund in this state.

Another focus is the preparation of forward estimates and reports on the status of the fund. Responsible financial management has been seen to be exercised in this state over the past four years. The preparation of forward reports and estimates will enable the responsible administration and management of the fund, so that the hopes of entities and individuals are not elevated unrealistically. They will not think they might be future recipients of the fund if they know the money needed to meet the needs of their applications will not be there.

I am aware there are many projects across the state that could benefit significantly from the management of the fund. Organisations in the welfare field run a range of programs and projects, and I am aware of their experience in seeking to obtain funding from other areas. The Community

Support Fund might have a more narrowly targeted focus and one object of it might be to promote the development of arts and youth programs in the state and a range of other initiatives.

The Sandy Beach Centre in Sandringham was founded in the early 1980s. It provides a range of community education and cultural programs, a job club and a range of other activities. Much of its work has been conducted on a voluntary basis. Over the past few years a highly successful music program has been conducted, including a concert series of the highest calibre.

It has provided an opportunity for emerging performers and artists to derive income from the expression of their skills. During Refugee Week I attended an activity organised by Austcare. Vivian Correa, the officer in charge of refugee work, organised a magnificent program of arts projects, including a concert in the Springvale town hall that was attended by people from a diverse range of countries who are now Australian citizens.

That function featured a swing band from El Salvador, Cook Island musicians, Maori dancers and singers, Greek traditional dancers and a range of other performers. On the night of the Austcare dinner performers included a Polish violinist who had put together her own ensemble with a view to taking it to a number of places around the world. The ensemble comprises people from migrant backgrounds, principally people who came here as refugees. Their musical expertise is extraordinary. They are possible future recipients of money from the Community Support Fund to help them further develop their skills and abilities to the benefit of the arts community and the wider community.

I am pleased to contribute to the debate on the bill, which I support. The improved administration of the fund will better meet the aspirations of the community and ensure the fair and equitable distribution of resources across Victoria.

Ms BURKE (Prahran) - Although the Gaming Machine Control (Amendment) Bill is small, its contents are important. The bill is about the Community Support Fund supporting its own functions. It is clear that in making recommendations on the applications addressed to it the fund has a vision for the future. Although those administering the fund have their own agenda, there is a mechanism requiring them to report to Parliament so that we can see what is happening. The fund has supported many new projects in my community.

The new process is more innovative than simply leaving the distribution of funds to ministers. It will be possible to look at projects from a community rather than a ministerial perspective. It is all very well for the government to introduce new funding mechanisms, but they are of no use unless they can support themselves. It is an important principle that we will see much more of. It is about not only raising funds but also accounting for their distribution. Although the bill is small, the principle is extremely important. It will offer innovative ways of meeting the needs of community groups as seen by the broader community rather than by individual ministers.

I support the bill and commend it to members. My community looks forward to making many applications to the Community Support Fund.

Mr DIXON (Dromana) - This is a very important bill. The Community Support Fund has been accepted as an integral part of the community. The administration of the fund is important, as is anything that makes it more accountable, open and transparent. Many groups come to my electorate office asking for government support. The fund will now be able to meet many of those requests. The criteria the fund uses are becoming better known. Groups in my electorate believe that the concept of the fund is excellent and relevant to their goals.

The name of the fund is important. The word 'community' refers to all the people who live in an area, including individuals and members of families, organisations and sporting clubs. Support is part of the role of government instrumentalities. They should not handfeed community groups, lead them or order them but give them opportunities to help themselves and the wider community without too many constraints. Schools also use the fund. These days schools do not act in isolation or put all their resources into working with children. They are increasingly serving the wider community by providing school personnel and opening up buildings and programs. So schools and the wider community are tapping into the fund, which supports the nexus between them.

As the Auditor-General recently suggested, it is important that the fund be administered by the fund itself rather than by an organisation that does not know much about it. It is logical that the fund should distribute money to support various

groups - it handles large amounts of money - and in doing so it reaches a large number of people. The money that goes out needs to be monitored carefully to ensure that one sector does not get too much. I would be very upset if the Dromana electorate received all the payments made from the Community Support Fund over 12 months. I would like to share that money with the electors of the honourable member for Prahran or with some of the many worthy groups in the community. It is important that the money be distributed evenly on a needs basis.

That is being monitored carefully and has been brought to light in this legislation. Not only is it being monitored, but the results of that monitoring are then reported back so that it is transparent: we know where the money has come from - we all know that - and we know where the money is going. That monitoring is also important in determining where the fund is going and where the money needs to go in the future.

The forward estimates of where the fund is going is important because it is part of the overall plan that it should not seem that one group is missing out or that one group is getting too much money.

Tourism is very important in my electorate, which has a long coastline and the Mornington Peninsula National Park, which receives more visitors than any other national park in the country, having about 2.6 million visitors a year - an extraordinary number of tourists. The electorate also offers an extensive wine industry, mountains, Arthurs Seat, beautiful rugged coastal scenery and beautiful bay beaches, so tourism is important to the economy of my electorate, and the Community Support Fund's contribution to various programs has been extremely important. Tourism is the one growth area in the electorate.

It is not only that tourism needs support - more importantly, people in the tourism industry need to know that the fund is there, that there is a further place they can go to for support. The fund is not for 100 per cent funding. As I mentioned earlier, it is important that community groups do not rely totally on the government or any government agency to totally support them. The government is about supporting community organisations to help themselves.

The tourism community does not expect to be fully funded by the government. They are small business operators; they know how to take a risk, to get out there, to earn a dollar and to work very hard. But they have the security of knowing they have the support of the government and the support of a community fund in what they do, to help them expand their industry by perhaps advertising, marketing, or studying it better so that they can set themselves directions. That is an important role that can be played by the Community Support Fund. That relates specifically to my electorate.

My electorate is a real sporting area. As I mentioned in my maiden speech, the jewel in the Crown of my electorate is its golf courses. There are a dozen first-class golf courses in my electorate, and that is only one example of the sporting facilities on offer. Every small township has its football club and its cricket club, and there are tennis clubs and many lifesaving clubs.

There are also the back beaches. Portsea Surf Lifesaving Club is in my electorate; it is the busiest in the state, followed closely by Gunnamatta. My electorate also has a couple of surf lifesaving clubs on the bayside beaches, which do important work in not only ensuring the safety of the people who use the beaches but also in training children in lifesaving and swimming techniques. We also have yacht clubs and various other water-based clubs. They work hard to support themselves, but the access they have had to the Community Support Fund in the past has been a great relief to them, and knowing that in the future they will have that source to apply for funds gives them confidence.

The criteria for applying for funding from the Community Support Fund includes the criterion that the project contributes to the local community. We have groups at risk in our community: young children from households where they do not have much support. Some areas in my electorate, from Dromana down to Rye, are the poorest in the state - 70 per cent of the income of people in my electorate is based on social security payments. The children from those families are behind the eight ball as they go through school. The Community Support Fund encourages groups that support those families, giving the children opportunities and experiences they perhaps would not normally get, which is very relevant to my electorate.

All the sporting clubs and groups I have mentioned know they will receive extra support from the Community Support Fund, and they know not only that the funding will be used for what their clubs were originally set up for but that it will be spread into the community. Another aspect of our

electorate - I keep forgetting that the honourable member for Sandringham knows a lot about my electorate- is that a lot of people - -

Honourable members interjecting.

Mr DIXON - Yes, in case there is a redistribution. If I may digress for a moment, I indicate that I am resting comfortably in my electorate; being on a peninsula, there are not a lot of bormdaries you can move, and unless there is an electorate out in the bay, in Bass Strait or in Western Port bay, I think I am in a fairly comfortable position as far as redistribution is concerned.

The arts is a growing area in my electorate. Again, that is another area the Community Support Frmd supports.

Along with the wine industry, which is in the hinterland of my electorate, there are also many galleries and other groups. It is okay to have galleries there, but galleries need to sell things. Many of the arts groups in my electorate have formd outlets in the various galleries that are now setting up, and many more are being attracted to the area. It is important that these arts groups know that they cannot rely just on their sales and that they are able to tap into the Community Support Frmd.

The various arts groups on the peninsula cater for the huge number of retired people there. The retired people we have on the peninsula are not very wealthy; they live off their pensions and have small houses in the avenues at the back of Rosebud. In many cases they are away from their families. But they have their community groups, like arts groups and their painting groups; all those things are important in giving some sense of future and purpose to those people.

In summing up I indicate that I fully support the bill because it will provide the openness and transparency necessary for the Community Support Frmd to continue the tremendous work it has done to support my community.

Mr BATCHELOR (Thomastown) - I support the amendments to the bill and will address the Community Support Frmd. This small bill sets out criteria for the tasks that must be carried out by the administration of the Community Support Fund. It instructs that the administration of the Community Support Fund must be paid for from within the fund itself, not from consolidated revenue.

Although it will provide transparency in relation to the cost and dimension of the administration of the Community Support Frmd, it will also diminish the size of the pool available for distribution.

The manner of distribution from the Community Support Frmd has been the subject of considerable controversy in the past. Many speakers have referred to the most unsatisfactory propensity in the past to pork-barrel or to have a politically motivated dimension to the decision-making process, which is to be deplored. It is a method of administration that must cease. In future the money from the gaming activities of people across Victoria should come back to those people. For too long the distribution of the fund has been at the whim of the political masters of the state in order to meet the political objectives of the day.

In some ways the bill attempts to address the administrative imbalance because not only does it identify that the cost of the administration will come from within the fund but also it identifies some of the administrative tasks that have to be carried out, including the advising on and assessment of applications, the monitoring of and reporting on programs, the preparation of forward estimates and the status of the fund. They are worthy provisions and it is disappointing that that approach was not taken in the past.

It is important that in the future local communities can gain access to the fund. It is expected that there will be a change in emphasis away from large projects that have been agreed upon at the whim of the Premier to locally based projects based on a sense of equity, fairness and need.

I shall explore a little further the notion of a response to the need of local communities. In the *Herald Sun* today an article explores the distribution of the revenue stream. It geographically examines the placement of poker machines in metropolitan Melbourne, which goes to the question of where the money for the Community Support Frmd comes from. The article concludes that the areas of Melbourne that have the lowest incomes - the poorest areas - have some sort of correlation with the highest incidence of poker machines. That led me to examine closely the suburbs that make up my electorate of Thomastown, which takes in parts of six suburbs: Thomastown, Lalor, Epping, Reservoir, Fawkner and Campbellfield. The table produced on page 11 of the *Herald Sun* identifies by postcode the number of poker machines in those six suburbs, which total a staggering 778. Recently statistics were

produced that rated the suburbs of Melbourne by their incomes, and the poorest 10 suburbs included the six suburbs that make up my electorate. However, according to today's *Herald Sun* article, those suburbs have a large presence of poker machines.

Those poker machines were placed there because of commercial considerations - that is, they generate large amounts of money for Tabcorp and Tattersalls. As an indirect consequence they contribute a large amount of money to the Community Support Fund.

Under the new administrative regime a greater emphasis will be placed on the needs of the community in determining how funds are distributed. The correlation between the high frequency of poker machines and low income has caused great concern. On page 10 the article on gambling states:

> Church and welfare groups claim poker machines prey on low-income earners by concentrating machines in poorer suburbs. They say Tabcorp and Tattersalls have focused on battlers who can least afford to lose, in a strategy that amounts to attacks on the poor. 'It is quite clear that what we have here is a very regressive form of taxation', says Ms Bronwyn Pike, a member of the Interchurch Gambling Task.force.

It is in that context that in the future we would like the administration of the fund to take greater account of the geographic location where funds are dispersed.

Recently I advised local community groups about the existence of the Community Support Fund, its guidelines and how they may apply for grants. That information was sent out to church groups, schools, sporting clubs, ethnic communities, aged groups and groups looking after particular health issues, because they are the sorts of people who are able to apply for funds. The difficulty in the past was that they did not receive any funding. We were inundated with interest from local groups who were pleased to know that in theory they could put in applications for consideration.

Local community groups not only in the suburbs that make up the electorate of Thomastown but also those in other areas where the residents have low incomes and there are large numbers of poker machines should receive a fair distribution of the Community Support Fund.

My electoral office received inquiries from a primary school in Reservoir, an Italian women's health group in Fawkner, a Macedonian youth cultural group in Thomastown, a Maltese bocce club in Lalor, and on it goes. Almost every local community organisation in my electorate expressed an interest, and I hope the expressions of interest have been converted into applications and that the applications are considered and weighting is given to the needs of the area.

The second point I make regarding the serious consideration of applications from my area is that many local community groups have difficulty making written submissions. The success of many submissions to the fund is often influenced by the ability of the groups to lodge written submissions. Many of the members of the groups I have described are from non-English-speaking backgrounds and do not live their lives writing award-winning submissions. Many of the people involved in those organisations have difficulty putting pen to paper or applying their ideas to the concepts and criteria laid down by the fund, and for those reasons they often miss out on funding.

I am concerned that we will have high numbers of poker machines in low-income areas, the areas of greatest need, further disadvantaging groups that in the past have not been successful in their submissions for funding. The process discriminates against groups that need support which in theory is available from the Community Support Fund.

Many worthy groups across Melbourne will look to the fund for assistance and support, for access to the millions of dollars available. I ask the government to take the matters on board and not to discriminate against community groups which are not submission driven and which do not have sufficient funds to employ consultants to knock-up good submissions, but which make submissions based on guts and determination.

I ask the government to acknowledge the correlation between high numbers of poker machines and low-income areas and to ensure that fairness and equity are a characteristic of the distribution of funds from the Community Support Fund in future.

Mr E. R. SMITH (Glen Waverley) - I support the bill and I am sure the Premier and his staff will consider many of the issues raised by honourable members. The Community Support Fund first commenced in July 1992 and so far $186 million has been committed to community support programs, with $80 million being spent and a further

$100 million being committed over the next few years - most of it in the next 12 months. For example, $40 million will be spent on the Albert Park Aquatic Centre. It demonstrates the extent of funding and highlights the reasons for the introduction of the bill: the criticisms of the Auditor-General.

The Auditor-General found that funding proposals should be decided in a consistent manner through one official decision-making framework. He acknowledges that under the government's recent structural changes, scope exists for a consistent approach to the assessment and approval of distributions from the fund for participation in the decision-making process by all relevant ministers. One minister will be responsible for administration of the programs and will be advised by a cabinet subcommittee comprising the Premier, as the Minister for the Arts, the Deputy Premier and the ministers responsible for Sport, Tourism, Gaming, Youth and Community Services, Health, and Aged Care.

The Community Support Fund will provide finance for the prevention of compulsive gambling - an issue that has captured the imagination of honourable members today and one the government has uppermost in its mind: the treatment and rehabilitation of persons who are compulsive gamblers. The honourable member for Thomastown referred to a *Herald Sun* article which highlighted many of these issues, including the treatment or rehabilitation of persons who are addicted or abuse drugs, educational programs relating to drug addiction or abuse, programs for financial counselling services or support, assistance for families in crisis, programs that benefit youth, research or pilot programs relating to community advancement services, and programs for the benefit of sport or recreation.

I take up the point made by the honourable member for Thomastown that funding should not be driven by public relations firms providing the format for submissions. Ordinary plain English should be sufficient in assessing submissions. The honourable member made a good point because I have recently been involved in a rehabilitation program for youth. The program was assessed, but due to various factors its application for funding unfortunately was rejected. The point is that people with worthy programs can try again and submit further programs that may meet the requirements of the funding.

Programs should be transparent and relevant. They should be easily assessed by the people administering the funding so they can be shown to be effective and ensure funding goes to the recipients involved in the program.

Other programs are for the promotion or benefit of the arts and for establishing and developing tourist destinations, facilities or services or for promoting tourism and for any other purposes relating to the support or the advancement of the community, as determined by the minister. Although the guidelines are wide ranging they must be rigorously met. When programs are proposed and rejected - such as happened in my area - the proposers must go back and look at where they are going. They must come up with programs that meet the specific guidelines set out in the regulations associated with the bill.

The bill has been criticised on the ground that its provisions will mean the Community Support Fund will be used to pay the wages of public servants rather than for the benefit of the community. The fund should be used for the benefit of the community, and the costs of administering it should be met from consolidated revenue. The only costs the bill covers are those directly incurred in the administration of the fund. If there were no fund the costs would not be incurred. It is illogical to suggest that the costs of administering the fund should not be met from the fund. The fund is a significant asset of the people of Victoria. It is essential that it be properly managed and that the programs it funds are carefully monitored.

Although the Auditor-General has been very supportive of the Community Support Fund, he has been keen to ensure that it is administered properly and that the funds are allocated in the most beneficial manner. In his report of May 1996 he stated that the bill would ensure that the fund would properly provide for the needs of those particular areas. I am sure honourable members such as the honourable member for Thomastown will be pleased with the way the fund is monitored once the bill's provisions are underway.

Another criticism was that functions performed by the CSF unit are unnecessary and that management of the fund can be accomplished within other departmental structures. By way of response, in 1994 the Auditor-General recommended the creation of a structured central mechanism to oversee and coordinate the fund's financial management and guide and monitor its activities. The CSF unit was established to perform that task.

The bill meets the full criticisms set out in the Auditor-General's report of May this year. The government is sincere in administering and running the fund to the best of its ability. I am sure the speedy passage of the bill will ensure that the people or organisations in need will have those needs met and that the program as outlined will receive community support. I wish the bill a speedy passage.

Mr MICALLEF (Springvale) - Although this is a small bill, the issues surrounding the Community Support Fund are very important. We have a serious gambling problem in this state. The Community Support Fund was set up to help deal with that problem. The way this fund is run is of paramount importance to every Victorian. Although technically a small bill, it has very serious ramifications.

I am very concerned at the way in which the Community Support Fund was run in the past. I was one of those who worked on the introduction of gaming machines, a fact about which my colleagues in the government keep reminding me. It certainly was not envisaged that gaming machines would be introduced on such a grand scale. This government perfected the introduction of gaming in this state, but its members sit back and say, 'We did not introduce it'.

As I said in my introductory remarks, we have a problem. It is up to the government and the opposition to work through that problem and set up an active Community Support Fund that effectively works to help support problem gamblers and others. The other purposes of the fund can be many and varied. It can include a failed yacht race! It can include the Grollos. It can include help for other people. The fund can provide very useful programs in the community so that those who put money into gaming machines and those who gamble in this state get something back for the money that they gamble away and have something put back into the community.

I get back to my first point. I have had numerous representations from ethnic leaders about gambling problems in the community. I will quote just a couple. SICMAA, the Springvale Indo-Chinese Mutual Assistance Association, headed by Mr Phong Nguyen, keeps on talking to me about the increased problems that arise as a result of gambling.

I shall quote from a well-known authority on gambling. An article in the *Oakleigh-Springvale Times* of 25 October 1995 quotes the honourable member for Springvale, a very authoritative person on the subject of gambling, who said that gambling wreaks havoc. Honourable members who want to read the article can borrow it from me or from the library. They will find some interesting comments. I am going back some 12 months when people like me raised the issue of problem gambling in this state.

What has the government done? It has fiddled while Rome burns. It is good at that. The government has a grandiose promotion, Victoria: On The Move. There will be a lot of casualties. It is all right being on the move, but if you get in the way they will run right over you. They have done so in this case; they have run over a lot of people.

Phong Nguyen and Kim Chill of the Cambodian Association of Springvale and support workers at the Springvale Community Health Centre have seen all sorts of very serious social problems as a result of gambling - marriage breakdowns, loss of cars and houses, loss of esteem as well as the enormous social problems that gambling causes. Who picks up the tab? The community agencies do. The irony is that the funding for those community agencies has also been cut back. The government is getting it from both ends. The government is cutting their feet off and pinching their shoes at the same time. The government is pretty ruthless.

Break-Even was set up to help deal with gambling problems. It had someone available a couple of days a week in Springvale. That has recently been upgraded to four days a week, but it still does not even amount to a full-time worker in Springvale, the area I represent. The irony is that I grew up in Thomastown which now has 700 machines. I represent an electorate that has about that number of machines. The area is totally saturated with gaming machines. I get around a bit. I occasionally put a few coins in the machines just to see how they work and to look at the people who are playing them.

Mr Finn interjected.

Mr MICALLEF - I do not go to the places you go to when using the same excuse. I am serious about the fact that there is a saturation of gaming machines in the lower socioeconomic areas. Communities like Springvale have a large percentage of people of non-English-speaking backgrounds and they are being exploited. Some 4 per cent of Victoria's population are Asians, and more than 40 per cent of the casino's customers are Asian. Therefore, there is an imbalance in the types of people who are gambling in this state.

The government must set up ethno-specific gaming support services, which has not been done. Last year the Chinese community had to set up its own gambling hotline, and a couple of other ethnic communities have done likewise. Ethnic communities are setting up their own gambling support services because in the main the government has not done its job. It is possible to use the Community Support Fund for that purpose. Its foremost objective should be to deal with problem gamblers in this state and make sure the support services are evenly distributed in the areas where they are needed.

When I first had dealings with those running the Community Support Fund it took me a long time to get some advice, the forms and the information required. It has been hidden away; it has been a secret. It needs to be brought out into the open so the communities that need support are able to access the fund and so we can make sure that programs like Break-Even and ethnic communities that need to set up ethno-specific services on problem gambling are given the appropriate support in the community.

Mr REYNOLDS (Minister for Sport) - I thank the honourable members for Niddrie, Gippsland South, Werribee, Sandringham, Thomastown, Prahran, Dromana, Glen Waverley and Springvale for their contributions to the debate. The honourable member for Springvale talked about the amount of money spent on problem gambling. It is recognised by all experts right across the board that more money is directed to that end in Victoria than anywhere else in the world. I do not think throwing money at the problem will solve it - there is obviously a further reason why we should direct our attention to what I acknowledge is a problem.

The Community Support Fund has provided some great facilities for sporting people in this state. I hear comments made about the Melbourne Sports and Aquatic Centre. After all, that is for everyone in the community to use, not just a selected few, and $55 million will provide a great facility. It will be no different from playing table tennis, badminton or squash - any two people can go to Albert Park and play. That is what people will be able to do at the centre - it is for everybody.

In addition, facilities will be available under the minor facilities grants scheme. It is interesting that opposition members had a little bit to say about these things. When the sport and recreation facility grants came into their hands in 1982 they were on a one-for-one basis. They are now on a one-for-three basis, so something happened in the meantime - a 50 per cent drop in funding. The minor facilities grants scheme, which the government initiated a couple of weeks ago, will pick up the funding on a one-for-one basis, which will enable the provision of facilities for sporting and recreational pursuits in Victoria.

I thank honourable members for their contributions to the debate on the bill. I am sure they will see the benefit of their thoughts and of the legislation as time progresses.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

BUILDING (AMENDMENT) BILL

Second reading

Debate resumed from 12 September; motion of Mr Brown (Minister for Transport).

The ACTING SPEAKER (Mr Cunningham) - Order! I am of the opinion that the second reading of this bill requires to be passed by an absolute majority.

Mr **DOLLIS** (Richmond) - This amending bill brings the plumbing industry under the umbrella of the Building Act 1993, although in the main this part operates separately from the rest of the act. The object of the bill is to facilitate the implementation of water reforms and to promote better regulation of plumbing, gasfitting and draining. To achieve this the bill will transfer, with changes, the law concerning the occupational regulations of plumbers from the Building Control (Plumbers Gasfitters and Drainers) Act 1981 to the Building Act 1993 and transfer most of the power to make regulations concerning plumbing work from the Water Act 1989 and the Water Industry Act 1994 to the Building Act 1993.

There is a clear need for ongoing regulation of the plumbing industry and plumbing work. The public health and safety issues involved are such that close regulation and scrutiny are required. If it is not done to a required standard, water and sewerage/drainage work could pose risks to health and property. Installation of gas pipes and

appliances can also bring about risk of injury or death through gas or electrocution, risk of fire and so on. In that regard the opposition does not oppose the bill. In fact, I again place on record the fact that the minister's department went out of its way to make certain all the opposition's concerns were dealt with.

I shall place some comments on the record for the minister to consider in his usual way; perhaps he might consider making changes if they are required, but I ask that he at least take note of some of the things we have been informed of. The system of universal inspections is to be replaced by a system of self-certification backed by a random audit by the plumbing industry board of 5 per cent of all work. The whole system depends on self-certification and will fail or succeed on the reliability of licensed plumbers.

Although self-certification offers a less costly and more deregulated system, it may also have its own problems. Firstly, errors will not be picked up until later. A n initial saving in time and money is shifted if the job ends up taking more time and more money. Although the system of compulsory insurance acts as a safety net, it does not eliminate error.

Insurance may give a plumber the excuse to cut corners, and that is fairly serious. When there is pressure to complete a job and knowing that the probability of non-compliance audit is 5 per cent, the likelihood for error may increase. However, the plumber will be covered by insurance. Titis applies to the honest plumber, not the one who is lazy or takes on more work than he can reasonably expect to handle. There is concern by some in the industry that a handful of dishonest plumbers will be able to abuse the system of self-certification - that is, use it to their advantage. Because they will be prepared to cut corners and standards, they will be able to quote lower prices for jobs, thereby undercutting plumbers who put in fully priced quotes. The danger is that the problems created by such unsatisfactory work may not emerge for some years but by then considerable damage may have been done to Victoria's sewerage and drainage system and to the confidence in the regulatory system. The victims in this scenario are the consumer or the customer, yet it appears that it is the customer who has been omitted from any consultation about the changes the bill will introduce.

Compliance certificates can be purchased for $20 by licensed plumbers. In the briefing I was assured that the system of issuing compliance certificates will be strictly monitored, with dates, numbers and the licence numbers of the plumbers registered against purchases and then crosschecked centrally when lodged on the completion of each job to ensure that they are not sold to those who are not authorised to issue or sign for them.

However, compliance certificates are not issued for non-sanitary drain or gas works costing under $500, and are therefore not to be covered by insurance. From a household consumer's point of view, this leaves a lot of maintenance and repair work outside the scope of this amendment. The implication is that where the total value of the work is less than $500, consumers do not have recourse to legislation for faulty, negligent or unsatisfactory workmanship or materials. Nor is the Plumbing Industry Board able to take action against repeated cases of such malpractices - because they are not registered, there is no recourse to the legislation. Not even the insurer can bring such a plumber into line because as the work is uninsured it is not an issue for the insurer.

What sort of work are we referring to? I shall mention some of the work for the minister to read: minor roof and guttering repairs and ,maintenance; maintenance and repairs to a gas appliance-that is, a heater, a commercial kitchen stove and hot water heaters.

The argument for not issuing compliance certificates for work valued under $500 or for non-installation work on gas appliances on the basis that consumers would prefer to save the $20 cost has not been tested. Perhaps the insurance companies are not prepared to cover such an amount-but that is a different issue.

The issue of legal onus having shifted has relevance because the bill shifts the legal onus from the registered plumber to the licensed plumber. Legal responsibility rests with the certificate of compliance, which only the licensed plumber can sign. Ihis is a significant change in the system. Under the existing system, each plumber licensed - or endorsed - and registered has a legal obligation to ensure that the work performed is to standard. As the bill will change the current system, some education about the change and what it means will have to be provided to both plumbers and the general community.

Currently more than 85 per cent of plumbers in this state are holders of endorsed registration- that is,

they are licensed plumbers and will therefore be eligible to transfer as licensed plumbers under the new system. However, the question is whether all those plumbers will want to have the responsibility of signing compliance certificates or whether they will be willing to hold only a registered plumber's licence. Of course it will be possible for a licensed plumber to work under the insurance of a company licence holder and therefore be covered by the company's insurance.

The issue is the impact this will have on the price of work. Will the total costs and therefore the price of average plumbing work fall, or will the fee currently paid for an independent inspection merely be absorbed into higher charges by a licensed plumber? Additional cost may be incurred because of the necessity for licensed plumbers to inspect the work of their registered, but unlicensed, employees. Section 22121 provides that:

> A licensed plumber must not sign a compliance certificate in relation to any plumbing work unless the certificate -
>
> (a) describes the work; and
>
> (b) states that he or she carried out the work or that the work was carried out on his or her behalf or at his or her direction; and
>
> (c) states that the work complies with any particular requirements specified in the certificate; and
>
> (d) states that the work complies with the plumbing laws;and
>
> (e) contains any other details in relation to the work required by the certificate form.

The penalty is 10 penalty units. Under either system, all costs are passed on to the consumer. The bill is being sold as establishing a better system - although that system has been adopted in only France and New Zealand - on the basis that it introduces efficiencies, reduces costs and removes the regulatory monopoly from water agencies and the Gas and Fuel. There is no guarantee that the plumbing costs will be reduced in real terms in the future, quite aside from the issue of whether standards will be maintained.

The opposition hopes that the bill will lead to a better and cheaper system, but we have some concerns and we have raised them. When the minister reads this contribution, I hope he will be able to take them into consideration between now and when the bill is debated in the other place.

Mr BROWN (Minister for Transport)-I have listened with considerable interest to the contribution of the Deputy Leader of the Opposition. It is clear that the house fully understands the importance of the bill, and that the trades generally are of vital importance to everyone in the state.

Many people take the view that it is desirable to pursue a profession if it is possible, and that of course is a very admirable objective. I am one who had my schooling at what was then a technical school. I did an apprenticeship, and then was fortunate to be able to start my own small business. As is well known, I started a number of small businesses over a period of years. Plumbing is one of the trades that young men and women these days would be well advised to aim for. I would call it a profession, because it is a very well-skilled profession. My apprenticeship was in carpentry and joinery. Of course, this gives one the ability to build one's own house, and to do other work - often for no pay, I found in years gone by - for friends, neighbours and relatives. Nevertheless, even in that circumstance there is a lot of benefit.

The plumbing industry is important to this state. I know many colleagues, like the honourable member for Glen Waverley, share my view about the trades being an admirable objective for young people to pursue after they leave school and even possibly for changes in the future for more young people to pursue a lifetime profession and work-related role in the trades.

The Deputy Leader of the Opposition made a number of points that he would like to have considered. I give him an undertaking that they will be considered while the bill is between houses. I have discussed this with my ministerial colleague the Minister for Local Government and Planning. Obviously I do not give a commitment as to what the outcome will be off the top of my head, so to speak. I will give an undertaking, in consultation with the minister who has responsibility for these matters, that the matters will be considered while the bill is between houses and an outcome will be communicated to the Deputy Leader of the Opposition.

On behalf of the government I thank the opposition for its contributions to the debate. It is good to see the general support for change and for legislation which improves the current situation and which at all times is in the community interest.

The ACTING CHAIRMAN (Mr Cunningham) - Order! I am of the opinion that the second reading of this bill requires to be passed by an absolute majority. As there are fewer than 45 members present, I ask the Clerk to ring the bells.

Bells rung.

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.

Remaining stages

Passed remaining stages.

PROFESSIONAL BOXING AND MARTIAL ARTS BILL

Second reading

Debate resumed from 12 September; motion of Mr REYNOLDS (Minister for Sport).

Mr PANDAZOPOULOS (Dandenong) - Although the opposition will not oppose the bill it will raise a number of concerns. It gives the Labor Party and me much pleasure to do whatever we can to improve sport in this state because it is enjoyed by many members of the community. Many of the people involved in boxing and martial arts are Labor supporters, being working-<lass men and women. Therefore, we on this side of the house recognise the importance of making the industry safer, cleaner and cheaper for consumers. It is unfortunate that the rowdy government members do not seem interested in the issue.

Boxing and the martial arts have good sides and bad sides, which is why we need an appropriate regulatory environment. The potential for violence is always a tricky question when we talk about these sports. We need to make sure that the violent side is not encouraged for its own sake and that the sports teach people positive things. The popularity of the martial arts has grown in recent years because of people's interest in self-defence.

Both sports build self-discipline, promote fitness and give their participants a sense of purpose. It is not for nothing that social workers, parole officers and policemen and women are interested and enthusiastic supporters, encouraging youngsters to get involved by coming along to boxing gyms. I am the patron of the Dandenong Boxing Club, which was recently set up with support from the local council and the Victoria Police. It is run by a former boxing champion from Sri Lanka, Mr 0. M. Pereira. Under his guidance, a number of young people are using boxing to learn discipline and to expend energy in an organised way. The police have been very supportive of the program.

As I said during a speech in this house a few days ago, the opposition will not be portrayed as wowsers when it comes to sport. The martial arts are expanding as an industry and as a leisure pursuit, and we recognise the need to act. The bill also deals with a number of changes that are occurring in some of the other growth sports. I want to show how sports as seemingly politically benign as the martial arts and boxing reflect a number of things about our society.

I have discussed the industry with many sporting clubs and martial arts experts, including Stan 'The Man' Longinides, the current Australian and world kickboxing champion. Stan is leaving for Tokyo tomorrow to defend his world title, and we on this side of the house wish him luck in bringing the title back to Australia. Stan mentioned a few concerns he had about the martial arts in this state. He gave me reason to reflect on why people are participating in martial arts in such growing numbers.

About 200 000 people in Australia participate in some form of the martial arts, whether it be boxing, kickboxing, karate, judo or a number of others. For various reasons the martial arts are recognised as one of the fastest growing sports of the 1990s. The industry has grown from virtually nothing in recent years. One of the reasons is the popularity of kickboxing and martial arts movies starring such well-known identities as Jean-Claude Van Damme, Chuck Norris and Jacky Chan, who filmed his recent movie in Melbourne. In recent years they have redefined martial arts as a participatory sport. Most of us can trace the growth in martial arts to when Bruce Lee came on the scene.

However, the reason for the sizeable expansion in martial arts is the growing number of people who want to learn self-defence. That raises the question of whether there is a perception that we live in a

more violent society. We can reflect on statistics in deciding whether that is the case, but there is clearly a feeling that people want to take their security into their own hands. They see martial arts as a way of improving their self-defence skills.

Many of those participating in these sports are women and children. We all know of various martial arts studios in our electorates where we see young people, particularly on weekends, turning up to be instructed in the various forms of martial arts. It is our duty to ensure that women and children and other participants in martial arts are taught by qualified instructors, and that they are taught safely.

A number of concerns have been raised with me by the group, Women in Martial Arts; large numbers of women participate in martial arts. It has referred to incidents that have occurred in the past - for example, reports of male instructors sexually harassing women, including one highly publicised case of rape. There have also been stories about instructors sexually molesting children.

Obviously it is an industry that attracts different people, not only people who are genuine about martial arts and boxing but also people who may have other motives. Therefore, it is important that the government sets an appropriate regulatory environment and keeps a close eye on what is happening in the industry.

The Women in Martial Arts group put the question to me: would you entrust the safety and wellbeing of your children to many of the men involved in this sport? That is a very important question and something that we need to reflect on when we look at the government regulatory environment.

The bill also deals with a number of dangerous new codes, which I was referring to earlier, where there has been growth in recent years. A number of them have come from overseas, especially from the United States. Many new martial arts codes involve the use of potentially dangerous weapons, such as instruments, and involve throwing blades and the like. There is concern in the industry about what regulations there should be for those who participate in these types of martial arts.

In professional boxing and kickboxing the potential problems are numerous. In the past, blatant mismatching has occurred, which can lead to serious injuries to competitors who cannot defend themselves. We all know of cases like Bruce Seldon taking a dive in a well-known fight with Mike Tyson. Not many people are prepared to do that. Proper matching of participants in professional boxing, and in martial arts in particular, is important. The bill will provide for that to a fair degree in some of the new growth sports.

There is also concern about fly-by-night operators, who in the past have absconded with the fight purse of entrance fees to events, and not paid participants. I think the bill will assist with that.

A range of new and what I would call dangerous codes have arisen, such as the ultimate, which involves few rules and does not by any stretch of the imagination resemble a sport. So the bill will regulate tough-man contests and no-rules contests like that. We must ensure that the growing sports can be controlled and that the improper ones can be stopped. With this bill the minister will have the power to stop some of these sports when he feels they are inappropriate.

But there are a number of potential problems we are concerned about. We must ask ourselves in this debate: does the bill adequately address the problems that I have raised? My conclusion is: not as well as it should, although it does introduce a range of improvements.

The bill is part of the Sport and Recreation Ministerial Council's goal of promoting national uniformity as part of mutual recognition laws. The opposition certainly supports the ministerial council's agenda for trying to ensure that there is consistency throughout Australia.

But we are concerned that in some areas there is a perception in the industry, particularly in martial arts, that a question mark hangs over whether some of the deregulation should take place. We hope that it is not just simply an ideologically driven agenda of deregulation, and that there is a real and genuine desire for a proper environment to be put in place, not only so boxing and martial arts are able to compete satisfactorily in the community, but also so the participants can be protected from unscrupulous people who may want to participate in those activities.

The bill dilutes the licensing of some amateur and professional sporting instructors and their duties. We do not have any problems with the deregulation occurring in professional boxing. We see no problem with the removal of the requirement that agents, managers, ring announcers, seconds and timekeepers be licensed. The crucial area of licensing

is in relation to promoters, trainers, matchmakers and judges. It is those people who are prone to corruption and who need to be regulated. So we support that measure. We note that when this bill was introduced in the previous Parliament there was an attempt to deregulate the position of judges and promoters but those provisions have been put back in the bill on this occasion.

The bill also allows for the merging of two boards to form the Professional Boxing and Martial Arts Board. We welcome that and think it will assist by giving the industry consistency, because some of the sports cover a bit of boxing and a bit of martial arts. There has been a problem with definition. Is boxing a sport, is it martial arts, or is it something else? Basically anything involving punching and throwing will be considered as part of boxing or martial arts. The board will advise the minister on the necessary regulations and will set a new regulatory environment for professional boxing, martial arts and the regulation of events.

I know from discussions I have had with professional kickboxers that they are reasonably happy with the reforms to professional kickboxing. They have a keen interest in the viability of the industry as professionals. More than any other people, they are keen to see that their sport is well regulated to ensure that it does not develop a bad reputation, to ensure that there are the highest standards of health and safety for participants, and to safeguard financial issues - professionals are not in it for nothing! So the professionals are pleased with the direction the ministerial council has been taking.

The minister will have the power to ban tough-man contests and other blood sports. A lot of those have not reached Australia yet, but there is a concern in the industry that some of these events might come to Australia. There is a growing concern internationally, particularly in North America, with some of the events. We hope to overcome some of the problems in the future.

So far we have no complaints about the bill. However, we have concerns about the deregulation of amateur martial arts. The bill deregulates amateur martial arts to bring them into line with amateur boxing. In simple terms, that sounds okay. Along with the existing board will go its power to require amateur martial arts instructors to be licensed. Participants in the industry have been concerned about that. I had discussions with a government official from another state, and he expressed his private view to me that it was irresponsible not to register martial arts instructors. But we are prepared to see how things evolve, as I am sure the minister is. But that official from interstate was concerned about it.

In the past controls were far from perfect and there were problems. To be licensed, instructors paid an $18 fee after showing some form of certificate setting forth their qualifications. In the past there have been problems. It is difficult to keep an eye on every club and every instructor, but we have to be vigilant because of the nature of some of the sports. In the past many unqualified operators were able to practise. One of the concerns I have about not requiring instructors to be licensed is that if a person had been charged and convicted of a paedophile offence there is nothing to stop that person forming a martial arts school. The minister would be aware of that.

By its nature the martial arts industry attracts different people, and unfortunately some people are dangerous. It is a tough and interesting sport and it can involve interesting weapons, which attracts people who are not interested in the self-defence nature of the sport. Some martial arts instructors have expressed their concern about the removal of any form of licensing. I am not sure how the minister and the Martial Arts Board will monitor some of the participants in the industry, but perhaps the minister will inform the house how the board will set new regulations to deal with these problems. In the 1992-93 report by the Martial Arts Board on the government's desire to deregulate martial arts instructors it states:

> **The board exists because self-regulation was not successful in the martial arts industry. The board members are concerned that should the legislation be repealed the circumstances which led to the formulation of the board in 1986 will re-emerge.**

From 1992-93 there is a history of concern about national uniformity and mutual recognition. In its 1995 report the board states:

> **The board is of the view that the writers of the report on which the federal government based its decision (to deregulate) have inadequate knowledge and understanding of the industry.**

In 1995 the Martial Arts Board was still concerned about the direction that should be taken. The opposition does not oppose the bill because of the imperative of interstate consistency. We need to start

at that level and work with other states to improve this area through regulation.

The opposition will monitor amateur martial arts to ensure that the new deregulated environment does not lead to a proliferation of dangerous, unqualified and irresponsible instructors. It will keep an eye on the resources available to the department and to the board and what the new regulations may say about how a proliferation of dangerous, unqualified and irresponsible instructors can be controlled. The shortcomings of the present regulatory system were due to the lack of resources provided to the Martial Arts Board. In its 1993-94 report the board noted:

> There was an inability to administer the intent of the legislation regarding prosecution of unlicensed instructors.

It was a matter of resources, regardless of whether the sport was martial arts or boxing. The opposition believes the board and the department need appropriate resources to identify and avoid any potential problems. Resources need to be directed to areas where martial arts are growing. It was noted by the Sport and Recreation Ministerial Council:

> Vigilance by regulatory authorities in the monitoring of these codes will need to be maintained and principal and subordinate legislation will need to provide for adequate regulation.

I ask the minister to take these matters into consideration in the new regulatory environment when he considers what resources are made available to the boxing and martial arts areas. In the future we will be looking for national consistency of the regulations developed and implemented by the ministerial council to ensure tighter controls of this expanded but potentially troublesome industry. If the regulations are not tough enough the opposition will support their improvement.

It is interesting to note the situation that occurred in New South Wales where instructors in amateur martial arts were encouraged to obtain qualifications as fitness instructors. That should be taken on board. To obtain their qualifications NSW instructors needed to demonstrate basic health and safety requirements including a knowledge of CPR and so on. When they obtained the qualifications of a fitness instructor they could successfully register themselves as state registered fitness instructors and they were able to obtain discounts on insurance. That is one way to go, and the opposition will be looking to that type of regulation in the medium term, although it does not want to have a major argument about most aspects of the bill.

I appreciate the briefing from the department and the minister's office and I have raised a few concerns that were directed to the opposition. I support most of the bill but the opposition will keep a watching brief on the regulation and resourcing side.

Mr LUPTON (Knox) - I am pleased to support the bill and I am pleased that the opposition also supports it. The honourable member for Dandenong said that most of the people interested in boxing are ALP supporters or blue-collar workers. I assure him I have never been an ALP supporter but I used to watch boxing on a regular basis. Boxing is a sport that is renowned throughout the community and it is followed by a great many people.

Martial arts have become a popular sport and it is growing all the time. That can probably be attributed to the film stars who have promoted it and the fact that many young children from the age of seven or eight years are learning martial arts. They think nothing about doing karate and kickboxing. It appears to be the norm among children of today to learn these types of martial arts, but 10 years ago it would have been uncommon. Women are also becoming involved in self-defence, which is alarming. Perhaps they have a perception that it is no longer safe to go out alone with a member of the opposite sex without knowing something about martial arts. A number of young women are learning martial arts.

The popularity of the sport has increased considerably. Victoria is the only state that has licensing requirements for martial arts instructors and it is appropriate that it falls in line with the rest of Australia. There is no evidence to support the proposition that martial arts instructors are poorly trained or substandard or that amateur associations have the capacity to regulate their codes. The deregulation of the administration of martial arts will allow the sport to flourish, and the Minister for Sport has taken the right decision.

The licensing and regulation of martial arts will be in accordance with the government's licensing program. The bill will allow boxing and martial arts to compete on a level playing field. The honourable member for Dandenong said that the minister will have greater control of the so-called tough sports and that he will have the authority to stop events going ahead. In many tent shows around the country the mismatching of small boxers against

larger boxers occurs regularly and the minister will now have greater control over the administration of those sports.

The main purposes of the bill are to remove the requirement that agents, managers, ring-announcers, seconds and time-keepers involved in professional boxing and martial arts contests hold licences and that medical practitioners involved in those contests be accredited. It is no longer essential for doctors involved in martial arts contests or professional boxing to be accredited. The registration of boxers, matchmakers, referees and judges is still required, but the bill should make it easier for both sports to be administered.

Professional boxing and martial arts will be covered by the one act, but I have a minor concern that martial arts needs to be supervised to ensure that it is a clean sport. Professional martial arts should have the same protections as professional boxing.

The bill is similar to the measure introduced in the spring session of 1995 except that some criteria have been removed. I commend the bill to the house.

Mr TRAYNOR (Ballarat East) - I have a particular interest in boxing and I want to allay some of the fears expressed by the honourable member for Dandenong. I have spoken to boxers and boxing trainers. I am fortunate to have in my electorate Nick Marios, a person who has been involved in the boxing industry for 31 years and has been a friend of mine for 20 years. Nick Marios has trained Ken Eldridge, the Victorian light-heavyweight champion; Jim Gillon, the Victorian welterweight champion; and Ivan Rakovina, the Australian light-heavyweight champion. He has trained the heavyweight, middleweight and cruiserweight champions of the Victoria Police. On occasions I have trained at his gymnasium with Billy Mitris, who has fought in Australia as an amateur and a professional and who has fought in the United States.

Billy Mitris trains my 21-year-old son. As a person who spent 21 years in the police force and who has seen many orthodox and unorthodox fights I am pleased that my son is being trained by a professional boxer who insists on all the controls being in place and who relies on fitness. Nick Maries has also trained Lionel Rose, Lester Ellis and Jeff Fenech. I too wish Stan 'The Man' Longanidis well in his overseas trip.

Many adverse comments have been made about boxing. When I spoke to Nick Marios about the boxing industry I showed him the bill and he believes it is good legislation. At first he had some fears about controls in the industry, but at the end of the day he asked me to pass on his congratulations to the minister for introducing the bill.

Nick Marios spoke to Jack Rennie and other boxers in Melbourne who know what the industry is about and he is excited about the bill. I support the bill and commend the minister.

Mr ASHLEY (Bayswater) - In the great scheme of things the Professional Boxing and Martial Arts Bill may be viewed as innocuous and ephemeral. The measure will come and go without causing much of a ripple in the great affairs of state. That is a pity because it deals with an aspect of human life which is neither innocuous nor ephemeral. It touches something basic; it deals with fundamental human instincts, continuing instincts, instincts that we neglect to our peril as a society.

The instincts that lurk behind the substance of the bill are not just to do with the needs of self-defence but of proving ourselves and of self-preservation. This is particularly true of males. These instincts express themselves in what psychologists call the fight response to panic and fear. It is because the drive to fight is so fundamental to the development of human personality, especially in males, that we are forced to come to terms with its consequences as each generation comes and go.

Boxing and martial arts happen to be two modem variants of the ancient 'fight-reaction' mechanism with which humanity is both blessed and cursed, genetically and culturally. These are highly developed and sophisticated versions of combat taken from the field of conflict and battle and transformed, refined and ritualised in an effort to maintain the positive aspects that flow from proving and preserving oneself and to give them expression in a controlled setting of what may be called different kinds of performing arts.

The magic and sheer artistry of mind and body coordination and skill distilled in such lyrical lines as, 'float like a butterfly and sting like a bee' capture the appreciation of movement combined with motive and aggression in a context in which the possibility of injury and harm are reduced to a minimum.

The whole attraction of combat sports is in the recognition that basic human drives like proving oneself and preserving oneself will not be

completely thwarted or extinguished by social disapproval but can be contained and channelled into spectacle and theatre by rules, conditions and limitations which elevate safety above risk, recklessness and the possibility of personal damage. It is in this dimension that government, in rightly being concerned about safety and health issues, sees a role for itself which is quite legitimate - the role of regulation, to impose and safeguard health standards and exclude the kind of seedy corruption that has so often dogged these activities.

It is not the place of government to ban combat sports. To attempt to do so, I believe, would be a futile effort. It would be to enter another realm of social engineering which is bound to fail because governments and government edicts cannot banish the instincts in young men or young women to prove themselves and preserve themselves by pitting themselves against physical danger, personal risk and sometimes overwhelming odds.

To attempt a ban would, I believe, be disastrously counterproductive. It would almost certainly damage the development of masculinity and gender identity in a proportion of adolescent males and young adult males. Combat sports have their origins in combat and in young males' instincts to prove themselves fit partners for young women in their tribes or villages. The sparring or the contest has much to do with emergent sexuality, ego or the formation of macho identity. It has everything to do with the necessary business of winning the approval of the opposite sex. Its origins are in providing the evidence that you have what it takes to provide, protect and sire.

It would be futile for governments to try to extinguish combat sports, even if there are relatively few young people who find the need to participate in them, because to do so would only, I suggest, promote emotional and psychological dysfunctionality in men, that would result as a consequence of denying them the specific outlets they need to express the needs that drive their actions and their behaviour. It would serve only to further undermine self-esteem and feelings of self-worth in those who have or see no alternatives to establishing these except through the urge for combat. There is already too much evidence around of dysfunctional young male behaviour in our community without government adding further to it by fruitless experiments in attempting to pretend that certain instincts do not exist or by trying to negate them via attempts at a kind of subcultural castration.

In the past week or so I heard an *Encounter* broadcast one evening on Radio National. The discussion got on to what is called a 'muscular version of Christianity'. It was about a priest in Sydney who had established an amateur boxing group in his parish for hot-blooded youngsters who had histories of problems with the police - petty crime, petty drugs and that kind of thing. The priest had come to recognise two significant aspects of adolescent development. The first is their energy and the fact that energy demands release, and if it is not released positively it will be released negatively and destructively. The second is his realisation that some young men seek combat as their way of proving themselves. In part, this includes the desire for self-defence skills, but much more of it has to do with ego needs and the longing for a sense of self-worth.

He argues that self-esteem for these young people is derived from learnt skills like self-discipline, fitness, coordination and the discovery of courage and persistence under fire. His view is that there is a place for muscular Christianity for it is giving young men in his parish the self-esteem they are otherwise tragically denied.

This, then, is something of the context of the bill which seeks to balance health and safety issues with the basic freedom of self-regulation as to the mechanics and administration of the industry. In seeking that balance we have probably come from a period of no regulation, when a boxing bout went on without rounds and did not cease till one man fell down virtually dead, to another phase where we were overregulated rather as a pendulum reaction to previous underregulation. This bill, I believe, seeks to come to a midpoint.

Mr MICALLEF (Springvale) - I want to speak briefly on a couple of aspects of the Professional Boxing and Martial Arts Bill. As the representative of an area like Springvale, I attend a number of activities organised by Asian groups, which are very much into martial arts. I have watched them breaking old roof tiles and doing other things with their feet-kickboxing and that type of activity. Many young people are attracted to those types of activities.

I understand that deregulating the activity will generate some concerns. Sometimes the people attracted to these sports or activities end up like the man who was the subject of a *Four Corners* program a few weeks ago; he shot a large number of children in Scotland. We have to screen those who are

actively involved in attracting young people to the various sporting activities. Although many participate for legitimate and proper reasons, we always have to watch out for those who might use the activities as a camouflage to get themselves into positions where they can gain the confidence of young people.

Coupled with that are the television shows and the Jackie Chan movies that glamorise those sports. I remember once going below deck on a boat that was travelling down the Yellow River in China. Despite the wonderful scenery we were passing, which to me was much more exciting, I came upon perhaps 500 Chinese with their eyes glued to a television screen watching a kickboxing movie.

Mr Reynolds - Is this a joke?

Mr MICALLEF - No. 1bis is very serious.

Mr Reynolds - Was this a Chinese junk?

Mr MICALLEF - No, it was a proper ferry. That type of activity is very popular, especially among the Asian community. It is receiving quite a lot of support from young people who try to emulate their screen heroes. Sometimes the action and images on screen cannot be imitated in real life.

I found it hard to follow the logic of the honourable member for Bayswater, who tied Christianity and discipline into the martial arts. That is what I would call the classic long bow, but I am sure there is something in it. Such a philosophy could be applied to the Crusades when that type of reserve power and the ability to use it at the appropriate time would have come in handy.

Young people certainly need to be monitored, especially those who are getting into physical activity that puts stress and strain on their young bodies. That can do a lot of harm, especially if they are trained by people who are not properly qualified. That important issue must be taken into account. It is a very serious issue: if young bodies are mistreated the result can be injuries that lead to sustained problems later in life. They are the sorts of issues I hope the minister will take on board.

More and more people are beginning to question the value to the community of professional boxing. I know it is quite a spectacular spectator sport and there have been some very colourful characters, especially those on the United States boxing scene, who make heaps of money out of bashing one another. I suppose that while it is legal, people are able to make money out of it, but I think the amount of money people can make out of this industry is obscene. However, it is a professional sport and we must be responsible for making sure the people involved in it do not become the pawns of those who are out to make money.

I remember watching some of the old boxing camps years ago in some of the country towns when I actually used to go out to the country a bit. I would watch people getting into the ring and slogging it out for money. Even as a young person I used to wonder how the community could allow that sort of activity to go on. I think we are a bit more civilised now than we were all those years ago - it was like watching re-runs of a tum-of-the-century movie. But it is a legal sport that needs to be monitored continually to ensure those involved are protected from themselves.

I also followed Jeff Fenech's career with some interest - he is of Maltese extraction, as I am. I happened to see him at Melbourne Airport one day after a championship fight he had won and his hands looked like balloons. That proves that you do not get away with it - the bouts catch up with you and your body suffers wear and tear. The continual bashing of one's head must do some damage in the longer term. The community has to face up to those issues in the longer term and consider whether it should continue to support boxing. However, while it exists it needs to be properly monitored and sufficiently regulated to ensure participants in the sport come out of it in a reasonable state of mind and body.

Mr THOMPSON (Sandringham) - I am very pleased to join this debate on the Professional Boxing and Martial Arts Bill. The objects of the bill are to restructure the boards that regulate both boxing and martial arts, to address appropriate levels of safety that apply to those sporting codes, to simplify the licensing process, and to fulfil a commitment of the Victorian government to the mutual recognition scheme.

The sport of boxing requires speed, fitness and considerable skill. Over many decades the Australian sporting public has seen athletes at their peak, including Lionel Rose, Johnny Famechon and Jeff Fenech, to name but three great Australian boxers who have performed at the highest level of their sport both in the Olympic arena and the professional domain.

It is interesting that one of the objects of the bill is to enable the amateur sporting codes to basically self-regulate. Many people contribute positively and constructively to the training of young boxers and athletes to teach them skills of discipline and to help develop their fitness. In the sporting arena at the senior level people such as Jack Rennie and Johnny Lewis in Sydney have spent the greater part of their adult lives in boxing gyms. A former municipal councillor from my electorate, Ian Lyons, has devoted many hours to physical fitness and helping to train young athletes.

One of my major concerns is to acknowledge the measures in clause 10 of the bill that relate to safety. A paper was produced by a Sydney consultant neurosurgeon, Mr Warwick Stening, which alludes to the concerns about conditions such as being punch drunk. He quoted the remarks of Martland, an American pathologist, who first described the clinical characteristics of this condition. The paper states:

> He depicted a syndrome in which, in severe cases, 'there may develop a peculiar tilting of the head, a marked dragging of one or both legs, a staggering propulsive gait with the facial characteristics of Parkinsonian syndrome, or a backward swaying of the body, tremors, vertigo, or deafness. Finally, marked mental deterioration may set in necessitating commitment to an asylum'.

In recent times one of the greatest boxers in the post-war period has been Mohammed Ali, and his physical presentation in recent years has been such that sporting enthusiasts may doubt at times the value of a keen pugilistic contest where the consequence of a boxing career may be neurological deterioration. Nevertheless, the bill contains safeguards. It requires medical practitioners to certify boxers as being fit for contests.

Honourable members may be interested to learn that the honourable member for Carrum has some background in this area as his family has been associated with Stadiums Pty Ltd for many years. He advised me earlier that in the case of *Pallente v. Stadiums Property Ltd (No. 1)*, a Supreme Court case in the 1970s, he formed a tag team with a former Labor leader of this house in defending an action resulting from a boxing contest in which a particular combatant sustained an injury. The honourable member advises me that he won most of his fights by 10 backyard fences, or by 200 yards, and in that case he was also successful in the court.

There was once an unsung Australian hero, Boxer Bracken, an Aboriginal man who was a great Australian fighter. On one occasion he was asked who was the best fighter he had ever fought and he replied, 'The Taxation Department - they had every punch in the book'.

With that brief contribution I am pleased to do a quick tag exchange with the honourable member for Carrum to finish off this particular bout.

Mr LEAN (Carrum) - It gives me great pleasure to join the debate on the bill. My background of three generations in boxing promotion means that I am probably corning from a slightly different angle than some other members. In the late 1980s I had three years as Deputy Chairman of the Victorian Professional Boxing Control Board, which gives me a bit of insight into the old legislation versus the bill now before the house.

The main problem with the old legislation was that it did not give the minister enough powers. A basic problem was that if one of the promoters, trainers or whoever caused any difficulties and the minister wanted to revoke the licence, in those days the person concerned had the opportunity to appeal. That was a long and drawn-out process and was really ineffective unless the person was successfully taken to court and convicted. It was not possible to just revoke the licence. The bill now before the house obviously ensures such situations will not occur in the future.

The honourable member for Springvale made some remarks about the sport of boxing and the martial arts. It is important to understand why sports such as basketball, track and field and boxing are so popular with many young people, not only in Australia but in countries around the world. The basic reason is that young people do not have to buy any equipment to become involved in those sports. It is a case of just turning up to the track, basketball court or gym to get the training and the equipment necessary to become involved in the sport.

Those sports are not like a number of other sports that you can participate in only if you have parents who can afford to spend a lot of money to outfit you. Boxing and martial arts are among the sports that you can tum up at the gym and become involved in. The member for Dandenong raised the point about having compatible licensing in other states of Australia. Once again, in my days on the board that presented a difficulty. The Boxing Control Act in Victoria was different from the act in New South

Wales; there was not a similar act in Queensland; there was what might be called a half act in Western Australia; and there was not one in South Australia or Tasmania. Consequently, if a contestant came from South Australia, he had to go through the full medical test here in Victoria before he could fight. On a number of occasions young people were not able to pass the stringent Victorian medical examination. I agree wholeheartedly with the member: once we have set the pace and the standard for the medical requirements in Victoria it is really up to us from that point on to try to have the other states fall into line with Victoria.

Just to summarise, a good bill is a fair bill. The bill is fair. People will go to gymnasiums and learn boxing and martial arts in the different and varying forms. It must be kept in mind that these sports are as much a sport of defence as they are offensive. We need good trainers to teach young people martial arts. The bill will ensure that licences go only to accredited people, including doctors and comer persons. On that basis I commend the bill to the house.

Mr REYNOLDS (Minister for Sport) - I thank the honourable members for Dandenong, Knox, Ballarat East, Bayswater, Sandringham, Springvale and Carrum for their contributions.

The member for Dandenong talked about the pitfalls he has experienced and knows of in professional boxing. Many of the incidents that he mentioned happened interstate. As the honourable member for Carrum reiterated, it is fair to say that since the institution of the Professional Boxing Control Board, Victoria has had excellent control over professional boxing. It is the toughest and tightest of any state in Australia, and we do not want to weaken that in any way. By not continuing to license certain professions, like ring announcer, we will not weaken that control.

As I said, our professional boxing is well run by the Professional Boxing Control Board under the chairmanship of Ron Casey. Our medical testing, matchmaking and the actual conduct of bouts is of the highest order.

A couple of members mentioned tent boxing. They must have long memories. The Jimmy Sharman troupe was outlawed 20 years ago, so tent boxing has not been around for a long time.

One of the difficulties in controlling the martial arts is that they are so diversified and broad. It is really a religion to many people. It is a means of keeping fit as well as having the by-product of self-defence. I assure members that in licensing only those martial arts that charge for entry and where we have full contact, the government is getting to the crux of the problem. The others really are not a problem. Nowhere else in the world or in Australia are they licensed. To have enforced wider licensing requirements here would have taken up many more resources than we could possibly afford.

The honourable member for Dandenong mentioned that he will be keeping an eye on the legislation to see how it all pans out in the future. I agree with him entirely. We need to work with the other states to ensure that we agree with what happens under the mutual recognition legislation when they put into place their controls on martial arts and professional boxing.

One of the areas we need to control, as was mentioned, is the ultimate contest, the tough-man contests, and all the fringe events that we have bobbing up around the country. They are a real worry. People are fighting three or four times on one night in a tournament where there might be four events to get a final winner - so you have 16 entries with 8 pairs fighting until you come back to 8 winners and finally you get back to 1. People could be knocked out in an earlier event and fight again later. That would be totally outlawed under the Professional Boxing Control Act. Those sorts of events need to be controlled. I assure members that the legislation allows enough flexibility for us to control and put out of business from the word go the tough-man contests and the ultimate contests.

I thank honourable members for their contributions and look forward to putting the legislation into effect, providing the members of the upper house give it their approval.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Sitting suspended 6.27 p.m. until 8.03 p.m.

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed from 10 September; motion of Mr DIXON (Dromana) for adoption of address-in-reply.

Mr TRAYNOR (Ballarat East) - I have pleasure in joining the debate on the address-in-reply to the Governor's speech. Mr Speaker, I congratulate you on your elevation to the chair. I also thank the 27 voters in Ballarat who enabled me to stay here. I have the most marginal seat in Victoria and probably, if I have done my homework, in Australia - and I am grateful!

The address-in-reply debate gives members the opportunity to speak on a broad range of subjects. Although many members use the opportunity to raise parish-pump issues, I will not do so tonight. The honourable member for Ballarat West has already given enough publicity to major projects and investment in Ballarat. I could speak all night about how much money this government has given to Ballarat, but I will not.

Dear to my heart is a new Ballarat police station and court complex. In 1982 I was a police officer in a Ballarat police station that had been built in 1963 to house 30 men. In 1996 that station is occupied by 100 men. I remember the then police minister, Race Mathews, and his entourage visiting Ballarat. Comments were made in the Ballarat *Courier*, on television and on radio 3BA that the conditions at the police station were appalling and that the Labor government would inject funds into Ballarat to build a new station. It was said the station was high on the priority list of major capital works. Nothing happened for years, and by the next election there was still no sign of the new station.

I had the privilege of being in charge at one stage, and at home I have a photograph of Steve Crabb, a former Labor Minister for Police and Emergency Services, and I standing outside the station. Everyone was smiling, the TV cameramen and the radio interviewers were there and Steve Crabb said, 'What a wonderful idea! This is sensational. We are going to pump millions of dollars into building you a new complex'. For weeks the front page of the *Courier* carried stories about the new complex and about Ballarat getting more police. It was unbelievable. Yet when election time came there was still no sign of the new station.

I also remember Mal Sandon, another former Labor police minister, standing in the mess room at the Ballarat police station and saying to me, 'We are going to build you a fantastic new police station'. I said, 'That is great. But I remind you that Race Mathews promised it, Steve Crabb promised it and now you are promising it'. In all fairness to Mal Sandon, he was not a bad police minister, but by election time there was no sign of the new police station.

This matter is very close to my heart, so the events are vivid in my mind. I have a good memory; I do not need to refer to notes. I remember standing outside the police station with the other candidates in the lead-up to the 1992 election. The candidates were the sitting member, Mr Frank Sheehan; Karen Overington, who is now a city councillor; and Geoff Howard, the mayor, who was standing against Mr de Fegely. The Labor Party said, 'We have been working on this project for ages. You will get a new police station. The Labor government is committed to it, and it is on a high-priority list'. I got hold of that priority list and went through it, but Ballarat was not on it.

Since 1987 I have done a fair amount of work. Normally I am not one to beat my chest, but tonight I am going to do so. In 1987 I started to compile a dossier on the promises the Labor government had made to deliver a new police station to Ballarat. That dossier became as thick as a Melbourne telephone directory. I remember ALP candidates and members and even the writers of letters to the editor saying, 'You are irrelevant. You will not get a new police station'. In continuing to push for a new station, I approached the Premier. I was extremely proud when, finally, before the last election, the Premier announced in the *Courier* that Ballarat would receive $30 million to erect a new police station and six courts on the former Gas and Fuel site on the comer of Dana and Albert streets. The money is in the budget and work has started.

But I want to take the opportunity to thank not only the Premier but also the minister at the table for all the work he did in assisting me to have that police station built.

I remember a fellow by the name of Peter Devereux, who was the Labor candidate in the federal election. I made many comments that were reported in the paper, and I stuck my neck out - I am quite honest about that - in my fight for the police complex, having worked in it and obviously having some experience in policing. It is ironic that in a

newspaper editorial Mr Devereux was reported as saying something along the lines of, 'Mr Traynor, who has been in Parliament for two years, is obviously a lowly backbencher warming a green seat in Parliament, who is totally irrelevant, and the Premier will take no notice'.

An Honourable Member - Who said that?

Mr TRAYNOR - Devereux. He said that I am irrelevant and that I will warm the back bench - all right, I accept that I sit on the green seat on the back bench. Sometimes I might be irrelevant, but - -

Mr Bracks interjected.

Mr TRAYNOR - Do you know what I am going to say to Devereux?

Mr Bracks interjected.

Mr TRAYNOR - Yes, pass it on to him that I have delivered. For 10 years the ALP promised the police stations - promised, promised, promised! I have been here three years and I have achieved a $30 million police complex. Thank you very much!

Mr BRACKS (Williamstown) - I am happy to finally contribute to the address-in-reply debate in response to the Governor's speech.

In a positive spirit I thank the member for Ballarat East for his contribution. He and I have known each other for quite a while in different guises. As I was a candidate in Ballarat on three occasions, our paths crossed many times.

Mr Maclellan interjected.

Mr BRACKS - He has always been in good form.

Mr Maclellan interjected.

Mr **BRACKS** - Mostly in uniform, yes. I enjoyed his contribution, and I will certainly raise some of the issues that he has raised with the people he has mentioned.

I would like to speak about the address-in-reply to the Governor's speech.

The Governor's speech is essentially the program for the next four years, which the government gives the Governor to announce. I read some of the aims and objectives of the government. I shall refer to those and to where the government is at this point. One thing I note is that at the end of the speech the Governor made a comment, which I imagine was his contribution, over and above the government's contribution to his speech. In talking about the pursuit of progress and growth, which the opposition joins the government in supporting, he said:

> Ministers and all members should be mindful, however, of their ongoing responsibility to provide good government in the interests of all Victorians.

I think we would all support that comment. I want to address one part of the notion of good government - that is the part to do with accountability, with checks and balances, and with ensuring that ministers adhere to the responsibilities set out in programs, such as that offered by the Governor, to deliver on good government.

I raise a couple of matters that concern state projects and the promotion of projects, one of the indicators of good government. How you deal with the projects, those large things in your trust, how you promote them, and how you differentiate between that which is the government's and that which is the parties', are important principles.

I assumed that when the Governor was talking about good government, ministerial responsibility, and being mindful of these principles, he was talking about checks and balances, ensuring that ministers and the government know the difference between parliamentary responsibilities and the separation of powers between the party and the government - which is a key issue - in particular, ensuring that good government is about value for money; ensuring that taxpayers get full value for that which they contribute to the revenue base of the state; that the government adheres to the recommendations of umpires, takes note of and explains how it will address the issues when the report of the umpire, or the Auditor-General, recommends a certain course of action; that there is accountability in the process of delivering government; and that that accountability is transparent and open.

I shall concentrate on one issue on which I believe the government has been tardy in delivering good government and responsible government: separating that which is the party's and that which is the government's responsibility. I refer to the Auditor-General's report on *Marketing government services*, which addresses the issue of how

government should separate that which is a party's responsibility and that which is a government's responsibility.

I will talk about an Auditor-General's report that has freely given advice on how the government can get better value for taxpayers' money and how the government can better differentiate between that which is its responsibility and that which is the party's responsibility.

In particular I should like to look at a major section of the Auditor-General's special report no. 39, *Marketing Government Services - Are you being served?*, of March 1996 on the appropriateness of advertising.

The Auditor-General makes a recommendation to this government on how it can better administer and better deliver good government. The Auditor-General's report raises the objective the Governor mentioned in his speech - the warning he gave ministers - earlier this year.

In a paragraph entitled, 'Party-political statements' on page 77, the report says of the government's promotion and advertising:

> Of the 17 items -

and he identifies 17 different items -

> produced within the Communications Unit which were examined by audit in detail, 9 contained references to political parties -

that is taxpayers' money used to fund those 17 items -

> including the following statements which represented a small sample of such references -

and these are paid for by our taxes -

> 'Ten years of Labor mismanagement has crippled our transport system with inefficiency and massive debt ...

Honourable members interjecting.

Mr BRACKS - I am not surprised in a partisan way that members on that side would agree with that proposition, because that is what they prosecute. The argument, I have to say - -

Honourable members interjecting.

Mr BRACKS - No, that is not true. My argument is that the Auditor-General has found that that statement was one which should have been funded by the Liberal Party of Victoria. The member for Tullamarine can shake his head, but I am referring to the Auditor-General's report, his independent assessment, which says that matter should have been paid for by your party organisation, not by the taxpayers' dollar.

He goes on to talk about a number of other instances - in fact, 9 of a total of 17 over the period he investigated - in which clearly partisan comments were paid for by the taxpayer. He openly says they should have been paid for by the Liberal Party of Australia.

Mr Maclellan interjected.

Mr BRACKS - Absolutely, his recommendation is clear and unequivocal. I am pleased the minister has interjected, because the Auditor-General's recommendation, which has laid on the table since March, is that the government should establish principles to differentiate between that which is party political advertising and that which is government, to establish a set of principles.

The Auditor-General- and I will refer to this for the minister - responded to the member for Niddrie, who wrote to the Auditor-General about a further political publication, *Victoria: The Story So Far* to establish whether it fitted in with the guidelines the Auditor-General had set.

The Auditor-General said in a letter to the honourable member for Niddrie:

> Currently, my cri de coeur seems to have fallen on deaf ears.

That is the plea made by the Auditor-General to have the differential between party political and government advertising set out in guidelines.

The key recommendations made by the Auditor-General were ignored by the government. They were adhered to in the breach to the extent that the government produced a further document - after the Auditor-General's report-that is partisan in nature. I shall come back to the matters that go to its partisan nature and why it should not have been funded by taxpayers dollars.

In the Auditor-General's report on costs to the Victorian taxpayers of the partisan political

advertising of events he lists an overall global costing of the 17 items. I will be fair to the government on this point because the Auditor-General went through a lot of the expenditure including advertising, salaries, printed materials, sponsorships, media releases, exhibitions, trade fairs and so forth. I chose those that could be reasonably identified as events that could be sponsored by the Liberal Party and not matters to do with normal government communications such as press releases and trade fairs. I took out the total expenditure on advertising and salaries to come up with a figure for advertising and total expenditure on printed material, which totalled $98.3 million.

Mr Maclellan interjected.

Mr BRACKS - No, I am not. I actually agree with the Auditor-General on the point that only 55 per cent of the 17 items were party political.

Mr Maclellan interjected.

Mr BRACKS - Absolutely not! I am agreeing with what the Auditor-General said that 17 of the items should have been paid for by the Liberal Party. The disaggregated costs excluding the 17 items comes to $98 million - that is being generous to the government and does not include media releases or exhibitions. When nine-seventeenths of the total is deducted the cost is approximately $52 million, which is the amount the Auditor-General deemed could be funded by the Liberal Party.

Mr A. F. Plowman interjected.

Mr BRACKS - If you have different arguments you should have the guts to bring them before Parliament. The reality is that you have been mute on this point. You have no guidelines and you are open to attack because of this.

Mr A. F. **Plowman** interjected.

Mr BRACKS - The best defence by the government on this issue would be to say that it had developed some guidelines and to argue the case that certain things should be funded by the taxpayer. It could be argued that the developed guidelines show the Auditor-General was wrong and that certain matters come within the orbit of the taxpayer because the government was reporting on its achievements. I would like to see a case put, but that has not occurred. The government's best defence would be to come clean and to present to Parliament a coherent argument that, according to a set of principles, certain things should be funded by the taxpayer to the tune of $52 million, because that is effectively the cost that has been identified. That is a large amount to be spent on promoting your activities.

The SPEAKER - Order! I point out to the honourable member that they are the government's activities and not the Chair's. When the honourable member says your responsibilities, I do not see them as the Chair's responsibilities but as the government's responsibilities. I ask the honourable member to make his remarks through the Chair. The way he is saying it, it appears that the Chair is responsible.

Mr BRACKS - I apologise, Mr Speaker, I am happy to do that. Because no guidelines were developed, as recommended by the Auditor-General, the government cannot defend the $52 million expenditure on advertising that could be deemed to be party political. The Auditor-General criticised the government in correspondence to the honourable member for Niddrie, which I read will read out again:

> Currently, my cri de coeur seems to have fallen on deaf ears.

He is referring to the marketing of government services.

Mr Maclellan interjected.

Mr BRACKS - I am glad the minister is following because I was wishing to speak about that next. I am glad he made that contribution. Essentially that is why there is so much currency about whether this document, *Victoria: The Story So Far,* is a party-political document. The government has not established a defensible position about how the document fits into its reporting arrangements and why it is not simply a record of its achievements put in a partisan way. That is why there was so much criticism.

I shall go through the document and highlight sections that indicate partisan reporting of the government's achievements. When I was a manager of a division under the former government it was the responsibility of the department to be accountable and to report in a balanced way about what the government had achieved. This document is a different matter. The Auditor-General undertakes an audit to examine what has been reported about so that he can make an assessment

regarding value for money. How can one achieve value for money? One way to assess that is to report achievements in annual reports and through other reporting arrangements. This document departs from that strict definition because it talks in journalistic terms about how well the government has done in a whole range of areas.

One of the early sections of the document is headed 'Boom state' and refers to new business, new jobs and enterprising Victorians.

Mr Maclellan interjected.

Mr BRACKS - The minister wanted a response and I am about to explain why the report is a partisan document. In the Governor's speech and the budget speech the government set itself a target of creating 150 000 new jobs over the next four years of government. It was identified in the Governor's speech as an achievement made over the previous four years and it was identified in the election campaign. The Liberal and National parties claimed the government would create 150 000 new jobs over the next four years. You would think in a section that was not partisan when it was reporting on the government's objectives - taxpayers' money was spent on this document - it would talk about the jobs target, but not once in the section on the boom state does it talk about the objective of achieving 150 000 new jobs over the next four years.

Mr Maclellan interjected.

Mr BRACKS - I would not. The minister's interjection is absolutely inane because in every speech I have made on economic policy in this house I have talked about the jobs target. If the government is to adhere to its election policies and its objectives it should also talk about its jobs target. This was the first opportunity for the government to report to the public, but the document does not refer to a key election commitment to achieve 150 000 new jobs. I hope some correction is made in future budget documents and economic statements.

The reality is that the government has revised its employment targets and expects a 9 per cent unemployment rate for the next 12 months - effectively some 120 000 jobs at best. The revised targets will not be achieved. It is not surprising that in the partisan document *Victoria: The Story So Far* the government chooses not to talk about these matters.

The section on education refers to taxpayers' money being allocated to the education sector. It is important when reporting to Victorians in a document such as this to give the key indicators, otherwise you can be accused of glossing over the issue. All honourable members would admit that one of the key indicators of success in the education sector i s - -

Mr Perton - Refurbishment of schools in Doncaster.

Mr BRACKS - I do not agree with that. One of the key indicators has been the retention rate of students in year 12. It is a universally accepted indicator of success.

Mr Maclellan-Give us the reliable source.

Mr BRACKS - If it is not a partisan document, why is there not some reference to that key indicator? If we say the member for Doncaster is right and the retention rate is only one of the many indicators - -

Mr Maclellan interjected.

Mr BRACKS - The Minister for Planning and Local Government makes an important point: the retention rate is not a good indicator of success. That is an important admission by the minister. I am not surprised about why he did that. He said the retention rate at year 12 level is not a good indicator of success in education.

Mr Maclellan-On a point of order, Mr Speaker, the honourable member for Williamstown has deliberately misrepresented me.

The **SPEAKER** - Order! The minister knows that he can raise this matter only by notice to the Speaker in chambers and then by making a personal explanation. I suspect if the minister were not interjecting so vigorously he would not get the response he is getting from the honourable member for Williamstown. If the minister wishes to make a personal explanation, the facility is available to him.

Mr **Maclellan** - On a further point of order, where a minister or member becomes aware that Hansard might incorrectly record information as a result of something said by a member, he has a right to bring it to your attention, Mr Speaker. I believe the honourable member for Williamstown intentionally desires that Hansard records wrong information about what I said.

The SPEAKER - Order! The minister knows full well that if he takes exception to the remarks of the honourable member for Williamstown he may make a personal explanation. The minister knows that he cannot do it by point of order, even though he has successfully done so.

Mr BRACKS - The section on education in *Victoria: The Story So Far* should contain some reference to the success or failure of the government in retaining students at year 12 level. In reality the retention rate has gone down from a peak of 82 per cent prior to 1992 to 67 per cent this year. It is not surprising that the partisan document does not mention the issue of the retention rate for year 12 students.

You would think the government would also refer to one of its proposed objectives and election commitments: seeking to have one computer made available for every student by the year 2000, a key commitment of the government that would require the expenditure of an extra $200 million. The reality is the government has provided only $23 million over the next four years and will not succeed with that objective. The government cannot argue this is not a partisan document when clearly the key indicators are not recorded.

I turn now to financial performance. I respect the Treasurer's honesty because in his autumn and budget statements he has admitted that Victoria has the highest taxes and charges per capita in Australia. The Treasurer has been up front about it. The financial performance and targets show a graph of taxes, fees and fines and the comparison, not on a per capita basis, is with New South Wales, with no discount for the difference in population. A reading of the graph by any independent observer would lead one to believe that Victoria had lower taxes and charges than New South Wales. The graph does not have any notes or indicators to show otherwise. The honesty of the Treasurer as demonstrated by his autumn and budget documents is not reflected in the party political document that does not report on the government's objectives and achievements, but seeks to put a gloss over what the government has done. The government is vulnerable to attacks that the document is not something for which the taxpayers of Victoria should have paid $785 000.

I refer now to good government, checks and balances, and some projects where the government has achieved less than its stated aim. The formula one grand prix was reported on in the current Auditor-General's report on financial operations. The Auditor-General found the government had spent $69 million in works and services and operational costs in holding the grand prix, whereas the Premier had told the Victorian public that the grand prix would cost about $10 million. A government concerned about good government and overspending of budgets should be concerned about an additional $60 million outlay.

The government has certain standards, one for its pet projects such as the grand prix and another for everyone else. I am sure if a community group overspent its budget there would be cries and howls from the government about pulling it into line. We hear no such cries and howls about Ron Walker, who presided over a blow-out in the grand prix budget of $69 million. The extent of the blow-out is evident from looking at the Treasurer's advance in the appropriation bill. Any minister of the Crown would be aware that the Treasurer's advance, particularly schedule 3, is for urgent matters. I note that clause 9 of the appropriation bill states that the sums specified in schedule 3 have been expended to meet urgent claims. The extent of the overblown budget for the grand prix and the mismanagement by Mr Ron Walker to the extent of $69 million can be seen because urgent works were required for the grand prix to the extent of $6 757 204. The cost blew out to such an extent that the government could not even budget for it or predict it; it had to dip into the Treasurer's advance which, as any minister of the Crown would know, is an advance for emergency works, salary increases and other issues which could not be foreseen, such as the contribution to the Port Arthur victims and other legitimate matters. It is not to dip into for a $6.5 million overrun of the grand prix budget.

The extent of Mr Walker's mismanagement can also be seen in his other role as head of the Melbourne Major Events Committee. Schedule 3 of the Treasurer's advance, which is for urgent works, shows $316 000 has been used for the operating expenses of the Melbourne Major Events Committee. Mr Ron Walker seems to have a licence from this government to manage those things he is chairman of by overrunning the budget without question and without criticism from this government. There was no criticism of the overspending of $316 000 by the Melbourne Major Events Committee and no criticism of the $6.5 million taken from the Treasurer's advance.

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

Mrs PEULICH (Bentleigh) - It is my great pleasure to take part in this address-in-reply debate, although it has been some time since we took the oath of office after election. I congratulate you, Mr Speaker, and other members of Parliament on their election to this place. It is a privilege to be a member of this Parliament. Having been born in a country with a communist regime where there was certainly no opportunity to vote let alone an opportunity to aspire to high office, I am very proud to have been re-elected by the people of Bentleigh.

A Government Member - You are a good member.

Mrs PEULICH - I thank my colleague very much; I take my role very seriously. It was a very important victory for me at a fairly difficult personal time. Just before the election on 16 February 1996 my father, Drago Dosen, died after a nine-week illness. He had been the rock and inspiration in the family. He migrated from the former Yugoslavia after being black-banned by the communist regime for exposing minor communist corruption. He was a man of enormous courage, which he demonstrated throughout his life right up until the very end. Being a member of Parliament is certainly something I appreciate, and I want to pay a personal tribute to the man who has been my inspiration and mentor, my father.

Mr Speaker, the election campaign was a very difficult time. Another reason was the absolutely horrible campaign mounted by the Labor Party in the Bentleigh electorate. Bentleigh had never before seen that type of demeanour and behaviour by the ALP. One incident which comes to mind was a street walk at which I appeared with my campaign team. During that street walk I was harassed by some Labor Party campaign workers, many of them, I believe, former members of the BLF.

A Government Member - Thugs.

Mrs PEULICH - Absolute thugs, whose sole purpose was to encircle me and attempt to intimidate and harass me. Those workers abused my husband for not being able to speak English fluently and they used expletives to my 11-year-old son. It brought back memories and reminded me of the purpose for my entering politics - to fight against the injustices I had witnessed in my former life in Yugoslavia. That one incident in the streets of Bentleigh clearly demonstrated to me that the thugs were attempting to interfere with the democratic process. They went beyond all reasonable boundaries of vigorous political campaigning and I was ashamed of them. I certainly hope they had enough decency to be ashamed of their own behaviour. The response from many constituents in Bentleigh was that their behaviour backfired. People who had intended not to vote for me in fact did so. As you can appreciate, Mr Speaker, my mind had been preoccupied for some time.

I would like to extend my thanks to all my campaign workers and branch members who devoted a lot of time to the election campaign in Bentleigh. In particular, I thank my family: my mother, Nena; my husband, Savo; my son, Paul; and my niece and nephew Andrew and Sarah. I also thank my two key people, Thelma Mansfield and Peter Grove, for their hard work, as well as the people of Bentleigh for their faith in me.

A Government Member - And your neighbouring colleagues.

Mrs PEULICH - And my neighbouring colleagues. I have heard the line put by colleagues that the election result was not a vote against the Labor Party but a vote for the government. In many respects that is true, but it is also very much a vote against the Labor Party.

One of the key planks of my local campaign came from the contribution made by an 18-year-old first-time voter whom I actually met on the hustings. He said to me, 'You are home and hosed', and I said that nothing is certain. He said, 'All you have to do is remind them. Let me put something together', and he did. Under the heading 'Victoria under Labor' this is what he wrote:

> Remember when Victoria had the highest level of unemployment in Australia?
>
> Remember when Bentleigh had 12.5 per cent unemployment?
>
> Remember when Labor clocked up more than $60 billion in debt and unfunded liabilities?
>
> Remember Victoria's crippled and dirty transport system?
>
> Remember the 'wild cat' strikes?
>
> Remember when Trades Hall delegates put health workers and teachers ahead of patients and students?

> Do you really want Labor and the unions to run Victoria again? This is not a walk down memory lane; this is *Back to the Future* with John Brumby.

That was produced by an 18-year-old who was voting for the first time, and I distributed it widely during the campaign.

I want to mention an occurrence that was observed at the booths. A lot of young people were not interested in the Labor Party and were not interested in even taking how-to-vote cards from Labor workers. These were kids with rings through their noses and ears. They were wearing tom black T-shirts and jeans with the knees out of them. I was delighted to have their confidence. They spoke very positively of the Premier of this state. It was obviously an endorsement of the things the government has been involved in and has achieved.

What we heard previously from the honourable member for Williamstown - -

A Government Member - A former Cain adviser.

Mrs PEULICH - That is right. Members of the opposition are making a critical error by constantly criticising rather than praising achievements and making positive policy suggestions. That was clearly demonstrated by the comments of the member for Williamstown when he was stumbling in the dark and suggesting the government had not achieved any success in education and therefore had not included in the document *Victoria: The Story So Far* the retention rate indicators.

The Minister for Planning and Local Government quite correctly tackled him on this matter and said that in fact retention rates do not measure success but may be used as one of many indicators. We all know that those indicators are affected by a whole host of variables, including employment levels of young people in the community.

Most logical and sensible people saw through the opposition's arguments, judged the Labor Party as still being irrelevant and obviously rejected it at the last election. Until the opposition recasts itself and makes itself relevant to Victoria and Victorians, who are quite sensible, it will not have a chance of increasing the number of seats it holds. While electorates like Bentleigh, which is a Liberal electorate, continue to look on the Labor Party as being absolutely irrelevant, I look forward to making a contribution to this place for a long time. What counts is the proof of the pudding, not the criticism and carping and nitpicking. Of course, there are improvements always to be made. Victorians did not elect this government to tum the ship around and have it reach its destination overnight. They knew it would take a long time to repair the damage caused by the previous Labor government rorting the state.

Victorians are proud of the government's achievements. Some of the achievements the honourable member for Williamstown failed to acknowledge and give credit to the government for are the reversal of the deteriorating budget deficit; the reinstatement or improvement of Victoria's credit rating, which was upgraded recently from A A to AA-plus - and we are well on track for a A A A rating; the slashing of the state deficit by one-third; the revival of public infrastructure; and the continued invigoration of investment by the private sector and other growth industries. Of course business needs to be worked on and nurtured. The government's pro-active policies have achieved a lot in the past, and I look forward to seeing continued improvements.

One area of challenge will be small business, where many of the difficulties experienced are not necessarily ones over which we have control. For example, the cost of tenancies especially of businesses in retail strips or in the large shopping centres represents a significant cost burden that many small businesses have difficulty withstanding.

The level of essential services has been revitalised and the government is delivering better targets and outcomes. The opposition criticises, but we have to see through all that criticism and look at the bottom line. Unemployment is the greatest indicator. It is 82 per cent in Bentleigh. When I was elected it was 125 per cent. Blind Freddy would acknowledge that very important - probably the most important - indicator of success. There is nothing more impoverishing than unemployment. The Labor Party caused it, and we are here to fix it. As I mentioned, unemployment in Bentleigh has fallen by some 5 per cent.

The honourable member for Albert Park constantly criticises the Monash Medical Centre, but he fails to mention that it is now treating 14 per cent more patients than it was three years ago. That is an important indicator: fewer people are sitting or lying in their bedrooms and lounge rooms in pain waiting for treatment - they are actually going to hospital, being treated and coming out. That is important in

electorates like Bentleigh, which has the fourth highest number of people over 65 years of age in the state.

There have been fantastic achievements in school education. Two-thirds of schools in Bentleigh have shared more than $2.5 million as opposed to the pittance they received under the Labor government. More reforms have been introduced by this government than opposition members would ever have dreamed of.

Honourable members interjecting.

Mrs PEULICH - Council amalgamations meant that in my electorate 6000 to 7000 ratepayers paid 30 per cent less in rates than ever before. That counts because it increases disposable income.

Honourable members interjecting.

The ACTING SPEAKER (Mr Maughan) - Order! I ask honourable members on both sides of the house to remain silent and give the honourable member for Bentleigh a chance to make her speech. If the interjections continue I will call the Speaker back and ask him to deal with the house.

Mrs PEULICH - This morning the house heard of the government's numerous achievements- presented very cogently by the honourable member for Mornington - in the transport area. They are absolutely fantastic. Obviously quite a bit is still to be done, but transport services are better, safer and more reliable. Services on the Frankston line have been increased and the Nightrider buses have been a tremendous success.

The refurbishment of train stations has been applauded by the community, and the Minister for Transport has announced that in this term two premium stations will be established in my electorate- one in Bentleigh and the other in Moorabbin. The people of Bentleigh are delighted at that and also look forward to the introduction of automated ticketing machines because that will mean that for the first time in history Melbourne will be on a par with the other important capital cities of the world.

Despite that, the shadow transport minister carps and criticises. During the last election campaign he came down to Bentleigh with an entourage of 20. But what did he have to say? He was accosted and abused by a person who recognised him; that person wanted him out of Bentleigh. The honourable member had the audacity to suggest it was my husband! Let me point out to the honourable member for Thomastown that there are many more people like that in Bentleigh, and if he wants to come down to Bentleigh I will show him more!

The government is all about objectives. The report on achievements has been released to the constituency every year in line with the commitment the government made prior to the election. That commitment has been honoured every year. The opposition is miffed that the government is actually meeting the objectives and honouring the commitments it has made. It is more a case of jealousy and envy than anything else. If the government did not keep the electorate informed of its achievements, the opposition would be the first to jump up and down because the government had broken its promise. The reason the opposition is failing to tap into the sentiments of the mainstream is that it is more concerned about style than substance and achievements, which is what Victorians are all about.

I have an overarching commitment to families in Victoria, and particularly in Bentleigh. Naturally, because I have that overarching commitment, I would like to see an improvement in all areas of family life on which government policy impacts. I take great pleasure in serving on the parliamentary Family and Community Development Committee.

Honourable members interjecting.

Mrs PEULICH-The chairman is quite okay, if he is well behaved! Currently the committee has an important reference - that is, planning for positive ageing, which obviously has enormous significance for a state like Victoria that has an ageing population. I also serve on coalition committees, which are immensely important to me, on education, small business and multicultural affairs.

I agree with some of the latest press commentators who have said that strong families are in the best position to deliver efficient and effective services to family members. Obviously government and non-government agencies are there as a safety net rather than the primary deliverers of those services. Tnrough the provision of love, encouragement and support, families help other family members to negotiate life through trial and error; to learn to make decisions and informed choices; and in so doing they hope to achieve fulfilment and happiness. That is obviously promoted through good economic and law and order policies, a good

health system and, of course, a good education system.

The government has endeavoured to reform the education system fairly comprehensively. We will continue to implement the reforms, many of which have been administrative. A lot of work is still to be done. I would like to see more work done focusing on improving the quality of learning and teaching in the classroom. When he was talking about retention rates the honourable member for Williamstown was using indicators of performance rather than measuring actual success. The critical question must be: how do we actually know that what is happening in class rooms is effective and successful? It is very difficult.

The government has taken some positive steps. We have introduced curriculum standards frameworks that are to apply to primary schools for the first time, which is to be commended. A lot of primary schools have found that their learning programs are not comprehensive. One of my local primary schools has established that its science program needs to be developed and built up. Obviously science is a key area for development for the state and country. Schools can use that information to develop their school charters and programs.

I advocate further improvements and initiatives in the area, including greater overseeing of individual teacher programs. That might be classified as fairly old-fashioned methodology but all parents want to know that what should be taught is actually being taught to their children. There is no room for error and there is no longer a climate of tolerance for something that might be close enough. We want the best education to be made available to our children. The plans should be submitted in advance, either to a principal or coordinator. The planned curriculum ought to be approved and it ought to specify the skill areas that will be dealt with for the forthcoming week, fortnight or month.

There is still room for improvement in report writing. Reports should be more comprehensive and more meaningful, especially in primary schools. Obviously professional development for teachers is vital in this area.

I could speak on and on, but I won't. Suffice to say the publication distributed to households, *Victoria: The Story So Far*, acknowledges many of the positive achievements of the government as well as the need for a lot more work to be done. No-one would claim to have got there yet. The booklet cost only 47 cents per household. I bet that if you took a straw poll you would find that a vast majority of Victorians would be more than ready to pay their 47 cents regularly every year to get a report on the achievements of this or any government, especially given that the former Labor government had let Victorians down so appallingly.

In conclusion, I pledge myself to the people of Bentleigh and promise to do my part in implementing programs and legislation that will improve society and the lives of ordinary people, and the people of Bentleigh in particular. Obviously much work needs to be done. We are all very conscious of the challenges and that we cannot stand still. There are constantly new challenges, dilemmas and problems to confront.

I commend the government on the work that has been done in the first term of government and all the members who have assisted in implementing those programs. I look forward to being part of this effective government, to deliver what is important to all Victorians, which is essentially a better quality of life with better services and a healthier financial state with lower levels of unemployment. Of course the logo Victoria: On the Move sums it up.

At least we are moving in the right direction, which is certainly not what Victorians would be doing with the opposition. Again I congratulate the government on its many achievements and look forward to the corning three and a half years before the next election.

Mr MILDENHALL (Footscray) - Each of us who is re-elected and comes back into this place obviously looks forward to his or her term with a new sense of challenge, vigour, and mission. Some of us have changes in the nature of the challenges or mission. My responsibilities have changed to take up a focus on the education system. At our base, in our constituencies, we still have a fundamental and overriding commitment to our electorates. I will spend some time reviewing the impact of this government and the effect it has had, usually in a deleterious way, on the health, cohesion, viability and affluence of my community.

Then I will take a bit of time to focus on some of the recent spectacular and disgraceful episodes in the education portfolio that we have had the displeasure to witness in this chamber, particularly in the past couple of weeks.

I would love to be able to say something nice about this government, but it is difficult, particularly in an electorate like mine. The most recent ABS socioeconomic rankings of municipalities put my electorate, which covers most of the former City of Footscray, the new City of Maribyrnong, as the most disadvantaged in the state. Therefore it ought to be some sort of litmus test. I often subject government initiatives to what I call the Braybrook test to see what their impact will be, whether they are relevant and whether they will make any difference.

The story of the first years of this government - that is, the story so far - is extremely depressing. The job losses of hundreds of teachers and health workers, and those of the dozens of welfare workers and social workers, all have an impact. The loss of social cohesion, the distress to families, and the misery that is caused in many households manifests itself in many ways in the increasing distress in schools, in the unfortunate violence in the streets, and in the unfortunate upsurge in substance abuse being reported across my area.

The most effective programs that were dealing with the problems I have referred to are being wound back in a most spectacular way. The western suburbs of Melbourne have the highest rate of urban unemployment in Australia. In the past couple of years unemployment peaked at 25 per cent, but it was being alleviated in a spectacular way by labour market programs. However, in a callous, cruel and inhumane way the coalition's colleagues in Canberra are taking the baseball bat to those programs. Those programs were addressing the scourge of long-term unemployment.

From the peak of 1995-96, with the full implementation of the Working Nation package, funding of $87 million was available for programs for long-term unemployed in the western suburbs. Under the new comfortable and relaxed Howard government, which is aided and abetted by its Victorian colleagues, what is the figure for the western suburbs? In 1995-96 it was $87 million; today it is zero. What an absolute abrogation of responsibility that represents. What an absolute abandonment it is of half a million people in the western suburbs of Melbourne. It is an absolute disgrace! Long-term unemployment has an impact on generations of families, including tens of thousands of people in my electorate.

Mr W. D. McGrath interjected.

Mr MILDENHALL - Well may the Minister for Police and Emergency Services interject, because his people will have to pick up the pieces when they find the young people who have no sense of belonging or value, who have abandoned hope and have become susceptible to substance abuse and distress. If only the minister were keen to attend to his responsibilities, my electorate would be a safer place.

When faced with increasing social distress members of the community look to their police force for some sense of security and comfort. For example, a member of the community might ring up the local police station and say, 'The heroin dealers are coming back to the shopping centres and the situation is becoming grim. How is it going down there at the Footscray police station?'. The response is likely to be, 'It is a bit like this, Mr Citizen, we are 17 officers short. We are a 35-officer station, but all we can do is put one paddy wagon on the road if we are lucky and drag people in from everywhere. Every time we manage to get a shift out into the shopping centre we pick up the maximum number of dealers we can process. We do not know how many are out there, but we are at saturation point'. Would that give the community a basic sense of comfort and security? I wonder how many other police stations are in that situation. I am sure there would not be many.

Another flashpoint in my electorate results from the government's inhumane application of its policies, and I refer in particular to psychiatric services. So-called ghettoisation and deinstitutionalisation have turned the largest boarding house in Melbourne into an alternative psychiatric centre. It is a place of great misery and neglect, sitting as it does opposite the psychiatric hospital. The government's response to the growing difficulties in the community has been to cut the staff of community-based services by 20 per cent, even though there has been a high concentration of those services in the Footscray area.

The government's response to the boarding house and the hospital being in the one area has been to relocate the hospital and abandon those people. Despite the hospital being located where the patients live, where they congregate and where their networks are, the government is moving half the beds to St Albans and half to Werribee. That is another act of inhumanity, insensitivity, illogicality and incredibly poor judgment, all in the name of reducing operating costs. The unit costs will be

lower, but the human misery will be further compounded.

Probably the most spectacular example of the government's contempt for my constituents was the callous, manipulative and cynical way in which the Premier used drug abuse and drug dealing on the streets of Footscray to enhance his political reputation. He beat up a problem which, while admittedly severe, was being addressed by the locals because it was causing considerable distress in the community. The police and the other appropriate authorities were aware of the problem, but the Premier decided that it was time for the whole community to view and delight in the misery occurring on the streets of Footscray.

Having beaten up the issue, he announced he would save the day by financing the Penington task force. Almost 12 months later how much money has flowed from the Premier's great initiative? What is happening on the streets of Footscray? The drugs and the dealers are back, and there has been absolutely no improvement. If anything, the situation is worse. The community, the police, the council, the rehabilitation clinics, the hospital, the community health centre and the alcohol and drug agencies have been working extremely hard to develop a coordinated approach. All that is needed is government resources. Instead, there have been reports, papers, announcements, seminars, debates here and cave-ins by the government.

What has flowed through? Almost 18 months after the difficulties became obvious, more than 12 months after local community forums were put together and almost 12 months after the spectacular running-out of the misery, nothing has happened - absolutely no action and no commitment. The community is waiting for some urgent assistance. We need more than destaffed police stations and a closed drug rehabilitation service.

We had the best drug rehabilitation service in Australia for women and children. The reputation of the service was so high, and the excellent program it ran was so effective, that people came from around Australia to look at it. The government closed it when case mix was applied to rehabilitation services. Now it is difficult to find places for the kids. Who is looking after them? The assumption underlying drug rehabilitation case mix is that the kids will look after themselves.

We have extraordinary distress in this community, and this government doesn't care. It says, 'Oh look, there is a program working well; it is too dear, so we will toss out the families, we will toss out the kids. They can look after themselves'. So the misery is compounding.

The government will rue the day that it cut that program, and the Minister for Police and Emergency Services will be picking up the responsibility for the impact downstream of that. The situation the electorate finds itself in is that in many ways it has been the subject of abject neglect by this government. I wish there was light at the end of the tunnel.

I hope there is some sense of prioritising in the money for Turning the Tide. If there were any justice, any sensitivity, any analysis or any proper administration, there certainly would be, but the track record of this government is not one that would give a person much confidence.

For the remainder of my contribution I should like to turn to some recent interesting occurrences in the education portfolio and to some of the more extraordinary incidents that have occurred in recent times, which relate to both the behaviour and the actions of the minister, and also to the state of the system.

At the schools I visit the minister has been likened to Amanda Vanstone and regarded as having the impact of Amanda Vanstone - someone with a great deal of insensitivity - on the education system; an impact where the intentions have gone awry, a disruptive and a destabilising influence: the Amanda Vanstone of Victoria. There has been a litany of mismanagement, but there has also been a level of gross error and misrepresentation that causes one to draw breath.

In the past couple of days the minister released a copy of a letter that he wrote to the Speaker dated last Friday. This letter is one of the more interesting letters I have ever read. I am not one who is naturally suspicious, but I am when I see a letter that is trying to backflip, trying to explain a misrepresentation - the manipulation of the *Hansard*, the attempt to falsify the record. After the Leader of the Opposition had held a press conference at which an allegation was made that an attempt had been made to doctor the *Hansard*, this extraordinary letter appeared, released by the minister. It purports to be dated on the Friday - on Friday, 11 October - and relates to the *Hansard*, to comments made on the Thursday, 10 October.

If I were writing a letter on a Friday that related to comments I made the previous day, the Thursday, effectively yesterday, I am not sure that I would begin the letter with the words 'last Thursday'. If I were referring to the day before, I would be tempted to begin the letter with the word 'Yesterday'. I think that is a reasonable expectation. If I were referring to actions I took on that day, Friday the 11th, I might have been tempted to use the word 'today'. If I did something today, I might be tempted to use the words 'I did this this day' or 'today'. But the letter actually says:

> I asked the Chief Reporter on Friday October 11 ...

If the date of the letter is to be believed, Friday 11 October was 'today'. Now call me suspicious, but it really is quite an unusual wording for a letter.

What should be of more concern to the house, though, apart from a reasonably based suspicion that the letter was not written on the day of the date that appears on it, is the explanation in it by the minister of why he sought to change the wording of *Hansard.* The explanation reads as follows:

> I had numerous conversations on the subject during the day and when reviewing the greens later that afternoon altered them -

altered the greens -

> consistent it would seem with the post question time conversations.

Mr Leigh - On a point of order, Mr Deputy Speaker, I draw your attention to the fact that the honourable member is obviously quoting from *Hansard,* because the only place he could be quoting the minister's reference in this answer is from the current *Hansard.*

I bring your attention, Sir, to the ruling, which I understand is that you cannot quote from a current *Hansard* while the session is sitting. I seek for you, Sir, to ascertain whether the member is quoting from the existing *Hansard.*

Mr Bracks - Mr Deputy Speaker, on the point of order, I am sitting adjacent to the member for Footscray and he is clearly reading from a copy of a letter from the Minister for Education, which was publicly released to the media, and not from *Hansard.* He is quite at liberty to quote from a letter that has been released to the media as part of a press release. I ask you to rule the point of order out of order.

The DEPUTY SPEAKER - Order! The point of order raised by the honourable member for Mordialloc did not refer to reading from a letter. The honourable member for Mordialloc raised the point of order on the understanding that the honourable member for Footscray was reading from *Hansard.* The standing orders of this place disallow reading from *Hansard* of the current session.

However, I was not able to say whether the member was reading from *Hansard* or whether he was reading from a letter so at this stage I will not uphold the point of order. But that point of clarification in relation to *Hansard* might be useful not only to the member speaking but to other members in the house.

Mr MILDENHALL - Thank you, Mr Deputy Speaker. I would be extremely disappointed if members thought I was reading from *Hansard,* given that I had said on a number of occasions that I was referring to this particular letter.

The real difficulty with this letter is the explanation that the minister sought to change the greens consistent with the post question time conversations that he had engaged in.

I should have thought that was an extraordinary explanation. A reasonable explanation would be to seek to change the greens if there had been an error in transcription or grammar or an omission because of repetition. For the minister to engage in a number of conversations, no doubt about the impact and accuracy of what he had said, and to seek to change the greens raises a fundamental question about the intentions and actions of the minister. It is certainly no surprise that doubt has been raised about his actions.

Yesterday in response to a question the minister reiterated that teachers in excess cover the annual leave of other teachers. However, the annual leave of teachers is taken during school holidays. This is a fundamental truth about the structure of school timetables. This strikes me as a fairly basic level of misunderstanding about what goes on in schools, and for the minister to say that excess teachers cover teachers who have taken annual leave is extraordinary. He was given the opportunity yesterday to repair a basic error of fact, but he said he stood by his answer. That is another indication

that he has little knowledge of what is going on in schools.

The Victorian Principals Federation is the frontline for the implementation of the Schools of the Future program and comprises the people on whom the government is absolutely dependent for the implementation of its reforms, on whom it relies to an extraordinary extent and whom the Director of School Education absolutely supports because he believes they are wonderful. The federation says:

> ... the minister does not have an appreciation of the real situation in schools ... (They) deplore this public attack on the Victorian education system and the integrity of principals and teachers by the minister.

Isn't that a great vote of confidence so early in the minister's term of responsibility for this area? What a condemnation! So deep was the hurt and so fundamental was the mistake, so bad was the error made by the minister that his front line troops - the principals, the group that is never backward in offering comments and being honest about the way the system is going - made that comment.

The minister commented on the 1500 teachers who do no work and make not one iota of effort. The manager of the staffing unit of the Department of Education said in a sworn statement in May this year to the Australian Industrial Relations Commission:

> ... teacher salaries funded ... (in excess) had been reduced ... to 469 salaries.

It is not beyond the bounds of probability for the performance of this minister to be out by two-thirds.

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

Mr **COLEMAN** (Bennettswood) - It gives me pleasure to join the address-in-reply debate, particularly knowing the circumstances we see in Victoria today and knowing what they were like when the coalition government was elected in 1992. I shall quote pertinent parts of the Governor's speech on the environment:

> Environmental protection and conservation of Victoria's natural assets are a vital community responsibility.
>
> In Victoria we are committed to a natural resource management strategy which will deliver the optimal mix of short-term and long-term benefits and the best possible combination of economic, environmental and social outcomes.
>
> We now face several challenges in terms of our natural environment, including salinity, water quality and soil degradation. The government has been addressing these threats with sustainable regional development initiatives, integrated catchment management programs, campaigns to promote sustainable practices in primary industry, conservation programs and measures to preserve biodiversity.
>
> Programs like salinity management, Landcare, Coastwatch and Land for Wildlife owe their success to effective partnerships established with communities.

I shall refer to the partnerships established with communities. In 1992 when I had the privilege of being appointed Minister for Natural Resources the portfolio covered five specific areas: water management; forest management; management of Landcare activities such as soil degradation; fishing; and alpine resorts. The then Department of Conservation and Environment was expanded to pick up natural resources. Under the new administration it has continuing responsibility for 34 per cent of the state, and that area needs to be managed in a similar way to the 66 per cent of privately owned land.

The partnership between Crown land, through the management process of public land, and that of private holdings through freeholds was established during the period of the last government and, as the Governor said in his speech, will be sustained in a way to achieve proper outcomes.

The government addressed the problem of 93 separate water authorities around the state, each one with its own incumbent costs, management styles and completely different outcomes for consumers. From 1992 to 1996 the government reduced the number of water authorities to 18, which was an effective outcome in terms of the reinvestment of savings in new projects around the state. There is no better demonstration of that than in your area, Mr Deputy Speaker, with the implementation of a sewerage scheme at Thunder Point, an unfortunate but apt name, I might say. A comprehensive sewerage scheme has been developed at Thunder Point which will dramatically improve the quality of the discharge water. That action has been repeated along the western coast and in other areas around the state.

It required a community-based partnership where the community contributed either through rates or the generation of new capital.

The metropolitan sector had the monolithic former Melbourne and Metropolitan Board of Works that became the Melbourne Water Corporation. It was broken into four separate entities, the Melbourne Water Corporation being the wholesale entity for metropolitan Melbourne, and the three operating entities being South East, City West and Yarra Valley. In commenting on the water industry, the Auditor-General said the outcomes were successful because the underlying debt is being addressed. For the first time the debt of the water sector has reduced.

In 1992 Melbourne Water Corporation had to borrow money to pay the dividends demanded by the then government. In the four years since that time a significant turnaround has occurred. The Auditor-General has said conclusively that the debt issue is being addressed.

In relation to land management issues the Governor reiterated on behalf of the government that it will establish a catchment management process that recognises discrete catchments across the state, each in different geographical locations in the sense that they enjoy different rainfalls, run through different topography, service different agricultural pursuits and have different soil types. The structure of the catchment boards will ensure the cooperation of land-holders within catchment areas so that over a period as the system matures real improvements will occur. I say 'improvements' because the legislation has a requirement that catchment strategies be developed. I compliment the 10 regional boards on the way they have prepared the regional strategies. I understand they are now almost complete and that they will be significant documents.

When I was asked to take on the task I referred to the original report by the Land Conservation Council, which examined each of the river systems and tried to establish a benchmark at that time. With the effluxion of some nine years since the report was prepared, some streams have improved and some have deteriorated. The catchment strategy process will require a commitment from the regional boards because they will have the stewardship of the development of the catchment strategies, which will be important for the long-term management of the state's resources. The incumbents of the original boards will be required to review the development of those strategies. It will be a big task, but the process is in place to ensure correct outcomes. A funding base will be established but effort will not be duplicated.

The state council is associated with the catchment land protection structure, and it has worked well to establish the assessment process that will enable priorities to be put on funding. Better outcomes will result from that process and the way the state and the commonwealth allocations are treated.

The forest industry underwent a debilitating debate about woodchips, which overlooked the basic fact that we are producing timber and that a market should be found for the timber. The Victorian Plantations Corporation is an outstanding outcome because it picked up all the softwood plantations, totalling about 110 000 hectares, and approximately 10 000 hectares of hardwood plantations. It is a sound organisation that is returning significant profits and is an excellent example of what can be done with a proper corporatisation process because it recognises the commercial exigencies that need to be addressed.

The Timber Promotion Council took upon itself the role of ensuring that Victorian and Australian eucalypts - which have unique colour, texture and strength qualities - find their way into markets that best reward the producers of the product. I remind honourable members that the state is a beneficiary of a system that ensures the ongoing re-establishment of forests so that as the timber is produced the most lucrative markets are found. The council is playing its part to ensure that that occurs.

Fisheries is a vexed area. When the government came to office in 1992 the all-party Natural Resources and Environment Committee had wrestled with a report on fishing in bays and inlets. One of the unresolved issues in the report was the establishment of a peak fishing body. Fishing is probably one of the last hunting and gathering activities that people undertake. It is difficult to regulate and the resource is shared between the commercial and recreational sectors. The peak bodies effectively represent disparate groups that make up the recreational activities. It is virtually impossible to deal with recreational entities because each species group has a representative body, and the same applies to commercial entities.

The commercial entities formed a peak organisation in 1989, but the recreational entities, because of their disparate nature, had great difficulty in developing a

peak organisation. It is a credit to those involved that a peak organisation has finally been formed. A satisfactory outcome has evolved even though there was considerable disagreement between the different species groups.

I turn now to the alpine resorts. Obviously, the major tourist issues and promotions in this state should be managed by the Alpine Resorts Commission with the assistance of the management committees of each of the five mountains under its control.

I read through that short list of some of the activities of the natural resources ministry while it was in existence because I wanted to take this opportunity to publicly thank those people who served on a wide range of advisory and management boards involved in those activities. I shall put it in these terms: there were 18 non-metropolitan urban authorities; 4 regional authorities for the rural water structure; 10 catchment boards and a state council; the Plantations Corporation; 16 river management authorities; fisheries advisory committees of all sorts; the Timber Information Council and the 9 management advisory committees; a hunting advisory committee; and the Alpine Resorts Commission and mountain management committees. By naming some I have perhaps missed some, and I am reminded of the salinity planning process, which was very significant. The point of putting my thanks on the record is that I had a broad contact with something like 500 people involved in the advisory and management functions of the natural resources ministry.

The restructure of the water industry was a particularly long and arduous process for the people involved, but the outcome is very satisfactory. The same has applied right across the board. The people who offered to serve in these positions were people of goodwill and considerable knowledge, and they were prepared to devote considerable time to different areas in the community. I am delighted to recognise the partnership process again in the address-in-reply debate.

The honourable member for Swan Hill mentioned the salinity process. I add to that the Landcare process. Landcare is not necessarily a government activity but is very much part of the partnership with the community. Landcare covers a whole range of activities: tree groups, bird groups, fishing groups and a range of other areas including the maintenance of natural resources. Through the Landcare process people make significant contributions and are free to pursue the activities they most desire. It is to be hoped that the government can continue to provide the assistance to enable that to occur.

None of it would have occurred, however, without the assistance of some very competent staff. Without wanting in any way to isolate people, I pay tribute to two officers who, some 12 months before the last election, sought other activities, particularly in the academic field. I refer to Peter Sheehan, the former director of flora, fauna and fisheries, and Ray Leivers, the former director of catchment and land management. Both of those people made significant contributions to the changes which occurred. They were very forthright with their advice. I am sure that the work they are now undertaking at the universities - one at Monash and the other at Melbourne - will be of significant importance in future.

I also want to thank the people - more than 80 of them - who wrote to me to pass on their thanks for my role as minister. It was gratifying to me as it was a job I enjoyed. I am sure the little contribution I was able to make in the natural resources area will be and has been recognised through the processes I have outlined.

I compliment the Governor and Mrs McGarvie for the way they have gone about their role of serving the state. Those members representing metropolitan electorates who have had His Excellency and Mrs McGarvie come to their areas for a reasonably short visit would know what I mean. I have also seen them operating in country areas where they visit for two or three days. They are obviously able to impart some direction to those communities. As they go about their duties they are able to display some of the sense of duty which goes with the role they play. It is an important role. As they have developed their way of undertaking their role I am sure that people throughout Victoria have appreciated their involvement.

The March 1996 election was an outstanding result in the sense that people had the opportunity to compare four years of administration by the Kennett government with the prospect of a change of government and Victoria falling back into the ways of the Labor Party. Earlier in this debate the honourable member for Werribee referred to her domestic budget. That matter was picked up by other speakers and I want to add to it. She made some comments about the management of her domestic budget and the fact that she was having

trouble managing it. She put it in this way: it did not really matter; somebody would look after it in the future.

We had a decade of somebody making decisions and hoping the future would look after it. We saw it in the Whitlam years. Quite dearly, that government's programs were structured to ensure that there was inflation and that inflation would take care of it. The policies which are pursued by a state government are no different to the policies which must be pursued in managing a domestic budget. We cannot print money in the same way as commonwealth governments can. The policies of the Whitlam government cannot be repeated here. The member for Werribee should be cognisant of that. Each state has to put in place a management process which ensures that it lives within its budget. At the end of the day that is a critical outcome.

A state the size of Victoria has the potential to raise only a certain amount of funds. We have natural resources that can certainly assist in that process. As a state we are probably one of the best advantaged by way of temperature and water, and with climate we are better off than most. The state's natural resources must be managed in a sustainable way. The state has renewable resources, and those resources are separate from expendable resources.

The management of state finances can be no different from that. They have to be managed in a sustainable way. I am sure the result of the last election has reinforced in people's minds the fact that there is a need for sustainable management on a whole range of issues across the state. We cannot be making bids beyond what the community can afford. We must put in place a process which ensures that savings can be achieved, that the outcomes from those savings are recognised and that the people see the benefits of their taxation as it is reapplied for their benefit. I know of no better way in which that can be seen than the overwhelming endorsement of this government.

Quite dearly there is a need for the community to keep pressing on with some of the natural resources management issues. There is a consciousness out there that was not apparent prior to the last five years. There is now a recognition that we can make savings in the area of water supply and develop a reinvestment program that is recognised in the future as a way of trying to ensure enhanced water quality. The same applies in the forests where harvesting is continuing. The reafforestation program will ensure sustainable volumes of timber for future generations.

The situation also applies in fishing - a process is now in place that enables the participants to have a role in ensuring they can continue their activities in the future. I thank the house for its attention.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER-Order! Under sessional orders the time for the adjournment of the house has arrived.

Moreland: home-help services

Mr CARLI (Coburg) - I raise with the Minister for Youth and Community Services the effects of case-mix funding on municipal community home-help services in Moreland area. Demand for services in the Moreland have increased dramatically due to people being discharged early from hospitals because of case-mix funding. There has been a radical increase in the number of people requesting home help. There has also been a shift in the types of services required - from the basic deaning-type services to personal care services, such as grooming, bathing, dressing and helping to make beds, which are considerably more expensive.

There has been no increase in either state or federal funding for home-help services. Councils have a rate freeze, so they cannot provide any extra funding. As a result, 100 residents in the Moreland area have had services slashed; some have lost all services. Some were receiving services every fortnight, and those services have now been slashed. Those who have had home help for 2 hours a week now receive it only every fortnight.

A number of people have contacted my office to complain. I have contacted the council, and it seems the extra demand on council services has been created by the changes in hospital practices, particularly case-mix funding, which means that many people are leaving hospital earlier. That is clearly a cost saving for the government, but councils have received no compensation to enable them to look after those patients.

There is an extra strain on local government services. Councils are doing their best to provide personal care and home help to those people. The question now is whether the government - I ask the minister

to consider this possibility - will provide money to the Moreland council to enable it to meet the needs of those 100 residents so they can be looked after as they were before the implementation of case-mix funding. There has been a saving in the overall state budget as a result of people not remaining in hospitals for extended periods, but because local councils are taking on the extra responsibility of looking after the patients who are discharged earlier they should be given extra resources so they can reinstate the home-help and personal services to the people who have lost them.

Home help is an economical way of providing care at the community level, and we must ensure that it remains of the highest quality. It is a major issue at present and the minister needs to examine it. Clearly it is much cheaper to look after people in the community than in hospital, but no compensation has been provided to local councils to enable them to doso.

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

Lower Plenty Primary School

Mr PHILLIPS (Eltham) - I raise with the Minister for Education the Lower Plenty Primary School in the Eltham electorate, representatives of which wrote to me on 13 September asking me to seek funding on its behalf. Like many other schools throughout Victoria, this school, which is about 120 years old, has suffered over the decade of the 1982-1992 Labor regime-which many of us will not forget - and has requested me to ask the Minister for Education to provide some funds to paint the school inside and out, the cost of which is $45 000.

Although the school received its minor cyclic maintenance grant of approximately $13 000, that amount was used on replacing spouting and downpipes, drainage, fixing deteriorating asphalt paths and the usual sorts of things necessary to maintain the school. The school cannot afford $45 000 for painting; it is not within its budget.

I know funds are very tight, but if the minister cannot provide the entire $45 000, anything up to that amount would be very much appreciated, so I ask him to give the matter serious consideration.

Ascot Vale library

Mrs MADDIGAN (Essendon)-I raise for the attention of the Minister for Planning and Local Government the Ascot Vale library and seek his advice on matters that have been raised with residents from the area. As the minister is aware, there has been an ongoing dispute between some residents and the Moonee Valley commissioners about disabled access to library services. This has resulted in a claim before the Anti-Discrimination Tribunal.

In the short term an injunction was given to the residents to keep the Ascot Vale library open to allow a conciliation process to take place between disabled residents and the Moonee Valley commissioners. This process has been occurring, but some interesting statements have been made that have confused the residents. They would like advice from the minister about statements made by the commissioners. The solicitor acting on behalf of the City of Moonee Valley referred at length in the Anti-Discrimination Tribunal hearing to the due diligence report prepared for the Moonee Valley commissioners when they took office in 1994. That report referred to a number of items, one of which was the consideration of a study on the feasibility of having five branches in the Moonee Valley council. In fact, an economic feasibility study was never done or, if it was, it has certainly not been made public.

During the tribunal proceedings the solicitor said several times that the council had to close the library because of the due diligence report. When questioned on this and when the words of the due diligence report were read out, it was discovered that that was not the case. In the conciliation hearing the residents of Ascot Vale were told by the solicitors that if the commissioners did not close the library the minister would. They were surprised. On behalf of the residents, I seek some information from the minister about state government policy on the closure of libraries and ask whether the minister has instructed the Moonee Valley commissioners to close the library. If he has not, I ask him to advise the commissioners accordingly.

Tullamarine Freeway

Mr FINN (Tullamarine) - I raise for the attention of the Minister for Transport, who is the representative in this place of the Minister for Roads and Ports, a major problem that affects every single individual in my electorate- the Tullamarine Freeway. Over recent times there has been an

increasing number of instances of the freeway being completely closed, mainly because of accidents. It is extremely annoying and frustrating for motorists to get onto the freeway because, as honourable members know, exits from the freeway are few and far between. Therefore it would be very good indeed if we could come up with some system of notifying motorists - -

Honourable members interjecting.

Mr FINN - Obviously opposition members do not care about my electorate; they demonstrated that at the last election, and this is the result they got!

This is a very serious matter not just for the Tullamarine electorate but for people in the north-west of Melbourne generally. We know that City Link will solve the problems of the freeway forever, but in the meantime I ask the minister to implement a system of electronic signage at both ends of the freeway to notify motorists if any problems lie ahead. It is not just a peak-hour problem - during peak periods the freeway is a disaster anyway - but this occurs on Saturdays, Sundays, at night-times and in the mornings. Therefore, it is very important to notify motorists of any problems ahead so they can take alternative routes. This move would earn for the government the eternal gratitude of the people of the north-west.

The minister is held in exceptionally high regard by the people of Tullamarine and this move would lift him even higher in their esteem.

Sports stadium: siting

Mr PANDAZOPOULOS (Dandenong) - The matter I raise for the attention of the Premier concerns the building of a second sporting stadium for Melbourne. The Premier would be aware that before the last state election, the government announced that a major rugby/soccer stadium would be built at Olympic Park. Subsequently, the Australian Football League has expressed interested in participating in any venture for a second stadium.

It is about time the government announced where the stadium will be built. In the election campaign the government said it will be at Olympic Park, but concern has been expressed about the fact that it could be at the showgrounds, and people have asked whether it will at the Docklands.

I raised the matter in a speech a couple of days ago. It is time the government announced where the new stadium will be built. This Friday the Australian Commonwealth Games Association will announce which is the successful bidding city. It would have been worthwhile to announce the location of the new stadium as part of our bid to host the Commonwealth Games.

Mr **Batchelor** - They've got no idea!

Mr PANDAZOPOULOS - They've got no idea. Considering Brisbane has been throwing a bit of extra money around in recent weeks it would have been useful in the bidding process to announce where the new stadium will be. It is time the government decided that the stadium will be in the Docklands area because it is the most convenient site. The Docklands would be of great benefit to the people in the eastern and south-eastern suburbs. The geographic centre of Melbourne is roughly in the Premier's electorate, around the Burwood area. Irrespective of that, the geographic centre happens to be in the eastern suburbs, and a major second stadium in the Docklands area would certainly be the most accessible site for people in Victoria and metropolitan Melbourne. The government has confused people by mucking around and saying it might be at Olympic Park, the showgrounds or the Docklands.

It is time the government announced where the stadium will be. The state opposition supports the Docklands. It would be a major anchor development for the Docklands. It would be worthwhile for the state government to announce where it will be and end the confusion.

Public venues: noise levels

Mr THOMPSON (Sandringham) - I raise for the attention of the minister at the table a matter for the Minister for Health. In the United Kingdom there is a musical group called The Cure, which has an album entitled *Disintegration.* The inside cover of the album carries the wording that the music has been mixed to be played at a very loud level and it invites listeners to turn up the volume.

It has been the experience of many members in the chamber, and I dare say in other parts of the building, to attend a function, be it at a sporting club, a community gathering or an official commitment, where the volume of the music being played at the venue means that the conversation at the table disintegrates during the evening. Very few people have been prepared to do something about this persistent problem.

The *New Scientist* records that this year in France a number of initiatives have been set in place. One proposal is that every venue that plays amplified music should also have a sound-measuring device installed. The French government is moving to establish maximum authorised noise levels so that people can attend venues where the level of noise is acceptable. A number of people within and outside this chamber have musical experience, including the honourable member for Oakleigh and Richard McCullough, who have sung before audiences. I am sure that the volume of the music they presented would have enabled a reasonable level of dialogue to be conducted.

I urge the minister to explore the matter as I am certain that in the course of time, just as there are indicative levels in industry, there will be indicative levels in entertainment and related areas so that tinnitus and loss of hearing will not be a problem that afflicts the new generation.

Wyndham: elections

Ms GILLETT (Werribee) - I raise a matter for the attention of the Minister for Planning and Local Government. Recently a significant number of residents and representatives of local community groups attended my electorate office advising that a petition is circulating in a number of the local shops in Werribee. This petition is allegedly calling for the commissioners of the City of Wyndham to have a further term. The people of Werribee are scheduled to have their democratic rights returned to them to allow them to elect their local councillors in March next year. The reports have been confirmed in the local media.

Many local residents and members of community organisations are outraged at the prospect of democracy being further frustrated in Werribee, and have asked about the appropriate rules and regulations pertaining to such petitions, which allegedly lead to a plebiscite of local residents. In order for me to best advise my community, I am seeking the assistance of the minister to advise me of the legislative or regulatory base of such a process so that the concerned residents of Werribee and their local member may take appropriate action to secure their democratic rights.

Police: Moira station

Mr JASPER (Murray Valley) - I refer the Minister for Police and Emergency Services to extensive representations I have received from the commissioners of the Shire of Moira relating to a 24-hour police station to service the Cobram area, which would also be effective throughout the Shire of Moira.

The minister will be aware that I made representations on this matter to the former Minister for Police and Emergency Services in the previous Parliament, and that he has received a deputation on the matter. In earlier responses from the former minister he indicated that not enough police were available or that the demand would not be at a level to necessitate the provision of a 24-hour police station to service the Cobram area. In further representations the shire looked at whether there should be a 24-hour police station to service the whole of the Shire of Moira, and that has been the purpose of the representations that have been made.

Today I introduced to the minister a deputation from the Shire of Moira. We put to the minister that strong consideration should be given to looking at the shire as a whole and considering the implementation of more effective policing, not only of the Cobram area but the entire shire. The members of the deputation told the minister that at present 10 police officers are stationed at Cobram, and there is one police reservist, making a total of 11 available. Unfortunately, currently many of the police officers are not available in the Cobram area and often there is a situation where only half the police are available to service the area.

Further consideration should be given to the matter by the minister, and I ask him to make representations to the chief commissioner and to senior police on the basis that they consider the policing of Cobram and particularly the Shire of Moira. I look forward to a response from the minister that will be positive for the people of the Shire of Moira and directed towards improving the policing services.

Rail: Clayton station

Mr LIM (Oaylon) - I raise a matter for the attention of the Minister for Transport. Before the last election the Premier visited the Clayton shopping centre - not that he visits the place very often. I will quote from an article in the *Oakleigh-Springvale-Dandenong Times* of 27 March 1996, which states:

> Clayton railway station would be developed into a 'premium' station if the coalition was re-elected, Premier Jeff Kennett announced last Wednesday ...

> He said the station would be manned 'from the first train to the last' and would have closed circuit television, improved lighting, 'fully serviced' booking offices, 'intercom communication' for emergencies and timetable information.

In making that announcement, the Premier was hoping for a surprise vote. He was begging the people of Clayton to bring about my demise. Unfortunately I was re-elected with an increased majority for Labor!

I have lived and worked in Clayton for the last 19 years. I know Clayton station inside out because I use it regularly. Although the Premier made his announcement seven months ago today, the people of Clayton are still waiting for action. They have not seen an iota of the so-called upgrading. Will the minister tell the people of Clayton whether he will honour the undertaking of the Premier, and if so, when?

TAB: Sky Channel dispute

Mr ROWE (Cranbourne) - I raise for the attention of the Minister for Sport the grave concerns of the people of Cranbourne in particular and the Victorian racing industry in general about the dispute between the TAB and Sky Channel that caused a $600 000 shortfall in TAB or off-course betting on the Cranbourne Cup last week. On behalf of all owners and operators of TAB agencies in the electorate of Cranbourne and on behalf of the Cranboume Racing Club, I ask the minister to advise the house what action is being taken to rectify the impasse between Sky and the TAB.

The racing industry is the largest employer in my electorate. The issue is of grave concern to me and to other members of the coalition - and, I am sure, to the opposition. I hope the problem can be rectified as soon as possible to allow the small operators to continue to operate and to ensure that country racecourses such as Cranboume benefit from the turnover that is normally expected when Sky covers race meetings.

Disability services: residential care

Ms CAMPBELL (Pascoe Vale) - I raise for the attention of the Minister for Health the case of Stephen Simonof, a member of a family living in my electorate, who resides at the North West Hospital. He is a 33-year-old man who has been a quadriplegic since the age of 17 as a result of an accident for which he received no compensation. He is also blind. He is intelligent and sensitive and has been living in various institutions since his accident. For the past three years he has been in the gerontology ward at North West Hospital - at the age of 33! Many of us are told we are middle-aged at 40, but to be placed in a gerontology ward at 33 is a dramatic step.

His case is striking. He resides in a ward of 40 patients who are in the late stages of dementia. He is constantly confronted not only with the disturbing patterns of behaviour exhibited by people who are suffering dementia but also by death. He is deprived of the social, sensory and intellectual stimulation required by such a young man.

His family points out that he had been obtaining hydrotherapy, physiotherapy and occupational therapy but no longer does so. His sister writes:

> To whom it may concern,
>
> ... Mainly the staff are ones he interacts with, but they do not have much time to share with him because of their daily duties.

She says he needs mental stimulation, and concludes:

> He is in need to find a place that can look after his best interests. Is there a place somewhere that can provide for his needs? Please help him.

Princes Highway

Mr TREASURE (Gippsland East) - I raise for the attention of the Minister for Roads and Ports in another place the condition of the eastern section of the Princes Highway in my electorate. As members will know, my electorate is favoured by good weather and a lot of sunshine. The east of the electorate, particularly the area east of Cann River, has had an exceptionally wet season, as have many other areas of Victoria. As a result the roads have broken up and are in need of extra maintenance. Will the minister look into this matter and see whether extra maintenance can be provided?

The Princes Highway carries a great deal of the heavy traffic that travels along the coastal route to Sydney or the Cann Valley Highway to Canberra. As such, it is a very important artery for the transporting of produce. Will the minister make available facilities for the extra work that is needed to keep this important route in reasonable order. Work crews in the area have done an excellent job over the past few years.

The unusual wet weather that has damaged the roads has not favoured their maintenance. It is important that we address the problem, which the minister has been doing, so that Victoria continues to have a good road system and business and commerce can continue to grow and prosper.

Arts festival

Mr BATCHELOR (Thomastown) - I raise a matter for the attention of the Premier. Although he has shown a desire to censor artistic billboards, I ask him to resist the temptation to censor one painted by the artist Barbara Kruger that is clearly directed to him. The Premier insisted on banning earlier billboards that carried the slogans 'Why do you control?' and 'Why are you afraid of your vulnerability?'. The new billboard, which is directed fairly and squarely at the Premier and carries the message 'Don't be a jerk', should not be censored. The billboard is part of an artistic creation for the Melbourne Festival and is on display at the corner of Flinders and Swanston streets and the corner of Victoria Parade and Swanston Street. We ask the Premier to resist the temptation to censor this artistic creation.

Now the real test will be whether the Premier in this instance will use his executive powers to censor this artistic creation, just as he did in censoring the artistic creations of the Victorian College of the Arts.

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

The DEPUTY SPEAKER - Order! Before calling the first minister I direct the attention of the house to the fact that 13 members had an opportunity to participate in the adjournment debate tonight.

Responses

Mr GUDE (Minister for Education) - The honourable member for Eltham raised a matter concerning the Lower Plenty Primary School and correctly pointed out the way in which that one school and indeed many schools throughout this state have been allowed to decay as a consequence of the economic mismanagement of the Labor Party when it was in power here for 10 years.

A black hole of something like $700 million in this area has resulted in the stock of school facilities in this state degrading to a deplorable position.

I am not familiar with the particular details of the Lower Plenty Primary School, but I can certainly say this: that the honourable member for Eltham is one of the most assiduous and hard-working members in this Parliament and is very active in the school community. I have absolutely no doubt that the concerns that he has raised are genuine.

I understand that the school is on the regional priority list for major maintenance, but unfortunately when the last round of maintenance programs were undertaken, apparently it was not sufficiently high enough on the list. I am sure that with the agitation of the honourable member and the support of the local regional staff, in due course this school will get through.

It is an absolute tragedy that the school is in this position. Had the Labor Party when in office governed this state responsibly and refurbished the stock in a positive way, this school would not have degraded to the point that it has, along with many others.

It is one of the reasons why the Kennett government has committed $1 billion over the next four years to ensure that the stock of schools in this state is refurbished, and to ensure that new schools that are necessary are built in the outer regional suburbs.

I am very pleased to say that last weekend I had the privilege of opening three new schools in this state. The Labor Party was very good at closing them; it was very good at letting them fall into disrepair; and it was very good at wasting money in education. Its total subservience to the Australian Education Union has become legendary. You need go no further than read the John Cain memoirs if you want to see the performance of the Labor Party in government and the way it was totally subservient to that union.

I commend the member for Eltham for the fantastic job he does on behalf of his schools, and I will certainly take the matter up with the region.

Mr REYNOLDS (Minister for Sport) - The honourable member for Dandenong raised the matter of the - -

Honourable members interjecting.

The DEPUTY SPEAKER - Order! The honourable member for Mornington could leave now. He has been extremely unhelpful.

Mr REYNOLDS - I think we ought to rip his preselection off him!

The honourable member for Dandenong raised the issue of the proposed rugby-soccer-Australian Rules stadium that the government is currently considering at the moment. It is interesting that he now suggests it would be a great idea to locate it at Docklands. I remember hearing him say a week or so ago that it ought to be at the showgrounds. You have to be flexible in this world; it is just like whether we want a grand prix or not - you can be for it today and against it tomorrow.

I advise the honourable member for Dandenong that the government is still looking at this proposal. Where it might be sited is something that has not been decided but will be, and I am sure he will be one of the first to know if he happens to be listening to the news at the time. It most definitely - -

Mr Batchelor interjected.

Mr REYNOLDS - Now, Pete the Printer, you just be quiet! A stadium of this sort has to have Australian Rules to be viable, so no doubt this 52 000-seat stadium will be able to cater for soccer, rugby and Australian Rules. When the decision is made - and it will be the right decision, because we will not rush into this as happened with the siting of some other venues around this state - it will be in the right place.

The second issue raised for me was by the honourable member for Cranboume, and I thank him because the honourable member for Cranbourne has one of the major industries in his electorate - the racing industry. Not only is the Cranbourne track one of two in Victoria that has tracks for thoroughbred racing, harness racing and Greyhound racing, but it also has one of Victoria's major training complexes. Henceforth, it attracts a huge thoroughbred racing clientele.

Obviously the honourable member for Cranboume is concerned because the turnover on the TAB on Cranbourne Cup day was dO\\-'ll $600 000 on the previous year. Much of that would be attributable to the fact that the turnover on the TABs was down due to the fact that the Sky channel picture was not being transmitted to TABs through Victoria.

I have also had the example of many agents who have been bereft of the picture in the past couple of weeks, having had their turnover down to a half or lower. In fact, I am advised that the turnover for one agent, which is normally about $160 000 a week, is now down to $70 000.

I advise the house that the government and the Premier have worked very diligently in recent days to try to broker a deal between Sky channel, Tabcorp and the VRC on behalf of the people of Victoria and the racing industry.

While all the agencies involved-those three major players-have exhibited a will to resolve the issue, at last I am able to announce that that has been decided.

An honourable member interjected.

Mr REYNOLDS - It has been resolved and it is anticipated that the picture will be turned back on tomorrow morning.

The four major parts of the deal are that the contract will be for a $6 million flat rate, escalating at 6 per cent per annum, or CPI, whichever is the greater, until the year 2002, which of course is the year the deal between Sky channel and the racing industry comes up for renewal. After all, Sky channel buys the picture from the racing industry and then sells the picture to the TABs.

The other point that is of interest in the deal that has been reached is the 50-50 split between VRC and Tabcorp to pay the additional costs after the agents' annual fees have been deducted.

So all in all it is a good decision. The agencies are guaranteed that they will not be wholesale closures. In fact, it is agreed that until the year 2002 at least 200 of the 287 agents will still be in existence.

Two things on this matter are of concern to me and to the government- firstly, the concern for the 287 small businessmen scattered throughout Victoria who are TAB agents. They have very little security of tenure, and they do not have franchises or goodwill they can sell if they leave. This will guarantee their future, at least for the next six years, and guarantee that the picture will be on, particularly at this important time for Victoria with the spring racing carnival just under way.

We have a pre-eminent position in Victoria because our racing is the best in Australia. It is great news, particularly for the TAB agents, and more especially for Victorians in general.

Mr MACLELLAN (Minister for Planning and Local Government) - As the honourable member for Werribee is not in the chamber I shall delay my response to the matter she raised on the chance that she will return.

The honourable member for Essendon referred to the Ascot Vale library. The honourable member is continuing her campaign to determine matters before they are actually heard. I should have thought the honourable member for Essendon would have awaited the outcome of the hearing that is under way. An interim order has been made that obviously inhibits comment and I should have thought it might have inhibited the honourable member and encouraged her to take a more discreet approach to the matter. If the honourable member wants to know whether I have given a direct instruction to the commissioners regarding the closure of a library in Ascot Vale or any other area in that municipality she can ask me that question and I will attempt to give her the answer, but that is not the question she is asking me. Is it the question you are asking?

Mrs Maddigan - Yes.

Mr MACLELLAN - If the honourable member withdrew the offensive and decorative comments that went with her request perhaps she would deserve an answer, but, to assist her, the answer is that I have not given the commissioners any instruction at all regarding the matter.

Now that she has returned to the house, I draw the attention of the honourable member for Werribee to the appropriate information in the Local Government Act. She will find a copy in the chamber and if she looks at schedule 3, part 6 at page 239 she will get the answer to the question she raised with me.

Mrs Maddigan - On a point of order, Mr Deputy Speaker, the Minister for Planning and Local Government has accused me of making offensive comments in relation to either him or the house. I ask him what those comments were and I ask him to withdraw his comments.

The DEPUTY SPEAKER - Order! Firstly, the honourable member for Essendon needs to understand that when the Chair is on his feet the member must automatically resume her seat.

Mrs Maddigan - I apologise.

The DEPUTY SPEAKER - Order! Secondly, the honourable member was attempting to answer or to make a personal explanation on a point of order, which is out of order.

Mr BROWN (Minister for Transport) - It is with great pleasure that I respond to the representations made by my colleague the honourable member for Tullamarine about the condition of the Tullamarine Freeway and, in particular, the regular number of delays experienced by motorists on a daily basis primarily because of accidents clogging the freeway, stopping the traffic and causing chaos.

Obviously, the easy answer is City Link because it will fix the problem. However, during the transitional stage the government is stuck with the mess it inherited from the former Labor government during that dark decade of despair for Victorian motorists and long-suffering taxpayers. Something like the Tullamarine Freeway cannot be fixed overnight. However, salvation is at hand! The government has undertaken action to address the problem in full.

The honourable member for Tullamarine made a valuable suggestion, as he often does, representing the interests of about 10 electorates on that side of Melbourne. He is the only member of Parliament representing that side of metropolitan Melbourne who has any interest in any constituency problem. I know he assists up to nine Labor electorates by getting problems resolved. I never cease to be amazed how assiduous he is in rectifying problems on behalf of constituents in those suburbs that are supposedly represented by Labor members but who traditionally never have and could not care less about them.

The honourable member suggested that an electronic signage system be installed to indicate when a delay has occurred on the freeway. That is a worthwhile suggestion. I know other freeways in metropolitan Melbourne have electronic signage to notify motorists about delays so motorists can take the opportunity of taking a different route around the area affected into the Melbourne metropolitan area or, in the case of accidents on outbound lanes, to take another route out of Melbourne. I will raise his suggestion with my colleague the Minister for Roads and Ports in another place. I believe it would be in the interest of a vast number of motorists in that region of Melbourne.

The honourable member for Clayton had the audacity to say in the house tonight that the people

in his electorate are looking for action. He instanced my policy announcement made seven months ago that yet another premium station will be established. I say another, because over the past two years this government has created 50 premium stations in Melbourne where there were none under the former Labor government.

A gentleman from the honourable member's electorate was talking to me recently and said this guy, referring to the honourable member for Clayton, would be the most aptly named member of Parliament in the history of Victoria. He said this guy is a Clayton's member: he is the member you have when you don't have as member! He said to me that his constituency does not know where he is because they never see him and they never hear from him.

Mr Batchelor interjected.

Mr BROWN - I was told, 'We never hear from him and he is doing nothing for us'.

The DEPUTY SPEAKER - Order! The honourable member for Thomastown occupies a senior and responsible position in this Parliament. I called on him on previous occasions this evening to behave in a manner that is appropriate and I will not call on him again. His outburst is totally unacceptable and I ask him to behave in a manner befitting the responsibility he has.

Mr BROWN - The point was made that the honourable member for Clayton was aptly named: he is the member you have when you don't have a member that represents your interests. He stood up in the chamber and said his constituents want action - the reality is that they do; for sure they do! They want action in a vast array of areas in transport, and over the past four years this government has been addressing them. They want action on graffiti because railway stations in the Clayton electorate were covered with graffiti from one end to the other. The government for which he stood as a candidate for Clayton, a government which was in power for 10 years, did nothing. It left the system to rot.

The honourable member for Clayton's constituents want action on cleaning up the system generally, not just graffiti. The service was filthy from one end to the other and the government has cleaned it up.

The constituents want action on lighting on stations, and the government is doing that. It is not just creating a premium station in that area, it is refurbishing and upgrading every station in the Melbourne metropolitan area. The government is restoring every station to its former glory. Only last Saturday I was at Ripponlea attending a community barbecue at which a large number of people were present, including a band. The people were delighted that the government had spent more than $250 000 on rebuilding the railway station that the Labor Party had left to rot in the ground. Not only were local residents present, but all the local members were also present and it was a wonderful day. The community made it clear to me how grateful they were and how the Labor Party had promised to fix up the station but had left it to rot. They wanted action and they got it from the government.

The honourable member's constituents wanted action on reliability because the former Labor government could not have cared less about trains being late. It got so bad they stopped informing the media of the number of train cancellations. They wanted action, sure they did, and they got it from this government. Now on a daily basis the media is informed of train cancellations, but very few occur. Often it is the case that there are no cancellations.

The honourable member's constituents wanted action on closed-circuit monitors on each and every one of the more than 200 railway stations in Melbourne because the former Labor government had done nothing. This government has a program in place that is putting closed-circuit television monitors in every station in the Melbourne metropolitan area. Commuters wanted action because the Labor Party was only interested in looking after their mates, like Kay McNeice, who was on the train - the gravy train.

The honourable member for Clayton is right; his constituents wanted action in a large number of areas. They wanted action with customer services officers, who did not exist under the former Labor government. Now those officers are there day and night simply to help and give advice. They wanted action on improved timetables, and the government has done that. It has even undertaken to change the second-rate Sunday service that the former Labor government had in place for 10 years. The Sunday services were a pale imitation of what should occur in a modern city such as Melbourne. This government, in this term of office, is replacing the Sunday service with the normal Saturday service - a doubling of the availability of trains on Sundays.

If there were a Hypocrite of the Year award the honourable member for Clayton would get it. I cannot make it any clearer that the honourable member should win that award for criticising me. Seven months ago I announced that 10 premium stations have not yet been completed, and one is Clayton.

Mr Lim - When, when, when?

Mr BROWN - I shall tell the honourable member the action his constituents want - they want him to be replaced. They know he has done nothing for them in the time he has been a member of Parliament. He is known as the invisible man. They never see him because he is in other electorates branch stacking!

The former Labor government was in power for 10 years and did not build one premium station or undertake any of the issues I have mentioned, but under this government a premium station will be developed at Clayton, and I will be delighted to be there at some time in the future with the candidate representing the Liberal Party who will replace the honourable member for Clayton at the next election. The honourable member's constituents say that cannot come quickly enough.

The honourable member for Gippsland East raised a concern about road funding and the problems in his electorate with roads breaking up. The honourable member referred to a busy road. The coalition government inherited problems with road funding and assets breaking up literally before one's eyes, a legacy of the former Labor government. As with so many other things, it left the community for dead. It did not invest in roads and, in fact, some roads broke up and returned to dirt. That is well known and is on the record.

The government has committed massive additional resources in the form of extra dollars for road funding. I have no doubt the honourable member's concerns are genuine because he is known as an assiduous representative of his area who makes constant representations to ensure he gets action for improvements on a long-term basis. I will have pleasure taking up the issues raised by the honourable members for Gippsland East and Tullamarine with the Minister for Roads and Ports in another place to see what can be done to address their genuine concerns.

Mr W. D. McGRATH (Minister for Police and Emergency Services) - The honourable member for Murray Valley raised a matter concerning the Shire of Moira. The honourable member introduced me to a deputation from that municipality this afternoon so that the case for policing in that region could be outlined. I assure the honourable member that a review is being undertaken of police district boundaries.

The delegation requested that the police station at Yarrawonga belong to a core of police stations in that region and that a coordinated 24-hour police service be available. It is not possible to provide an on-duty 24-hour police service at this point. I give an assurance to all members that the Victoria Police provide a 24-hour service across the state. Police respond quickly when called to an emergency. I have not received complaints about police not responding quickly enough to an emergency to which they are called.

I am aware, as are other honourable members, that it is ideal to have a visible police presence because the blue light is a deterrent for law breakers.

One of the matters on which we need to take action, particularly on country roads, is the increasing number of accidents. The number of road deaths in Victoria has risen marginally in the past 12 months. One of the significant factors associated with the increased road toll is the steady rise in the number of people driving while under the influence of alcohol. The government has spent a lot of money on TAC advertisements showing the dangers of drink-driving. A greater number of those killed in road accidents had registered blood alcohol readings above 0.5. There are some significant warning signs there. While we cannot expect the police to be on every street comer or on every country road, there are some very clear warning signs to the members of the wider community that they should examine their driving practices. We need to set some better examples in our community.

I take on board the matters raised by the commissioners from the honourable member's municipality. He works hard to make sure he achieves the very best in all his endeavours for his electorate. I will have further discussions with Chief Commissioner Comrie and analyse the comments that have been made. I will respond to the municipality and to the member in writing.

Dr NAPTHINE (Minister for Youth and Community Services) - The honourable member for Sandringham raised with the Minister for Health noise levels in venues. He referred to new French

government regulations that examine maximum noise levels in certain areas. The issue he raised concerns nerve deafness, which causes some degree of problem for people who work with noisy machinery, people in the farming community and people who work in noisy environments generally. I am not sure whether it affects parliamentarians!

In workplaces employees are required to wear earmuffs and certain noise controls are implemented. The issue is important. I know that in the rock music industry a number of people are affected by this problem.

The honourable member raised this concern because the noise levels at a number of venues - music venues or others - can be too high. He suggested there should be some guidelines and some action to restrict the level of noise at those venues. I will pass his concerns on to the Minister for Health. In view of the issue of nerve deafness I am sure he will examine them.

The honourable member for Coburg raised what he described as the effect of early discharge from hospital and other matters relating to the delivery of home help services and the general HACC problems in the Moreland area. I want to correct some of the issues he raised. I advise him that worldwide trends in medicine are for shorter stays in hospital, irrespective of the use of case-mix or any other funding.

The other matter which it is important the honourable member understands is that any person discharged from a hospital has to be discharged by a doctor. The doctor has to determine that it is appropriate for the person to go home. The only exception is where persons choose to discharge themselves.

The so-called issue of early discharge is a bit of a fwphy around the place. The suggestion that case-mix funding drives the so-called early discharge is one of the furphies spread by the Labor Party and other people who fail to understand the changes in the modern health system.

The honourable member said there had been no increase in funding for HACC services. Again, that is incorrect. According to the information I have been given, the federal and state governments, at each annual budget round for the past two or three years, have increased HACC funding. So there have been increases in HACC funding. I suggest that the City of Moreland should be getting its share of that funding.

I believe there are significant benefits in people being discharged from hospital to home environments where they can be well looked after. Whether it be home help services, HACC services or Royal District Nursing services, it is appropriate that those services be provided. The matter was raised with me as Minister for Community Services, but HACC is the responsibility of the Minister for Health. I will ask the minister to examine the matter for the honourable member for Coburg. My advice is that HACC services have received increases in funding in recent years. My understanding is that those increases have been ahead of the level of inflation.

The honourable member for Pascoe Vale raised an issue concerning a Mr Stephen Simonof. I am very fortunate to have a few notes on the issue because the honourable member for Prahran also raised the matter with me prior to this evening. She has been very active on behalf of Mr Simonof and his family in seeking some assistance for him.

Mr Batchelor - We saw her. She ran straight out, got the file, brought the file in and gave it to you.

Dr NAPTHINE - She has been very active. As the honourable member for Thomastown said, the reason I had the file on my desk was that I had asked the department for information, at the request of the honourable member for Prahran who raised the matter.

Mr **Batchelor** - You know nothing about this.

Dr NAPTHINE - Calm down; just wait. Mr Simonof has been a resident of the North West Hospital since October 1994. He has significant physical and sensory disabilities, being blind and a quadriplegic. He needs very high levels of support. He has been in receipt of case management services provided by the Melbourne City Mission since April 1994. The complex case management service is part of a statewide pilot project funded through the Physical and Disability Unit of the Disability Services Division.

Mr Simonof, through his case manager from the Melbourne City Mission, has been able to investigate a number of accommodation options which would better suit his needs rather than being placed in an elderly person's facility. One of the residential units which is seen as most appropriate has been arranged

through the Spastic Society. The case manager believes it is most appropriate to his needs. Mr Simino£ has been placed on the waiting list for that accommodation through Yooralla and is a priority through the Spastic Society. We hope there will be a vacancy in those facilities in the near future to which he will have access.

We believe that action has been taken to meet the needs of this young man who has severe multiple disabilities. We believe it is inappropriate that he is in a facility for older people and it is more appropriate for him to be in a different facility. We are seeking to provide that facility for him.

The honourable member for Thomastown raised with the Premier a matter which amonnted to a fairly frivolous use of parliamentary time. I am advised that the artist responsible for the works, Ms Barbara Kruger, is an American. The works she has produced, including the slogan 'Don't be a jerk', are reproductions of her works in America. They are a direct take from her works in America. It has not been created specifically for the Australian or the Victorian market.

The honourable member for Thomastown is well out of his depth and lacks an nnderstanding of the artistic commnnity. If he wants to look further at Ms Kruger's work, the Heidi art gallery in Bulleen would be an appropriate place for him to visit this weekend.

When Miss Kruger speaks of her art works and raises issues, she says they are directed at all mankind; they are mainly directed to intolerance. It would be appropriate for the honourable member for Thomastown to nnderstand that the works are directed to intolerance and cheap comments like those he was making in regard to this work.

I suggest the honourable member for Thomastown should examine his own insecurities and attitudes instead of attacking this very thought-provoking art form.

The DEPUTY SPEAKER - Order! The house stands adjourned nntil next day.

House adjourned 11.10 p.m.

Thursday, 17 October 1996

The SPEAKER (Hon. S. J. Plowman) took the chair at 10.04 a.m. and read the prayer.

PETITION

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

Drug rehabilitation programs

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

Your humble petitioners pray that following the failure of the Parliament to pass any worthwhile drug law reforms, we request at the very least that the state government provide better rehabilitation and educational programs for drug users.

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

By Mr Andrianopoulos (150 signatures)

Laid on table.

SCRUTINY OF LEGISLATION COMMITTEES

Mr RYAN (Gippsland South) presented position paper of working party on scrutiny of national schemes of legislation.

Laid on table

PAPERS

Laid on table by Clerk:

Transport Act 1983 - Order for Transfer of Assets and Liabilities pursuant to section 81.

Victorian Funds Management Corporation - Report for the year 1995-96.

BUSINESS OF THE HOUSE

Adjournment

Mr W. D. McGRATH (Minister for Police and Emergency Services) - I move:

That the house, at its rising, adjourn until Tuesday, 29 October 1996.

LEGAL PRACTICE BILL

Message from Council relating to amendments considered.

Council's amendments:

1. Clause 2, line 5, after "Part" (where first occurring) insert ", section 448".
2. Clause 2, line 5, omit "450 and 451 "and insert "452 and 453".
3. Clause 2, after line 7 insert -

   "( ) Section 447 is deemed to have come into operation on 8 March 1988.".
4. Clause 84, line 13, omit "82(2)" and insert "82(4)".
5. Clause 305, page 224, line 16, omit "(1)" and insert **"(4)".**
6. Clause 320, line 24, omit "apply" and insert "appeal".
7. Clause 328, line 27, omit "apply" and insert "appeal".
8. Clause 433, page 310, line 8, omit "RPA" and insert "company".
9. Clause 433, page 310, line 10, omit "RPA" and insert "company".
10. Clause 433, page 310, line 14, omit "RPA" and insert "person".
11. Insert the following New Clauses to follow clause 446 -

,AA. ***New section 64B inserted in Legal Profession Practice Act 1958***

After section 64A of the **Legal Profession Practice Act 1958 insert** -

"64B. ***Immunity for innocent partners***

Despite anything to the contrary in the **Partnership Act 1958** or any rule of law to the contrary, an action does not lie against a partner of a firm in respect of a defalcation committed by another partner or other partners of that firm, or by an employee of that firm or of any partner of that firm, if -

(a) all persons have been compensated for the pecuniary loss suffered by them by reason of the defalcation, whether as a result of a claim under section 64 or by payment by another partner or other partners of that firm; and

(b) the council is of the opinion having regard to all the circumstances that that partner-

(i) was not a party to the defalcation; and

(ii) acted honestly and reasonably in the matter.".

BB. ***New section 116 inserted in Legal Profession Practice Act 1958***

After section 115 of the **Legal Profession Practice Act 1958** insert -

"**116.** ***Supreme Court-limitation of jurisdiction***

It is the intention of section 64B to alter or vary section 85 of the **Constitution Act 1975.**".'.

12. Schedule 1, page 321, line 3, omit "451" and insert "453".

13. Schedule 2, page 353, line 2, omit "452" and insert "454".

14. Schedule 2, page 371, line 9, omit "the commencement day" and insert "1 April 1996".

15. Schedule 2, page 381, line 15, omit "1605" and insert "378".

16. Schedule 2, page 381, line 21, after "Fund" insert "on or before 30 June 1997".

17. Schedule 2, page 381, line 34, omit paragraph (c).

18. Long title, before "repeal" insert "amend and".

The SPEAKER - Order! As this bill and its amendments were passed by an absolute majority of all the members of the Legislative Council, the amendments must also be passed by an absolute majority in this place.

Mrs WADE (Attorney-General) - I move:

That the amendments be agreed to.

The amendments to the bill, copies of which have been circulated to honourable members, cover two important matters. The first is to correct an oversight relating to claims on the fidelity fund arising from existing nominee mortgages. It is unclear in the bill whether the exclusion of claims on the fund applies to all claims in relation to nominee mortgages or just claims arising after 1 April 1996. Amendment 14 makes it clear that the exclusion relates only to mortgages entered into after 1 April 1996.

The other amendment of importance relates to protection for innocent partners in cases of defalcations by employees where the innocent partner is able to show that he or she was in no way a party to the defalcation and acted honestly and diligently.

The provision contained in the bill applied to all employees of solicitors, not just legally qualified employees as is the case under the present act, but was not retrospective. At the time the bill was considered concerns were expressed about a retrospective provision. However, additional information has been obtained since then, including from a former Attorney-General, the Honourable Jim Kennan, QC, that it was always intended that the situation involving employees should refer to all employees and not just legally qualified employees, and the amendment makes that quite clear.

Mr HULLS (Niddrie) - The opposition expressed its views on the bill some time ago. Those views are on the record, so I will not go over them. In relation to the amendments, I received a letter from the Law Institute of Victoria at the time the bill was first debated which referred specifically to a new clause proposed to be inserted by amendment no. 11. It is probably worth reading into *Hansard* the Law Institute's views regarding the matter because it appears the Attorney-General has adhered to the concerns expressed by it. The institute's letter states:

> The Law Institute has previously raised with you the case of the partners of Tisher Liner & Co who have suffered loss as the result of defalcations committed by the firm's office manager, who was not a solicitor.
>
> As there is an anomaly in section 64A of the Legal Profession Practice Act 1958 ("the act"), which provides for subrogation to innocent partners and employers, the firm remains liable for the moneys paid out by the Solicitors' Guarantee Fund.
>
> The partners approached the government seeking to have this anomaly amended. Their approach was supported by the Law Institute.
>
> In the draft proposals, prepared for discussion, the equivalent clause under the draft provided for retrospective subrogation rights to cover the Tisher Liner situation, nominating the commencement date of the subrogation clause to be 8 March 1988. Successive Attorneys-General have indicated that this anomaly would be rectified and that a clause reflecting this change would be included in new legislation.

> It is noted that in the bill such commencement date for clause 218 has been omitted in clause 2.

The amendment appears to be in line with the original recommendations of the Law Institute, and as a result the opposition will not oppose the provision. Nonetheless, I ask the Attorney-General to give an indication either now or at a later stage whether any other law firms may be caught by the amendment. Having said that, the opposition has no objections to the amendment.

Mr THOMPSON (Sandringham) - I shall make a few brief comments supporting the contributions already made by the Attorney-General and the honourable member for Niddrie. In particular, I address my comments to a new clause proposed by the Legislative Council to be inserted by its amendment no. 11, which is effectively the Tisher Liner clause.

I commend the government on its decision to include the amendment in the legislation because it will ensure that a just outcome is achieved in the circumstances confronted by Tisher Liner and Co. The issue of retrospectivity is involved and in a written opinion Professor Doug Whalan of the Australian National University has defined eloquently and succinctly some of the principles of retrospectivity that I would like to allude to. The opinion states:

> In particular, if the rights of individuals are prejudicially affected by retrospectivity in favour of the state, such legislation should be used sparingly. However, retrospectivity in acts that favour the state against individuals does occur in all Australian jurisdictions.
>
> Retrospective legislation that is beneficial to the rights of individuals is quite common in Australia in both primary and subordinate legislation. This is especially so, if anomalous or unfair positions are discovered. In such cases retrospectivity to correct the anomaly, technicality or unfairness is not uncommon or unusual.

The professional indemnity insurance regulations of 1985 broadly covered the principal or partners in circumstances where an employee, whether a solicitor or paralegal employee, had misappropriated trust moneys. As a consequence of the change in the insurance cover that underpinned the indemnity insurance regulations, changes needed to be made to the Legal Profession Practice Act. A 1989 amendment covered the circumstances of employee solicitors, but did not reflect the breadth of cover under the 1985 regulations. The government has accepted the Law Institute's recommendations and those of other parties and has incorporated the amendment in the bill. It will ensure a just outcome is achieved in the Tisher Liner situation and perhaps other circumstances that are at this stage unknown. The cause of justice is well served this day in this house by this amendment.

The SPEAKER - Order! As the amendments are required to be carried by an absolute majority and there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

CORRECTIONS (AMENDMENT) BILL

Second reading

Debate resumed from 12 September; motion of Mr W. D. McGRATH (Minister for Corrections).

Mr HAERMEYER (Yan Yean) - The opposition will oppose the Corrections (Amendment) Bill for reasons that will be articulated during the course of the debate. Although some honourable members may think the issue of prison industries is rather boring, I believe it is one of the most important aspects of social policy because of the implications it has for a number of other spheres. Prison industries can have a significant effect on crime. The rehabilitation programs that are available to prison inmates have a great bearing on the crime rate. Prison industries also have an effect on the cost of running our prison system, and their operations have implications for industries in the community generally.

It has always been an accepted principle in Victoria that prison industries should not compete with industries in the general community and that the jobs in prison industries should not replace the jobs of employees in the general community, so it is an important issue. The opposition believes some provisions of the bill are extremely dangerous because of the impact they will have on those spheres.

In 1983 the Victorian Prison Industries Commission (Vicpic) was established by a very dear friend of mine, the late Pauline Toner, to provide a means by

which work for prisoners and youth trainees could be increased progressively and to organise prison industries on a sound commercial basis. When the commission was established, most of the plant, equipment, buildings, systems and the industrial environment in our prisons belonged in the 19th century. As the late Pauline Toner described it at the time, they were 'museum pieces of antiquity'. That was due to a lack of funding from and a lack of initiative on the part of the Hamer, Thompson and Bolte governments. There were severe health and safety risks in our prison industries for both staff and prisoners. The industries were extremely inefficient, and they were allowed to operate for far too long in that condition.

The Victorian Prison Industries Commission certainly turned Victorian prison industries into modem showpieces. Although the commission has not been without its problems, I believe it has established one of the best models in the world for giving prisoners constructive things to do and appropriate levels of rehabilitation, while enabling the industries to operate under sound management principles. Vicpic provided modem buildings and equipment and introduced new directions for prison industries in this state. For the first time prison industries were based on long-term planning and sound administration.

In the past work in prisons was more or less voluntary; it was really there just to keep prisoners occupied. Little concern was given either to the effectiveness and efficiency of the work done in those industries or to the vocational capabilities of offenders once they got out of the prison system. The Victorian Prison Industries Commission also introduced the effective marketing of the products that were produced by the prison industries. It integrated prison activities with the rehabilitative programs which we now expect in our prisons. It also provided interesting, useful and rewarding work for prisoners as well as covering the cost of running those industries. Prior to the introduction of Vicpic they were certainly running at a loss.

When the commission was established in 1983 Victorian prison industries employed only 30 per cent of the prisoners in our prison system. The notion of prisoners being given useful activities to undertake was considered nonsense. Prisoners were sitting around our prisons with little to do except plan how they were going to get out of prison or talk about the mischief or criminal activities they could engage in once they were released.

As a result of the establishment of Vicpic the community has recognised the importance of prisoners working within the prison system. We know it is important to give prisoners opportunities for employment when they are released. One of the greatest causes of recidivism is prisoners discovering that they cannot find work in the community when they leave the prison system - firstly, because they must overcome the stigma associated with having been convicted and gaoled, and, secondly, because they have not learned any fruitful vocational skills. Usually on their return to the community they cannot find work, so the only way they are able to provide any form of sustenance for themselves is through criminal activity. That is one of the main reasons for the high recidivism rate. The prison system is notorious for turning out people who in large numbers return to it.

Another important aspect of prison industry work is keeping the prisoners occupied. If prisoners have little to do, they have a lot more time to contemplate far more mischievous activities. If prisoners are not occupied there is greater opportunity for friction and instability within the prison system - and of course that scenario produces prison incidents, riots and assaults on staff and other prisoners. It is also important that prisoners learn regular work habits because they generally have not led regular lives and have never gone through the process of getting up in the morning, going to earn money and then putting some of that money aside.

Since it was introduced, in addition to recognising the importance of prison work, the Victorian Prison Industries Commission has increased the number of prisoners employed within the prison system from 30 per cent to more than 90 per cent. That is a strong measure of the success of the commission.

It has greatly expanded the opportunities for prison industries through a strict regime of import replacement. In other words, the industries within our prison system are not competing with industries in the general community and manufacture products that are not in direct competition with our Victorian industries and workplaces. That is extremely important.

It must be acknowledged that prisoners work for between $4.50 and $6.50 an hour. That wage rate should not be exploited to provide a cheap avenue of labour at the expense of workers in the general community. It should not be possible for industries outside to be forced out of business simply because of the use of cheap prison Labor.

A number of problems are associated with prison industries, and Vicpic has addressed them to some extent. Because it had an overall coordinating role it was able to address problems more successfully than was possible under the fragmented system that existed previously, and some problems still need to be addressed by a coordinating statutory authority such as Vicpic.

It must be acknowledged that most prisoners in the system are short-term prisoners, and that fact impedes the task of imparting skills and training them in particular vocations. They are then sent back into the community where the programs within the prison system do not exist. Viepic's role should be expanded in that area.

There is also the problem of the constant shifting of prisoners between facilities. Industries are concentrated in particular prison facilities. T$_{y\ p}$ically there may be a metals industry at Pentridge, woodwork at Barwon, and agriculture at Morwell; and because prisoners are continually shifted between those facilities the opportunity for them to learn something in the industries in which they are working is extremely limited. This leads to fragmentation of the training effort.

Mr A. F. Plowman- It is exactly the opposite. They get experience in each one of them.

Mr HAERMEYER - If you are going to train someone in a particular vocational skill they need to work in that area for a set period to pick up skills to the extent necessary for them to be used in the general community. I have no problem with multiskilling, but minimum periods are associated with mastering the skills, and the time some prisoners spend in the system is too short to enable that to be achieved in a thorough and comprehensive way.

One of the ironies of the system is that the last place to which prisoners will be dispatched when they come to the end of their sentence is a prison farrn. Since most people within the prison system come from the Melbourne metropolitan area and are unlikely to move to rural areas when they are released from the system I question the value of an agricultural industry. Prisoners really should be prepared for the sorts of jobs they will be applying for when they are freed into the general community.

It makes sense for a prisoner from a rural area to go to a prison farm close to his or her release time to work in the agricultural industry as a final activity, but I am not sure that it is appropriate for the general prison population.

Prisoners are put through all sorts of programs in the prison system, for better or worse, but there is absolutely no follow-up after their release, which means they will have difficulty finding jobs when they are back in the community. Services dedicated to the task of putting prisoners into industries - -

Mr W. D. McGrath interjected.

Mr HAERMEYER - That may be, but there is always opportunity for improving the system. I am not blaming this government or any government. The previous Labor government made large strides in improving the prison industry area, but there is room for more improvement. The post-release system is probably the most obvious area where further action needs to be taken, and there is also the problem of stigma. When a prisoner gets out he or she has a prison record and, as a rule, employers are very reluctant to employ prisoners. There is a need for a properly funded program to assist in this area in the way I believe the Second Chance program attempted to assist. That program needs revision, and all these measures need to be under the umbrella of one statutory authority that has responsibility for overseeing rehabilitation and vocational training of prisoners as well as the administration and marketing of prison industries from go to whoa. The abolition of the Victorian Prison Industries Commission is a move back towards the fragmentation of prison industries and vocational training within the system.

The bill seeks to disaggregate the prison industry structure in this state and, as a result, a greater fragmentation of activity within prison industries will occur. That is evidenced by the fact that one reason for introducing the bill is to accommodate what the government perceives to be the needs of the private sector operators within the prison system - in other words, to more or less allow them to go down their own path in the public prison system.

I wonder whether we are headed back to the bad old pre-1983 days when there was little coordination of prison industries and little vocational training and rehabilitation. The government says the abolition of the commission is due to privatisation of the prison system and that Vicpic could really apply only to public sector operators. I do not see why it cannot also apply to private sector operators. The government has stated that the private prisons

would slide seamlessly into the prison framework and that, for all intents and purposes, they would be run the same way as publicly managed prisons, except that they would have private managers and private staff.

Now the government is seeking to hack into the successful and integrated prison system to accommodate the wish of the private consortia to be different. That will create disaggregation of the system. I do not see why the private prisons cannot be integrated into the prison industry structure and be obliged to follow the same conditions and guidelines. One wonders whether it is one of the concessions the government has made to the private consortia - in the contracts the government does not want to show us.

I suggest that the private consortia have an agenda to push out the boundaries of what is an acceptable prison industry until there is competition with free workers and local enterprises. The private consortia make no bones about the fact that they are there to make a profit, and that desire to make a profit overrides any concern about rehabilitation of prisoners and respect for the jobs of free workers.

I should like to refer to an article about the Lockhart Correctional Facility in Texas. The prison is run by the Wackenhut Corrections Corporation, which is the parent company of ACM, the consortium that is building and managing the 600-bed male prison at Fulham. The article states:

> Every weekday morning, 55 men punch the time clock at US Technologies Inc. and begin their work on electrical components that are sold to major computer companies such as IBM, Motorola and Dell.
>
> Down the hall at Chatleff Controls Inc., 40 other men fall into an assembly line, manufacturing control valves for heat pumps and air conditioners. At Optiplex of Texas, 26 men produce eye glass lenses that are sold in Florida and Puerto Rico.
>
> The workplaces look just like small factories and shops in any American city. But there is an important difference here - all three industries are located inside a prison and the employees are doing time.
>
> The Lockhart Correctional Facility - located on the outskirts of Lockhart, a small central Texas town - represents what its supporters call a new wave in prison work programs. The inmates keep 20 per cent of what they earn, return the rest to the state and learn marketable skills in the process.
>
> But labour unions don't see it that way. To them, the Lockhart facility is using cheap inmate labour to steal needed jobs from the higher paying private sector.

An honourable member interjected.

Mr HAERMEYER - Did I hear somebody agreeing with the concept that prison industries should be taking jobs out of the free community? The article goes on:

> 'Without question, it has taken jobs,' said Joe Gunn, president of the Texas AFL-CIO -

the US equivalent of the ACTU -

> 'We're talking about a captive work force. A slave is a captive worker. One who does not have a choice is a slave'.
>
> Yet if state rep Ray Allen, R-Grand Prairie, has his way, Lockhart is just the first of several private prison facilities in which inmates will pull their own weight.
>
> Allen said he understands the union's concerns, but he insists the Lockhart program has not taken a single free-world job. In fact, he notes, there's a federal law that forbids it, and Lockhart has complied.
>
> 'What I'm trying to do is not in opposition to labour's concerns. I just need them to recognise that we're not competing against a finite number of American jobs,' Allen said. 'We're competing in a global marketplace against people in Taiwan, Puerto Rico, the Philippines ... and what we need to do is recognise that these entry-level jobs, if we don't find a way to keep them in Texas, even if they are in prison, we are going to lose them to offshore competition and they will get the collateral growth of these spin-off industries'.

In other words, we need slave labour in the prison system to accommodate the sort of sweatshop labour rates that operate in Taiwan or other countries. The article continues:

> He added, 'Of course this is not slave labour. It's all volunteer-

ever seen a volunteer in a prison? -

> and if any one of those guys quits, there'd be 50 applicants for his job'.
>
> One of Gunn's specific complaints is with US Technologies. He claims the company closed its Austin

plant and laid off workers, then moved to Lockhart to employ prisoners at near minimum wage.

So the company has closed its plant in Austin, where it employed workers from the general community to manufacture those components, and now those components are being manufactured inside a prison at slave labour rates. The article continues:

Allen paints a different picture.

'In reality what happened is you had a company that grew extremely rapidly, started well on the road to failure, then bankrupted. Some of those principals recovered a portion of that business by starting a new company and they relocated in Lockhart'.

What an ingenious device! The article goes on:

Raymond Henderson, president of Chatleff Controls, said the unemployment rate is so low in the Austin area that it is difficult to maintain a quality work force. And the prisoners at Lockhart, he says, do a better job.

So they have moved away from the notion that prisoners are not replacing the workers outside; they are saying they do a better job, and do it more cheaply. The article continues:

'When unemployment reaches those levels, usually what you have is people who simply don't want to work,' he said. 'In our case, we simply can't hire people off the street. We're doing it, but what's happening is we're getting tremendous turnover, rollover, of people. If we've got them six months, we're lucky'.

That means if they do not want to pay the wage rates necessary to attract people to work for them and people have a choice, they can use slave labour within the prison system. The article goes on:

Although the work at Chatleff does not require a high level of education, Henderson said prison workers are generally smarter than people hired off the street.

'What we've found with people here (prisoners) is that the level of intelligence is considerably greater than what we are seeing in the people coming right off the street. They adapt much quicker. We get far better quality out of these people, and of course we have the advantage of having them here all the time'.

So much for these people not being in competition with people in the general community! It continues:

William Meehan, President of US Technologies, said he hopes to expand the number of prison employees to 210 by the end of the year. He credits the inmates with being able to operate sophisticated machinery and said they are learning valuable job skills.

Then we get onto the real issue here. Mr Meehan is quoted as having said:

'Absenteeism is obviously very low. We don't have alcoholism. We don't have drugs. Many of these lads have not worked before in their lives when they come here, or not in a productive job, shall we say. So they leave here not just with the qualifications, but with money'.

The fact is that workers in the general community might have sick days; they might have some sort of industrial injury. It raises issues about absenteeism and the general freedom that workers in the general community have. What we have in the prison system is a captive, slave labour work force. The article goes on:

The Lockhart facility is operated by a private company - Wackenhut Corrections Corp of Coral Gables, Florida.

Robert Mianowski, Wackenhut's senior vice president of operations, said the work program also makes for safer prisons. Although it takes in only those inmates who are within three years of parole, the prison's population includes murderers and other violent criminals, as well as gang members.

But Mianowski said that once they get to Lockhart, and have the chance to land a job, the violent tendencies subside.

'The inmates here don't want that,' he said. 'They want a safe environment, and they know that this prison industries program and the activities associated with it contribute to that. So they're willing to set aside their gang animosities. They're willing to work because the environment is enhanced. It's really that simple'.

That may be all very well and good, and it is admirable that that is occurring in the prison system - it certainly makes Wackenhut's job of administering that prison easier and cheaper. But the real question is: should Wackenhut be achieving such objectives in the prison system at the expense of free workers in the general community? Obviously it should not.

The interesting thing is that Wackenhut Corporation, as I said, is the parent company of Australasian Correctional Management (ACM), the company which is building and will soon operate the private facility at Fulham. The minister may say the government will not allow it to do that. But we all know the capacity of this government to withstand the pressures of people with money - every time a large corporation or a Ron Walker comes along and says, 'I want this', members of the government jump and say, 'Yes, sure, we'll agree to that'. The private prison consortia are in the business of making a profit so they try to push out the boundaries of what is an acceptable prison industry. They will agitate and slowly but surely whittle down the restrictions that currently apply to prison industries.

It is the principle of the thin edge of the wedge. We have seen it with shop trading hours in this state. We started with some people wanting to be able to trade on just a few Sundays. Now we have open-slather trading. Over time that will happen in the prisons system because the private consortia want it.

Mr Baker - They want more people in gaols.

Mr HAERMEYER-That's exactly right. We have heard the argument that because we are going down the path of privatising some of our prisons or placing 50 per cent of our prison population under private management, we have to follow the path and also abolish the Victorian Prison Industries Commission. The government does not have to travel that path. It has made an ideological choice. As I have outlined on previous occasions, there are problems associated with that choice, among them the serious probity problems of the Wackenhut Corporation.

I refer to a report of the United States House of Representatives Committee on Interior and Insular Affairs of an inquiry into the covert operations of the Alyeska Pipeline Service Company, commonly known as the Exxon Valdez fiasco. The company that was conducting what was referred to as the 'covert sting operation' was the Wackenhut Corporation, and the congressional committee said about that company:

> The committee has further concluded that the Wackenhut agents engaged in a pattern of deceitful, grossly offensive and potentially, if not blatantly, illegal conduct to accomplish their objectives. The hearing testimony and the legal opinions submitted by Alyeska's and Wackenhut's attorneys defending the legality of these tactics are nothing more than vain attempts to legitimise undeniably egregious violations of personal privacy committed by Alyeska's Wackenhut agents and to divert attention from Alyeska's disastrous campaign to silence its critics.
>
> Specifically, the committee believes that in addition to potential civil invasions of privacy, federal and state criminal laws may have been violated by:
>
> (1) obtaining AT &T proprietary telephone toll records without AT &T's knowledge or acquiescence-

in other words, theft of documents -

> (2) obtaining private credit and financial reports under false pretences and without permission of the individual(s) whose records were obtained -

again, theft of documents -

> (3) secretly recording private conversations in Florida without consent of all parties to the conversations -

wire-tapping -

> (4) secretly recording private conversations in Virginia for the purpose of committing a criminal or tortious act -

this is one of the companies that will be running one of our private prisons and managing one of our prison industries -

> (5) possessing and transporting interstate, devices designed primarily for the purpose of surreptitious interception of wire, oral or electronic communications -

bugging-

> (6) obtaining under false pretences the free use of valuable computer software -

software piracy -

> (7) permanently removing documents from Hamel's home which did not belong either to Wackenhut or to its client, Alyeska -

again, theft of documents. Hamel was the person who informed on Wackenhut.

That is the morality of one of the companies we have asked to manage our prison industries and look after our prisons. You really have to ask: what side of the bars should they be on? This is a criminal outfit. It is a farce to say we expect probity in the prison privatisation proposals of the government and that there will be any probity in the activities of the companies that will operate our prison industries.

It has also been revealed that Wackenhut Corporation lied to the people of Victoria. Late last year the opposition revealed that Wackenhut Corporation was under investigation in the state of Texas for the misappropriation of SUS700 000 of moneys paid to it for the purposes of providing drug treatment programs. Money that was supposed to be used for treating people with drug dependency problems actually went into the pockets of Wackenhut. When this was revealed, we had Wackenhut and then the corrections minister, the Deputy Premier, say it was all a minor administrative matter, a contractual squabble. We also revealed that Wackenhut had been suspended by the state of Texas from payment for any of the correctional services that it provided to Texas.

An Australian Associated Press briefing note dated 27 November 1995 states, in part:

> It was revealed yesterday that Wackenhut Corporation was the subject of an investigation in relation to the misuse of $700 000 earmarked for drug rehabilitation in the US.
>
> ACS has been contracted by the Kennett government to operate a new 600-bed private prison at Sale ...

Wackenhut Corporation and the government pumped out to the media this letter from the Texas justice department saying that Wackenhut had been removed from the suspension list, but this is how the government interpreted that:

> A spokesman for corrections minister Pat McNamara said the letter backed the company's statement that the investigation was over contractual, not criminal, matters.
>
> The letter, from the Texas Department of Criminal Justice, showed the Texas government had renewed a gaol program and drug management project with Wackenhut Corporation.
>
> It confirms Wackenhut had been removed from the suspension list of the Texas Commission on Alcohol and Drug Abuse.

The government and Wackenhut said, 'This document clears Wackenhut; it shows it is in favour with the Texas authorities'. However, the removal from the suspension list meant all the companies under investigation by the Texas alcohol and drug administration had been asked to pay a surety covering the amount of money under investigation for misappropriation before the state of Texas would pay 1 cent. That company had to pay $700 000 to the state of Texas to get off the list; it was on a bond. Yet somehow the government is able to say, 'They have been cleared'. This episode is an example of the sort of morality or ethics we are talking about here.

As to this affair being a minor contractual matter, I subsequently spoke to members of the Texas Rangers task force which was investigating the matter earlier this year. They said the Wackenhut Corporation had been instructed to pay more than $US300 000 of the misappropriated money and that consideration was still being given to the laying of criminal charges, although that matter was to be a political decision for the Texas government to make.

The Victorian government intends that that sort of company will administer our prison industries - that it will run Victorian prisons. That company should be on the other side of the bars, not running prisons.

Mr Baker - How much will they donate to the next election campaign?.

Mr HAERMEYER - That is a relevant question. I anxiously await the coalition parties opening their books so we can see if this pure-as-the-driven-snow government has received any money from Wackenhut Corporation or any of its subsidiaries. So much for the integrity of the people who will run our prison industries!

The bill contains some serious drafting flaws. I refer to the abolition of the Victorian Prison Industries Commission (Vicpic). The government intends to replace that with the Prison Industry Advisory Committee, a body with no formal powers that will simply advise the minister.

Vicpic was a statutory body with statutory responsibilities, but the proposed committee will have no functions. The minister will appoint its members, and there is no stipulation about the qualifications of who may be appointed to it. Vicpic has among its members representatives of the Treasurer, the minister, a person with experience in the finance and securities industry, a representative from the Victorian Trades Hall Council - which is an important thing; government members may have the Trades Hall high in their demonic rankings, but that stipulation ensured the prison industries did not impinge into areas currently the province of workers and companies in the general community - and a representative with manufacturing industry experience.

There is no requirement that members of the proposed committee should have qualifications other than that the minister may like them and may appoint them. We know about the record of the government in appointing Liberal and National Party mates to bodies and committees, as will happen in the next few months as local government commissioners become available; we know where they came from - they are overwhelmingly members of the coalition parties or, at least, their strong supporters. The proposed committee will provide some jobs for the soon-to-be-out-of-work local government commissioners.

If we are to go down the path of having an advisory committee, we should have guidelines about, for example, the necessary qualifications for those on the committee. We would like guidelines about what the committee will do other than holding meetings, consuming lunches at public expense and being paid by the taxpayers.

We know about some of the bodies the government has established: a more useless contraption than the Police Board of Victoria has not been seen! I would not like to see a body as useless and as unqualified as the Police Board advising prison industries.

The Scrutiny of Acts and Regulations Committee has expressed concern about the appointment of the Prison Industry Advisory Committee. I refer to that committee's *Alert Digest No. 5*, which states:

> The committee has written a letter to the minister seeking clarification of the reasons why members are appointed by the minister rather than by the Governor in Council.

Another example of political control: the minister will sign a letter; that is all that is necessary to appoint people to that committee. Those concerns by the all-party parliamentary committee are valid. Before honourable members are asked to vote on this bill, the minister may like to provide an explanation of why the government has moved from a system of Governor in Council appointments to the Victorian Prison Industries Commission to a system of ministerial appointments to the Prison Industry Advisory Committee.

A further provision in the bill entitles Vicpic staff to be appointed to public service positions. If Vicpic is to be abolished, by all means retain the expertise accumulated by its members; I would like a security of tenure for them. But this provision should not be necessary because staff will not bP deployed elsewhere if Vicpic is not abolished.

The bill changes a process whereby a prison site may be determined to be a prison industry or a prison farm site. It provides the minister with a wider discretion about what sites may qualify as prison industry or prison farm sites.

Section 3(1) of the Victorian Prison Industries Commission Act, dealing with the determination of a prison industry site, states:

> The Minister may, on the recommendation of the Director-General and the Commission, make any one or more of the following Orders for the purposes of this Act:
>
> (a) an Order declaring a place within a prison to be a prison industrial site;
>
> (b) an Order declaring a prison, or a part of a prison, to be a prison farm;
>
> (c) an Order declaring a youth training centre, or a part of a youth training centre, to be a youth training centre farm;
>
> (d) an Order declaring a place in Victoria owned or occupied by the Commission to be a commission industrial site;
>
> (e) an Order declaring a place in Victoria owned or occupied by the Commission to be a commission farm.

The bill redefines the minister's power to appoint a prison industry site or prison farm site. Proposed new section 84F, inserted by clause 3, states:

> (1) The Minister may by Order appoint any place outside a prison under Part 3 as a prison industry site for the purposes of this Act.

It says 'any site': we have gone from a site that must be either within the bounds of a prison industry or a declared prison farm to a site that is occupied or owned by the Victorian Prison Industries Commission for the purpose of conducting a prison industry on 'any site'.

I do not want to reflect upon the minister in any way, but what is to stop him or any minister from declaring his or her own farm as a prison farm and using prison labourers to work on that farm?

Mr **W. D. McGrath** interjected.

Mr HAERMEYER - The minister says it is a good idea. Now I am really worried!

An honourable member interjected.

Mr HAERMEYER - What is to stop the minister declaring Ford Motor Company a prison industry site so that Ford Motor Company may buy in from Wackenhut or Group 4 prison labourers to work there to replace existing workers? What is to stop the minister from declaring the City Link project a prison industry site so Transurban may save a bit of money by having prison labourers working for it at $4.50 to $6.50 a day? What is to stop the minister from declaring any road site a prison industry site if the minister should wish to introduce chain gangs in this state?

Mr Steggall - Call it freedom of the press - politics.

Mr HAERMEYER - Politi.cs! What the government is basically saying to us at the moment is, 'Oh look, we're not going to do this; trust us, trust us' - trust this government, which barely a couple of months ago told the electorate, 'Trust us, we're not going to have open-slather trading on Sundays'? The government now says, 'Trust us, we won't let prison industries operate for private profit by providing cheap labour to the outside community; we wouldn't let prison industries operate chain gangs; we wouldn't allow prison workers to be used as strike breakers in industrial situations'. That is the approach of this government. I would feel much more comfortable if the government put a legislative protection in the act to place constraints on the sites the minister may declare as prison industry sites.

The government also made much ado about the proposal in the legislation to force prisoners to save. Apart from the fact that there is already a provision, but a more flexible one, in the act for prisoners' wages to be saved, the government is now putting into place something rather farcical. It mandates the setting aside of 20 per cent of a prisoner's wage, which is to be saved on the premise that that prisoner may have some money in his or her pocket when released.

A n employed prisoner earns about $4.50 to $6.50 a day. Taking the middle range, let us say a prisoner earns about $5.50 a day, which would mean the prisoner earns about $25 a week; of that amount the prisoner would be required to put aside about $5 a week in savings.

As I mentioned earlier, most prisoners are in the system for only short-term stays - for example, five months. Under the proposed saving system the prisoner would come out with about $100 or less after five months in the prison system. That is not a lot of money and it will not do a great deal for the prisoner. Secondly, the government is removing the flexibility - -

Mr Richardson interjected.

Mr HAERMEYER - We will come back to that in a moment. It is removing the flexibility for some of that money to be given to dependents or to the family of a prisoner if they should need - -

Mr Richardson - What about the victims?

Mr HAERMEYER - There is no provision in this bill to provide any of that money for victims.

Mr Richardson - What is your position on victims?

Mr HAERMEYER - We are talking about prison industries here, you dope!

Honourable members interjecting.

The ACTING SPEAKER (Mr A. F. Plowman) - Order! The honourable member for Forest Hill will get the call in due course.

Mr HAERMEYER - We understand that the member for Forest Hill is himself a victim of sorts, but I will not give that any more credence.

Prisoners would come out of the system with basically $100 after being forced to put 20 per cent of their wages aside. But an interesting thing is that the bill provides that the interest on the money will not be given to the victims or to the prisoners but will be retained by the prison management. So the real beneficiaries of this are not the prisoners and not the victims - as the member for Forest Hill seems to be concerned about. The real beneficiary of this provision is the prison management. Companies like Wackenhut, Group 4 or C C A stand to gain hundreds of thousands of dollars a year in interest retained as a result of holding the money in trust.

That is the real intent of this; it does nothing to give a prisoner any meaningful amount of money, any wherewithal, once he or she comes out of the system, and it does nothing, as the honourable member for Forest Hill suggests, to provide any restitution to victims.

The bill also extends the powers of search in police gaols to those that exist for prison officers under the Corrections Act. There is certainly some necessity for that to occur, but we also need to be conscious of the fact that people who are searched in police gaols are often people who have not been sentenced and who have not been charged, and who may even be visitors to the system. I acknowledge that it may be necessary, but I am concerned that the legislation offers little protection against abuses of that extended right of search and seizure.

But what is even more concerning in the bill is the provision that allows the Chief Commissioner of Police to delegate the search and seizure powers to private contractors. What we are talking about here is privatisation of a police or correctional function to private security firms. I would be really worried at the concept of the black bombers that we see at the football running any of our police gaols and having the power to conduct what may be intrusive searches of people being detained in and of visitors to those gaols.

I have a low regard for some of the companies in the private security industry, and I do not think for a moment that you could trust people like the black bombers to uphold the standards required in the sensitive area of search and seizure within the system. We see those people regularly assaulting people at the football, abusing and stretching their powers beyond what they are contracted to do, and I am worried about the prospect of some of those thugs managing our police gaols.

There is great concern about almost every provision in the legislation. I believe it is an extremely dangerous bill. I do not know whether the government has considered some of the problems, or whether what it is doing is quite deliberate and that it is simply trying to slide these things through. I would like to see the government withdraw the bill and take some of those concerns on board. If the government does not believe that prisoners ought to be used to provide cheap labour for private companies or slave labour that takes away the jobs of workers in the general community; if it believes the prison industry should not be competing with other Victorian enterprises in the general community and that we should not have private security companies like the black bombers running our prisons or police gaols, let it return to the legislation some of the controls that are required to prevent that from occurring, because I am not going to accept the minister's assurance that somehow he will not allow that to happen. The opposition wants those protections enshrined in the legislation as they have been in the past. That is all the opposition asks.

If the government says we are not about allowing private prison companies to move into areas that replace free labour and that compete with outside companies; if it says it is not about allowing the black bombers to take control of our police gaols, let the government reassure the community by tightening up the legislation. If it does not do that we can assume only that the government has a hidden agenda about what it intends to do with the legislation because of what the bill now provides for. The opposition will be opposing this bill.

Mr TRAYNOR (Ballarat East) - The Corrections (Amendment) Bill is about good management in the prison system and an improvement to the principal act. I disagree with the honourable member for Yan Yean: I do not think the bill is complex. There are three key areas in the bill and I will address those briefly.

As mentioned, the Victorian Prison Industries Commission Act will be repealed and the Victorian Prison Industries Commission will be replaced by a Prison Industry Advisory Committee that will be made up of 10 members appointed by the minister. I assure the honourable member for Yan Yean that they will not be, as he suggested, some of the National Party and Liberal Party friends of the government. The minister will be looking for people with expertise and ability in the prison industry. To counteract that, those people will be appointed for not more than three years. If at the end of that term they are not performing it will be at the minister's discretion to replace them. There was some concern about people in the Victorian Prison Industries Commission losing their jobs. Under the Public Sector Management Act those people will be re-employed within the public service; they will be entitled to all the conditions and accrued entitlements as they stand.

The bill is not complex; it is simple. It talks about professionalism and providing competition. I do not see anything wrong with it. To administer the gaol effectively the chief commissioner will be permitted to authorise a staff of contractors, subcontractors and their employees to carry out the required functions in police gaols. A contract for managing police gaols will be provided to undertake bail functions that are currently administered by the police. Section 27 of the Bail Act refers to the fact that every person taken into custody for an offence must be released

unconditionally on bail and must be brought before a bail justice or magistrate.

I turn to talk about the people employed in the prison industry and about bail security. Most private contractors will be given the same rights as police officers in performing custodial functions - the taking of cash and dealing with savings bank passbooks and real estate. The bill provides for accountability to record that information for safety and security. All the government is doing is giving the powers that the police already have to the private contractors, which is a basic and positive move.

In relation to search and seizure procedures in the police gaols, currently police have the powers to conduct search and seizure under the Corrections (Police Gaols) Regulations, while the powers exercised by prison officers are contained in the Corrections Act. Legal advice suggested that it would be more appropriate that such powers be contained in the Corrections Act, which will enable the police managing police gaols to exercise similar powers to those of prison officers.

Let me quote several experiences. An example is the 14–day police gaol at Ballarat. A person can be arrested on a Sunday night for theft of a motor car and taken into police custody. The police have the power to search him for evidence and weapons. He could appear before the Ballarat Magistrates Court on Monday and be sentenced to a month's imprisonment. He is then returned to the police cell. Under the Corrections Act the police did not have the power from there on to conduct a search. The proposed legislation simply gives the powers to the police to do that.

The honourable member for Yan Yean mentioned compulsory savings for prisoners - part of the government's election policy. Prisoners should be released from prison with some sort of remuneration. I understand that prisoners do not get paid very well, but at the end of the day they should be given some sort of start, whether it be $100, as the honourable member for Yan Yean suggested, or $360-odd if they have been there for at least 12 months. It gives them something to look forward to.

My contribution will be short. I do not believe the bill is as complex as the honourable member for Yan Yean indicated. It is a good bill; it talks about professionalism. I commend the bill to the house.

Mrs MADDIGAN (Essendon) - I take pleasure in joining my colleague the honourable member from Yan Yean in opposing this bill. Having read the bill and the second-reading speech I think the bill seems strange because it addresses a number of problems that appear not to exist. I wonder why the government is presenting the bill to the house. The honourable member for Yan Yean pointed out that a number of the provisions in the bill could already be implemented under the former act. I therefore wonder whether there is some sort of hidden agenda. Some of the honourable member's comments raise possibilities for the future and must also cause considerable concern in the community about how the government intends to operate the Corrections Act.

In relation to the Prison Industries Advisory Committee it is rather humorous that while we have heard nothing from the current government about the continuing downsizing for the past four years, in this case it has decided on a bit of upsizing and is increasing the number of members on the board by 5 to 10! There may be a reason for this, but it is not apparent from any of the information that has been provided in the second-reading speech.

I reiterate the comments made by the honourable member for Yan Yean. It is a retrograde step that the government has removed specific people from the board. When the Victorian Prison Industries Commission was introduced by the then community welfare services minister, the late Pauline Toner, she gave quite specific guidelines of who had to be on the committee. I read from her second-reading speech from the Legislative Assembly on 3 May 1983:

> The implementation committee consists of five persons. These persons represent the Trades Hall Council, Victorian Congress of Employers Associations, and Treasury, and two persons nominated by the Minister for Community Welfare Services, one of whom will represent the Department of Community Welfare Services.

The committee provided a wide-ranging field of views to ensure that it operated fairly in regard not only to the prisoners but also to the community in what it was doing. It is a great shame that those restrictions have been removed and that now we will have this vague committee of 10 people with no direction given in the legislation about who they might be and where they might come from, apart from the fact that the minister can appoint them!

In 1983 the then minister, the late Mrs Toner, said in her second-reading speech:

> As the commission establishes itself, it will ensure benefits for the whole community, not only in terms of providing useful goods and services to the state but also in terms of providing increasing work opportunities for many prisoners who are not playing a useful role in the prison system. The commission will provide opportunities to improve prisoner work skills by providing useful employment in productive industries -

these final words are interesting -

> of value to the state and the prison system.

It is not proposed that the prisoner work skills be of value to the private sector or to the friends of the government, but to provide useful employment of value to the state and the community of Victoria. The late minister continued:

> The commission will provide opportunities for prisoners to accumulate moneys which will be held in trust, and to engage in activities that provide a feeling of self-worth.

They were specific guidelines regarding the sort of work to be undertaken, but they are not picked up by the amending bill, and that must raise considerable concern about the use of prison labour in the future.

The honourable member for Yan Yean spoke at length about some of the abuses that ocCUITed in the American system, particularly in relation to the treatment of prisoners by using them as a sort of slave-like force which must do whatever the private contractor says. Concerns have been expressed about private prisons and the sort of work private contractors will be seeking. Obviously, people running private prisons are not doing it for their health but to make money. They will be trying to produce goods at the cheapest rate, which raises a lot of questions about the long-term effects on prisoners. The bill does not appear to provide any protection for prisoners in that regard. A provision that was in place before appears to be missing from this bill, and that is a retrograde step.

The honourable member for Yan Yean referred to competition that could affect normal employees in the state. He referred to Wackenhut and the circuit board assembly plant in Austin in the United States where 150 employees were sacked when the plant was moved to Lockhart where prisoners were paid 2 minimum wage. That contractor put himself at a competitive advantage over anyone else making the same components in that state. It was a restrictive trade practice in a way because employees making similar parts in other American states did not have the capacity to compete on the same level. The gentleman, whose name is Hill - I don't know that gentleman is the right word - and who ran the assembly plant showed his concern for his workers by saying:

> Normally when you work in the free world ... you have people call in sick, they have car problems, they have family problems. We don't have that here.

I don't know why he thinks prisoners don't have family problems! I should have thought prisoners have massive family problems. He also says:

> The state pays for workers' compensation and medical care.

Presumably if you are a prisoner the state is responsible for your medical care and it is not left to a private contractor. Is it the case that private contractors look at health differently from the state government? The American situation raises real concerns, and I am surprised the government is prepared to allow such a restrictive trade practice. Certainly we hear a lot about encouraging competition by the refusal to allow enterprises to remain in state ownership.

Mr Baker - What about the casino?

Mrs MADDIGAN - The casino is a slightly different case, isn't it? As the honourable member for Yan Yean says, perhaps it is a state-owned enterprise! We have to look at these things differently now. There must be real concerns about the way prisons may operate and how prisoners will be treated. There were opportunities for those limitations to be included in the bill and it is a shame they have been left out.

A couple of other things are linked to the conditions of prisoners and how private contractors run prisons in Australia. I am concerned about occupational health and safety of the prisoners when they undertake a whole range of work. At this stage we do not know what they will be. When one looks at the number of deaths ocCUITing in private prisons in Australia one has real concern about the general welfare of prisoners. It is a matter of profit rather than community concern. This matter should have

been addressed in the bill. ACM has won the right to run the prison in Victoria. A letter to the *Age* of 15 December states:

> ACM, a wholly owned subsidiary of Wackenhut, operates two private prisons in Australia - Arthur Gerrie Remand and Reception Centre in Queensland and Junee Correctional Centre in New South Wales.
>
> ACM has operated Arthur Gerrie since 1992. Within five months of opening there was one death, within 14 months there were five deaths. Between November 1992 and September 1995 there have been eight deaths in custody.

If a prison is run on a profit basis the provider must get as much value as he can out of the prison. There is real concern about the range of prison services and those concerns should have been addressed by the bill.

Part 9A, which relates to search and seizure in police gaols, is another provision of the bill which concerns me greatly. A freedom of information request was made earlier this year which highlighted the abuse of the search and seize capacity under the act. The fact that the provisions in the bill are open causes huge concerns, particularly for women's prisons. An article in the *Herald Sun* of 17 March explains what a search is like for female prisoners. It states:

> During a search a prisoner must remove all of her clothing, a piece at a time, stand naked in front of the officer, open her mouth, remove any dentures and flick her ears ... The prisoner must also bend over with her legs apart and part her buttock cheeks, and if menstruating, remove the pad or tampon.

That is the indignity that is inflicted on female prisoners in this state. That sort of activity in the hands of a private contractor has filled many women prisoners with alarm. It is interesting that Judy Cox on behalf of the Women and Imprisonment Group said she received anecdotal evidence suggesting that if there were not enough women supervisors to conduct searches male officers were involved in the process.

A letter to the editor of the *Age* on 23 May from Judy Cox details a certain freedom of information claim, which is appalling. At the time it received a certain amount of publicity. The facts are unpleasant and I do not like to confront them, but sometimes we have to. Ms Cox states:

> Department of Justice documents released under the Freedom of Information Act to the Essendon Community Legal Centre reveal that in a two-year period 13 752 strip searches were undertaken on approximately 100 women at Fairlea.

That is outrageous. Ms Cox goes on to say:

> Women must endure a strip search every time they have a contact visit with their child, their family, their lawyer and community worker.

Honourable members interjecting.

Mrs MADDIGAN - It is all right for members opposite to get upset. I am not making this claim, it is from a Department of Justice document. Instead of pretending that it does not happen, it would have been better if the government confronted this information when it was drawing up the bill. Perhaps there might have been some protection for women prisoners. How successful were the 13 752 strip searches on 100 women?

For example, the Department of Justice decided to carry out searches in two randomly selected months: 506 were carried out in April, and 574 were carried out in August of 1995. Not one item of contraband was found in April after the women prisoners had suffered those 504 indignities, while August was a bad month because two pieces of contraband were found. Guess what they were? Cigarettes! What a threat to Victoria women prisoners pose by having people smuggle in cigarettes for them! Perhaps if they were better paid and offered fair opportunities they would be able to pay for their own cigarettes and nothing would need to be smuggled into prison.

One wonders about the environment that is being provided for women prisoners, particularly when one considers that 80 per cent of women prisoners have been the subject of some sort of sexual abuse in their lives - 80 per cent of the 100 women who suffered 13 752 searches.

Honourable members interjecting.

Mrs MADDIGAN - Isn't it odd that government members are usually happy to sit there quietly, but when mention is made of some indignities against women, they jump up and down and scream and yell out! They are absolutely petrified.

Honourable members interjecting.

The ACTING SPEAKER (Mr A. F. Plowman) - Order!

Dr Dean interjected.

Mrs MADDIGAN - Aren't we anxious over there today. Would the honourable member for Berwick like me to run through the figures again, seeing he seems to find them so exciting. I am more than happy to repeat them.

Mr Baker - Let them all eat McDonalds.

Mrs MADDIGAN - If, as the honourable member for Sunshine has said, the prisoners were forced to eat McDonalds, I am sure the department would make them make the hamburgers in the privatised prisons.

The ACTING SPEAKER (Mr A. F. Plowman) - Order! I ask the honourable member to come back to the bill.

Mrs MADDIGAN - The bill is strange. Although the second-reading speech provides a factual explanation of the changes, it does not explain why, which I think is a poor effort. If the government wants people to take the amending bill seriously, it should have explained the reasons for the changes. I hope future second-reading speeches provide more information about the reasons for changes which on their face seem quite useless.

I concur with the honourable member for Yan Yean. All the bill does is amend an act which is explicit, which assisted prisoners to learn trades so that they had better opportunities when they left prison and which protected them against exploitation. The act also established a Prison Advisory Committee, which oversaw the work being done in prisons. Some members of the committee were selected because of their skills in guiding others, and the union representatives were included to ensure prisoners were not exploited. Ibis bill allows the minister to select 10 people, goodness knows from where - they could be friends of the minister for all we know - to oversight the great changes in prison conditions.

The honourable member for Yan Yean has already raised the concerns in the community about privatised prisons, which the bill ignores. It also ignores the problem of brutality in women's prison. For that reason I am happy to join the honourable member for Yan Yean in opposing the bill.

Mr LUPTON (Knox) - I join the minister and government in supporting the bill. It is not unusual for the Labor Party to oppose anything that has to do with change. This bill brings the prison system into the 21st century and ignores the opposition's desire to operate it as though we were still in the 19th century. The former Labor government invented the revolving-door prison system: prisoners went in one door and out the other and back into the community. Under the former Labor government Mr John Citizen was not protected.

The house has just had to listen to 10 minutes of rubbish from the honourable member for Essendon. All she talked about was the strip searching of women prisoners. She made no mention of strip searching of men prisoners, so I assume that with the exception of a couple of orifices the strip searching of men and women is the same.

She did not mention that when people smuggle drugs into prisons they hide them in all parts of the body. What will happen when a prisoner who has hidden a drug in a certain part of his or her body dies? The state government, the prison system, the warder and the governor will all be sued. The honourable member for Essendon went on an on about women being strip searched, but she did not talk about men. She should ensure that there is a level playing field and stop being sexist all the time.

Honourable members interjecting.

Mr LUPTON - Did you mention men at all? You did not talk about men at all. Let's be honest about the whole thing.

Mr Baker interjected.

Mr LUPTON - I am talking the truth.

The ACTING SPEAKER (Mr A. F. Plowman) - Order! I ask the honourable member for Knox to make his remarks through the Chair.

Mr LUPTON - The changes to prisons in this bill are not complex, and they have been detailed. Let's consider some of the prisons the government has opened: Langi Ka1 Kal, which has 100 beds and which was a former youth training centre; and Laverton North prison, which has 125 beds. The Laverton North prison is tops! It is absolutely a home away from home.

Mr Baker - It is not in your electorate.

Mr LUPTON - That's right.

Mr Baker - You wouldn't put one in your electorate.

Mr LUPTON - I am talking about prison conditions, not where prisons are situated. The honourable member for Sunshine is becoming agitated. I am talking about the facilities available in that prison, such as a swimming pool, squash courts, a gym and a sauna.

Opposition members have failed to mention that some of those prisoners are receiving training which they would not have had the opportunity to receive in the wider community. I was surprised to hear the shadow minister for women's affairs say she was concerned about the danger of prisoners who are being trained becoming slave labourers.

Other prisons that will open next year include the Fulham prison, with 600 beds, and the prison at Derrimut, which will have 600 beds. The design, construction and management of those prisons will cost the same amount as the construction of City Link - somewhere between $1.6 billion and $1.7 billion. The government has accepted that enormous outlay and the responsibility - -

Honourable members interjecting.

The ACTING SPEAKER (Mr A. F. Plowman) - Order! the honourable member for Essendon was given the protection of Chair on three or four occasions. I would like her to show the same respect to the honourable member for Knox.

Mr LUPTON - We are getting on very well. The government is putting in between $1.6 billion and $1.7 billion for the design, construction and management of the prison system. Opposition members do not understand that the government is transferring many of the responsibilities of running correctional institutions to the private sector. For example, a private contractor operating a prison may approach the government about the employment of prisoners and the type of work they should do. The contractor may be advised to have prisoners build deck chairs, but in that case the private operator bears the risk if the business of building deck chairs fails and the business folds. In effect, the government is transferring the risk to the private operators of prisons. The bill is not complex, but will help to bring the operation and management of the prison system into the 21st century.

The honourable member for Ballarat East said police officers had the right to search prisoners in a police gaol, but that once a person was sentenced he or she came under the jurisdiction of the correctional authorities and the police no longer had the right to conduct a search of that person. That is ridiculous. The government is making the prison system more efficient by allowing the privatisation of some gaols. Larger prisons can be operated more efficiently and more cheaply privately, which is what it is all about - getting the best value for state's dollar.

The opposition said prisoners were being exploited. The honourable member for Essendon referred to the effect of family problems on prisoners in private-sector gaols. I should have thought all prisoners would have family problems. Normally people are entitled to take a day or a week off work if their child or other member of their family is sick. Prisoners do not have the same problems. It may not be ideal, but family problems are not as relevant in the case of a person who has been incarcerated for offending against the standards of the community because he or she has been removed from the family environment. The honourable member for Essendon did not address the fact that in the prison system there is no problem of prisoners absenting themselves from work because of family problems.

The bill provides for a compulsory savings plan for prisoners in respect of prison earnings. Currently prisoners, whether they are serving sentences of 6 months, 6 years or 60 years, are not required to save any money and the bill provides for them to save 20 per cent of their earnings. That may not seem a lot, but it will give prisoners money in their pockets when they are released from gaol to assist them to assimilate into the community. At present many prisoners have no support in the community on release and become a burden on society. The bill will help prisoners get back on their feet and give them something to fall back on when they take on the responsibility of managing themselves following their release into the community.

As I said earlier, the bill is not complex and is designed to bring the prison system into the 21st century. I support it.

Mr McLELLAN (Frankston East) - I support the bill. During my time in this place I have not heard more pathetic or narrow-minded contributions than those made by opposition members today. If we are to believe some of the comments of opposition members, everyone in the world is corrupt except members of the Labor Party. How pathetic!

Opposition members referred to the corruption in the United States prison systems and to appointments to boards and commissions and made out they are the only people in the world who are fair and just when making official appointments. They must be kidding.

Labor should look in its own backyard. I refer in particular to some of the appointments the former Labor government made and to what occurred during the period of federal Labor Party government. What a classic! The wife of the best man of Senator Bolkus was appointed to a $90 000 a year job! Labor specialises in jobs for the boys; it has made an art form of it. I am amazed that opposition members have the audacity to carp and whine and raise these issues. Has the government made one good appointment yet? Anyone listening to the opposition would doubt it!

The honourable member for Essendon spoke about strip searches. My old man was a prison officer at Pentridge Prison for many years before it accommodated women prisoners. I am not making any comments about the sexuality of prisoners, but the honourable member should be aware of how resourceful many prisoners are and of the amount of contraband that is smuggled into gaol on people's bodies - but not necessarily on the body!

People often ask, 'How do drugs and other things get into gaols?' Although some staff members may smuggle drugs and other contraband into prisons, so do the families and friends of prisoners. Prisoners get contraband into their cells by being resourceful and secreting it in their bodies. When I was a kid my old man brought home a bar of soap from prison. Apparently a prisoner made bars of soap in his cell and no-one knew about it. He used to hide them everywhere, and eventually the authorities found hundreds of bars of soap hidden all over the place. However, his workmanship was so good he was permitted to make his beautifully crafted bars of soap full-time. Subsequently the soap was sold and the money raised was used to buy toys and the like.

My father was in charge of prisoners who made hundreds of coir mats for Parliament House and other public buildings. Pentridge stopped making mats when mat making was taken up by the Royal Victorian Institute for the Blind. However, the institute's mat-making activities did not last too long and the mats are now imported from overseas. Prison industries have often been accused of stealing food out of people's mouths, yet a prison industry that made a quid and provided an excellent service was closed down because another organisation wanted to make the mats.

The comments of the honourable member for Essendon about strip searching were unbelievable. Prisoners are a group that has been ostracised by society, yet the honourable member wants to give them a gift. She might as well give them the keys to their prison cells so they can walk in and out and hand the keys back when their time is up! People are in prisons because they have offended the rules of society. Years ago prisoners lost the right to vote at elections and did not have the right to make telephone calls.

Mr Bracks interjected.

Mr McLELLAN - I have no problems with it. You can put it on the record.

You could not get a letter out of gaol without having it vetted. You could not make a phone call out of gaol. In recent times prisoners have been running businesses out of gaol. What nonsense! Also, there have been no checks on the activities of prisoners or on the people who have been contacted by telephone. Last year a woman who was a rape victim told me she had been contacted by a prisoner by telephone. That happens on a regular basis. How can the prison system allow it to happen? It is unbelievable. Prisoners have been able to telephone whomever they want, with no supervision of where the phone calls are going. Years ago you had to book the call. A prison warder would dial the number and you could speak on the phone once the identity of the other person had been confirmed.

It is unbelievable that people bleat so much about what is going on in the prison system. I have not been inside a private prison, but I have a friend who works at the establishment in Brisbane. He told me that it runs very well; that the prison officers are conscious of the health of prisoners; and that few prisoners refuse to take part in work programs.

Evidence shows that the payments to prisoners who sit around doing nothing are so low that when those prisoners leave the system the only thing they can do to get themselves re-established is to commit crimes. They need money to pay bonds on flats or units or to buy some clothing. But if a prisoner had been working and accumulating money while in gaol, things would be much easier when he left. Recently an American talk show focused on prisoners who were working in the gaol system. They were keeping a percentage of their wages and

paying 40 per cent to 60 per cent to the authorities for their upkeep. When they came out of prison they each had between $3000 and $5000 to re-establish themselves in society. They did not have to go out and commit crimes: they did not have to commit robberies or burglaries or thieve or cheat. They had enough money to give themselves an opportunity of returning to the work force and taking their place in the society from which they were ostracised.

The bill is long overdue, and I support it. I have no time for the people who continually harp and carry on about corruption and the potential for corruption. Last year in another debate I said it had always been my experience that those who bleat the most are the closest to it. I commend the bill to the house.

Mr BRACKS (Williamstown) - This is a very dangerous piece of legislation. The government is heading along a route without knowing where it will end. The route could lead to the deregulation of the prison industry sector - those industries that are making, constructing or adding value to products and selling them on the open market. The government is following a route along which there is a lack of safeguards.

The Minister for Corrections will be aware that the current system works very well and does not need deregulating. It includes the Victorian Prison Industries Commission, which ensures through the work of representatives of the union movement, employers and the government, that what is made in the prison system does not compete unfairly with similar products made by other businesses. That is why the changes in the bill are dangerous.

If I were the minister responsible for introducing the bill I would be concerned about what it will do to the manufacturing businesses and the lives of the people who work in those businesses. The bill does not offer the Victorian public the same protections and safeguards that are provided by the commission. Leaving it up to the whim of the minister to decide which committee he will consult and inform him about these arrangement is not good enough. Is the government intending to include on the committee a representative from the trade union movement?

Mr Finn - Why?

Mr BRACKS - I bet you don't.

Mr Mclellan - What for?

Mr BRACKS - They are damned by their own interjections. We will have slave labour, or prisoners being paid almost nothing, which will mean the private prison system will be able to compete effectively with people outside who are trying to earn a living wage producing the same sorts of products. That is the problem the honourable members for Tullamarine and Frankston East and others will have to face up to. There will be no safeguards to ensure that small manufacturing businesses are protected from the Victorian prison system's producing similar products.

I understand the shadow Minister for Corrections has already provided the house with a clear example of how that can happen. We are not talking about hypothetical issues. The strategy the government is pursuing has already been adopted in the United States of America, where a deregulated private prison system already operates. The honourable member for Yan Yean has told the house about one of those prison institutions. I refer to Lockhart in Texas:

> Every weekday morning, 55 men punch the time clock at US Technologies Inc. and begin their work on electrical components that are sold to major computer companies such as IBM, Motorola and Dell.

Government members cannot claim that those are things the private sector does not do. They cannot claim manufacturers in Texas or in other parts of the US cannot do that work. This is basically a way of getting slave labour - under-award, underpaid labour - to do manufacturing work that should be done in the private sector.

It is a sham for a government that purports to be concerned about growing manufacturing to have a policy that will affect the manufacturing industry, especially when that has already occurred overseas.

In a previous job I had cause to visit the new Castlemaine prison, which is on the rise of the hill as you travel into Castlemaine. It is a very good, well-appointed facility, with good training and manufacturing industries. At that time the prison industry was producing motor mowers that were not able to be constructed in Australia. It was a successful enterprise and prisoners were learning a lot of skills - but there were safeguards attached. They had to ensure that the work going on at the prison was not being undertaken elsewhere in Australia and that it was merely replacing goods that would have been imported. That is an important principle.

If you do not have a commission with mandated powers and employer and union representatives, which ensures that you can determine, case by case, exactly what sort of valued-added work can and is being undertaken, you are leaving the government vulnerable to the pressures of that industry. What will happen when the private prison is operating? Representatives could come to the minister and say, 'Under this act you have extraordinary discretionary powers, which you did not have before. We could not have got away with this previously, because a commission regulated these matters, but we have an idea to build and add value and sell. We know there is demand for it, and we think we can produce it and sell it more cheaply than has been done to date'.

The pressure will be on the minister to decide this issue, but why should he have to decide? This should not be a matter for ministerial discretion. The existing system should remain. Either it cannot be made in Australia and therefore the prisoners can do it, or it can be made here and therefore they can't.

I would not like to be in the minister's shoes, and I would not like to be in the shoes of my colleague when he becomes the Minister for Corrections.

Mr A. F. Plowman - Don't you trust him?

Mr BRACKS - This shadow minister will make the best corrections minister this state has ever seen, I am sure of that, and I expect that to happen around 1999 or 2000.

When I have responsibility for industrial relations and the shadow minister has responsibility for corrections I want to ensure that no direct representations are made to the minister on this issue. The system in place should ensure that there is not unfair competition in the manufacturing industry, that people's wages are not taken away from them unfairly, that work within the prisons cannot occur elsewhere in Australia and that the areas of manufacturing pursued are not profitable for the private sector in Victoria.

Prisoners enter the prison system with a range of skills, but the skills they develop should be centred around trade and manufacturing. There is a lot of spare time in prison and it is quite possible for prisoners to develop those skills with the excellent training and support available within prisons. It is dedicated training, often one to one, and the time is available to gain apprenticeships and certificate qualifications so that the work produced is of a high quality.

The minister is leaving himself open to all sorts of problems by repealing the commission. The problems will not necessarily come from state-owned and operated prisons but from private prisons looking for margins. The private prisons need from the government a contractual arrangement under which their operating and capital costs can be paid for in the contractual arrangement, but the government should drive a hard bargain. In signing up with Wackenhut or other operators, the margins involved should not disadvantage the taxpayers of Victoria.

In a difficult economic environment private prisons will look for every possible revenue-earning avenue and the temptation will be there to take a profitable share of the Victorian manufacturing market and value-added manufacturing goods. The minister will receive considerable representations on this point.

The private operators could undercut the price charged by Victorian employees for manufacturing product, and the profit those private operators could make would be considerable because of the minimal labour cost. They have a considerable incentive to say to the minister 'We can make these things. Very few employees will be affected outside of the prisons - only in a small region of Victoria - so you don't need to worry about that. We will have other benefits for you too.' They will do a deal with the minister, and I would not like to be a minister doing deals with those organisations. I would prefer to say to them, 'Go away. There is a commission to deal with this. You put your case to the commission. That commission comprises employers, people from the Trades Hall Council, my representatives and the Treasurer's representatives. They will assess what you are saying to ensure that it is absolutely watertight and to ensure that what you are proposing to manufacture cannot be produced anywhere in Australia in the foreseeable future, even if we skill-up the work force'.

I am not sure why the minister is doing this. His own constituency must have concerns. There are a range of reasons why the bill should be opposed. The compulsory savings mechanism provided for prisoners on small wages will mean that work of the manufacturing industry can be taken by prison industries in the future. On face value the bill appears quite innocuous, but it is nasty, and the government cannot know for sure what its eventual outcome will be.

I do not know where the bill was framed or who developed it but it is a flawed reform and,

somewhere down the track, it vVill come back to bite the government.

Mr HAMILTON (Morwell) - I support the comments of the shadow Minister for Corrections. Down in my part of the world there are a number of prisons, and I will refer to one in particular just to make sure I get it on the record. The Morwell River Prison has been an important part of the correctional process in that prisoners are sent there for the final part of their sentencing arrangement.

Mr Finn intetjected.

Mr HAMILTON - As the honourable member for Tullamarine says, a number of celebrities have spent time there, including ex-VFL umpires and radio announcers of varying repute. If nothing else goes on the record today, this must: when the Minister for Corrections came down to Morwell River Prison for the annual fun run he challenged those other members of Parliament at the presentation day to sponsor him in next year's fun run. I agreed to the sponsorship, which was $50.

It appears the minister has a very short memory because today I hear the figure has increased to $200, and unless we get it on the record it is likely to be up to $400 by the time next year's fun run comes around! So I reiterate that if the minister runs in the Morwell River fun run next year and completes the 14-kilometre course $50 will be on the table as sponsorship for the minister. That is a pretty generous offer because I am not in the habit of giving government members money, but in this case it is an excellent cause. The program has raised tens of thousands of dollars to supply special equipment for handicapped kids, and we were pleased to have the minister down in Morwell showing government support for this exercise.

Mr Finn - Were any prisoners in the fun run? Did they stop running?

Mr HAMILTON - Yes, a number of prisoners were in it and the prisoners organised it. Some of them take their time getting back; some of them socialise with friends and partners down there. There are not too many police officers in it and it would be nice to get some of the fitter ones running in next year's fun run.

Having made those brief introductory remarks, I will now address the bill. Rehabilitation should be an important part of the prison industry, and there is no doubt in my mind that prison has to be more than punishment. If prison is simply a form of punishment, society has failed. One form of rehabilitation should be the constructive and even creative use of prisoners' time.

During my years as a member of Parliament I have become acquainted with a few prisoners at Morwell River Prison and I have seen the development of their creative skills. They have produced some beautiful works of art and products of natural timber from the area, and their creativity has been a very important part of their rehabilitation. At Morwell River and Wron Wron prisons, prisoners have been involved in reafforestation of the Strzelecki Ranges as part of a cooperative venture between the prisoners and the conservation department. I do not know what the department is called these days; it has had 10 name changes that I can think of.

Going into the Sale Prison, which houses prisoners who require protective custody, was one of the most daunting experiences of my life. The doors clanged shut behind me and I could smell that special smell that all prisons seem to have. Prisoners there have been involved in making nails for various companies, and that has been a good way of developing their skills and occupying their time. Prisoners have been making motor car number plates for many years, including the disastrous blue ones with peeling paint. There was nothing wrong with the paint; it was just a way of getting more blue number plates on the road, and it turned out to be an advertising gimmick. But far be it from me to be critical. I still have those green number plates because I have resisted getting the blue ones.

The ACTING SPEAKER (Mr McArthur) - Order! I am aware that an honourable member is allowed to make passing references during a speech, but so far the honourable member for Morwell has made nothing but passing references.

Mr HAMILTON - I have been talking about the prison industries that are important to my electorate, which brings me to the bill. The honourable member for Yan Yean was correct in his criticism of the bill. This government would privatise anything. The Treasurer would privatise his grandmother - if she were still alive! We have privatised power stations and prisons, and we even have a privatised hospital! That has serious implications.

My real concern is the absolute immorality of privatising punishment. It is abhorrent. If society has any responsibility at all it is the responsibility to

punish those people who break society's rules, but it is immoral and abhorrent to privatise prisons and make profit out of punishment. It is the most immoral thing *this* or any government could do, and it is not on. The government's sins will revisit it one day.

I do not like the sneaky deals and commercial-in-confidence contracts. Would honourable members believe that Yallourn Energy could be indemnified against industrial unrest? I bet the government has a similar secret deal with the private prison system. I bet it has said, 'If you have a problem we will indemnify you'. When costing a service you have to add on the additional cost of putting profit into private pockets.

However you look at it, privatising prisons, power stations and hospitals is simply a way of transferring money from the public pocket to private pockets. That is what the government is guilty of. If anybody ought to be in prison for his or her sins it is the government, for taking public money and putting it into its mates' pockets. That is what the government is on about, and this legislation will make it even easier. Make another secret deal! It is another secret way of transferring taxpayers' money into private pockets.

What is worse is that the government is walking away from its responsibility to look after people who have been proven by the justice system to be anti-society. The government is taking another step backwards in removing the Victorian Prison Industries Commission. It is another easy way to do sneaky, rotten rorts. The bill is about walking away from responsibility. If ever a government did not want to govern, it is *this* government. It wants someone else to govern, but it wants the dollars to do the governing.

Dr Dean interjected.

Mr **HAMILTON** - The honourable member for Berwick makes a very useful point, which I intend to use.

The ACTING CHAIRMAN (Mr McArthur) - Order! The honourable member for Morwell will address the Chair and ignore interjections.

Mr HAMILTON - The honourable member for Berwick makes a good point. The difference is that if sneaky rotten rorts were going on in the past, the government was accountable.

Dr Dean interjected.

Mr HAMILTON - Governments are accountable through the election process and I have no problem with that. When you are found out for not selling off your shares or committing some other dastardly sin, you are accountable through the election process, not through a sneaky secret deal. That's what I'm growling about.

The Corrections (Amendment) Bill takes away that important step of accountability that must be part of our process. If the so-called market forces are allowed to run rampant, all that happens is that the rich get richer and the poor get poorer, and no-one is there to take the blame. We need to be very much aware of that.

We need to have an integrated approach to prison industries. Clearly, prisoners are not paid award wages. The government might be setting the standard in saying: we're going to get prisoners working for $5 a week, and then we'll have everybody working for $5 a week. The government will not be satisfied until everybody is working for nothing. That is what the government wants in its deregulated labour market. The chief executive officers of the new companies earn $300 000 or $400 000 a year, and the poor workers are working for the same wages that Filipinos and Koreans have to work for.

We must ensure that proprieties are set in place and that prisoners are paid proper wages, that the prison industries do not compete unfairly with other industries, and that the prison industries serve the purpose of providing some training and vocational education. We must ensure that what is likely to happen in this case does not happen - that is, the prison operators must not be able to invest the compulsory savings of the prisoners and earn the interest on that investment. It is a rort and it is absolutely dishonest, but that is what is likely to happen. It is a bit like what happens when crook lawyers invest people's money in accounts and then cream them off. What is to say that cannot happen? How can we ever find out, with all the secret commercial-in-confidence contracts?

I am strongly opposed to the bill. It is a backward step. It is another example of an opportunity for the government to walk or run away from its responsibilities. Again the government will say: It's not our fault; it's somebody else's fault, but we can't tell you whose fault it is because we have this secret contract. Secrecy and abrogation will be the

downfall of this government. No matter how you pontificate, you will pay dearly for this process in the longer term!

Mr A. F. PLOWMAN (Benambra) - In speaking briefly on the Corrections (Amendment) Bill, first I take the honourable member for Morwell to task. He spoke about the immorality of privatisation and the need for accountability. What he fails to recognise is that the reasons we have prisons are immorality and a failure to maintain accountability in the community. If he thought a stage further he would realise that the government is establishing a system to privatise prisons to meet the public responsibility of giving offenders conditions that may be vastly improved on what they have been in the past.

Mr Hamilton- You believe in fairies at the bottom of the garden!

Mr A. F. PLOWMAN - We are giving prisoners a way of paying for their sins and being accountable while having opportunities for training and rehabilitation. There is a prison in my electorate, at Beechworth, which I have visited quite often. One of the most outstanding features of that prison is the training the prisoners get. More than 80 per cent of the prisoners receive TAFE education as well as training for the industry that is provided in the prison.

Two factors are important. One is that if you ask any of the prisoners what are the most important things they get while they are there, they say one is the experience they got in the industry. I differ from the honourable member for Yan Yean when he said that going from prison to prison is not a good idea, because being part of the industry in more than one gaol gives prisoners a broader understanding of the sorts of industries they might be part of. Many people in prisons have never been employed so taking part in prison industries gives them opportunities they have never had before.

The second important factor is training. Many prison inmates obtain training, which breaks the ice for them, as it were. They realise that training and TAFE education are things they can do and enjoy, so when they leave prison they may undertake further TAFE education. I suggest that is a valuable aspect of the system.

Other issues covered by the bill include strip searching and seizure. I suggest that one of the biggest disruptions in any prison system is the use of drugs. The honourable member for Essendon said strip searching is a total invasion of the privacy of prisoners, is overdone and is totally unnecessary for the security of prisons. I suggest that the greater invasion is the introduction of drugs into prisons.

You can sustain almost any amount of strip searching if it is effective. In recent times for about four to six weeks visitors to inmates of the prison at Beechworth were closely searched. That caused a lot of emotion among many visitors, who felt they were being subjected to unjustifiable strip searches. However, the rate of drug use in that prison dropped dramatically. I ask the honourable member for Morwell: which is the greater sin? It was implicitly beneficial to the community and the inmates of that prison to be subjected to six weeks of strip searching so that the drug problem in the prison could be reduced.

I would like to make many other points on the bill, but time does not allow that.

MrW. D. McGRATH (Minister for Corrections) - I thank the honourable members for Yan Yean, Ballarat East, Essendon, Williamstown, Frankston East, Knox, Morwell and Benambra for contributing to the debate. The bill makes only small amendments to the corrections industry, yet it is amazing that the debate has taken so long. I do not regret that because it is important to have the views of as many members as possible before the house.

The honourable member for Essendon is particularly concerned about strip searching; she spoke at length about the situation at Fairlea Women's Prison. I remind honourable members that the bill has nothing to do with strip searching at existing gaols; it allows only for the provision of strip searching in police gaols. It has nothing to do with either public or private sector gaols.

The opposition is concerned that as a result of this legislation we will see undue competition in the prison industries and that the private sector operators running the prisons will profit. Of course they will make a profit; that is why they are in that business. I remind the honourable members for Morwell and Yan Yean that the operators have contractual arrangements which are subject to review by the Auditor-General and the Correctional Services Commissioner, John Van Groningen, who have the responsibility of ensuring that prison operators honour their contractual arrangements. Under the auditing and benchmarking arrangements the operators will suffer financial penalties if they do not comply.

Mr Haermeyer - Without exception?

Mr W. D. McGRATH - I see no better incentive than the provision of a financial penalty. The opposition talked about deals with the private sector, yet for years the former Labor government did deals with unions. The Labor Party regards it as nothing new to do deals with its affiliates - it all depends where you come from! The opposition criticised the provision that allows the Prison Industry Advisory Committee to select private sector work sites. In 1983 the Labor government set the scene when it allowed the public sector to select work sites.

Mr Haermeyer interjected.

Mr W. D. McGRATH - It was a site outside the prison. Don't tell us there is something new in the world about those provisions!

As to industries within prisons, I am aware that nearly every honourable member has acknowledged that the industries in which prison inmates participate are import replacement industries. I have visited all our gaols except the Dhurringile Prison and the Melbourne Remand Centre since I became the responsible minister, I have seen the workshops at Ararat, Morwell, Sale, Loddon and, a couple of weeks ago, Barwon. I saw the work being done within the prison industries. It is a credit to the people who do the training, most of whom have come from the private sector and now train prison inmates.

Now we can see a private sector philosophy coming through to the public sector. That cross-fertilisation is of benefit to those we are trying to rehabilitate - and I stress the word 'rehabilitate'. If they commit the crime, they serve their time. I have no problem with that, but we must give them the chance to rehabilitate.

Many honourable members spoke about the drug problem in gaols. In 1989-90, 23 per cent of prisoners were testing positive to urine drug tests. When answering a question yesterday I said it had been shown that 70 to 80 per cent of prisoners had problems with illicit drugs or alcohol when they first entered prison. We have to turn that situation around. We have made legislative changes to allow prison officers to play a stronger part in reducing the availability of drugs in prisons. By 1995-96 the 23 per cent figure had fallen to 5 per cent.

Also in 1989 the number of prison visitors suspected of drug trafficking into gaols and being referred to police for investigation totalled 20; in 1996 that number had increased to 152. Therein lies a significant aspect of the drug problem. Visitors to the prisons bring drugs with them, and the drugs are given to the prisoners, often by devious means such as using body cavities. We have closed the possibility of drug trafficking in that manner considerably because more visitors about whom prison officers may have suspicions are being referred to police for investigation.

The allocation by the government of $5.3 million over three years will allow public and private sector prisons to put in place drug treatment rehabilitation programs to reduce the effects of illicit drugs in prisons. I have been told that female offenders are more likely to reoffend because of their problems with drug addiction that leads to prostitution or drug trafficking. The government aims to break that cycle and give them follow-up treatment after they have left prison. I hope that procedure will become part of the sentencing program so we can limit the number of times some people reoffend and find their way back into gaol. I make another point about the advisory committee. I would be one of the first to acknowledge the contribution of Jim Begg, the union representative on the prisons advisory commission. But it is important to note that now that there are two sectors - public and private - it is not quite as appropriate to have a statutory commission and is more appropriate to have an advisory committee. It will be up to the minister of the day to appoint the 10 people on the committee. I will be looking for a broad representation of people to provide advice on industries, because I want to see the industries that are conducted in prisons continue to contribute to the rehabilitation of offenders.

I refer to the other matter of the requirement for prisoners who get $4.50 to $6.00 a day for the work they undertake to compulsorily save 20 per cent of whatever they earn - and bear in mind that these earnings will be placed into and will remain in the prison trust account and will not go out into the marketplace to earn interest. Again, there is an audit process in relation to that savings provision.

I say this to the honourable member for Yan Yean. He referred to Wackenhut as a criminal outfit and said that it had lied to the Victorian government. I do not know whether or not that is true, but I make this offer to the honourable member for Yan Yean. If the honourable member wants to make the claim that Wackenhut is a criminal outfit - not in here,

but outside - I invite him to do so, and I will arrange for a police officer to take his statement if he so wishes. It is not much good coming in here and making those types of claims unless you are prepared to back them up with solid facts outside.

Mr Haermeyer interjected.

Mr W. D. McGRATH - If it is a criminal outfit and it has broken the law, let us get it outside and give me the evidence.

Mr Haermeyer interjected.

Mr W. D. McGRATH - We did the probity search and it came up quite well.

These amendments to the Correctional Services Act are proper and sensible, will provide proper and sensible rehabilitation opportunities to people who offend against society, and will give them every chance. The amendments will also give those who operate both our public and private sector prisons the opportunity to do the very best they can with the clients that they have the responsibility to safeguard the community against.

House divided on motion:

Ayes, 50

Andrighetto, Mr	Maclellan, Mr
Ashley,Mr	Maughan,Mr
Brown,Mr	Napthine, Dr
Burke, Ms *(Teller)*	Paterson, Mr
Clark, Mr	Perrin,Mr
Coleman,Mr	Perton, Mr
Dean,Dr	Pescott, Mr
Dixon, Mr *(Teller)*	Peulich,Mrs
Elder,Mr	Phillips, Mr
Elliott, Mrs	Plowman, Mr A F.
Finn,Mr	Reynolds, Mr
Gude,Mr	Richardson, Mr
Henderson, Mrs	Rowe,Mr
Honeywood, Mr	Ryan,Mr
Jenkins, Mr	Savage, Mr
John, Mr	Shardey, Mrs
Kilgour, Mr	Smith, Mr E.R
Lean,Mr	Spry,Mr
Leigh,Mr	Steggall, Mr
Lupton,Mr	Tehan,Mrs
McArthur, Mr	Thompson, Mr
McCall,Ms	Traynor,Mr
McGill,Mrs	Treasure, Mr
McGrath, Mr W.D.	Wade,Mrs
McLellan,Mr	Wells,Mr

Noes, 27

Andrianopoulos, Mr	Hamilton, Mr
Baker, Mr	Hulls, Mr
Batchelor, Mr	Kosky, Ms
Bracks, Mr	Langdon,Mr
Brumby,Mr	Leighton, Mr
Cameron, Mr *(Teller)*	Lim,Mr
Campbell,Ms	Loney, Mr
Carli,Mr	Maddigan, Mrs
Cole,Mr	Micallef, Mr
Cunningham, Mr	Mildenhall, Mr
Dollis, Mr	Pandazopoulos, Mr
Garbutt, Ms	Seitz, Mr
Gillett, Ms *(Teller)*	Thwaites, Mr
Haermeyer, Mr	

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Sitting suspended 1.02 p.m. until 2.03 p.m.

QUESTIONS WITHOUT NOTICE

Hospitals: privatisation

Mr **BRUMBY** (Leader of the Opposition) - My question without notice is to the Premier. I refer to the government's proposal that the new hospital at Knox may in fact be a privatised hospital, and further refer to the fact that the privatisation of the Port Macquarie hospital by the former Liberal government in New South Wales is now costing taxpayers 30 per cent more than a publicly owned hospital and has been severely criticised by the New South Wales Auditor-General. Will the government guarantee that it will publicly release the contracts for any privatised hospital, including all details of the cost and contingent liabilities to the taxpayers of Victoria?

Mr **KENNETT** (Premier) - The Leader of the Opposition is referring to the provision-of-hospitals strategy that the government has just unveiled, which will take hospitals into the 21st century in a way that no government has ever addressed the needs of the community over and above short-term political interests.

I can only assure the Leader of the Opposition that just as in the past the government has used the private sector to provide infrastructure that cannot be provided by the public sector, it will utilise the private sector to give public patients in this case access to the best health care possible and continue to use the best arrangements in the public interest.

Mr Baker - What about Mordialloc, Altona and Essendon?

Mr KENNETT - The honourable member for Sunshine very quickly establishes just how totally out of touch the Labor Party is in terms of providing a responsible and reasonable health care service to the people of Victoria.

Mr Baker interjected.

Mr KENNETT - Just as you were asking about City Link and the casino. The public gave you the thumbs down. The programs that are in place to use the private sector obviously still have to be worked through. The Minister for Health in another place, the Honourable Rob Knowles, yesterday announced that there would be private sector involvement in the provision of the Latrobe Regional Hospital, as there will be in others.

The documentation to be made available will depend entirely on the normal commercial-in-confidence rules that apply in any arrangement. That does not exclude the Auditor-General from having a look at them, as he has looked at commercial-in-confidence documents in the past, to ensure that they are in order before coming to his conclusions. It is for that reason that the public can continue to have every confidence in the way this government will be providing health services into the 21st century.

Melbourne International Festival of the Arts

Ms BURKE (Prahran) - Will the Premier, in his capacity as Minister for the Arts, advise the house on the economic benefits of the Melbourne International Festival of the Arts?

Mr KENNETT (Minister for the Arts) - Today the Melbourne International Festival of the Arts starts what will again be a very exciting period in Melbourne, bringing together artists in fields ranging from traditional arts to street art. Last year's festival was a major success, with over half a million attendances and box office takings of over $1.8 million. Sponsorship last year was at a record level of $2.8 million, and the festival attracted over 12 000 interstate and overseas visitors.

There is no doubt that this year's festival will be a wonderful culmination of three years of artistic direction by Leo Schofield, who after this year will be returning to Sydney to take on a similar responsibility there. The strategy for MIFA is contained in the government's Arts 21 strategy, which is now being acclaimed by artistic communities right around the country for providing clear guidance to those who participate in the arts and look to the arts for entertainment or education.

The festival takes place from today, 17 October, through to 2 November. It is interesting to note that this year there will be 145 overseas and 1743 Australian artists and technical staff participating. There will be more than 600 performances, including 133 indoor performances. Some 15 events will be exclusive to Melbourne, and there will be 6 world and 6 Australian premieres performed in more than 50 city venues and locations.

While the program is an important part of our arts calendar, it is also a substantial credit to all of those who have worked on the festival - the board, Mr Schofield, management, and obviously the arts community. I assure the Victorian community that not only is the festival artistically of great international value to us, it is also of great economic value. I am sure that those of the people of Victoria who attend will gain a great deal of satisfaction from this year's Melbourne international festival.

Attorney-General: pecuniary interests

Mr HULLS (Niddrie) - I refer the Attorney-General to her press release of 4 March 1996 when she announced her decision not to prosecute BHP for contempt despite a Supreme Court decision that BHP had committed a contempt. Is it not a fact at the time she made her decision, which directly benefited BHP and its shareholders, she was a shareholder of BHP?

Mrs WADE (Attorney-General) - My recollection of the matter is in the particular circumstances the Solicitor-General - -

Honourable members interjecting.

Mrs WADE - In answer to this question I refer to the provisions of the Public Prosecutions Act 1994.

Mr Brumby- Were you a shareholder or not?

The SPEAKER - Order! I ask the Leader of the Opposition to cease intetjecting across the table.

Mrs WADE - I refer to the provisions of the Public Prosecutions Act 1994.

Mr Hulls - On a point of order, Mr Speaker, the question was quite specific and quite simple: at a time a very important decision was made that had the effect of assisting BHP and its shareholders was the Attorney-General, who made that decision, a holder of BHP shares - yes or no?

The SPEAKER - Order! The Attorney-General has just begun her answer. The honourable member for Niddrie was premature with his point of order. He should wait until the minister has had an opportunity to answer the question.

Mrs WADE - In answer to the question, this matter is covered by the Public Prosecutions Act 1994, and I refer the honourable member to the provisions of the act. Section 46(1) deals with the question of contempt of court.

Mr Baker intetjected.

The SPEAKER - Order! The honourable member for Sunshine will cease interjecting.

Mr Brumby - On a point of order, Mr Speaker, the Attorney-General is flouting the ruling of the Chair. She was asked a specific question: was she or was she not a shareholder in BHP when she made that decision? Walk up to the microphone and answer the question - yes or no!

The SPEAKER - Order! The Attorney-General is not flouting the ruling of the Chair. The Attorney-General understands the question perfectly and she is answering it. It is a serious question. I would like to hear the answer she has to give. If the Leader of the Opposition is not satisfied with the answer he may ask her another question, and another question - as many as he wishes.

Mrs WADE - I refer the honourable member for Niddrie to the Public Prosecutions Act 1994.

Mr Brumby interjected.

The SPEAKER - Order! I would like to hear the answer from the Attorney-General.

Mrs WADE - Section 46(1) of the Public Prosecutions Act, which relates to contempt of court, states:

> .. the Attorney-General may apply to a court for punishment of a person for a contempt of court that involves an interference with the due administration of justice, either in relation to a pending proceeding or more generally.

As I recall that was the issue that related to the decision raised by the honourable member for Niddrie. The key issue here is whether any decision was called for in the matter.

Mr Dollis - On a point of order, Mr Speaker, in line with your previous ruling to give the Attorney-General some time to begin her answer, I now repeat the fact that the question was precise: is it not a fact that at the time the Attorney-General made her decision which directly benefited BHP and its shareholders was she a shareholder of BHP? Her answer should be yes she was or no she was not. It is a simple, straight-forward answer.

The SPEAKER - Order! It is clear that the minister can answer the question as she wishes provided her answer is relevant to the question. She does not have to answer yes or no. It is in the hands of the Attorney-General or any minister as to how a question is answered provided the response is relevant to the question, which so far it is.

Mrs WADE - The opposition does not understand that the question involves a decision. No decision could have been made in this case. I refer the honourable member to section 46(2), which states:

> The power of the Attorney-General under subsection (1) with respect to a matter is only exercisable - -

Mr Batchelor - On a point of order, Mr Speaker, the Attorney-General is quoting from a document and I ask that she table that document.

The SPEAKER - Order! I ask the Attorney-General to make the document available when she completes her answer.

Mrs WADE - I am reading from the Public Prosecutions Act 1994 which the honourable member can find on the table.

The SPEAKER - Order! The honourable member for Thomastown has every right to ask that a document from which a member is quoting be provided. I understand the Attorney-General will make the document available at the end of her answer.

An Honourable Member - What are you quoting from?

Mrs WADE - I am quoting from a photocopy of the Public Prosecutions Act.

Honourable members interjecting.

The SPEAKER - Order! If this sort of disorder continues I will leave the chair.

Mrs **WADE** - The opposition is assuming a decision was made. I am endeavouring to point out to the opposition section 46(2) of the Public Prosecutions Act, which provides:

> The power of the Attorney-General under subsection (1) which respect to the matter - -

Mr **Brumby** - We would love the answer. We know what the answer is and it has three letters and starts with y. That is what the answer is.

Honourable members interjecting.

The SPEAKER - Order! I will resume the chair at the ringing of the bells.

Sitting suspended 220 p.m. until 224 p.m.

The SPEAKER - Order! The members involved in the disgraceful fracas which occurred in Parliament a few minutes ago should be thoroughly ashamed of themselves. It brought no credit on the house, it brought no credit on the Parliament of Victoria and it brought no credit on the individuals concerned. If question time cannot proceed without that sort of behaviour members will have to forgo their right to ask questions at this time, which would be highly undesirable. I ask members to show a bit of commonsense and to have some regard for the proper decorum of Parliament.

I also add that there are rules for quoting from documents. After question time I will explain what those rules are - and I will see that they are upheld. The Attorney-General, finishing her answer.

Mrs WADE - The opposition is assuming I made a decision. Having read section 46(1), which refers to the circumstances in which the Attorney-General may apply to the court for punishment of a person who may be in contempt of court, I draw the attention of opposition members to subsection (2), which states:

> The power of the Attorney-General under subsection (1) with respect to a matter is only exercisable by him or her acting on, and in accordance with, the advice of the Solicitor-General with respect to that matter.

In the particular circumstances of that case, as I recollect - and I was not expecting this question--

Mr Hulls - I bet you weren't!

Mrs WADE - I always carry around this particular part of the act because I know contempt is raised in Parliament from time to time. In the circumstances, as I recollect, the Solicitor-General said there was no case of contempt, and therefore, it was not necessary to make any decision in this particular matter.

National Trust: new museum

Mr ANDRIGHETIO (Narracan) - Will the Minister for Planning and Local Government inform the house of the National Trust's position on the development of the new museum?

Mr MACLELLAN (Minister for Planning and Local Government) - The National Trust has recently made its previous position even clearer by way of a public statement. The National Trust has expressed dissatisfaction about the inaccurate comments being made about the site of the new museum adjacent to the Royal Exhibition Building. The trust has come out publicly in support of the new museum development at the site and believes the design of the new museum is respectful and will not detract from the Royal Exhibition Building itself.

The trust researched the matter for a long time and conducted extensive internal debates on the impact of the new museum on the Exhibition Building. Two years ago, when the model of the project was first displayed, the trust formed the view that the new museum did not compromise the cultural significance of the Exhibition Building. Furthermore, the trust does not believe the museum is an

incursion onto public parkland because the site has not been used as parkland for over 100 years.

Until recently the trust had decided that it would not take a high-profile public stance on the issue but would allow the community debate to continue. Recently, however, the trust was accused of being negligent and of not properly examining the conservation issues involved. Of course, it had done so over two years, and it felt obliged to say so. Yesterday, the trust made that information available to the media and stated its position publicly and clearly. The National Trust believes the new museum will not in any way compromise or detract from the cultural significance of the Royal Exhibition Building and will ensure the long-term conservation of the building itself, which supports its World Heritage listing.

It is important to note that the trust is judicious in picking those heritage issues it pursues and those on which it has, perhaps, more restrained views. It is significant that the trust has adopted a public and open stance in supporting the new museum at the Carlton site. Those opposed to that site should note the trust's position as an independent and respected organisation in the community.

Attorney-General: pecuniary interests

Mr HULLS (Niddrie) - I refer the Attorney-General to her decision, as set out in her press release of 4 March 1996, not to prosecute BHP for contempt when she had shares in the company. Is it not a fact that the only reason the Attorney-General has now decided to place her shares into a blind trust is because she was aware of her blatant conflict of interest, and consistent with the example of her federal colleagues, Senators Short and Gibson, will she now resign?

Mr Brumby interjected.

The SPEAKER - Order! The Leader of the Opposition will cease interjecting. The rules associated with the asking of questions indicate questions should contain no imputations and, therefore, the latter part of the honourable member's question is out of order. However, the first part is in order.

Mrs WADE (Attorney-General) - The answer is no.

Kids Under Cover program

Ms McCALL (Frankston) - Will the Minister for Youth and Community Services inform the house of the level of government support for the Kids Under Cover program which is providing many young people throughout Victoria with a range of short, medium and long-term housing options?

Dr NAPTHINE (Minister for Youth and Community Services) - I thank the honourable member for her question and continued interest in young people in her electorate and throughout Victoria. The government has a very strong commitment - -

Honourable members interjecting.

The SPEAKER - Order! People in the gallery will put those documents down. Clear the upstairs gallery.

Persons escorted from gallery.

Dr NAPTHINE - As I was saying, the government has a strong commitment to addressing the needs of young people at risk of becoming homeless and has allocated more than $5 million on programs since 1994 to assist such young people.

The Kids Under Cover organisation is a non-profit, community-based organisation that does a commendable job in providing housing stock for young people in need. Since the organisation was established in 1989 it has been involved in more than 50 projects and is now providing bungalows for young people in need. Kids Under Cover provides housing stock in partnership with community-based agencies.

Honourable members interjecting.

Dr NAPTHINE - As I was saying, Kids Under Cover is a community-based organisation that works with other community agencies. It provides the physical housing stock for young people who are at risk of homelessness or who are in need of accommodation to ensure they remain in education or have further training or job opportunities.

The organisation also works in partnership with the government. Since 1992 the government has provided $394 320 for a variety of projects so that it can continue its valuable work. At a special dinner held at Parliament House on Tuesday evening the government announced a further grant of $315 000

for the organisation. The funding will provide an additional 10 bungalows for use by various agencies in locations across the state.

Kids Under Cover works with local TAFE colleges, particularly the Holmesglen College of TAFE. At Holmesglen students are involved in the construction of the bungalows which are placed in the backyards of a number of community housing agencies that are assisting young people with adolescent placement or foster-care programs. The 10 bungalows will be placed in rural centres such as Warrnambool, Bairnsdale, Seymour, and at Mulgrave and six locations yet to be decided.

The important thing about the bungalows is that they are demountable and transportable, so they can be used to service the needs of young people where and when required. When people get older and move on, the bungalows are dismantled and transported to other locations, which enables the organisation to provide continuing support for young people.

Approximately $210 000 of the $315 000 will go to more permanent accommodation in the Barwon and South West regions. I refer in particular to three accommodation properties constructed by Kids Under Cover. The first is at Colac, in the electorate of the honourable member for Polwarth, who has been active in gaining the facility for his area. The program, under the auspices of the Colac Community Health Centre, will provide housing for young students who otherwise would be homeless and may drop out of education, which would be detrimental to their futures. Another program operates in Geelong under the auspices of St Augustine's, and a further Geelong program auspiced by Kids Under Cover working for Bethany Family Services provides accommodation for young families who are or are at a risk of becoming homeless.

Kids Under Cover is an excellent organisation that is providing physical accommodation services for young people. It works in partnership with community-based agencies and the government so that it can continue to provide accommodation for young people and young families to provide them with an opportunity in their time of need to rebuild their lives, look forward to a positive future contributing to society. I am happy that the extra $315 000 provided to the organisation will be used in the same way as previous funds have been used: doing positive work.

The SPEAKER - Order! I ask the attendant to reopen the upstairs gallery.

In case there is any misunderstanding about quoting from documents, I shall refer to two sources. At page 382, under the heading 'Citing documents not before the house', the 21st edition of Erskine May's *Parliamentary Practice* states:

> A minister of the Crown may not read or quote from a dispatch or other state paper not before the house, unless h e -

or s h e -

> is prepared to lay it upon the table. Similarly, it has been accepted that a document which has been cited by a minister ought to be laid upon the table of the house, if it can be done without injury to the public interest.

Many Speakers' rulings support the laying of documents on the table of the house if that is requested, including those of Speakers Michaelis, Sutton, Christie, Wheeler, Delzoppo and Plowman. *Rulings from the Chair* states:

> Members or ministers quoting from public documents in debate must be prepared to table those particular documents - but not necessarily the complete file in which such documents are contained; however, this requirement does not apply where the contents of a document are summarised and the document is not actually quoted from. A request may be made for the tabling of a complete file but this remains the choice of the member or minister concerned. The tabling of private letters and memoranda, or public documents which are confidential or which may cause injury to the public interest, cannot be insisted upon and, accordingly, members should refrain from quoting from these documents in debate.

I ask the Attorney-General to make available to the house the documents from which she was actually quoting.

Mr Batchelor - On a point of order, Mr Speaker, during question time I raised a point of order and asked that the Attorney-General, who was then quoting from a document, table that document. You indicated that she should. You have subsequently given your ruling, and I understand that. But what has been handed up is not the complete document.

Honourable members interjecting.

The SPEAKER - Order! The honourable member for Mornington is being much too noisy. I ask him to hold his peace.

Mr Batchelor - The document which I requested be tabled and which you have advised should be tabled was a series of pages that were not loose - they were held together by a paperclip. That was the document from which the Attorney-General was quoting. After I raised its tabling the Attorney-General, in a deliberate action, removed some pages from the document which I understand she has now tabled. Sir, I seek from you a direction to the Attorney-General to table all of that document, not the part she has deliberately separated from the others.

Mr Dollis - On the point of order, Mr Speaker, your ruling on the tabling of the documents is very clear.

The SPEAKER - I would have thought so.

Mr Dollis - At the same time, as you have asked the Attorney-General to table the documents she was quoting from, she will have to table more than the document she has attempted to table by giving you a photocopy. It is obvious that the Attorney-General has received advice from her learned colleague the Minister for Planning and Local Government, who is a mastermind when it comes to these questions.

Honourable members interjecting.

Mr Dollis - I am praising you. If the integrity of Parliament is to be upheld and the first law officer of this state is to have some credibility in this place, the Attorney-General must table those documents. It is obvious not only to the opposition but also to the people in the gallery who observed her that the Attorney-General was quoting from documents that she has not tabled.

The SPEAKER - Order! I think I have heard sufficient on the point of order. I thought my previous ruling would have clarified the matter, but I will read it again:

> Members or ministers quoting from public documents in debate-

and question time could be considered debate; it certainly was earlier -

> must be prepared to table those particular documents -

the documents from which she was quoting -

> but not necessarily the complete file in which such documents are contained.

The minister must table the document from which she was quoting. I ask the Attorney-General to indicate to the Chair whether she has made available to the house the document from which she was quoting.

Mrs WADE (Attorney-General) - The only document I quoted from is a photocopy of two pages of the Public Prosecutions Act - I am sure that will be quite clear from *Hansard* - and I have tabled that document.

The SPEAKER - Order! The Attorney-General has made quite clear the document from which she was quoting. Copies of the document are being photocopied and will be distributed to the house.

Mr Batchelor - On a point of order - -

The SPEAKER - Order! I am not ruling on the same point of order.

Mr Batchelor - No, it is a separate and different point of order; however, it is related. We seek your guidance and ruling as to what constitutes a document. The rulings on which you have relied from *Rulings from the Chair* deal with loose sheet documents and files. But as I indicated to you earlier - this hinges on the question of whether pages that are held together with a paperclip constitute a document rather than a file - the traditional interpretation of a file is that it is a series of different pages and documents that are contained in some clasping mechanism. A document contained within a file was clearly not what the Attorney-General was quoting from.

We submit to you, Mr Speaker, that the Attorney-General had a document that was held together by a paperclip and that the whole document rather than part of it should be tabled.

The SPEAKER - Order! I believe it is perfectly clear what a document is: a document is a piece of paper. I listened to the Attorney-General when she was giving her response. In fact, she cited the document from which she was quoting. She made it very clear what she was quoting from. I cannot remember the actual document, but I understand it is the document which has been provided to the house. A bundle of documents held loosely in a file

or by a paperclip or whatever means is a file of documents. The Attorney-General or any minister or any member on either side of the house must, if required, table the document from which he or she has been quoting.

If the member believes there is more to the act that the Attorney-General was quoting, he should go back and look at *Hansard.* I think it will clearly indicate that the member was quoting from the act - which she cited - and that she made very clear what she was quoting.

Mr HULLS (Niddrie) - Mr Speaker - -

The SPEAKER - Order! I do not intend to entertain any further points of order on this matter.

Mr HULLS-No, it is not a point of order. I desire to move, by leave:

> That this house censures the Attomey-General for her blatant conflict of interest in that, while she was a shareholder in BHP, she made a decision, as published in her press release, not to prosecute BHP for contempt of court in the full knowledge that in making that decision that would have a direct bearing on her share portfolio, and as a result of that blatant conflict of interest and in accordance with the examples set by her federal colleagues, Senators Gibson and Short, she should resign.

Leave refused.

LOCAL GOVERNMENT (AMENDMENT) BILL

Message from Council relating to amendments considered.

O:>uncil's amendments:

1. Clause 27, line 21, omit "that" and insert "any particular financial".
2. Clause 27, omit lines 27 to 29 and insert -

   'CP is the proportion of the value of the arrangement entered into by the regional group that the Council is entitled to, as specified in the arrangement;".
3. Clause 28, lines 7 and 8, omit "Minister on the nomination of the".
4. Clause 28, after line 9 insert -

   ❶ in clause ❷ for "Minister" substitute "Attomey-General on the recommendation of the Minister",'.
5. Clause 28, after line 20 insert-

   '(2) In section 45 of the Local Govemment Act 1989, after "inquiry" insert "by a municipal electoral tribunal".

   (3) For Section 45(2) of the Local Govemment Act 1989 substitute -

   "(2) The application for an inquiry must be lodged with the principal registrar of the Magistrates' Court.".'.

Mr MACLELLAN (Minister for Planning and Local Government) - I move:

> That the amendments be agreed to.

Mr HULLS (Niddrie) - I move:

> That the debate be now adjoumed.

I do so because it is absolutely essential at this stage that the house deal immediately with matters of propriety and of potential and actual conflicts of interest, particularly in light of what we have just witnessed at question time today. The Attorney-General refused to answer questions about whether she held BHP shares at a time when she was personally making very important decisions about the fate of BHP in relation to a contempt matter, in the full knowledge that her decision would - -

The SPEAKER - Order! The honourable member may refer to why he wants an adjournment but may not refer to the text of the matter that he is now getting into. It is clearly a narrow question.

Mr HULLS - I am asking that this debate be adjourned because it is absolutely essential that the address-in-reply to the Governor's speech be brought on immediately. Obviously it is a wide-ranging debate and the opportunity such a debate provides must be taken to ensure that we can discuss fully the actions of the Attorney-General in relation to not bringing contempt proceedings against BHP at a time when she held a share portfolio in that company.

If the current debate proceeds the opposition will be denied the opportunity of discussing the fact that the Attorney-General herself put out a press release saying - -

The SPEAKER - Order! The honourable member is beginning to debate the issue rather than the adjournment of the current debate.

Mr HULLS - As I said, I am moving this motion because it is necessary to have a wide-ranging debate about a whole range of things, including propriety, conflicts and potential conflicts of interest. Parliament needs to debate the Members of Parliament (Register of Interests) Act and indeed whether or not particular members of Parliament have adhered to the requirements of that act. As you would well know, Mr Speaker, if they have not adhered to the requirements of that act they have indeed broken the law. One special requirement of that act is that a minister shall ensure that no conflict exists or appears to exist between his or her public duty and private interest.

It is essential in upholding the standards of this house that we have a wide-ranging debate about those types of matters, and that cannot be done if debate on the bill currently before the house proceeds. The only way such a wide-ranging debate can take place is if the debate is adjourned.

All honourable members remember the headlines some time last year in relation to the BHP matter. In May 1994 an exclusive article by Michael Pirrie appeared in the *Herald Sun* and made it quite clear that BHP faced a $4 billion writ if contempt proceedings were proceeded with. Who has the power in this state not to proceed with contempt proceedings? None other than the Attorney-General herself. As all honourable members know, the Attorney-General moved amendments to the legislation to give herself powers in relation to contempt and she added to that by putting out a press release some time ago.

The DEPUTY SPEAKER - Order! The honourable member for Niddrie has already been counselled by the Speaker prior to my taking the chair that the question before the Chair is very narrow; it deals specifically with the adjournment of the debate. It is not an opportunity to canvass the wide ambit of the debate the honourable member would like to have brought on. The honourable member must concentrate on the reason for the adjournment without introducing the substance of the debate which he would like to have, if his motion is successful. I remind the honourable member for Niddrie that he must continue down that path.

Mr HULLS - Thank you, Mr Deputy Speaker. Quite obviously the reason for moving the motion is because the current bill is a narrow bill, and the Minister for Planning and Local Government would certainly agree with that. Particularly in light of what occurred in question time today, a far more wide-ranging debate is needed and the only way such a debate on a number of issues can proceed is if the address-in-reply debate is brought on now.

We need to discuss matters such as propriety, conflict of interest, potential conflict of interest, the Members of Parliament (Register of Interests) Act and whether or not certain members of this house may have breached a particular act.

I have pointed to the matters raised at question time because if the address-in-reply debate is not brought on it will not be possible for the opposition to fully canvass serious matters such as whether the Attorney-General of this state, the person who has power in relation to contempt proceedings and as to whether she can bring contempt - -

The DEPUTY SPEAKER - Order! The honourable member for Niddrie is again starting to introduce the substance of what he would like to debate. I again remind him that the question before the Chair is extremely narrow - that is, why the rest of this debate program should be adjourned in order to bring on another debate. The Chair will continue to hear the honourable member for as long as he is able to do that. If he is not able to do that, he should wind up his debate and we should proceed with the debate. He must contain himself to the reasons for the adjournment and not the substance of the matter he wants to debate.

Mr HULLS - I certainly understand your ruling, Mr Deputy Speaker, and I must explain to the house the reasons I have moved such a motion. Indeed, as I said, it is incumbent upon this house to have a wide-ranging debate about the matters raised in this house at question time.

They include whether the Attorney-General, in making the decision that is described in her own press release of 4 March - -

The DEPUTY SPEAKER - Order! There is a standing order that refers to tedious repetition. We should all be aware that in some debates in this place we are allowed to cover a wide of range of issues, irrespective of the time allowed and the requirement that we not repeat ourselves. Other debates are narrow. When we talk for any length of time we sometimes repeat ourselves and may even repeat ourselves many times, and so become tedious.

The honourable member for Nidd.rie is now starting to repeat some of the elements he has raised since I

took the chair and which, I presume, he raised prior to my taking the chair. I remind him that he must not enter into the substance of the debate. The points he makes must deal with the principle and not the content of the reason the debate should be brought on. I will hear the honourable member so long as he does that, otherwise he will force me to call the next speaker.

Mr HULLS - Thank you, Mr Deputy Speaker. I do not intend to flout your ruling. The matter before the house is narrow. Very serious questions of propriety were raised at question time and as you, Mr Deputy Speaker, would be aware I attempted to move a motion by leave immediately after question time so that the house could discuss those matters. They go to the heart of the concept of conflict of interest, and the Attorney-General may well have been involved in a serious conflict of interest. However, the government refused leave.

I am sure government members are keen to have a wide-ranging debate on a matter that goes to the heart of a true and fair democracy: the concept of conflict of interest. That can only be done if debate on the bill before the house is adjourned and the address-in-reply to the Governor's speech is brought on, which will enable the house to debate issues such as conflict of interest. That is why I moved the motion, and I urge the house to support it.

Mr DOLLIS (Richmond) - This is a serious matter. It affects not just a minister of the Crown but the first law officer of the state. The question of the Attorney-General's involvement in a conflict of interest is of paramount importance. When it adjourns today, Parliament will not return for 10 days. For the sake of Victoria's reputation and our confidence in the ability of the government to run the business of the state properly, it is imperative that the motion moved by the honourable member for Niddrie be dealt with before the house adjourns.

As the honourable member said, the opposition earlier attempted to raise the matter by moving a motion. It was up to the government to allow the debate to take place, and because it would not argue the case, as we are doing now, the opposition is left with little room to move. All I can say is that a matter of such public importance cannot be left unanswered until the house resumes.

The serious question before the house is whether the Attorney-General has a conflict of interest. The opposition attempted to question her but could not get an answer. In response to the first question, she refused to table the documents - documents that could have given us the answers we seek. On the second question, we got a one-word answer.

The opposition is in an impossible position and has very little choice. If justice is to be served and the people of Victoria are to understand and have confidence in the system of government and Parliament, it is imperative that the matter raised by the honourable member for Niddrie be debated.

This matter involves the first law officer of the state. It would be serious enough if it affected an ordinary member of Parliament, but when it affects the first law officer of the state we have no option, given that the government refused earlier to allow the debate, but to proceed down the path outlined by the honourable member for Niddrie.

Mr BRACKS (Williamstown) - I support the motion moved by the honourable member for Niddrie. I understand the confines of the discussion, but the case is clear. Government business takes priority, but there seems to be ample opportunity - it is a prime opportunity - for the government and the opposition to address the question of the Attorney-General's actions and the conflict of interest that has been discovered by the opposition. The adjournment of the debate on the bill would have the effect of bringing on the debate on the address-in-reply to the Governor's speech, which would allow a wide-ranging debate. The adjournment motion is within reason and should be supported.

The Governor's speech outlines how government should operate and how ministers should be accountable. It is a great opportunity for the opposition to scrutinise matters and for the government to answer the key questions surrounding the reason for the motion. Those questions are twofold: whether the Attorney-General has made a decision - -

The DEPUTY SPEAKER - Order! The honourable member for Williamstown is getting into dangerous territory by going outside the tight parameters of the matter before the Chair. He is able to substantiate the principles of his argument, but he should not try to substantiate the argument with details that would be covered in the debate.

Mr BRACKS - The matter before the Chair relates to the Legislative Council's amendments to the Local Government (Amendment) Bill. The opposition appreciates the importance of the bill, but

those amendments can be dealt with at a later date; they do not need to be dealt with now. The question raised by the honourable member for Niddrie is clear: in seeking an adjournment of the matter referred to this chamber by the Legislative Council, the honourable member is saying there is a matter of greater importance. That is what has to be considered by the house.

The argument has been well put by opposition members and there is a strong case. The concerns the opposition and the public have about the matter should make the government realise that it should be considered now rather than when the house resumes two or three weeks from now.

We have a dear opportunity now and we should take it. We should give the government an opportunity to address itself to the key questions of whether there was a conflict and whether a decision had been made by the Attorney-General. There is a strong and sensible case for adjourning the debate so that the house can move to the address-in-reply to the Governor's speech and we have an opportunity to raise these matters properly.

Mr MILDENHALL (Footscray) - I pose a question to the house: under what circumstances ought the house entertain a motion for an adjournment of the business of house? Under what circumstances is it appropriate to interfere with the notice paper to bring on a debate of this nature? Is the subject matter in this case of appropriate significance; is the timing appropriate; and is the nature of the subject of the motion of sufficient substance to bring on the debate?

The questions have clear answers. The first question goes to the significance of the issue. I will not repeat what other speakers have said. It is fair to say there was a great deal of consternation, excitement and concern in the house during question time.

It is fair to say also that members of the opposition sought to take every opportunity to bring on such a debate, including a censure motion and a series of attempts to ask a question. Now the opposition is seeking reasonably and logically to interrupt government business to bring on the debate. The fact is that within an hour or an hour and a quarter you, M r Deputy Speaker, or whoever is in the chair, will be required to interrupt the business of the house and adjourn the house for 10 days. That will end the opportunity for Parliament to consider the matter; for members of the community to examine the substance of the issue; and for Parliament to exercise its functions, if you like, in holding ministers of the Crown accountable for their actions by subjecting the government of the day to appropriate scrutiny.

Given those circumstances, it is appropriate to have these matters brought forward and considered. The address-in-reply, in which the Governor talks about standards, principles, ethics, the role of the Parliament and the expectations of government, is an appropriate opportunity for such a discussion.

In summary, given the seriousness of the matter, the timing of the business at hand in relation to the overall business paper, the sincerity of the opposition in endeavouring to bring the matter forward as has been demonstrated by attempts having been made to take every opportunity, and given the appropriateness of the address-in-reply as a debate in which the matter could be discussed, the house should agree to the motion and bring forward such an important matter for public scrutiny and debate.

M r **MACLELLAN** (Minister for Planning and Local Government) - On the question of the adjournment of the debate, I invite you, M r Deputy Speaker, and the house to accept that we have just witnessed one of the great fake debates. I say 'fake debates' because if the motion moved by the honourable member for Niddrie were to be passed and the program moved on to the address-in-reply, neither the honourable member for Niddrie nor the honourable member for Williamstown nor the honourable member for Footscray would be able to contribute to that debate because they have already spoken in the debate.

Here they are, the leading lights of the Labor Party, faking to you, M r Deputy Speaker, with crocodile tears their desire to bring on the next debate - so that they cannot be part of it!

Honourable members interjecting.

M r **MACLELLAN** - If they simply passed the amendments - and frankly I do not think they have any reason not to; indeed, I suspect that they actually support them - by agreeing with the motion I moved, instead of wanting to adjourn it, they would find themselves discussing the address-in-reply, because it is the next item of business on the notice paper.

They have been spoiling their own opportunity - not their opportunity, but the opportunity of those back-bench drongos in the opposition - to be able

to contribute to the debate on the address-in-reply. This is the irony: they are suggesting that they want to get to the address-in-reply debate, knowing that they cannot contribute to the address-in-reply because they have already spoken and knowing that the only members of the opposition who could are members who are perhaps not quite up to the challenge of the big task they are suggesting.

I know it will be necessary, because of the fakeness of the debate, to test it by your ruling from time to time. Therefore I have great pleasure in suggesting to you that the question be put. I move:

That the question be now put.

The DEPUTY SPEAKER - Order! The motion has been moved by the minister - -

Mr **Cole** - On a point of order - -

The DEPUTY SPEAKER - Order! The minister has moved that the question be put forthwith - that is, without debate. The standing orders of this place are very clear that when questions are to be put forthwith, they are dealt with without debate. Therefore, the Chair cannot accommodate any debate. The question is:

That the question be now put.

House divided on question:

Ayes, 50

•Andrighetto, Mr	McGrath, Mr W.D.
Ashley,Mr	Mclellan, Mr
Brown,Mr	Maclellan, Mr
Burke,Ms	**Maughan,Mr**
Clark,Mr	Napthine, Dr
Coleman,Mr	Paterson, Mr
Cooper,Mr	Perrin,Mr
Dean,Dr	Perton, Mr
Dixon, Mr *(Teller)*	Pescott,Mr
Elder,Mr	Peulich, Mrs
Elliott, Mrs	Phillips, Mr
Finn,Mr	Plowman, Mr A.F.
Gude,Mr	Reynolds, Mr
Henderson, Mrs	Richardson, Mr
Honeywood, Mr	Rowe,Mr
Jasper, Mr	Ryan,Mr
Jenkins,Mr	Savage, Mr
John,Mr	Shardey, Mrs
Kennett,Mr	Smith,MrE.R.
Kilgour,Mr	Smith,Mrl.W.
Lean,Mr	Spry,Mr
Lupton,Mr	Tehan,Mrs
McArthur, Mr	Traynor,Mr
McCall, Ms *(Teller)*	Treasure, Mr
McGill,Mrs	Wade,Mrs

•[See later correction statement]

Noes, 28

Andrianopoulos, Mr	Hamilton, Mr
Baker,Mr	Hulls, Mr
Batchelor, Mr	Kosky,Ms
Bracks, Mr	Langdon, Mr
Brumby,Mr	Leighton, Mr
Cameron,Mr	Lim, Mr *(Teller)*
Campbell,Ms	Loney,Mr
Carli, Mr	Maddigan, Mrs
Cole,Mr	Micallef, Mr
Cunningham, Mr	Mildenhall, Mr
Dollis,Mr	Pandazopoulos, Mr
Garbutt,Ms	Seitz, Mr
Gillett, Ms *(Teller)*	Sheehan,Mr
Haermeyer, Mr	Thwaites, Mr

Motion agreed to.

House divided on Mr Hulls's motion:

Ayes, 28

Andrianopoulos, Mr	Hamilton, Mr
Baker,Mr	Hulls,Mr
Batchelor, Mr	Kosky,Ms
Bracks, Mr	Langdon,Mr
Brumby,Mr	Leighton, Mr
Cameron, Mr *(Teller)*	Lim, Mr *(Teller)*
Campbell,Ms	Loney,Mr
Carli, Mr	Maddigan, Mrs
Cole,Mr	Micallef, Mr
Cunningham, Mr	Mildenhall, Mr
Dollis,Mr	Pandazopoulos, Mr
Garbutt,Ms	Seitz,Mr
Gillett,Ms	Sheehan, Mr
Haermeyer, Mr	Thwaites, Mr

Noes, 50

Andrighetto, Mr	McGrath, Mr W.D.
Ashley,Mr	McLellan,Mr
Brown,Mr	Maclellan, Mr
Burke,Ms	Maughan,Mr
Clark,Mr	Napthine, Dr
Coleman,Mr	Paterson, Mr
Cooper,Mr	Perrin, Mr
Dean, Dr	Perton,Mr
Dixon, Mr *(Teller)*	Pescott, Mr
Elder,Mr	Peulich, Mrs
Elliott, Mrs	Phillips, Mr
Finn,Mr	Plowman, Mr A.F.
Gude,Mr	Reynolds, Mr

Henderson, Mrs	Richardson, Mr
Honeywood, Mr	Rowe,Mr
Jasper, Mr	Ryan, Mr
Jenkins, Mr	Savage, Mr
John, Mr	Shardey, Mrs
Kennett, Mr	Smith,MrE.R.
Kilgour, Mr	Smith, Mr I.W.
Lean, Mr *(Teller)*	Spry, Mr
Lupton, Mr	Tehan,Mrs
McArthur, Mr	Traynor, Mr
McCall,Ms	Treasure, Mr
McGill, Mrs	Wade,Mrs

Motion negatived.

The DEPUTY SPEAKER - Order! The motion now before the Chair is that the amendments made by the Legislative Council be agreed to by the Assembly.

Motion agreed to.

BUSINESS OF THE HOUSE

Postponement

Mr MACLELLAN (Minister for Planning and Local Government) - I move - -

Honourable members interjecting.

The DEPUTY SPEAKER - Order! The Chair would attempt to resolve this if he could just hear what was going on.

Mr MACLELLAN - I move:

That the consideration of order of the day, government business, no. 3, be postponed until later this day.

Mr Loney - On a simple point of order, Mr Deputy Speaker, the Clerk had in fact read the order of the day, and the minister was too slow in getting up. The order of the day should stand. I seek that you rule that we go to the order of the day as called.

The DEPUTY SPEAKER - Order! Just to correct the honourable member, in case his eyesight is different from mine, my observation was that I called the Clerk. My second observation was that the Clerk did not get to read the order, that the minister got to his feet first and was called. I could be corrected by *Hansard*, but my understanding is that as I called the Clerk to read the order, the minister got to his feet, and I called the minister, assuming the minister was going to speak on some point of order. Now I would need - -

Honourable members interjecting.

An Honourable Member - Ask the Clerk.

The DEPUTY SPEAKER - Order! There are plenty of experts here. If the house would control itself in a reasonable way, I will confer with the Clerk. The Clerk advises me that he commenced the process and when the minister got to his feet he ceased because the business of the house is in the hands of the table. So my observation is that we are in the hands of the minister and the minister has now moved - -

Honourable members interjecting.

The DEPUTY SPEAKER - Order! Just to make it abundantly clear to the house, I point out that the minister has now moved that order of the day, government business, no. 3 be postponed until later this day.

Mr Dollis - On a point of order, Mr Deputy Speaker, this side of the house does not usually take exception to your rulings, but this government will do anything not to allow any of the issues about the Attorney-General that the opposition has been attempting to bring on for debate to be debated here.

Now we can go down your path, because the majority is there, with the government, but for the sake of decency I suggest that the ruling on moving to the next order should not be allowed.

Honourable members interjecting.

The DEPUTY SPEAKER - Order! Would the honourable member for Melbourne like to speak further on the point of order?

Mr Cole - Mr Deputy Speaker, on the point of order I question the capacity of the minister to have moved the motion, and I seek your ruling on it. I suggest that the Minister for Education be quiet, otherwise he will go in *Hansard* and will have to get it amended again.

On the point of order, the minister was not in a position to move the motion because you had asked for the next order of the day to be read - at which time it was. I seek clarification on this issue. The minister moved that we move onto the local government amendments, and then we were to

move onto the address-in-reply - about which there was much debate on why we would like the opportunity to do that.

If debate on this matter is postponed n o w - and I seek your clarification at this point, Mr Deputy Speaker; indeed, you may have to consult with the Speaker - I am concerned that there will have been a substantial breach of the separation of powers process, not only by the ministers at the table in their smart-alee attempts to deny the democratic processes, but also by the fact that when the Director of Public Prosecutions Bill was changed it gave the Attorney-General certain powers, which should be discussed here today, over the Attorney-General's capacity.

The DEPUTY SPEAKER - Order! The honourable member for Melbourne is testing the ambit of the debate and, I might add, the patience of the Chair. I ask him to return to the point of order before the house, which was to do with the issue of whether the minister had moved the motion prior to or during the instruction by me to the Clerk to proceed to the next registered procedure.

Mr Cole - The point of order is that you had given the instruction more quickly than they were able to get their smart-alee stunt together. That stunt is a failure. Mr Deputy Speaker, you should decide in favour of the address-in-reply debate being heard, as was the clear and unequivocal intent of the Clerk, and stop the government from preventing the scrutiny of the Attorney-General on the issue of the use of contempt powers.

The DEPUTY SPEAKER - Order! The honourable member for Melbourne attempts to make some mileage out of a point of order in terms of a debate that is inappropriate. The Chair is in a position to advise the Clerk to proceed with the next order of the day in line with normal procedure. In this event the minister at the table as Leader of the House has sought to change the order of the day.

Honourable members interjecting.

The DEPUTY SPEAKER - Order! Before anybody gets too excited, allow me to finish. Given that that is the procedure that is adopted, I have no alternative as Chair but to accept the direction from the floor. If members of this house wish to take issue with that there is an appropriate forum to do it. I remind members in the house that the Chair is in the hands of the house. There are procedures and there are options within those procedures, but the Chair at all times is in the hands of the house.

Mr C o l e - Th e Attorney-General isn't!

The DEPUTY SPEAKER - Order! The Minister for Planning and Local Government has moved that order of the day no. 3 be postponed until later this day. I intend to take that motion and put the question.

Mr Loney - I sought clarification on the call earlier.

The DEPUTY SPEAKER - Order! I will allow the honourable member for Geelong North a point of order if he wishes, but the fact that he sought the call on any piece of legislation, as he would well know, is contingent upon the debate coming on in the house.

Mr Loney - The call on this question.

Mr Leighton - He can speak to this question, for goodness' sake.

The DEPUTY SPEAKER - Order! Is it a point of order? Can the honourable member for Geelong North tell me if he wishes to speak to a point of order?

Mr **Loney** - Mr Deputy Speaker, there is a question currently before the house that is entitled to be debated. Some points of order were taken in relation to that but there has been no debate. When a point of order was taken I sought to speak on the question, and I believe I am entitled to speak on the question before the house.

The DEPUTY SPEAKER - Order! The honourable member for Geelong North now wishes to debate the question that debate on item no. 3 be postponed until later this day.

The Clerk draws my attention to the fact that I have not ruled on the point of order. It is appropriate for me to rule on that before I call on the honourable member for Geelong North. I do not uphold the point of order for the reasons I have already explained to the house.

I will now call the honourable member for Geelong North on the question that debate on government business order of the day no. 3 be postponed until later this day.

Mr LONEY (Geelong North) - I wish to speak against the question currently before the house.

Mr Maclellan interjected.

Mr LONEY - Which is what I have been attempting to do. Titis is simply another example of the endless bullyboy tactics that the government will use to avoid any scrutiny in the house. We just had such a spectacle, and in relation to this matter it is important to listen to what occurred before. The minister who moved this motion only 10 minutes ago stood up in this place and said that as soon as we got off the Local Government (Amendment) Bill I would be able to take up my right to speak on the address-in-reply. Holding the debate up shows the lack of integrity of the government and the minister, and the lack of honesty in this place.

We all know what this mechanism is about. The Minister for Planning and Local Government sat at the table during the previous debate when there was an attempt to adjourn debate on the Local Government (Amendment) Bill and said, 'You can have your go in address-in-reply'! He didn't mean a word of it. What he meant was: we will get through this, then we will use another bullyboy tactic to get rid of any rights the opposition has.

That is what this is about: the removal of opposition rights to speak in this place. The minister stands condemned out of his own mouth. What the minister just did was an act of utmost hypocrisy, having said previously that on the completion of debate on the previous motion the house would go on to the address-in-reply debate.

If the minister questions whether he said that I suppose he can look at the *Hansard* report at some stage. This is about the fact that the address-in-reply debate could be used to examine the integrity and probity of the government - a perfectly legitimate thing to do during debate on the address-in-reply motion.

Mr Maclellan interjected.

Mr LONEY - No, I hadn't spoken. I had the call. That is why I am entitled to be making this speech now. I had the call as the next speaker. I was the one the minister guaranteed would be able to speak after the Local Government (Amendment) Bill. I am the one directly affected by what the minister has done, so I am quite entitled to speak on the motion. I should also be entitled to speak on the address-in-reply. Because of the actions of this minister and this government I will not be able to speak on the motion - not only today but at all - because it is listed as one of the pieces of government legislation to be voted out this week. Titis shows up the government again: it is about precluding any debate and any questioning of the Attorney-General and her behaviour in relation to the decision about BHP. It is an attempt by the government to make sure that the facts of that decision cannot be put before this house. That is what this is about: it is an attempt to suppress the facts. It is an attempt to ensure that things such as the press release the Attorney-General put out, stating quite clearly that it was her decision, cannot be put out in her place when in fact she said during question time that it was not her decision to do so. Yet on 4 March this year she stated it was her decision.

The DEPUTY SPEAKER - Order! The honourable member for Geelong North should not attempt to introduce the substance of his comments into his contribution to the debate on the adjournment or non-adjournment of debate on this legislation. I have allowed him a little liberty, but he should be mindful of that.

Mr LONEY - Thank you, Mr Deputy Speaker. What I am attempting to address is the motivation behind the moving of this question. The motivation behind the motion is clearly an attempt not to allow scrutiny. A former Leader of the Opposition, the Honourable Jim Kennan, used to say, 'It is an attempt to get away from the disinfectant of sunlight'. That is precisely what this is about - avoiding the Attorney-General being dragged into the sunlight on this issue. The government likes to deal in the dark. The government likes to make its decisions outside and it does not want them questioned. This is why the motion has been moved. This matter shows not only the lack of standards and integrity of the Attorney-General but also the lack of standards of the entire government.

The motion is symbolic of the way the government treats Parliament and the community. It should be ashamed of moving the motion. It is a motion of shame and it is an admission by the government that it cannot face facts in the house. It is an admission by the government that it is not prepared to stand up and allow the truth to be debated. The motion moved by the minister allows the government to avoid the issue.

We know agreement had been reached about the second reading of bills. There was no need to move

this motion because they would have been dealt with in the normal way at 4.00 p.m. They probably will be dealt with not as a result of proper process, the government honouring its agreement or as a result of the integrity of the government but as a result of a shameful action. It is the result of numerous shameful actions by the government both inside and outside this place and the shameful action of the Attorney-General when she made a decision when clearly she had a conflict of interest.

Mr E. R. Smith - Name one!

Mr LONEY - I just named the shameful action of the Attorney-General. That is the clear motivation behind the motion.

The DEPUTY SPEAKER - Order! I understand the motivation behind the motion. The difficulty is that the honourable member for Geelong North must not attempt to introduce the substance of the debate into the reasoning on the motion. That was the problem of the honourable member for Niddrie when he was attempting to outline why the motion should be agreed to. The honourable member for Geelong North is restricted from introducing any substance. The honourable member for Glen Waverley is out his place and is not assisting the debate by inviting the honourable member for Geelong North to provide details of why this should happen. The honourable member for Geelong North should try to stay away from the substance of the debate.

Mr LONEY - The substance of this issue could not be dealt with in the single sentence I used earlier.

Mr Maclellan interjected.

Mr LONEY - The Minister for Planning and Local Government is obviously prepared to make light of a very serious matter. He takes it as some sort of comic relief that matters of scrutiny cannot be raised in this place. The minister has invited me to use the time remaining to go to that issue knowing very well that if I do - -

The DEPUTY SPEAKER - Order! The honourable member for Geelong North would do well to ignore the minister.

Mr LONEY - If I used the time remaining to me in the manner suggested by the minister you, Mr Deputy Speaker, would rule that I could not. The minister sits with a smirk on his face. He has said that I should go ahead and debate it because I have the time, knowing full well that I do not. The reason he moved the motion was to avoid that.

Clearly, this is a gross abuse of the proceedings of this place. Members opposite should be ashamed to put their hands up in support of it, but no doubt they will because they have shown no sign in the months since the election that they feel shame about anything.

Mr HULLS (Niddrie) - I support the comments made by the honourable member for Geelong North, particularly in relation to the reason the minister moved this motion. You, Mr Deputy Speaker, said you are well aware of the reasons behind the motion. You have been here for much longer than I have, but I am well aware of the reasons behind the motion, which bear poorly on the minister. During the contribution he made earlier the minister was unequivocal in saying that he was prepared to allow the wide-ranging address-in-reply debate to take place after this matter. The reason he has moved the motion - -

Mr Maclellan interjected.

Mr HULLS - The minister interjects almost like a child, 'We did not cooperate'. That is a sad reflection on the minister. He is well aware that had the house adhered to his original proposal that the wide-ranging debate would take place the matters of utmost importance that were raised at question time would have been discussed.

One issue that would have been raised is the fact that when the Public Prosecutions Bill was being debated the opposition warned the government that under no circumstances was it appropriate for the Attorney-General to have sole powers relating to contempt. It is because of that legislation and the fact that the Attorney-General gave herself sole powers in relation to contempt that she has come unstuck.

Mr Perrin - On a point of order, Mr Deputy Speaker, I know you were temporarily preoccupied, but it is clear to me that the honourable member for Niddrie is now canvassing matters against the clear direction you gave earlier today. He is not canvassing the motion before the house.

The DEPUTY SPEAKER - Order! The honourable member for Bulleen is right, the Chair was distracted when taking advice on the procedures that will follow this debate. I did not hear the honourable member so therefore I am not able to directly comment on the issue, but the

honourable member for Niddrie knows my views on the issue.

Mr HULLS - It is interesting that the minister has moved a motion to shorten debate on the scrutiny of government, which is the purpose of his moving it. He is the same minister who has been keen to allow a number of important matters in his own portfolio to be scrutinised. He is also the same minister who in the past has shown exemplary standards and who has shown he believes that propriety, particularly in this place, is of the utmost importance. That is why I find it disappointing that the minister, who was more than happy to provide information about the KNF matter - -

The DEPUTY SPEAKER - Order! The time appointed under the sessional orders for me to interrupt business has arrived. I am therefore required to put certain questions. The first question is:

> That consideration of government business, order of the day no. 3, be postponed until later this day.

Those of that opinion say aye.

Government Members - No.

The DEPUTY SPEAKER - Order! I will put it again. The question is:

> That consideration of government business, order of the day no. 3, be postponed until later this day.

Mr Leighton - On a point of order, Mr Deputy Speaker - -

The DEPUTY SPEAKER - Order! Will the honourable member take his seat.

Mr **Leighton** - That is incorrect.

The DEPUTY SPEAKER - Order! Before I take advice, I need to explain to the house that there is no opportunity for debate on the question given that it is after 4.00 p.m. I cannot entertain points of order or debate on the question, but I will take advice before we proceed with the vote.

Mr Leighton - On a point of order - -

The DEPUTY SPEAKER - Order! There is no facility for raising a point of order. The motion before the Chair is:

> That consideration of government business, order of the day no. 3, be postponed until later this day.

All those of that opinion say aye.

Opposition Members - Aye.

Mr Leighton - It is not part of the business program.

The DEPUTY SPEAKER - Order! The honourable member for Preston has been in this place long enough to know the protocols of this place. While the Chair is on his feet honourable members - -

Mr Leighton - I am trying to raise a point of order.

The DEPUTY SPEAKER - Order! I have already explained to the house in words of one syllable - I will now explain it again to the honourable member for Preston - that the sessional orders provide that at 4.00 p.m. this day all questions shall be put without motions, points of order or debate. That is the instruction under which the Chair has to operate, so that is the instruction under which we will operate. I will now attempt to put the question again. The question before the Chair is:

> That consideration of government business, order of the day no. 3, be postponed until later this day.

All of those in favour say aye.

Opposition Members - Aye.

The DEPUTY SPEAKER - To the contrary, no.

Government Members - No.

The DEPUTY SPEAKER - The noes have it.

Opposition Members - The ayes have it.

Mr Batchelor - Division required.

Bells rung.

Honourable members interjecting.

The DEPUTY SPEAKER - Order! I said earlier in the week that there must have been something in the water; there is certainly something in the water today! The division that has been called for can be decided only in the negative because there are no

tellers for the ayes. Therefore, the question before the Chair is resolved in the negative.

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed from 16 October; motion of Mr DIXON (Dromana) for adoption of address-in-reply.

Motion agreed to.

Ordered that address-in-reply be presented to His Excellency the Governor by the Speaker and members of the house.

ELECTRICITY INDUSTRY (FURTHER AMENDMENT) BILL

Second reading

Dr NAPTHINE (Minister for Youth and Community Services) - I move:

That this bill be now read a second time.

The bill contains a number of further miscellaneous amendments to the Electricity Industry Act 1993, the State Electricity Commission Act 1958 and other acts. Part 1 of the bill states its purpose and provides for its commencement. Part 2 contains various amendments to the Electricity Industry Act 1993.

The bill contains an extension to the powers of Powemet Victoria so that it is authorised to carry telecommunications cables in conjunction with its electricity transmission cables. The bill also clarifies that Powemet's easements may be used for this purpose, but ensures that the power to compulsorily acquire land and easements may be used only for electricity-related purposes.

The bill enables the Office of the Regulator-General to determine whether particular facilities constitute co-generation facilities for the purposes of the act so as to provide certainty where the application of that term to a particular facility may not be clear.

In order to facilitate the transition to a national electricity market, the bill authorises the Governor in Council to make rules to facilitate the operation of a wholesale market for trading in electricity between persons in Victoria and persons in one or more other states or territories. The provisions will enable consistent wholesale market rules to be created for trading, initially between Victoria and New South Wales, as a transitional step towards the national electricity market.

The bill inserts a new section 159(6) to clarify that the licensing provisions of the act do not apply to the transmission, distribution or supply of electricity by or for the use of the Public Transport Corporation.

At present the Electricity Industry Act requires the holders of certain licences to be incorporated in Victoria as a means of supporting the enforcement provisions of the cross-ownership rules contained in part 13. The bill will allow that requirement to be waived by the minister, at the request of the Office of the Regulator-General, having regard to the conditions to which the relevant licence will be subject.

The bill contains a number of technical changes to the cross-ownership provisions contained in part 13 and the related licensing provisions in part 12. The amendments, which do not affect the policy underlying the provisions, are designed to:

equate partnerships and joint ventures with companies by providing for the issue of a single licence to the partnership or joint venture;

provide the Office of the Regulator-General with a specific power to include in a licence provisions requiring a licensee to continue to own property in Victoria used in the licensed activity, as a desirable adjunct to the office's powers of enforcement under part 13;

remove anomalies in the tracing of generation capacity;

remove from the effect of the cross-ownership provisions a small number of distributors who have been exempted from the requirement to hold distribution licences; and

repeal the provision that a transaction which results in a person holding a prohibited interest is illegal and void to ensure the provision does not have unintended consequences, in conjunction with providing for enhanced enforcement powers of the Office of the Regulator-General.

Part 3 of the bill amends the State Electricity Commission Act and various other acts.
Section 15(4) of the State Electricity Commission Act authorised the establishment of the Newport power station subject to the conditions recommended by

the majority of the Newport Review Panel. On one view, these provisions could be read as limiting the generation capacity of the power station and requiring its closure in 2012, among other requirements. The bill amends section 15(4) to clarify that those restrictions are not intended to apply and that the future operation of the power station is undertaken in accordance with normal commercial decisions and requirements. The bill also makes various drafting revisions and corrections to the State Electricity Commission Act.

The bill contains amendments to the Land Act 1958, the Crown Land (Reserves) Act 1978, the Forests Act 1958, the Alpine Resorts Act 1983, the Conservation, Forests and Lands Act 1987 and the National Parks Act 1975. The objective of these amendments is to provide certainty of tenure to Southern Hydro Ltd, the generation company which owns the state's hydro-electric assets, by providing appropriate powers for the creation of leases, licences and land management agreements over land subject to those acts where necessary for the generation of electricity for supply or sale.

I commend the bill to the house.

Debate adjourned on motion of Mr LONEY (Geelong North).

Debate adjourned until Thursday, 31 October.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL

Second reading

Mrs WADE (Attorney-General) - I move:

That this bill be now read a second time.

The purpose of the Births, Deaths and Marriages Registration Bill 1996 is to repeal and replace the Registration of Births, Deaths and Marriages Act 1959. The bill provides for a simpler and more efficient administration of the registration of births, deaths, marriages, adoptions and changes of name and for access to the register. The bill will promote consistent registry practices across the states and territories.

The bill implements an agreement of the Standing Committee of Attorneys-General made in February 1995 to introduce common core legislation dealing with the registration of births, deaths, marriages and changes of name. Pursuant to this agreement, a model bill was subsequently developed by state and territory registrars of births, deaths and marriages. South Australia, New South Wales and the Northern Territory have already enacted common core births, deaths and marriages legislation. The proposed bill closely corresponds with the legislation enacted by the other jurisdictions, apart from specific variations which accommodate the particular requirements of Victoria.

The bill sets out the requirements for the notification and registration of births, registration of marriages, registration of deaths and registration of changes of name of adults and children. The scheme proposed under the bill broadly continues the existing system for the registration of births, deaths, marriages and changes of name and for the provision of certificates recording these events.

Notification and registration of a birth

The bill requires a doctor or midwife responsible for the professional care of the mother at the birth, or any other person present at the birth, to notify the Registrar of Births, Deaths and Marriages of the birth. The notification can be by written or electronic means.

The bill acknowledges and supports the valuable and important role played by both parents in a child's upbringing, starting at the birth of a child, by making the parents jointly responsible for having the child's birth registered. Both parents are required to sign the birth registration statement which is lodged with the registrar. While the involvement of both parents in a child's life may be an ideal and desirable outcome, there are of course situations where such an outcome is not possible. In order to accommodate such situations, the bill makes provision for the registrar to accept a birth registration statement signed by one parent where the registrar is satisfied that it is not practicable to obtain the signatures of both parents.

Under the current act, the family name of a child is required to be the family name of the father, if a person is registered as the father of the child. The bill removes the priority given to the father's family name in recognition that both parents should have equal rights in choosing a name for their child.

Registration of a marriage

The bill requires that a marriage solemnised in Victoria be registered by lodging either a certificate of marriage or other such evidence of marriage - as

required by the registrar - w i t h the registrar. The marriage is registered by the inclusion of the certificate as part of the register or by including particulars of marriage in the register.

Notification of a death

The bill requires a doctor who was responsible for the deceased's medical care immediately before death or who examines the body of a deceased person to notify the registrar of the death and cause of the death within 48 hours after the death.

Registration of changes of name

The bill sets out the procedure for the registration of changes of names of adults and children. In relation to a child, the bill provides for either the parents - or one parent in certain circumstances - or a child's guardian to apply for registration of a change of name for the child. Where a child is 12 years of age or older, before the change of name can be registered the child's consent to the change of name is required, unless the child does not understand the implications of the change of name.

Corrections of the register by adopted persons

Currently, the Adoption Act 1984 precludes an adopted person from adding to or amending any registrable information in the person's original entry of birth on the register. For instance, an adopted person who subsequently discovers the identity of his or her natural parents and wishes to amend his or her original entry of birth to reflect the new information is at present unable to achieve this objective.

This discriminates against adopted persons, as non-adopted persons may apply to have registrable information added or amended. The bill addresses this anomaly by allowing an adopted person to apply to the registrar to have information either added or amended in the person's original entry of birth in the same manner as a non-adopted person.

The register

The bill obliges the registrar to maintain a register of registrable events - that is, births, changes of name, deaths, marriages or adoptions. The registrar is empowered to conduct an inquiry to find out whether a registrable event has occurred or to find out particulars of a registrable event. The registrar can correct the register to reflect the findings of an inquiry to bring an entry about a particular registrable event into conformity with the most reliable information available to the registrar or at the direction of a court.

Privacy and security

The bill enables the registrar, subject to conditions the registrar considers appropriate, to allow a person or organisation that has adequate reason for wanting access to the register or wanting information from the register to have access to or to be provided with information extracted from the register. The registrar's discretion to determine the adequacy of the reason takes into consideration the nature of the applicant's interest, the sensitivity of the information, the proposed use of the information and other relevant factors.

The bill provides specifically for confidentiality and security of data on the register. An overriding duty to protect private and confidential information is imposed on the registrar. In granting access or providing information, the bill obliges the registrar, as far as practicable, to protect the persons to whom entries in the register relate from unjustified intrusions on their privacy. The bill makes unauthorised access to or interference with the register an offence.

Electronic access

The Registry of Births, Deaths and Marriages has made significant advances in service delivery in recent years. Further advances, particularly in the delivery of more convenient services electronically to Victorians and to interstate residents with Victorian roots, are needed to enhance compliance with government policy in relation to customer service and cost reduction. The bill allows the Victorian registry to issue information from the register of another state or territory. This will greatly improve service to those Australians born or married in one state or territory who are no longer resident there.

The bill allows the delivery of a more expedient and less expensive service by the registrar. It provides for more flexible methods of notification and access to the register. This will create greater ease in providing proper public access, particularly in developing appropriate means of electronic access. The bill fully reflects the current methods of computerised registration and generation of certificates together with further proposals for electronic access to the register.

Additional services

In addition to issuing official certificates containing certified information, the bill enables the registrar to engage in the provision of additional services which meet community needs - for instance, the provision of decorative birth certificates and the provision of historical or genealogical information.

The authoritative recording of the key events in our lives - birth, marriage and death - is fundamental to the way in which we organise our society. The work of the Registry of Births, Deaths and Marriages underpins many other important transactions, from enrolling our children at primary school or applying for passports to the intergenerational transfer of property. The public has always enjoyed a high degree of confidence in the accuracy of the register. The bill will make timely improvements to its legislative framework by facilitating the greater use of new technology, with all its attendant advantages of quick, efficient and accessible service, and by reflecting some of the changes in social attitudes to these key events which have occurred over the years.

I commend the bill to the house.

Debate adjourned on motion of Mr HULLS (Niddrie).

Debate adjourned until Thursday, 31 October.

MISCELLANEOUS ACTS (FURTHER OMNIBUS AMENDMENTS) 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 make amendments to a number of acts which are mainly technical in nature. In particular, the bill makes the following amendments.

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 and Livestock Disease Control Act 1994

Parts 2 and 14 of the bill amend the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 and the Livestock Disease Control Act 1994, respectively, to consolidate changes needed for industry to keep up with rapidly changing national and international requirements for the identification of livestock to property of origin for the control of diseases and chemical residues in meat.

Victoria has made significant progress with implementing quality assurance programs in the livestock production and processing industries and this is seen as the means by which Victoria will maintain its competitive advantage in marketing its livestock and livestock products on export markets. The introduction of quality assurance procedures and standards provides the opportunity to increase our markets. These procedures and standards have to be underpinned with identification and information systems that enable standards to be verified. Critical to verifying standards is the property of origin of cattle.

Identification procedures have proved to be very important to the cattle industry in the eradication of brucellosis and the approaching eradication of tuberculosis and limiting the trade impact of chemical residues. The identification system has proved to be most valuable where commonwealth and state bodies have collaborated about the disease or residue status of cattle on properties and with meat processors when there is an imperative for Australian meat exports to meet international standards. Release of this information, together with the property identification system to verify the veracity of property information, has to be achieved under controlled but necessary circumstances.

The cattle industries in New South Wales, Queensland and Victoria have had their cattle identification systems placed under severe pressure from the occurrence of chemical residues in New South Wales and Queensland beef over the last 15 months. In December 1994, Victoria launched a strong campaign to limit the movement into Victoria of cattle contaminated with chemical residues. This campaign has been successful to the extent that no helix-contaminated beef has been detected in Victorian abattoirs. National reviews of the current and future tagging requirements for cattle have demonstrated that the national cattle industry needs to achieve:

permanent identification of livestock to their property of birth;

transaction identification of livestock to their last property of origin; and

an ability to release, under controlled but necessary circumstances, information collected under legislation on diseases, chemical residues

and property information if government and industry are to be in a position to respond effectively to incidents occurring within Victoria and other parts of Australia.

At the April 1995 meeting of the Agricultural and Resource Management Council of Australia and New Zealand, Victoria sought the establishment of a working group to research the future needs of the cattle industry on the identification requirements of cattle. This working group, chaired by Victoria, has obtained agreement to research a system by which cattle can be permanently identified to their property of birth. Trials of various tags are about to start with the financial support of the Meat Research Corporation.

Adoption of an identification system with a permanent tag indicating the property of birth in conjunction with a transaction-based tag to last property of origin will go a long way to ensuring the integrity of declaration systems and industry auditing of the origin of cattle.

Application of a permanent identification system in combination with a transaction based system requires amendment of the act. The transaction-based identification system, which started 20 years ago, was developed as a herd identification system. The new permanent and transaction identification systems will have to be property based if Victoria is to ensure the livestock identification system reflects national requirements. National specifications for livestock identification are also currently being developed, and the proposed amendments will provide Victoria with the flexibility to quickly adopt nationally agreed changes in procedures or systems.

The bill provides that any disease or chemical residue information released by the Secretary of the Department of Agriculture can be on such conditions and restrictions necessary to ensure that the information is handled only within the parameters of the need for its release, such as in assisting national or international trade to protect public health. The proposals for the release of any information strike a balance between the rights of individuals and the public good.

In addition to the identification and information release issues of the bill, a number of amendments will improve the administration of the livestock disease control act generally and meet known future commitments. These amendments will improve the administration of the act. I mention just two of these changes.

As currently framed, the Livestock Disease Control Act in section 15(1), requires any livestock or livestock product found to be diseased to be destroyed, or ordered to be destroyed. While this action is appropriate for a highly contagious exotic disease, it is not always the most appropriate way of dealing with footrot-infected sheep where the owner may be offered the alternative of return to their property of origin for treatment. A return to property or other disposal of livestock or appropriate treatment of livestock products needs to be possible in the legislation.

The proposal for interstate beekeepers to remain in Victoria for a period of three months is the agreed convention between states to overcome the need for dual registration, and recognises that owners moving across state borders for short periods are only carrying on their business.

The livestock identification requirements for diseases in the Livestock Disease Control Act need to be integrated and harmonised with the identification requirements under the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 and the Stock (Seller Liability and Declarations) Act 1993. To make the identification requirements interchangeable it is necessary to amend the other two acts.

Also in the interests of integration and harmonisation, similar provisions for the release of information are being made under these two acts as in the Livestock Disease Control Act. This will ensure that there is consistency in the provision of information to third parties.

The Agricultural and Veterinary Chemicals (Control of Use) Act 1992 is being amended to provide for the notification of instances where livestock or produce are detected as being contaminated. This reporting requirement applied while chemical residues were deemed to be diseases under the now repealed Stock Diseases Act 1968.

Associations Incorporation Act 1981

Part 3 of the bill amends the Associations Incorporation Act 1981 to repeal age restrictions imposed on persons authorised to apply for incorporation of an association and persons who may be appointed as public officers of an association. This amendment is consistent with the

introduction of age as a ground of prohibited discrimination in the Equal Opportunity Act 1995.

Borrowing and Investment Powers Act 1987

The Victorian Plantations Corporation has been given approval to make a $2.3 million investment in an export woodchip facility. This approval was given subject to the corporation managing the foreign currency exposure arising from this investment. In order for the corporation to meet this requirement it is necessary to amend schedule one of the Borrowing and Investment Powers Act 1987 so that section 11 of the act applies to the Victorian Plantations Corporation. Section 11 will provide the power for the corporation to enter into financial arrangements (derivatives) to hedge or manage its exposure to market movements including currency exchange rates.

Casino Control Act 1991

Part 5 of the bill makes provision for the casino operator to extend credit betting only to overseas residents who come to the casino as commission-based players, that is, as premium players or on a junket.

The bill also makes a minor amendment to the definition of 'premium player' under the act, to make it more consistent with the definition of 'junket' which will ensure consistent conditions apply across the board to commission-based players.

These amendments will better enable the casino to compete with casinos overseas for the business of the international high roller and will further the aim of ensuring that Victoria has a world-class casino.

Crown Land Acts (Amendment) Act 1994

Part 6 of the bill provides for the re-enactment of certain provisions of the Land Act 1958 which were inadvertently repealed by the Crown Land Acts (Amendment) Act 1994, and which deal with the registration of encumbrances on Crown grants and the transfer of registered encumbrances between leases.

Crown Land (Reserves) Act 1978

The existing provision in section 14b(4) of the Crown Land (Reserves) Act 1978 specifies a term of 'three years' for members of incorporated committees of management. The provision is unnecessarily inflexible and causes administrative difficulties, in particular where committee members resign prior to the completion of their full term and new replacement members are appointed or where interim management arrangements are proposed.

The proposed remedy is to provide for a term of 'up to three years'. This would be consistent with the existing provision for membership of unincorporated committees.

Decentralized Industry Incentive Payments Act 1972

The purpose of part 8 of the bill is to repeal the Decentralized Industry Incentive Payments Act 1972. This act had the objective of decentralising economic activity and population growth away from Melbourne by encouraging manufacturing to move to regional areas by a system of subsidies and incentives. This matter received high priority in the late 1960s and early 1970s.

The act was amended in 1985 to phase-out benefits over the ensuing years because a review showed that the incentive system had only been successful in a limited way in relocating industry from the city to the country. The phase out of benefits is by way of loans to firms who would otherwise have an entitlement under the act. Several of these loans have maturation dates well into the future so the bill has a savings provision to ensure that they are unaffected by the repeal of the act.

The act is now redundant because it has not been used for the purpose for which it was enacted since the late 1980s and other means are available to provide assistance to decentralising industry.

Docklands Authority Act 1991

The Docklands Authority Act established the Docklands Authority and enables it to exercise its powers over a specified area. The Governor in Council may reduce the docklands area but amending legislation is required for any additions to the statutory boundary. The act is proposed to be amended to include within the docklands area the former dry dock and narrow strips of land along the Yarra River and along the Moonee Ponds Creek adjacent to the business park precinct. The amendment would merely enable the authority to exercise its powers in the extended area and the usual process for the authority to obtain interests in property will still apply. Part 9 of the bill proposes that the Docklands Authority complete its work by

31 December 2005. The authority believes that this period will be sufficient for the task.

Ethnic Affairs Commission Act 1993

Part 10 of the bill includes provisions which alter the titles of the Ethnic Affairs Commission and the Ethnic Affairs Commission Act to the Victorian Multicultural Commission and the Victorian Multicultural Commission Act respectively. The change to the name of the commission which was announced in March 1996 has been welcomed by the ethnic community as it acknowledges that Victoria is a multicultural society and that ethnic communities are an essential part of the Victorian society. The change emphasises that the commission's role is to serve all Victorians.

Financial Management Act 1994, the Treasury Corporation of Victoria Act 1992 and the Victorian Managed Insurance Authority Act 1996

Parts 11, 26 and 28 deal with amendments to the Financial Management Act, the Treasury Corporation of Victoria Act and the Victorian Managed Insurance Authority Act.

In 1994, the Financial Management Act was amended to provide the Treasurer with power to give indemnities to directors and officers of statutory authorities and state-owned companies. An indemnity signed by the Treasurer operates to provide directors and officers' insurance to directors and officers in the public sector. This indemnity has recently been transferred to the Victorian Managed Insurance Authority (VMIA).

The provisions giving the Treasurer and the VMIA power to provide indemnities need to be amended to enable former directors and officers to be provided with run-off insurance. The legislation as it exists only permits the Treasurer and the VMIA to indemnify current directors.

It is also proposed to remove the limited power to provide an indemnity in the Treasury Corporation of Victoria Act to remove any doubt as to whether or not TCVs directors and officers can be indemnified under the Financial Management Act or the Victorian Managed Insurance Authority Act.

Land Conservation Act 1970

The Land Conservation Act provides for the Land Conservation Council to undertake studies of public land in Victoria. When originally framed, the legislation excluded cities, towns and boroughs which, in effect, meant excluding built-up or densely populated areas. Section 2(1)(a) of the act defines public land as, inter alia, 'land which is not within the municipal district of a city council or a rural city council'. Land within cities or rural cities can be included in LCC studies through the provisions of section 2(2) of the act.

With the restructuring of local government, the cities and rural cities in rural Victoria contain large areas of rural land which are not densely populated and these may include substantial blocks of public land. A further development is that LCC studies have also changed from general studies covering all areas and types of public land in a region to more specific studies such as 'historic sites' or 'box-ironbark forests and woodlands' where it is easier to assess whether a particular city or rural city should be included in a study.

This bill will amend the definition of 'public land' in the Land Conservation Act 1970 to exclude land within the municipal district of a metropolitan municipal council specified in the schedule to the bill, instead of excluding land which is 'within the municipal district of a city council or rural city council'. The schedule of the bill lists all of the city councils in the Melbourne metropolitan area.

In determining the terms of reference for a study, the Governor in Council may approve with or without modification the location of the districts and areas proposed to be investigated. This will enable the Governor in Council to approve a proposal that a particular city or rural city, or part thereof, not be included in a study. The act is to continue to provide for a process to declare other lands to be public land so that areas such as Commonwealth land can be included.

Lotteries Gaming and Betting Act 1966

The main purpose of part 15 of the bill is to amend certain betting provisions of the Lotteries Gaming and Betting Act 1966 to strengthen the effectiveness of the act against illegal SP bookmaking operations and other illegal betting-related activities.

Following a joint government and racing industry analysis and Victoria Police submissions, it is proposed to extend the existing range of betting house offences to include keeping a house or place for the purpose of taking instructions for the placement of bets on behalf of any person and to make technical changes to existing prohibitions on

the advertising and communication of betting information and systems about sporting contingencies.

It is also proposed to clarify the legitimacy of registered bookmakers settling bets at their home or at other places, providing such bets have been lawfully placed on course during race meetings. The introduction of legal telephone betting in 1994 has increased the need for bookmakers to settle bets away from racecourses.

Another purpose of the bill is to reform the act to accommodate new initiatives of the racing industry requiring the communication of betting odds from racecourses to other places. A number of initiatives are under consideration and the amendment gives the minister the flexibility to respond where appropriate without the need for further amendments in each case. Communications will only be approved following full consultation with the racing industry and Victoria Police.

Finally, the bill streamlines the administration of Calcutta sweepstakes, enables user-pay fees to be charged for the issuing of athletic and cycling race betting permits and pre-recorded betting information authorities, and removes the anachronism that requires media reported betting odds to be sourced from places outside Victoria.

This bill introduces changes which will increase the protection of the public against unlawful betting-related activities and which will, in turn, help guard the integrity of the established racing industry. The bill's reform and streamlining of existing regulatory provisions will be beneficial to both the government and the racing industry.

Melbourne and Olympic Parks Act 1985

Part 17 of the bill amends the Melbourne and Olympic Parks Act 1985 to remove a superfluous column headed 'Extent of revocation' in part 5 of the schedule to the act.

Police Regulation Act 1958

The Public Sector Management Act 1992 was amended in 1995 to provide for the appointment of permanent assistant police commissioners by the Chief Commissioner of Police. However, these recent amendments did not consequentially amend the specific provisions of the Police Regulation Act 1958 in relation to acting assistant commissioner appointments. Those amendments now accord consistently with the intended operation of the Public Sector Management Act 1992 by providing for the appointment of acting assistant commissioners by the Chief Commissioner of Police.

Part 19 of the bill adopts provisions that are similar in nature to the acting provisions available to other departmental heads, where in the event that an assistant commissioner position is vacated, or where the holder is suspended, sick or absent, an acting appointment can be made by the chief commissioner.

Consistent with the intent of the Equal Opportunity Act 1995, the bill also repeals those sections of the Police Regulation Act which specify age qualifications for police reservists and a compulsory retirement age for protective services officers.

Prostitution Control Act 1994

Part 20 of the bill amends the Prostitution Control Act so as to prohibit brothels from operating on premises which are not buildings on land. The effect of the amendments will be to prohibit the operation of brothels from floating vessels, as well as from other mobile alternatives. There are three amendments: firstly, to prohibit those kinds of brothels; secondly to enable the premises from which they are operated to be closed; and, thirdly to enable the suspension and cancellation of the offender's licence for a serious breach of the act.

The amendments are consistent with the government's stated policy of strict control over prostitution, and will prevent tourism and recreation sites from being adversely affected by the presence of floating and other mobile brothels. Those amendments will also help preserve the amenity of local areas by protecting them from mobile brothels, which may be beyond the power of local councils to control, or difficult for them to control, because of the limitations planning controls have on these kind of brothels.

Racing Act 1958

Part 21 of the bill amends the Racing Act 1958 to enable the levels of the guarantee against defaults in payment of wagers by bookmakers to be determined by the Governor in Council rather than by amendment of the principal act. The current levels were prescribed in 1987 and they need updating. Allowing levels to be fixed by order will mean they can be readily adjusted as required. These adjustments will be made after consultation with the racing industry.

Bookmaking is an integral part of the racing industry and a key feature of the on-course experience. There are approximately 280 registered bookmakers who employ over 1100 staff. In 1995-96 a total of $433 million was wagered with bookmakers, and this generated $8.16 million in betting tum.over tax. Punter confidence in bookmaking is essential for the viability of the profession, and this bill will increase the level of protection to punters to cater for the uncommon situation of a bookmaker encountering financial difficulties and being unable to meet the payment of wagers.

The other purpose of the bill is to reform the act to simplify and reform various licences and permits which are presently issued to authorise the conduct of race meetings and betting by bookmakers on these events. These licences and permits provide a basic regulatory framework for securing the probity and integrity of the racing industry, and while the need for the maintenance of this framework is essential, there is considerable scope for streamlining its administration.

In particular, it is proposed to issue annual racing club licences, racecourse licences and minor race meeting permits on a perpetual basis; abolish the need to issue permits for harness races at agricultural shows; abolish the obsolete requirement for registration of bookmakers course agents by allowing registered bookmakers clerks to operate secondary bookmakers stands; and provide the option for the Victoria Racing Club, the Harness Racing Board and Greyhound Racing Control Board to issue club bookmakers licences instead of individual racing clubs. Those reforms, which will be safeguarded by appropriate mechanisms, will deliver significant administrative savings to both the government and the racing industry.

The bill acts to increase the protection of punters against defaulting bookmakers and in turn, will help maintain confidence in the racing industry. The bill's streamlining of existing licensing and permit systems implements the government's regulatory reform policies.

Teaching Service Act 1981

Part 23 of the bill amends the Teaching Service Act 1981, so that an inquiry into a teacher's suitability to be employed under that act may have regard to matters irrespective of when they occurred.

The amendment is being made because there is no power at present under that act to inquire into the conduct of - and if appropriate take action against - officers in respect of matters that are alleged to have occurred prior to 24 March 1982, which is the date of commencement of that act. This limitation needs correcting as there are current complaints of sexual assault by state school teachers against children, where the facts are alleged to have occurred prior to 24 March 1982. In two matters, criminal charges were laid by the police and the teachers were found not guilty. Criminal charges are pending in other matters.

If a teacher is found not guilty of a criminal charge, and in particular where the criminal charge involves an allegation of sexual assault of children, the Department of Education has a duty to ensure that it investigates all matters relating to the teacher's suitability to be placed in charge of children. This duty arises out of its role as an employer of that teacher, as well as being entrusted with the care of children. For that purpose, the Department of Education reviews the teacher's conduct, having regard to the totality of the evidence, and the difference in the standard of proof between civil and criminal proceedings. The amendments will enable any departmental investigation into a teacher's suitability to consider matters occurring at any time, and in particular matters occurring prior to 24 March 1982, as well as matters occurring prior to a teacher being employed by the department as an officer under the Teaching Service Act 1981.

The bill implements the changes by amending section 45 of the Teaching Service Act 1981. That section already authorises an inquiry into a teacher's fitness, capacity and efficiency to be an officer of the teaching service. The amendment makes it clear that when conducting such an inquiry regard may be had to matters irrespective of when they occurred. To remove any doubt and out of an abundance of caution, the amendment also makes it clear that in considering an officer's fitness, regard may be had to matters other than physical fitness, so that any relevant matter such as a person's conduct and character may be taken into account.

The Decentralisation Advisory Committee Act 1964

The purpose of part 24 of the bill is to repeal the Decentralisation Advisory Committee Act 1964. That act provides for the appointment of a committee whose functions are to inquire into and report upon areas outside metropolitan Melbourne having the

most potential for industrial and commercial development and to report on any matter referred to it in relation to industrial and commercial development of country areas.

From such records as are presently available it appears that no appointments have been made to the committee for some considerable period and that it ceased to operate at some stage prior to 1985. In any event, the function previously performed by the committee is now undertaken by other means with mechanisms in place for the interaction between various government bodies for the effective development of regional Victoria. For those reasons it is clear that the act is now redundant and should therefore be repealed.

Transport Accident Act 1986

Part 25 of the bill amends the Transport Accident Act 1986. The Transport Accident (Charges) Regulations 1986, which were made on 23 December 1986, sunset by virtue of section 5(1) of the Subordinate Legislation Act 1994 on 23 December 1996.

Recent actuarial information has identified cross-subsidies in the current structure of compulsory third-party insurance premiums. The subsidies do not affect the viability of the scheme and provide benefits to motor vehicle owners who are pensioners, country residents and motorcyclists. On policy grounds, the government has decided not to review the premium structure at this stage of development of the scheme. The cost to beneficiaries of removing the cross-subsidies would substantially exceed any benefit to other insured vehicle owners. Furthermore, the scheme is not yet mature and future development and claims experience could alter current apparent cross-subsidies.

The amendment will continue the present regulations in force for up to 10 years. The government will continue to monitor development of the scheme so that action can be taken to maintain the viability, equity and effectiveness of the scheme.

Victorian Funds Management Corporation Act 1994

Part 27 of the bill amends the Victorian Funds Management Corporation Act 1994. The Victorian Funds Management Corporation (VFMC) was established to act as a manager of fund managers for the public sector. In acting as a fund manager for the public sector, VFMC, and not the client for which it was acting, was to be responsible for selecting and monitoring the appointment of fund managers and master custodians. It is not possible for the Transport Accident Commission to transfer responsibility for the appointment of fund managers and to master custodians VFMC and for VFMC to be solely responsible for their appointment and performance. In order for VFMC - and not its client authorities - to have clear responsibility for the appointment and monitoring of fund managers and master custodians, it is necessary for the legislation to be amended.

I commend the bill to the house.

Debate adjourned on motion of Mr HULLS (Niddrie).

Mrs WADE (Attorney-General) - I move:

That the debate be adjourned for two weeks.

Mr HULLS (Niddrie) - I move:

That the word 'two' be omitted with the view of inserting in place thereof the word 'six'.

I do so on the basis that I understand this omnibus bill covers 20 acts and 12 portfolio areas. The time proposed by the government makes something of a mockery of the parliamentary, and hence the democratic, process. If the opposition is to be able to scrutinise legislation properly - and the importance of that is that it leads to good government - we need to confer and consult with a wide range of people. In all the circumstances, I suggest that the appropriate time for us to undertake such consultations would be six weeks rather than two weeks.

Mrs WADE (Attorney-General) - I am sure the honourable member for Niddrie underestimates his capacity. This is a technical and straightforward bill. Many of the acts that are covered in the amendments are no longer in operation and need to be repealed. One appears to have ceased operations in about 1985. It seems to me highly unlikely that the opposition would wish that that continue in operation. A number of provisions relate to changes of name, such as the change from the Ethnic Affairs Commission to the Victorian Multicultural Commission. Other provisions relate to administrative arrangements of a relatively simple variety.

I undertake to approach the various ministers responsible for the acts and ensure that any briefing

the honourable member for Niddrie or his colleagues require is made available over the next two weeks. I am sure the honourable member for Niddrie will find that he is able to manage what is a very simple bill.

Mr BRACKS (Williamstown) - On the question of time, Mr Deputy Speaker, the debate on the bill should be adjourned for six weeks at minimum. As the honourable member for Niddrie said, 20 different acts and some 12 portfolio areas are included in the bill, as described in the second-reading speech. Although some of the changes are minor, others are not. For example, some of the provisions relating to gaming are relatively significant, as are some of the provisions relating to Treasury and Finance, for which I have responsibility. The coordination task, given 12 portfolios are involved in the briefings, is significant.

In the past omnibus bills have been related generally to a single portfolio area. As a classic example, last week the concept and nature of the State Taxation (Further Omnibus Amendment) Bill was approved and supported by the opposition because there a relationship between the matters. The briefing was clearly for one area - that is, Treasury and Finance. This bill requires significant coordination; two weeks is not long enough to try to get 12 different people together for a portfolio briefing, which is effectively what is required, or to have separate briefings. That is what the opposition will have to do to make some sense of the different provisions and to assess that the Attorney-General is right in all cases, and we are not certain about that. Her assertion is that each provision is minor and relates to either redundant legislation or small matters. The opposition needs to test that assertion by consultation. Each provision requires some consultation with the persons affected. That is the role of the opposition and it must undertake its role responsibly. To suggest that that could be done across 12 disparate areas in two weeks is nonsense.

I am critical of the government for misusing the omnibus concept as an opportunity to range over areas as broad as sport, the arts, recreation, racing, treasury, finance, justice, health and so on. We need a minimum of six weeks to assess our position on these disparate areas.

Dr NAPTHINE (Minister for Youth and Community Services) - Mr Deputy Speaker, on the question of time, the point put by the honourable member for Niddrie and supported by the honourable member for Williamstown is wrong. The alternative to putting these matters into an omnibus bill would be to have 12 pieces of legislation, with 12 second-reading speeches covering the 12 portfolio areas - that I take to be correct, based on the information provided by the honourable member for Williamstown - and have debate on each of those 12 pieces of legislation adjourned for two weeks, and be back here in two weeks debating all those 12 pieces of legislation.

I suggest the alternative for the opposition, which it obviously has not thought about, is to use a bit of teamwork. The sort of thing it should be able to do with the omnibus bill, given that it covers 12 portfolio areas, is get each member who has responsibility for the portfolio area to handle that individual part of the omnibus bill, with advice from the relevant department. The ministers on this side and their departments are more than happy to help them with briefings and information. Perhaps they could actually have a meeting of the 12 people and come to a consensus position.

The other reason for supporting the two-week adjournment is the comprehensive nature of the second-reading speech. We have listened to a detailed second-reading speech which outlines the changes, the reasons for them and the effects of the changes, so a lot of the work has been done for the opposition. These are not controversial matters. They are largely technical matters or changes introduced to ease administration of the legislation.

As I said, the alternative that might have been used 10 years ago would have been to have 12 pieces of legislation and each would have been adjourned for two weeks, so in two weeks time we would have been debating 12 pieces of legislation. Clearly it is more efficient and appropriate and increases the productivity of the Parliament to put these matters into an omnibus bill. All it requires from that side of the house is a division of labour and then a bit of teamwork and cooperation so that they can get their act together in two weeks. It is a fairly simple matter and there is no reason why the debate should not be adjourned for two weeks.

House divided on omission (members in favour vote no):

Ayes, 45

Andrighetto, Mr	McGrath, Mr W.D.
Ashley,Mr	Mclellan, Mr
Brown,Mr	Maclellan, Mr
Burke,Ms	Maughan,Mr

Clark, Mr	Napthine, Dr
Coleman,Mr	Paterson, Mr
Cooper,Mr	Perrin, Mr
Dixon, Mr	Perton, Mr
Elder, Mr	Peulich, Mrs
Elliott, Mrs	Phillips, Mr
Finn, Mr	Plowman, Mr A F.
Gude,Mr	Reynolds, Mr
Henderson, Mrs	Richardson, Mr
Honeywood, Mr	Rowe,Mr
Jasper, Mr	Ryan,Mr
Jenkins, Mr	Shardey, Mrs *(Teller)*
John, Mr	Smith,MrE.R.
Kilgour,Mr	Spry,Mr
Lean, Mr	Tehan,Mrs
Lupton,Mr	Traynor, Mr
McArthur, Mr	Treasure, Mr
McCall, Ms *(Teller)*	Wade,Mrs
McGill,Mrs	

Noes, 24

Andrianopoulos, Mr	Hamilton, Mr
Baker, Mr	Hulls, Mr
Bracks, Mr	Kosky,Ms
Brumby,Mr	Langdon,Mr
Cameron,Mr	Leighton, Mr
Campbell, Ms *(Teller)*	Lim,Mr
Carli,Mr	Loney,Mr
Cunningham, Mr	Mildenhall, Mr
Dollis,Mr	Pandazopoulos, Mr
Garbutt,Ms	Savage,Mr
Gillett, Ms *(Teller)*	Seitz, Mr
Haermeyer, Mr	Thwaites, Mr

Amendment negatived.

Motion agreed to.

Debate adjourned until Thursday, 31 October.

HEALTH ACTS (FURTHER AMENDMENT) BILL

Second reading

Dr NAPTHINE (Minister for Youth and Community Services) - I move:

That this bill be now read a second time.

This is the second of the omnibus bills which have been introduced by the government during the life of the current Parliament designed to amend acts allocated to ministers in the human services portfolio.

Like its predecessor, which is now the Health Acts (Amendment) Act 1996, the bill sets out to resolve problems which have arisen in connection with the administration of such acts or to improve the effectiveness of their operation. It also facilitates the involvement of the private sector in the provision of public hospital services.

This bill will amend the Cancer Act 1958, the Cemeteries Act 1958, the Drugs, Poisons and Controlled Substances Act 1981, the Health Services Act 1988, the Mental Health Act 1986 and the Pharmacists Act 1974.

Because of the disparate nature of the amendments proposed in the bill honourable members may find it of more assistance if I briefly canvass the proposals in terms of the acts they will amend rather than attempting to discuss the bill as a whole.

Cancer Act 1958

Part 2 of the bill will make several minor amendments to the provisions of the Cancer Act as they apply to the Anti-Cancer Council of Victoria. It will bring forward the date of the annual meeting of the council from October to April each year and enable the council to report on a calendar rather than financial year basis. It will also remove the requirement in the Cancer Act for the council to table financial statements. Such a requirement is no longer necessary as the council is required to prepare and table financial statements in accordance with the Financial Management Act 1994.

Drugs, Poisons and Controlled Substances Act 1981

Part 3 of the bill is designed to modernise the structure and functions of the Poisons Advisory Committee which is established under the Drugs, Poisons and Controlled Substances Act. It will also resolve a defect in the provisions of the act which currently enables Victoria to amend the poisons code in certain circumstances only, such as to correct clerical errors in the code or to correct mistakes in describing the commonwealth standard on the scheduling of drugs and poisons.

The amendments proposed in the bill will also enable the poisons code to be amended or revoked and substituted if such action is necessary in order to ensure consistency with the commonwealth standard on the scheduling of drugs and poisons as in force from time to time.

Pharmacists Act 1974

Part 4 of the bill allows a friendly society dispensary, within the meaning of the Friendly Societies Act 1986, to call itself a pharmacy. The proposed amendment will clarify the law in the short term on what a dispensary may call itself pending completion of a broader review of the Pharmacists Act.

Cemeteries Act 1958

Part 5 of the bill makes a statute law revision amendment to the Cemeteries Act by inserting a title provision as section 1 of that act.

Health Services Act 1988

Part 6 of the bill makes a number of unrelated amendments to the Health Services Act. The first of these will enable the members of a board of a non-metropolitan public hospital, other than a board member who is a member of the Legislative Council or Legislative Assembly, to be paid for holding that office if so specified in the instrument of appointment.

I take this opportunity to make clear to the house that there is no intent to pay board members of all public hospitals. However, the insertion in the Health Services Act of a discretionary power will enable members of boards of non-metropolitan hospitals facing key strategic issues, such as base hospitals merging with other health service facilities, to be appropriately remunerated in a similar way to members of the boards of the new health care networks. The inclusion of a discretionary power to remunerate these board members will enable the government to recognise board members' skills and expertise in developing an effective and efficient hospital service for the Victorian community.

The second group of amendments will improve the regulation and monitoring of supported residential services registered under the Health Services Act. They will, among other things, establish penalties for a failure to comply with certain provisions of the act. These include a failure to take all reasonable steps to ensure provision of appropriate health care to a resident and failure to prepare residential statements in accordance with section 106.

The bill will also make directors liable for the offences of bodies corporate. It will, thus, enable the Department of Human Services to pursue directors of a company for fines and legal costs that are unpaid by the company.

The third group of amendments are designed to establish the legislative framework for the involvement of the private sector in the provision of public hospital services. The immediate objective is to facilitate the development and operation by the private sector of the new Latrobe Regional Hospital.

The provisions in the Health Services Act which apply to private hospitals and designated public hospitals will also apply to such privately operated hospitals. Likewise, they will also be subject to the Ombudsman Act 1973 and the Freedom of Information Act 1982 in respect of the contracted health services they provide in the same way as both acts apply to public hospitals.

The bill contains provisions designed to safeguard the health and safety of public hospital patients in such privately operated hospitals. For example, it gives the minister, the Secretary to the Department of Human Services, and any administrator who may be appointed, free access to the hospital, its patients and documents relating to the services which it provides. It also gives the minister power to intervene in the management of this .type of hospital if he or she considers that this is necessary to protect the health or safety of the public hospital patients receiving or requiring services at the hospital.

Privately operated hospitals will be excluded from those provisions in the Health Services Act relating to the funding of agencies providing health care services. These provisions are not relevant to privately operated hospitals because the funding of those hospitals are matters which are more properly dealt with in the contracts between the minister and the relevant private health provider.

The bill will also enable the minister to enter into contracts for and on behalf of the Crown for the provision of private management services in public hospitals where it is intended that the services provided by those hospitals will be provided in the future by a privately operated hospital.

These contracts will facilitate the smooth transition from a system in which public hospital services are provided in a conventional public hospital to one in which they are provided in a privately operated hospital. The minister will retain the right to intervene in the management of public hospitals which are the subject of these transitional management agreements if he or she considers that

this is necessary to protect the health or safety of patients receiving or requiring services at the hospital.

Once such an agreement is made, the board of management of the existing public hospital will no longer be needed because management services will be provided by the private contractor.

The bill, therefore, provides that on the corning into effect of this transitional management agreement, the members of the board of management of the public hospital in question are replaced by an administrator. That administrator will exercise the functions and powers of the board, except those which the private contractor is entitled and obliged to exercise and perform under the agreement.

Section 85 statement

I now 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 35 proposes to insert a new section 157E into the Health Services Act that is intended to alter or vary section 85 of the Constitution Act to the extent necessary to prevent the Supreme Court from entertaining actions for compensation in respect of matters over which section 690 provides that no compensation is payable.

Section 69D provides that no compensation is payable where land is transferred to the minister or the Crown pursuant to an agreement entered into between a contractor and the minister except to the extent that the agreement provides for compensation.

The reason for preventing the entertaining of these proceedings is to enable a clear and unencumbered transfer of land to the minister or the Crown free of all pre-existing interests and rights in the land and all claims for compensation based on them, other than claims under the agreement.

Mental Health Act 1986

Part 7 of the bill amends the Mental Health Act 1986 so that the definition of the words 'private hospital' in that act is the same as the definition of those words in the Health Services Act.

Summary

The various amendments proposed in this bill will not only resolve a number of problems which are being experienced with acts in the Human Services portfolio but also enhance the more effective and efficient provision of health services in the community.

I commend the bill to the house.

Debate adjourned on motion of Ms CAMPBELL (Pascoe Vale).

Debate adjourned until Thursday, 31 October.

CHIROPRACTORS REGISTRATION BILL

Second reading

Dr NAPTHINE (Minister for Youth and Community Services) - I move:

That this bill be now read a second time.

Current legislation governing chiropractors - the Chiropractors and Osteopaths Act 1978 - has been much amended. The present Chiropractors and Osteopaths Registration Act reflects a traditional model put in place for chiropractors and osteopaths in 1978. That model has already been replaced in legislation dealing with medical practitioners and with nurses by a more modem review model. Some of the shortcomings include that there is one board to regulate and inquire into two distinct and competing professions, the joint board is not incorporated, the lack of a statutory definition of unprofessional conduct, closed inquiries, and a broad restriction on any advertising which by today's standards is anti-competitive.

It is the intention of this Chiropractors Registration Bill to remedy these situations and adopt the review model for the regulation of health professionals as has already been adopted for medical practitioners and nurses. It is also the intention of this Chiropractors Registration Bill to bring Victoria's legislation into line with that of other states so as to facilitate mutual recognition for chiropractors.

It is also the intention of this Chiropractors Registration Bill to bring Victoria's legislation into line with the national competition policy principles. The primary purpose of registration should be to protect the public rather than to promote the interests of the profession concerned. Accordingly, as well as remedying flaws in current legislation, and providing for mutual recognition, this bill has been developed with the protection of the public in mind.

The bill establishes a new Chiropractors Registration Board, which is to have seven members. The board will have four members with chiropractic expertise, a lawyer and two persons who are not chiropractors. The Chiropractors and Osteopaths Registration Board had only one lay member. The new Chiropractors Registration Board introduces another person with a community perspective onto the board.

The board will be incorporated and independent of government. It will have the capacity to employ its own staff and contract in its own name. The board will be responsible for the registration of chiropractors and for investigations into the professional conduct of registered chiropractors. This is a core area of the bill. I do not propose to outline these provisions in detail. They are designed to ensure that:

the board has sufficient power to investigate allegations of misconduct against chiropractors;

board hearings are more open than is presently the case;

rights to attend hearings and make submissions are given to complainants;

investigations into professional conduct are conducted fairly and natural justice provisions are included for any chiropractor whose actions are under scrutiny; and

suitable review mechanisms are included.

A further change brought in by this bill is the freeing up of restrictions upon the advertisement of chiropractic services.

The bill will permit advertising of chiropractic services, in general, but make it an offence for any person, including a corporate body and the managers of such a body, to advertise chiropractic services in a manner which is false, misleading or deceptive.

I now wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section by clause 84 of this bill. It is the intention of clause 84 to alter or vary section 85 of the Constitution Act 1975 to the extent necessary to prevent the bringing before the Supreme Court of actions of the kind referred to in clause 53 of this bill.

Clause 53(3) of the bill operates to alter or vary section 85 of the Constitution Act 1975 by providing that no action for defamation lies against the board or its members for giving a notice under clause 53(1). Clause 53(1) requires the board to notify any determination to impose conditions, limitations or restrictions on the practice of a chiropractor, or suspend or cancel the registration of a chiropractor in the *Government Gazette,* to registration authorities in other states and territories and in New Zealand, to the Health Services Commissioner, to the employer of the chiropractor, where that chiropractor is an employee, and to a chiropractic registration authority outside Australia if the board has received a request for information about the chiropractor from that authority.

The purposes of the act will not be fulfilled if a chiropractor whose practice has been restricted or who has been suspended or deregistered can continue to practise either in Victoria or elsewhere because notice of the board's action has not been communicated to the relevant authorities. This provision is essential to ensure that the board and its members can communicate vital information to the relevant authorities without the threat of civil action for defamation against them. I am confident this bill will ensure the continuing provision of responsive, high-quality chiropractic services to all Victorians.

I commend this bill to the house.

Debate adjourned on motion of Ms CAMPBELL (Pascoe Vale).

Debate adjourned until Thursday, 31 October.

OSTEOPATHS REGISTRATION BILL

Second reading

Dr NAPTHINE (Minister for Youth and Community Services) - I move:

That this bill now be read a second time.

Current legislation governing osteopaths - the Chiropractors and Osteopaths Act 1978 - has been much amended. The present Chiropractors and Osteopaths Registration Act reflects a traditional model put in place for chiropractors and osteopaths in 1978. That model has already been replaced in legislation dealing with medical practitioners and nurses by a more modem review model. Some of the shortcomings include the fact that there is one board to regulate and inquire into two distinct and

competing professions; the joint board is not incorporated; the lack of a statutory definition of unprofessional conduct; closed inquiries and a broad restriction on any advertising which by today's standards is anticompetitive.

It is the intention of the Osteopaths Registration Bill to remedy these situations and adopt the review model for the regulation of health professionals as has already been adopted for medical practitioners and nurses. It is also the intention of the bill to bring Victoria's legislation into line with that of other states so as to facilitate mutual recognition for osteopaths. It is also the intention of the bill to bring Victoria's legislation into line with the national competition policy principles.

The primary purpose of registration should be to protect the public rather than to promote the interests of the profession concerned. Accordingly, as well as remedying flaws in current legislation and providing for mutual recognition this bill has been developed with the protection of the public in mind.

The bill establishes a new Osteopaths Registration Board which is to have seven members. The board will have four members with osteopathic expertise, a lawyer and two persons who are not osteopaths. The Chiropractors and Osteopaths Registration Board had only one osteopath and only one lay member. The new Osteopaths Registration Board will have an increase of three osteopaths and introduces another person with a community perspective onto the board.

The board will be incorporated and independent of government. It will have the capacity to employ its own staff and contract in its own name. The board will be responsible for the registration of osteopaths and for investigations into the professional conduct of registered osteopaths. This is a core area of the bill. I do not propose to outline these provisions in detail. They are designed to ensure that:

the board has sufficient power to investigate allegations of misconduct against osteopaths;

board hearings are more open than is presently the case;

rights to attend hearings and make submissions are given to complainants;

investigations into professional conduct are conducted fairly and natural justice provisions are included for any osteopath whose actions are under scrutiny; and

suitable review mechanisms are included.

A further change brought in by the bill is the freeing up of restrictions upon the advertisement of osteopathic services. The bill will permit advertising of osteopathic services in general but make it an offence for any person, including a corporate body and the managers of such a body, to advertise osteopathic services in a manner which is false, misleading or deceptive.

I now wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section by clause 84 of the bill. It is the intention of clause 84 to alter or vary section 85 of the Constitution Act 1975 to the extent necessary to prevent the bringing before the Supreme Court of actions of the kind referred to in clause 53 of this bill.

Clause 53(3) of the bill operates to alter or vary section 85 of the Constitution Act 1975 by providing that no action for defamation lies against the board or its members for giving a notice under clause 53(1).

Clause 53(1) requires the board to notify any determination to impose conditions, limitations or restrictions on the practice of an osteopath, suspend or cancel the registration of an osteopath:

in the *Government Gazette;*

to registration authorities in other states and territories and in New Zealand;

to the Health Services Commissioner;

to the employer of the osteopath, where that osteopath is an employee; and

to an osteopathic registration authority outside Australia if the board has received a request for information about the osteopath from that authority.

The purposes of the act will not be fulfilled if osteopaths whose practices have been restricted or who have been suspended or deregistered can continue to practise either in Victoria or elsewhere because notice of the board's action has not been communicated to the relevant authorities. This provision is essential to ensure that the board and its members can communicate vital information to the

relevant authorities without the threat of civil action for defamation against them.

I am confident the bill will ensure the continuing provision of responsive high quality osteopathic services to all Victorians.

I commend the bill to the house.

Debate adjourned on motion of Ms CAMPBELL (Pascoe Vale).

Debate adjourned until Thursday, 31 October.

BUSINESS OF THE HOUSE

Division list

The DEPUTY SPEAKER - Order! I inform the house that in the division that took place in the house on the question that the question be now put on the Local Government (Amendment) Bill, the tellers for the ayes inadvertently recorded the honourable member for Mill Park instead of the honourable member for Narracan, Mr Andrighetto. The Clerk will make the necessary correction in the division list.

Remaining business postponed on motion of Dr NAPTHINE (Minister for Youth and Community Services).

Dr NAPTHINE (Minister for Youth and Community Services) - I move:

That the house do now adjourn.

ADJOURNMENT

Kingston: lifesaving clubs

Mr PANDAZOPOULOS (Dandenong) - I raise a matter of major importance for the Minister for Planning and Local Government relating to the lifesaving clubs in the City of Kingston. As part of local government reforms, local government has been changing its policy. In this case the Kingston commissioners have decided they will charge significant rent to the seven lifesaving clubs in that municipality. Clubs have been forced to pay huge fee increases, which may lead to the closure of a number of clubs and may leave Kingston beaches not patrolled this summer.

Lifesaving clubs in the City of Kingston are self-funding. Carrum lifesaving club has built its own building.

Mrs Peulich - The matter has been resolved.

Mr PANDAZOPOULOS - No, it has not. The clubs do not receive any council funding. The fee Carrum lifesaving club has been asked to pay has actually gone from $8 per annum in recognition of its community service up to $1540. Other examples are Aspendale lifesaving club, $4700; Edithvale, $1300, and Chelsea, $1500. Obviously it is a big increase. It seems that Kingston commissioners are using this as an opportunity to collect extra revenue or taxes.

The seven clubs each contribute 2000 volunteer hours per annum on beach patrol alone, providing a rescue service for the public. That is 2000 hours looking after those family beaches - a big playground for Melbourne during summer. The clubs survive through holding sausage sizzles, and 65 per cent of their costs relate to providing an emergency service. The minister should intervene in this issue to have commissioners reverse the decision, because it is an issue of public safety. The clubs do not want to fold but if they are asked to pay more they will find it hard to survive. If any of them folds, beaches in the City of Kingston will be left unattended.

Mrs Peulich - On a point of order, it is my understanding that the issue is not an issue - -

The DEPUTY SPEAKER - Order! The honourable member for Bentleigh is attempting to use the forms of the house to make a personal explanation.

Mr **PANDAZOPOULOS** - The honourable member for Bentleigh should be embarrassed about this because it is a major issue. I have been in communication with the clubs recently.

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

Youth suicide

Ms BURKE (Prahran) - I direct to the attention of the Minister for Youth and Community Services a matter that is of concern not only to those in my electorate but also to any other thinking and caring person - that is, the rise in the rate of youth suicides and attempted youth suicides. The matter is

continually raised with me. It is not a matter that is peculiar to Prahran; I am aware it is an issue that has caused enormous problems in rural communities as well.

It is an extremely sensitive matter and I will not go into detail because of the effect it may have on different members who have had family and friends involved. Mention of it also tends to cause a copy-cat mentality among those who are feeling weak and whose self-esteem is low. As I said, I shall not go into details about individual cases as I will leave those facts for the minister.

Not many facts are available about youth suicide although it is a common problem. Most people believe young males are the ones who are prone to take this course, but young females try seven times more often than young males do to commit suicide. Sadly, however, young males are more successful. The community is concerned about why so many take their lives at a young age and there needs to be more explanation and understanding of what is happening from the government's point of view.

I recognise it is not only an Australian problem but also a world-wide problem. As a Victorian parliamentarian and a mother of four children aged between 15 and 24 years - the ages prone to suicide - I feel most responsible. Stories that tend to circulate in the electorate are concerning me because I do not believe many people are aware of the large amount of work the government is doing in the area of youth suicide. I ask the minister to inform the house about the assistance available for families involved and what prevention policies are in place to assist the youth of Victoria.

Workcover: anaesthetists dispute

Mr CAMERON (Bendigo West) - I ask the Minister for Youth and Community Services, who is at the table, to direct to the attention of the Minister responsible for Workcover the workers who need operations as a result of work-related injuries under Workcover. Senior Constable Whitman who is stationed at Eaglehawk police station in central Victoria suffered a shoulder injury in March 1995. He has had no time off work although he is still carrying the injury. He has been able to perform operational duties.

Workcover has accepted liability. He requires decompression surgery to relieve the nerves in his shoulder because of numbness and pins and needles. He was booked into Mount Alexander Hospital in Bendigo for an operation on 2 October as part of the Workcover obligation to pay for the operations for injured workers. However, the operation did not take place because Workcover is in dispute with anaesthetists about the amount they are to be paid for operations.

As a result of the dispute between Workcover and the anaesthetists this man has had to live with his injury, which may result in his having to leave his employment. He must also have physiotherapy regularly. The argument is over a difference of $280, but it may ultimately cost the state more. I ask whether the negotiations between Workcover and the anaesthetists can be resolved quickly or, alternatively, whether a resolution can be arrived at so the injured worker can get his operation, subject to the dispute being sorted out. If workers such as Senior Constable Whitman do not have necessary operations they may have to go off work. That would not be satisfactory, particularly when in this case the community clearly prefers him being at work rather than at home - and he would prefer to have his shoulder fixed.

Agricultural chemicals

Mr A. F. PLOWMAN (Benambra) - I ask the Minister for Police and Emergency Services to draw to the attention of the Minister for Agriculture and Resources the regulations designed to promote the safe and responsible use of agricultural chemicals. I have no argument with the claim that regulations are needed for the supply, production and use of most agricultural chemicals and that those regulations need to comply with world-best standards. Anyone who wants to use schedule 7 poisons requires an agricultural chemical user's permit. It is interesting that a recent addition has been made to that schedule to include the ingredients of phosboxin, a chemical used for the eradication of rabbits. Also included in the list of schedule 7 poisons is chloropicrin, the chemical used in larvacide. To get an agricultural chemical user's permit a person has to do a farm chemical user's course, which costs about $80. That person then requires a permit, which costs $38 every three years.

This matter is of great concern at a time when a virus to reduce rabbit numbers is being released and when every other aspect of rabbit control has been used. It seems absolutely inappropriate that people who have used those chemicals in their agricultural pursuits throughout their lives are now being required to obtain agricultural chemical user

permits. Using a chemical proscribed under the schedule incurs a penalty of $20 000.

I ask the acting minister to review the regulations covering these two chemicals and perhaps delay the restriction, particularly while the calicivirus is being released.

BemmRiver

Ms GARBUTT (Bundoora) - I draw to the attention of the Minister for Conservation and Land Management the problems at Bemm River, a small township in East Gippsland. I ask the minister to investigate the waste of money and the complete mismanagement that is involved and to take steps to resolve the problems that the department has caused or at least failed to resolve. Those problems include access to Bemm River itself, the lake and beach - the three main attractions of the town and the reasons why people go there. The ban on the access to those three sites has had a serious impact on both the number of visitors to Bemm River and the businesses that operate there. In fact, they estimate they have lost 80 per cent of their business.

Turning to the issue of access to the river, the only road access to the river has been closed by a farmer. Local people tell me it is a public road running through public land and that it is close to the high water mark. The Department of Natural Resources and Environment has intervened but no resolution has been reached. People who visit the area to fish, which is one of the prime recreations in the region, find they cannot get to the river and have to turn around and go home. The issue needs to be resolved.

The second issue concerns access to the lake. Although the former jetty, which was pulled down, was replaced by a pontoon jetty, during low tide the pontoon sits on mud and the boats cannot get in. A number of other features of the lake are a danger to boats.

Against the advice of local people, the car park was remade with clay using heaps of taxpayers' money. It rains frequently in the region and the rain turns the clay to slush. The access road to Pearl Point and the beach was also constructed of clay, again against the advice of locals, and more money must now be thrown at it to fix it up. An inquiry must be held to find out why this disaster for local businesses occurred, who made these blunders and why local knowledge was ignored.

Sunbury Secondary College

Mr FINN (Tullamarine) - I raise for the attention of the Minister for Education the plight of the students, staff and school community of Sunbury Secondary College in my electorate. The college has a brilliant academic and sporting record - one that it can be extremely proud of - and is ably led by an outstanding principal, Mr Eric Keenan. The college is very popular with parents and students living outside Sunbury who choose to send their children to the college, but it has problems with maintenance and facilities.

For some years, like so many other things in my electorate, indeed throughout the state, the college became run down during the decade of darkness from 1982 to 1992 when the Labor Party, whose members like to beat their breasts about education, did absolutely nothing to help the college or any other school in the electorate.

It was during this period of Labor government that the school deteriorated to a sad and sorry state. One of the great achievements of the government has been the upgrading of schools to acceptable levels throughout the state generally and in my electorate in particular. I could speak for some time about the number of schools in my electorate that have been helped in this way. I am very proud of the work done by the current Minister for Education and his predecessor, the Honourable Don Hayward, in lifting up the standards of schools in my electorate. The electorate is very grateful for the support shown by the two ministers.

I ask the minister to consider the real needs of the college. The school community has worked hard and effectively to maintain the standards of the school, but the time has come for the government to lend a helping hand, and perhaps more than just a helping hand. I ask the minister to consider the plight of the students, teachers and the school community and assist in providing an environment that will assist the students to succeed. Sunbury is an outstanding secondary college and has a great record.

Werribee: toxic waste dump

Ms GILLETT (Werribee) - I raise for the attention of the Minister for Planning and Local Government the proposed toxic waste dump in Werribee. Over the past few months I have been raising with the minister a series of matters about the proposal by CSR and Brambles to dump a toxic waste facility on the Werribee community. On this

occasion I refer to a petition signed by 14 000 Werribee residents who oppose the proposed facility. Opposition to the toxic waste dump is broadly based. On this occasion various business and community groups and individual residents have joined forces to strongly oppose by action and deed the placing of the dump in Werribee.

In the house last week I raised with the minister the form of the petition that is in his possession. I asked him specifically about the intentions he had for it. Early this week a representative of the minister's office contacted my office to advise that the minister himself would be tabling the petition in the house. I understand that is an unusual procedure.

I have waited patiently on each sitting day this week for the minister to table the petition - and on each occasion I have been terribly disappointed. I seek an assurance from the minister that he will table that very important petition on the next sitting day.

Dandenong youth cafe

Mr ROWE (Cranbourne) - I direct to the attention of the Minister for Youth and Community Services a matter raised with me by the Salvation Army, an organisation with which I work closely in my electorate. The Salvation Army provides many good services for the community in the south-eastern area, particularly youth services.

The matter relates to The Diner, a cafe operated in the Dandenong area by young people who receive on-the-job training in hospitality and customer service skills from trained chefs and youth workers. In addition to delivering labour market programs to disadvantaged young people, The Diner links them with other support services in the region, such as health services and so on. The project is considered to be a model because it assists young and homeless people who need to overcome a range of barriers to gain access to mainstream education and employment.

I raise this now because the program closed in the second week of July due to the uncertainty over federal government funding. That has created a great deal of angst among the young people of Dandenong and surrounding areas who had access to it. I have been advised that Mr Harkin, the Director of the Salvation Army, has lodged an application with the minister for some form of financial assistance to ensure the continuation of that valuable program for the young people of the region.

I ask the minister to indicate whether he is prepared to favourably consider the granting of the application and whether he will intercede with our federal colleagues to ensure that valuable youth service continues to operate in the Dandenong region for many years to come.

Preschools: departmental responsibility

Ms CAMPBELL (Pascoe Vale) - I raise a matter for the attention of the Minister for Education relating to preschools and kindergartens, which have experienced great upheaval under the Kennett government.

Dr Napthine - On a point of order, Mr Deputy Speaker, kindergartens and preschools actually come under the responsibility of the Minister for Youth and Community Services. The honourable member may wish to address her matter to the appropriate minister.

Ms CAMPBELL - It relates to the Minister for Education, as the minister will realise when I outline the matter fully.

The DEPUTY SPEAKER - Order! The honourable member will continue.

Ms CAMPBELL - Preschools have experienced quite a deal of upheaval under the Kennett government. Kindergarten communities, parents, teachers, the peak organisations, teacher unions and Kindergarten Parents Victoria have all had to cope with enormous change. Another matter has now arisen about which we need to be informed and it concerns the move of kindergartens from under the umbrella of the Department of Human Services to the Department of Education.

As I understand it the Minister for Education has set up a committee within his department to consider moving responsibility for kindergartens to his portfolio. There is a great deal of uncertainty and I ask that kindergarten communities are given an indication of exactly what is going on.

To my knowledge 18 people from the Department of Education have been providing input to that committee, and I would like to know exactly who is on it, what are its terms of reference, how much consumer input has been received and what proportion of its terms of reference relates to the financial state of parents as opposed to the proportion-based needs of preschool children.

I notice that the honourable member for Ripon has entered the chamber, and he is helping the Minister for Education on this matter. He will need to know all about it too, so I hope the minister can provide a response on this matter.

Traffic lights, Upwey

Mr McARTHUR (Monbulk) - I ask the Minister for Youth and Community Services, who is at the table, to direct to the attention of the Minister for Roads and Ports in another place the traffic lights at the intersection of Burwood Highway and Morris Road, Upwey. I will quote a letter from one of my constituents:

> Upon approaching the intersection from Upper Femtree Gully the main traffic light was green for through traffic heading towards Tecoma on the Burwood Highway. The right tum-arrow turned from amber to off as I approached the intersection. As it was safe to tum right in regards to oncoming traffic on the Burwood Highway I executed the tum. There were cars stopped in Morris Road (on the railway bridge) waiting at a red light to turn into Burwood Highway.
>
> A pedestrian was crossing Morris Road from the Femtree Gully side to the Upwey side -

I might add that this is a little used pedestrian crossing-

> ! was unable to see the pedestrian and collided with her. The reason I was unable to see the pedestrian was that when cars are stopped on Morris Road at a red light waiting to tum into the highway the front car is on an upward incline due to the alignment of the road there. Accordingly, the headlights of the car shine directly into the eyes of a motorist turning right, making it impossible to see a pedestrian on the crossing, particularly when it is raining heavily as it was on that night.

As the correspondent points out, not many people actually cross the road at that particular pedestrian crossing. There is a right-turn arrow at the intersection but it has only green and amber - there is no red right-turn arrow.

My constituent suggests that to solve the problem a red right-turn arrow that can be activated when the button is pressed should be fitted.

We need to bear in mind the circumstances: low visibility, glare from the headlights of cars parked on the Morris Road side, and heavy rain. Also, because of low pedestrian usage of the road, motorists turning right there do not expect to see people on the road. The pedestrian in question was not wearing dark clothes, so that had no bearing on the incident.

There are two options for the minister to consider: enabling the red right-tum arrow to be activated by a pedestrian or enabling the flashing amber arrow to be activated to attract the attention of motorists. Local motorists are not used to seeing pedestrians at that intersection.

Veterinary research laboratories

Mr BRUMBY (Leader of the Opposition) - I raise for the attention of the Minister for Agriculture and Resources the continuing saga of the veterinary research laboratories. The house is aware of the background to the privatisation of the laboratories.

I understand that the minister has before him a recommendation concerning a company called Rowan Garden Pty Ltd, which has been recommended for this tender. Two non-departmental committee members have resigned, including Tony St Clair, deputy chairman of the Victorian Farmers Federation. The company is not even registered with the Australian National Quality Assurance Program and there are major issues relating to the link between Rowan Garden, Gribbles Pathology and Mr Wallace Cameron who is a close associate of Bruce Mathieson. Mr Mathieson may or may not still have close links with Gribbles.

I ask the minister to sort out the mess, to guarantee existing services to farmers and vets, to submit the fiasco to a full, independent judicial inquiry and to ensure that proper probity checks are carried out to investigate possible links between Mr Wallace Cameron, Bruce Mathieson and Rowan Garden, which is the recommended tenderer at this stage.

Responses

Mr W. D. McGRATH (Minister for Police and Emergency Services) - The honourable member for Benambra raised the requirements necessary to meet the chemical-user accreditation, which has been around in agriculture for some time now. The honourable member is concerned about two substances that have been added to the schedule 7 poisons list. One of the substances, chloropicrin, is a key element in the fumigant used in the treatment of rabbit burrows, larvacide.

From time to time the National Health and Medical Research Council assesses chemicals and either adds them to or deletes them from the list. Its recommendations go before the chemical standards unit of the registration authority which decides the labelling requirement of the chemicals in question. In this case the authority requires anybody who uses those particular chemicals to have undertaken the accreditation.

The accreditation has been available for some time, particularly at TAFE colleges, and some 1500 farmers are accredited to use certain chemicals on their properties. I understand the honourable member's concern that some farmers in his region are small users of chemicals and that the chemical in question may be the only one they use in their farming operations.

Any person who can convene a local Landcare group and who has the necessary accreditation can carry out the recording of when and how the chemical is used. That fulfils the obligation relating to the use of a scheduled poison under the national registration protocols. I will ensure that the Minister for Agriculture and Resources is aware of the issue.

The honourable member for Benambra asked for a review of the requirement for the need to comply with the recording of how and when a schedule 7 poison is used. I will ask the Minister for Agriculture and Resources to address the matter when he is back in his office next week.

The Leader of the Opposition raised a matter relating to Vetlabs. It is fair to say that Centaur took over the management of Vetlabs. Contrary to what the opposition has led the community to believe, Vetlabs were never sold; only the management of Vetlabs was offered for tender. When Centaur took over the management of Vetlabs, it had a two-year contract to provide certain services on behalf of the then Department of Agriculture and it carried those out to a satisfactory level.

After the two years, it was necessary for those services to go into the marketplace for tender to ascertain whether other companies were prepared to provide those services to the Department of Agriculture and Resources. The due process has been followed and approved by the Victorian Government Purchasing Board. It is interesting that the Leader of the Opposition referred to a company as the preferred tenderer. I will not enter into that debate, except to say that I know at this stage the Minister for Agriculture and Resources has not accepted the recommendation and that he has until the end of October before he has to make a decision on whether to accept the recommendation.

I am aware that the Minister for Agriculture and Resources is seeking to ensure that the farming community is well serviced by the Vetlabs that are stationed at Bendigo, Benalla, Bairnsdale and Hamilton. I come back to the salient point in relation to the Vetlab at Bendigo. The politicisation of that establishment in the region tried to harpoon the Centaur operation when it came to take over the management of the Vetlab at Bendigo, and that was very harmful to any business being developed and progressing in a proper and sensible way.

I would be less than courteous if I did not refer the matter to the Minister for Agriculture and Resources when he returns because I know he will not make a decision one way or the other until about the end of October, when the Centaur contract has run its full course.

Dr NAYTHINE (Minister for Youth and Community Services) - The honourable member for Cranboume raised the issue of the Salvation Army's program called The Diner which is operated in Dandenong. I was pleased to meet the participants and organisers of that program in a visit to Dandenong last April. It certainly has a reasonable record of providing assistance to young people, particularly those who are disadvantaged.

I am pleased to advise the honourable member for Cranboume, who outlined in glowing terms the work of that program and lent his support to it, that in cooperation with our federal colleagues work has been done to ensure this program can continue. The federal Department of Employment, Education, Training and Youth Affairs has committed $45 000 under its labour market training program to provide for 15 homeless and disadvantaged young people for six months training in cooking and other job opportunities in the hospitality and catering industries.

In addition, the Salvation Army sought assistance from the state government to purchase equipment, uniforms and other protective essential clothing for that training program. Again I am pleased to advise the honourable member for Cranboume - and the honourable member for Dandenong, although the honourable member for Cranboume better understands the needs of young people - that the state government is providing an additional $10 000 for that equipment so the program can fully operate

to help at least 15 young people who will be trained and, we hope, get jobs in the hospitality industry. I know the honourable member will take that message back to the Salvation Army and to Mr Laurie Harkin, a great advocate for the program.

The honourable member for Prahran raised the issue of youth suicide. Unfortunately, Australia has one of the highest rates of youth suicide among developed countries. Their suicide is tragic not only for the young people but for their families.

I could go into great detail but, as the honourable member said, it is a sensitive issue and we should be careful about not sensationalising such issues because often that can precipitate copycat action.

I am pleased to tell the honourable member that the government has committed $32 million over four years - that is, $8 million per year - for programs aimed specifically at providing services for young people at risk: the programs will be aimed at reducing the risk of youth suicide. They will provide backup support in child and adolescent mental health services, including improved treatment assessment services, outreach services, 24-hour crisis response services and new adolescent in-patient beds.

A particular initiative is the establishment of mental health promotion officers in each region to work with other health providers, schools and general practitioners. I hope we can then detect early those who may be at risk of suicide. I understand that more than 80 per cent of young people who take their own lives give clear signals in the week or two prior to taking that step. If the teachers, doctors and other key people in the community whom they see are alert, I am sure we will reduce the rate of youth suicide.

Another important step is that the government is introducing guidelines and protocols for hospital emergency departments to ensure that when anybody is admitted following an attempted suicide, or if there is any such suggestion, his or her situation will be followed up. Previously people were treated and often discharged without appropriate follow-up support. That will not happen in the future. Youth suicide is a positive issue: the government is taking positive action to deal with that issue.

The honourable member for Tullamarine raised for the attention of the Minister for Education his concerns about Sunbury Secondary College. I am pleased to say it is on the regional priority list for major maintenance. Unfortunately, it could not be funded in the last round of grants after taking into account the needs of other schools because of the significant maintenance backlog left by the former Labor government, which ignored the need for capital works in schools.

But the honourable member for Tullamarine, in his usual way, is a strong advocate for his area. I know the Sunbury Secondary College from personal experience. It is a well-respected school right throughout Victoria, and I am sure it will be given proper consideration by the Minister for Education.

The honourable member for Dandenong raised a matter with the Minister for Planning and Local Government concerning the City of Kingston and proposed rental requirements for lifesaving clubs in that area. I am advised that the honourable members for Mordialloc and Carrum are well ahead of the honourable member for Dandenong - as usual - and have been very active in dealing with what was put forward as a draft policy. They have been working with the City of Kingston and negotiations are proceeding well to ensure a fair and equitable outcome.

Honourable members interjecting.

Dr NAPTHINE - So the local members for Mordialloc and Carrum, as good local members, are doing their jobs - and doing it well.

The honourable member for Bendigo West raised a matter for the minister responsible for Workcover concerning a senior constable with a shoulder injury that requires surgery and his concerns about that. I will pass that on to the minister responsible for Workcover.

The honourable member for Bundoora raised a matter for the attention of the Minister for Conservation and Land Management with regard to Bemrn River, in East Gippsland. The river was made famous initially by Jack Dyer on the *World of Sport* program, as he mentioned it regularly, and more recently by Rex Hunt as a great area of fishing. The member raised issues in relation to the lake, the river and the beach. I will pass the matter on to the minister. I am sure the minister would be concerned to ensure that there is proper access to those areas, because Bemm River is a good area for holidaying and recreational fishing, and I am sure he will seek to deal with that matter.

The honourable member for Werribee, in her repetitive mode, raised another matter for the Minister for Planning and Local Government.

Ms Gillett interjected.

Dr NAPTHINE - Well, I suppose persistent is one thing that can describe the honourable member for Werribee - l a c k of diversity, lack of imagination, and lack of different issues to raise may be others.

Honourable members interjecting.

Dr NAPTHINE - She raised a petition that has been forwarded to the minister's office concerning an issue in her electorate. She raised the matter the other day; I understand the minister has got back to her, and I am sure the minister will respond appropriately.

I hope the honourable member for Werribee is at the youth forum on Monday night in Werribee, which I and representatives from many schools in that area will be attending. I trust she will be actively there.

Ms Gillett interjected.

Dr NAPTHINE-I will look forward to it. I would have thought if all the schools in Werribee were invited, she would have heard about it. But obviously she does not keep in touch with her schools!

Ms Gillett interjected.

Dr NAPTHINE - That was an interesting interjection. The honourable member for Werribee thinks that because she has graduated from school she does not need to go near schools ever again. I remind her as a local member of Parliament that schools are a very important part of her constituency. I am sure Trish Vejby will do a very good job looking after the schools in Werribee when she is elected at the next state election.

The honourable member for Pascoe Vale raised with the Minister for Education issues concerning preschools and kindergartens. As I reminded the honourable member on a point of order, preschools and kindergartens are a responsibility of mine as the minister for community services.

I remind her that in recent times $2500 has been allocated to each kindergarten to help them with playground equipment and facilities - a $3.6 million program. If the member had been in the house last week, or read *Hansard,* she would know that at exactly this time last week I was here announcing, in an answer to the honourable member for Glen Waverley, the fact that for 1997 the funding for preschools will be increased by 3 per cent across the board, and that preschools within long-day-care centres will have a 17 per cent increase in funding. That is a significant increase in funding - an additional $1.6 million for kindergartens - and, again, this funding increase is ahead of inflation.

The honourable member also raised the issue of whether kindergartens were being reviewed to determine whether they belong under education, community services or human services. In some states of Australia kindergartens come under education and in other states they are more in the human services line. It is incumbent upon any government to continue to look at programs and at how programs are delivered so the best outcome for the children can be obtained. Both the Minister for Education and I are looking at what is in the best interests of education. I assure the honourable member for Pascoe Vale and people in the community that no decision will be made without adequate consultation with the peak bodies and the community.

It is premature for the honourable member for Pascoe Vale to raise this issue well before there has been any adequate study of it, but I assure her that consultation will take place - and even if it is proposed to consider a change, there will be consultation.

The honourable member for Monbulk raised with the Minister for Roads and Ports the traffic lights at an intersection at Upwey and outlined some of the potential dangers regarding that situation. I am sure the Minister for Roads and Ports will treat the matter seriously and address it.

Motion agreed to.

House adjourned 6.16 p.m. until Tuesday, 29 October.

Thursday, 10 October 1996

QUESTIONS ON NOTICE

Conservation and Land Management: capital works

(Question No. 4)

Mr PANDAZOPOULOS asked the Minister for Conservation and Land Management:

In respect of each of the electorates of Dandenong, Cranboume and **Berwick,** respectively since 3 October 1992 to date, what the details are of all capital works conducted, and new programs authorised, including - (a) project funded; **(b)** expenditure approved; (c) date funding approved; and (d) expected completion dates.

Mrs TEHAN (Minister for Conservation and Land Management) - The answer is:

Decisions about capital expenditure are not based on electoral boundaries. If the honourable member requires information about specific capital works I will be happy to consider his request.

Conservation and Land Management: entertainment expenses

(Question No. 7)

Mr PANDAZOPOULOS asked the Minister for Conservation and Land Management:

In respect of each deparbnent, agency and authority within her administration since 3 October 1992 to date, what the details are of all entertainment expenses incurred, indicating - {a) total costs incurred by each section, including the minister's office; and **(b)** itemised details of all expenditure in excess of $500, including - **(i)** date incurred; **(ii)** cost; **(iii)** number of guests; (iv) purpose, and (v) name of service provider.

Mrs TEHAN (Minister for Conservation and Land Management) - The answer is:

The information to answer the honourable member's question is not readily accessible. The only way to access the information on entertainment expenses incurred since 3 October 1992 to date would be to undertake a manual search of receipts which are held in departmental and agency archives. The time and resources required to do this would be excessive and, consistent with past practice, cannot be justified. However, the honourable member may wish to narrow his inquiry and I will reconsider his request.

Conservation and Land Management: stress-related leave

(Question No. 8)

Mr PANDAZOPOULOS asked the Minister for Conservation and Land Management:

In respect of each department, agency and authority within her administration since 3 October 1992 to date, respectively, what the details are of all stress-related leave, indicating in the case of each section - (a) the number of days taken; **(b)** the estimated cost; and (c) the total number of staff in the section.

Mrs TEHAN (Minister for Conservation and Land Management) - The answer is:

Sick leave records do not provide the degree of detail required to determine which leave is stress related and which has some other cause. The only information available which relates to stress-related leave is that in respect of Workcover claims.

The figures for the Department of Natural Resources and Environment are:

Year	Number of Days	Cost
1992-93	1155	$194 362
1993-94	56	$10 232
1994-95	290	$17 293

With regard to the other agencies and authorities within the Conservation and Land Management portfolio, I am able to provide the following information:

One claim was submitted to the Royal Botanic Gardens but investigation revealed that the illness had not occurred during the course of employment with the Royal Botanic Gardens and the insurer rejected the claim in accordance with s82(2)(a) of the Accident Compensation Act 1985.

The Environment Protection Authority has advised that for the 1994-95 financial year 86 days were taken on stress-related leave at a total cost of $11 759; none in the 1992-93 or 1993-94 financial years.

The Land Titles Office has advised that for the period from 3 October 1992 to date a total of 580 days were taken on stress-related leave at a total cost of $68 693.

Melbourne Parks and Waterways has advised that for the period from 3 October 1992 to date a total of 307 days were taken on stress-related leave at a total cost of $40 684.

Note: The Department of Natural Resources and Environment has been substantially restructured since a reply was given to the house by the Honourable G. Coleman, :MP, on 21 March 1995 in response to a similar question asked by the honourable member.

Women's Affairs: staffing levels

(Question No. 12)

Mr PANDAZOPOULOS asked the Minister for Women's Affairs:

(a) What is the number and cost of staff working in her office; **(b)** what is the number of staff working in each Public Relations Unit under her control; indicating - **(i)** the total operating budget; and **(ii)** the total promotional budget?

Mrs WADE (Minister for Women's Affairs) - I am informed that the information available in response to the honourable member's question is set out below:

The honourable member placed the same question on notice to me in relation to my portfolio responsibilities of Attorney-General and Fair Trading to which I responded in the previous Parliament (questions numbered 401 and 426). A copy of that answer is attached.

In general, the information to answer part (a) of the question is the same as that provided previously. However, given the passage of time the actual staffing cost in 1995-96 in my ministerial office was $281 711. This compares to the estimated cost of $280 971 provided in my previous answer. Also, the number of staff previously reported was 6, but it should be noted that on a full-time equivalent basis the number is 5.6. This does not include the ministerial driver who is employed by the Department of Justice.

In relation to part **(b)** of the question, there is no public relations unit within the Department of Justice, which includes the Office of Women's Affairs, under the control of the minister. The only difference to the information previously provided to the honourable member is that a Corporate Communications Unit has recently been established within the department. It provides a strategic focus for internal communications, departmental publications and general public information for the department, including the Office of Women's Affairs. However, it does not come under the control of the minister.

The 1996-97 tentative total budget for this unit is $330 000, representing salary and subsidiary expenses of $155 000 and operating expenses of $175 000. Display costs and related expenses are contained in the total budget and a promotional budget, as such, does not exist.

The Public Information Branch within the Office of Fair Trading and Business Affairs, referred to in my previous answer, does not provide any publicity services for the Office of Women's Affairs.

(Attachment - Questions on Notice Nos 401 and 426)

Mr PANDAZOPOULOS asked the Attorney-General, and the Minister for Fair Trading:

(a) what is the number and cost of staff working in her office; **(b)** what is the number of staff working in each Public Relations Unit under her control; indicating - **(i)** the total operating budget; and **(ii)** the total promotional budget?

Mrs WADE (Attorney-General, and Minister for Fair Trading) - I am informed that the information available in response to the honourable member's question is set out below.

(a) Six staff costing $280 971* incorporating superannuation, Workcover levy and payroll tax.

*Estimate for 1995-96 financial year.

(b) There is no public relations unit within the Department of Justice under the control of the minister. There is, however, a Public Information Branch within the Office of Fair Trading and Business Affairs. This has a staff of nine and its functions are directed entirely to aspects of Office of Fair Trading service delivery and consumer affairs issues.

The total operating budget for this branch is $1 061230. A promotional budget as such does not exist; however, a fund for special projects is set aside which does incorporate promotional expenditure. For 1994-95 the promotional expenditure was $165 000.

Industry, Science and Technology: advertising brochures

(Question No. 17)

Mr PANDAZOPOULOS asked the Minister for Education, for the Minister for Industry, Science and Technology:

In relation to the brochure *Work and Family: Victoria's Approach:*

1. What was the total advertising and promotional cost?
2. What was the cost of printing and distribution of the five brochures and the quantity printed?
3. How many brochures were mailed in response to advertisements in the *Herald Sun* and the *Age?*

Mr GUDE (Minister for Education) - The answer supplied by the Minister for Industry, Science and Technology is:

1. Advertisements were placed in the *Age* and the *Austr..iian* on 24 August 1995 and the *Herald Sun* on 26 August 1995. Advertisements were also placed in regional Victorian newspapers and 14 Victorian industry journals and newsletters. The total cost of advertising was $15 292.40.
2. The total printing costs, including design layout and printing film, amounted to $33 848.00.

   There were 25 000 sets of (five) brochures printed.
3. Of the total number of brochures distributed, approximately 8000 brochures have been distributed in response to telephone requests which emanated directly from the advertising program.

Small Business October

(Question No. 18)

Mr PANDAZOPOULOS asked the Minister for Sport, for the Minister for Small Business:

In relation to the promotion of *Small Business October:*

1. What was the total cost of advertising and public relations for this promotion?
2. What were the production and printing costs of the leaflet titled *Small Business October - The Biggest Small Business Event Ever Held In Australia,* indicating the number of leaflets printed and the number distributed to date?
3. What the specific cost is to operate the hotline promoting *Small Business October,* indicating the number of staff working and their costs and the number of calls received.
4. What the cost is to date of *Small Business October* advertisements printed in the *Herald Sun,* the *Age* and in all suburban and country newspapers.
5. What the cost is of the *Small Business October* Business Supplement (1 October 1995) printed in the *Sunday Herald Sun.*

Mr **REYNOLDS** (Minister for Sport) - The answer supplied by the Minister for Small Business is:

In relation to the promotion of *Small Business October* 1995:

1. The total cost of advertising was $140 225; public relations for the promotion cost $135 280.
2. The production of the leaflet titled *Small Business October- The Biggest Small Business Event Ever Held In Australia* was absorbed into the total cost of promotional material for the event, including letterhead (20 000) and posters. Total cost was $20 179. 10 000 leaflets were produced.

3. The hotline supporting *Small Business October* was provided by SBV regular information line staff. Estimated cost of the hotline, support staff and on-costs was $27 170. This is an additional cost to that identified in (1) above. The number of calls into the hotline was not recorded separately from normal inquiries.
4. *Small Business October* advertisements printed in the *Herald Sun* and the *Age* cost $40 392. This amount is included in the calculation of total costs in (1) above. No costs were incurred with suburban newspapers.
5. The *Small Business October* Business Supplement (1 October 1995) printed in the *Sunday Herald Sun* cost $79 677. This amount is included in the calculation of total costs in (1) above.

Finance: plant safety regulations

(Question No. 19)

Mr PANDAZOPOULOS asked the Treasurer, for the Minister for Finance:

In relation to the Occupational Health and Safety Plant Safety Regulations campaign:

1. What the total cost was of the plant safety regulations advertisements printed in the *Herald Sun*, the *Age*, the *Weekly Times* and in the ethnic press?
2. What the cost was of all television advertising promoting the plant safety regulations?
3. What the specific cost was to operate the hotline promoting the plant safety regulations, indicating the number of staff working and their costs, and the number of calls received?
4. The cost of promotional information guides printed and distributed?

Mr STOCKDALE (Treasurer)-The answer supplied by the Minister for Finance is:

(1)	Total Cost	$126 997.00
(2)	Total Cost	$335 011.00
(3)	Cost of Staff	$4974.75
	Number of calls received	1818
	Total cost of hotline	$15 944.72
(4)	Total plant publications (to date)	$233 345.00

Treasury: advertising

(Question No. 22)

Mr PANDAZOPOULOS asked the Treasurer:

In respect of each department, agency and authority within his administration, what the details are of all advertising campaigns since 3 October 1992 to date, indicating - (i) the purpose and total costs of each campaign; and (ii) the total advertising budget in his ministerial portfolio for 1992-93, 1993-94 and 1994-95 financial years.

Mr STOCKDALE (Treasurer) - The answer is:

Given the breadth of the member's question and the amount of detail required to provide a full response, it is felt that the time and resources required to provide an answer cannot be justified in this instance.

For the total cost of advertising for the financial years from 3 October 1992 to 30 June 1994 I refer the member to the response provided in *Hansard* on 11 April 1995, page 881.

A list of the total expenditure for advertising for the financial years 1994-95 and 1995-96 has been provided.

Department/Agency	1994-95	1995-96
Treasury/Finance	...,..588 362.00	""""""658191.00
State Revenue Office	160 424.00	147826.00
Transport Accident Commission	"14 767 000.00	"17 776 000.00
Treasury Corporation of Victoria	...,..575045.00	••309 892.00
Rural Finance Corporation	55 773.00	210 220.00

""Note - As part of the TAC's accident prevention and road safety initiatives to reduce fatalities and serious injuries on Victorian roads a number of advertising campaigns have been undertaken.

*"Note - TCV uses the government-appointed media agency Leeds Media and Communications for advertising which is largely undertaken to promote TCV's retail product - Government Bonds of Victoria.

.....Note - The amount expended includes recruitment advertising and advertising for tenders.

Agriculture and Resources: advertising

(Question No. 24)

Mr PANDAZOPOULOS asked the Minister for Agriculture and Resources:

In respect of each department, agency and authority within his administration, what the details are of all advertising campaigns since 3 October 1992 to date, indicating - (i) the purpose and total costs of each campaign; and (ii) the total advertising budget in his ministerial portfolio for 1992-93, 1993-94 and 1994-95 financial years.

Mr McNAMARA (Minister for Agriculture and Resources)-The answer is:

The question is extremely broad and embraces advertising for a range of different purposes that are undertaken within the Agriculture and Resources portfolio. The time and resources required to provide the full and detailed information sought would impose a cost and burden on government that cannot be justified. If the member has specific concerns I invite him to raise them so they may be given due consideration.

I am able, however, to provide the following information with regard to a number of agencies and authorities within the Agriculture and Resources portfolio:

Agency	Date	Purpose	Cost $
City West Water	Apr 1995-Jun 1995	Introducing City West Water campaign in local press	6862
Melbourne Water[1]	Oct 1995-Apr 1996	'Care about the Bay' Community Education Program	294500
Murray Valley Citrus Marketing Board	1992-93	Advertising budget for the financial year	520 000
Murray Valley Citrus Marketing Board	1993-94	Advertising budget for the financial year	580 000
Murray Valley Citrus Marketing Board	1994-95	Advertising budget for the financial year	682500
South East Water	1/1/95 - 26/6/96	National Water Week campaign	20000
Victorian Dairy Industry Authority2	3/10/92-30/6/93	Product-related advertising- 'Farmhouse', 'Rev', 'Big M'	3 228 387
Victorian Dairy Industry Authority	1/7 /93 - 30/6/94	Product-related advertising- 'Farmhouse', 'Rev', 'Big M'	3167 316
Victorian Strawberry Industry Development Committee	1993-94	Radio campaign for strawberries as a snack food	24 790
Victorian Strawberry Industry Development Committee	1994-95	Television campaign for wider consumption of strawberries	119 514
Yarra Valley Water	Jan to June 95	Water Service Guarantee	32 000
Yarra Valley Water	Jan to June 95	Customer information	10500
Yarra Valley Water	Jan to June 95	Water conservation	47500

Notes:

The Melbourne Market Authority reported that expenditure on advertising campaigns (i.e. television, radio and print) has fluctuated and has not been a major component of its promotional budget. Total expenditure on educational material, posters, videos , exhibits, sponsorship and media to the wider public and to growers has been as follows:

1992-93 $324 559

1993-94 $338 480

1994-95 $394161

[1]From 3 October 1992 and prior to the disaggregation of the former Melbourne Water at 1 January 1995, there were four advertising campaigns including a 'Naturally Better' television campaign, a water conservation campaign, and community education campaigns on changes to customer billing and the introduction of the sewerage disposal charge. The total expenditure on advertising by the former Melbourne Water was: $2.2 million for 1992-93, $1.7 million for 1993-94 and $840 747 for 1994-95.

[2]As from 1 July 1994, with the formation of Australian Milk Marketing Pty Ltd, no product-related advertising has been carried out by the Victorian Dairy Industry Authority.

Industry, Science and Technology: advertising

(Question No. 25)

Mr PANDAZOPOULOS asked the Minister for Education, for the Minister for Industry, Science and Technology:

In respect of each department, agency and authority within his administration, what the details are of all advertising campaigns since 3 October 1992 to date, indicating - (i) the purpose and total costs of each campaign; and **(ii)** the total advertising budget in his ministerial portfolio for 1992-93, 1993-94, 1994-95 financial years.

Mr GUDE (Minister for Education) - The answer supplied by the Minister for Industry, Science and Technology is:

The member's question is extremely broad and embraces advertising for a range of different purposes that are undertaken within my portfolio.

The cost and burden on government does not justify a detailed response to the question.

The member is invited, however, to submit a more focused question.

Small business: advertising

(Question No. 26)

Mr PANDAZOPOULOS asked the Minister for Sport, for the Minister for Small Business:

In respect of each department, agency and authority within her administration, what are the details of all advertising campaigns since 3 October 1992 to date, indicating- (i) the purpose and total costs of each campaign; and **(ii)** the total advertising budget in her ministerial portfolio for 1992-93, 1993-94 and 1994-95 financial years.

Mr REYNOLDS (Minister for Sport)-The answer supplied by the Minister for Small Business is:

The member's question is broad and embraces advertising for a range of different purposes across the portfolio. Such purposes may include advertising for recruitment, public tenders or submissions and fulfilling statutory obligations.

The time and resources required to fully reply to this historical question cannot be justified.

Tourism: annual reports

(Question No. 55)

Mr **PANDAZOPOULOS** asked the Minister for Agriculture and Resources for the Minister for Tourism:

In respect of each department, agency and authority within her administration, what is the total cost of annual reports for the 1992-93, 1993-94 and 1994-95 financial years?

Mr **McNAMARA** (Minister for Agriculture and Resources) - The answer supplied by the Minister for Tourism is:

Australian Grand Prix **Corporation (AGPC)**
1992-93 - Nil (AGPC did not exist)
1993-94 - Nil (AGPC did not exist)
1994-95 - $4000

Tourism Victoria
1992-93 - $10 370
1993-94 - $34 527
1994-95 -$15 737

Agriculture and Resources: annual reports

(Question No. 57)

Mr PANDAZOPOULOS asked the Minister for Agriculture and Resources:

In respect of each department, agency and authority within his administration, what is the total cost of annual reports for the 1992-93, 1993-94 and 1994-95 financial years?

Mr McNAMARA (Minister for Agriculture and Resources) - The answer is provided in the table below:

Agency	1992-93	1993-94	1994-95
Agriculture	$44 000	$46 190	NIA
Agriculture, Energy & Minerals	NIA	NIA	$64 580
Australian Barley Board[1]	$22 568	$23 240	$19 006
Daratech PI L	$16 797	$2800	$8392
Energy & Minerals	$16 605	$17 750	NIA
Melbourne Market Authority	Figure not available	$32 542	$17100
Melbourne Water2	$108 600	$74 900	$70 000
Murray Valley Citrus Marketing Board	$3950	$4038	$4480
Murray Valley Wine Grape Industry Development Committee	NIA	NIA	$7500
Victorian Dairy Industry Authority	$66 970	$62 774	$66195
Victorian Dried Fruits Board	$6250	$3175	$2490
Victorian Meat Authority	NIA	$5162	$8878
Victorian Plantations Corporation	NIA	$27 642	$32 750
Victorian Strawberry Industry Development Committee	$674	$512	$523
TOTAL	**$286114**	**$273 083**	**$301354**

Notes:

'NIA' indicates either that the entity did not exist at the time or was not then required to produce an annual report.

[1]The Australian Barley Board is a two-state authority and costs are allocated on a pro-rata basis between South Australia and Victoria according to the quantity of barley marketed in each state. The figures quoted relate to the Victorian component.

[2]The former Melbourne Water was replaced on 1 January 1995 by City West Water Ltd, Yarra Valley Water Ltd and South East Water Ltd.

The Victorian Broiler Industry Negotiation Committee reported that the non-salary costs of annual reports did not exceed $100 in any one year and that salary costs would add an estimated $300 to $500 in each year.

The Tomato Industry Negotiating Committee advised that the total printing cost of each annual report for the committee is under $100 per year, plus the nominal half day for a department officer to collate the material.

The Wine Grape Industry Negotiating Committee advised that the total printing cost of each annual report for the committee is under $100 per year, plus the nominal half day for a department officer to collate the material.

The Northern Victorian Fresh Tomato Industry Development Committee reported that the cost of producing its annual report is negligible.

The Australian Food Industry Science Centre was only established on 1 July 1995.

Prior to 1995-96 the Veterinary Board of Victoria was not required to publish an annual report.

Prior to the recent process of amalgamation there were over one hundred small non-metropolitan water authorities. To attempt to provide information relating to the cost of each annual report of these bodies would involve a significant outlay of time and resources and, consistent with past practice, cannot be justified.

Industry, Science and Technology: annual reports

(Question No. 58)

Mr PANDAZOPOULOS asked the Minister for Education for the Minister for Industry, Science and Technology:

In respect of each department, agency and authority within his administration, what was the total cost of annual reports for the 1992-93, 1993-94 and 1994-95 financial years?

Mr GUDE (Minister for Education)-The answer supplied by the Minister for Industry, Science and Technology is:

The following response relates to the Department of Business and Employment which was predecessor to the Department of State Development.

Department of Business and Employment

1992-93	1993-94	1994-9
$15 003	$19 186	$46 663

Exhibition Trustees

1992-93	1993-94	1994-95
$5960	$1440	$3000 (est)

Employee Relations Commission

1992-93	1993-94	1994-95
$829.40	$879	Not yet known

Melbourne Exhibition Centre Trust

1992-93	1993-94	1994-95
NIL	NIL	$12.80

Discharged Servicemen's Employment Board

1992-93 1993-94 1994-95

Costs are negligible. Documents photocopied using in-house facilities.

Small Business: annual reports

(Question No. 61)

Mr PANDAZOPOULOS asked the Minister for Sport for the Minister for Small Business:

In respect of each department, agency and authority within her administration, what was the total cost of annual reports for the 1992-93, 1993-94 and 1994-95 financial years?

Mr REYNOLDS (Minister for Sport) - The answer supplied by the Minister for Small Business is:

In relation to each agency now under my administration, the costs of annual reports were as follows:

1992-93	
Small Business Victoria	7800
Liquor Licensing Commission	2663
1993-94	
Small Business Victoria	9560
Liquor Licensing Commission	2590
1994-95	
Small Business Victoria	13690
Liquor Licensing Commission	2621

Note : Information relating to the Department of Business and Employment covers a range of ministerial portfolios and will be included in Minister Birrell's response to Question 58.

Conservation and Land Management: annual reports

(Question No. 72)

Mr PANDAZOPOULOS asked the Minister for Conservation and Land Management:

In respect of each department, agency and authority within her administration, what was the total cost of annual reports for the 1992-93,1993-94 and 1994-95 financial years?

Mrs TEHAN (Minister for Conservation and Land Management) - The answer is:

Agency	1992-93	1993-94	1994-95
Alpine Resorts Com.mission	$10 950	$20 000	$7000[1]
Former Department of Conservation and Natural Resources	$26 342	$42 937	$44 910
Environment Protection Authority	$24 346	$34164	$39 695
Land Conservation Council	$1255	$1590	$1550
Land Titles Office[2]	Not applicable	Not applicable	Not applicable
Melbourne Parks and Waterways[3]	Not applicable	Not applicable	$8367
Office of Geographic Data Co-ordination[4]	Not applicable	Not applicable	Not applicable
Office of the Surveyor-General[5]	Not applicable	Not applicable	Not applicable
Office of the Valuer-General[6]	Not applicable	Not applicable	Not applicable
Royal Botanic Gardens	$13 840	$10 824	$15 830
Trust for Nature (Victoria)	Not available	$479	**$414**
Zoological Parks and Gardens Board	$20 020	$16088	$19 730
TOTAL	**$96 753**	**$126 082**	**$137 496**

Notes:

1The commission's financial year ends 31 October and the report for 1994-95 is not yet finalised. It is expected that the cost will not exceed $7000.

2The Land Titles Office did not prepare a separate annual report for the period in question but contributed infonnation to that produced by the Department of Justice.

3Melbourne Parks and Waterways was established as a full statutory authority under the Water Industry Act 1994 and as such produced one annual report for 1994-95.

4The Office of Geographic Data Coordination was a part of the Department of Finance in 1992-93 and 1993-94 and of the Department of Treasury and Finance in 1994-95 and has not produced an annual report in its own right.

5The Office of the Surveyor-General did not produce a separate annual report for those years, but contributed infonnation to that produced by the Department of the Treasury and Finance.

6The Office of the Valuer-General advised that it has not produced a separate annual report for the period in question, but rather supplied a section within the annual report of the Department of the Treasury and Finance.

Housing: annual reports

(Question No. 74)

Mr PANDAZOPOULOS asked the Minister for Housing:

In respect of each department, agency and authority within her administration, what the total cost was of annual reports for the 1992-93, 1993-94 and 1994-95 financial years?

Mrs HENDERSON (Minister for Housing) - The answer is:

From October 1992 to March 1996, the Office of Housing was part of the Department of Planning and Development, which also comprised the Offices of Planning and Heritage; Major Projects; Building; and Local Government.

Annual report costs for the Department of Planning and Development for the three financial years were -

1992-93 $32 003

1993-94 $37 380

1994-95 $47 540

The amounts given reflect the costs of printing and services provided by external providers. They do not include estimates of the costs of staff time involved in preparing the reports.

Tourism: advertising

(Question No. 82)

Mr PANDAZOPOULOS asked the Minister for Agriculture and Resources, for the Minister for Tourism:

In respect of each department, agency and authority within her administration, what was the total advertising budget for 1992-93, 1993-94 and 1994-95?

Mr McNAMARA (Minister for Agriculture and Resources) - The answer supplied by the Minister for Tourism is:

AUSTRALIAN GRAND PRIX CORPORATION (AGPC)

1992-93	Nil (AGPC did not exist)
1993-94	Nil (AGPC did not exist)
1994-95	$602 000

TOURISM VICTORIA

1992-93	$843 000
1993-94	$4 793 000
1994-95	$4185 00

Tourism: advertising

(Question No. 83)

Mr PANDAZOPOULOS asked the Minister for Agriculture and Resources, for the Minister for Tourism:

In respect of each department, agency and authority within her administration, whether she will provide details of advertising campaigns over $10 000 conducted from 3 October 1992 to date, indicating the purpose and cost of each campaign.

Mr McNAMARA (Minister for Agriculture and Resources)-The answer supplied by the Minister for Tourism is:

Release of this detailed information would provide Victoria's competitors with commercially sensitive information, the release of which could jeopardise the essential work of the Australian Grand Prix Corporation and Tourism Victoria.

In broad terms, the response is:

AUSTRALIAN GRAND PRIX CORPORATION (AGPC)

Year	Total cost	Campaign details
1992-93	Nil (AGPC did not exist)	
1993-94	Nil (AGPC did not exist)	
1994-95	$602 000	Promotion for the grand prix
1995-96 (to 30/4/96)	$1407 573	Promotion for the grand prix

TOURISM VICTORIA

Year	Total cost	Campaign details
1992-93	$843 000	Goldfields campaign
1993-94	$501000	Ski campaign (production and media)
	$4292 000	'You'll love every piece of Victoria' campaign'
1994-95	$550 000	Ski campaign (production and media)
	$3 635 000	'You'll love every piece of Victoria' campaign'

Tourism: consultancies

(Question No. 97)

Mr PANDAZOPOULOS asked the Minister for Agriculture and Resources, for the Minister for Tourism:

In respect of each department, agency and authority within her administration, for the periods 3 October 1992 to 30 October 1993, and 1 June 1994 to 23 November 1995, what the details are of each consultancy com.missioned, indicating- (a) date; **(b)** cost; (c) purpose; (d) name and address of consultant; (e) recommendations made; **(f)** action taken in response to any recommendations; and (g) whether tenders were called.

Mr McNAMARA (Minister for Agriculture and Resources) - The answer supplied by the Minister for Tourism is:

Summary details of consultancies as provided for by the annual reporting provisions of the Financial Management Act 1994 i.e.: details of those consultancies over $50 000 and a list of the number of consultancies under $50 000, are:

AUSTRALIAN GRAND PRIX CORPORATION (AGPC)

3 October 1992 to 30 October 1993:

Nil (AGPC did not exist)

1 June 1994 to 23 November 1995

Consultant	Purpose	Fee
Boris McLachlan Pty Ltd	Project management advice and services in relation to the capital works program	$183 250
CMPS&F Pty Ltd	Capital works project monitor	$75 000
Control Risks Pacific/Sedgwick Ltd	Risk assessment and risk management plan	$51007
Daryl Jackson	Architectural and engineering design services	$309 700
Douglas Partners Pty Ltd	Geotechnical engineering investigative services	$68206
Kinhil1 Engineers Pty Ltd	Project management, design and specialist FI services for Albert Park	$3939 719

27 consultancies under $50 000.

TOURISM VICTORIA

3 October 1992 to 30 October 1993:

This summary information can be found in Tourism Victoria's 1992-93 and 1993-94 annual reports.

1 June 1994 to 23 November 1995

Consultant	Purpose	Fee
Tract Consultants Pty Ltd	To undertake a planning and feasibility study for the Great Ocean Road	$50 000

28 consultancies under $50 000.

Agriculture and Resources: consultancies

(Question No. 98)

Mr PANDAZOPOULOS asked the Minister for Agriculture and Resources:

In respect of each department, agency and authority within his ad.ministration, for the periods 3 October 1992 to 30 October 1993, and 1 June 1994 to 23 November 1995, what the details are of each consultancy com.missioned, indicating- (a) date; **(b)** cost; (c) purpose; (d) name and address of consultant; (e) recommendations made; **(f)** action taken in response to any recommendations; and (g) whether tenders were called.

Mr McNAMARA (Minister for Agriculture and Resources)-The answer is:

The information available is shown on the attached table.

'Consultancy' has been interpreted as referring to consultancies which by their nature are short term and job specific, i.e. the temporary engagement of an organisation or individual to provide services of a professional nature in respect of a particular project. The hiring of casual, contract or temporary staff to work under direction or supervision in a department, agency or authority is deemed to be not a consultancy, but a contract.

'Cost' has been interpreted as referring to the actual cost in cases where the consultancy has been completed or to the amount approved in cases where the consultancy is in progress.

'Date' has been interpreted as relating to those consultancies which fall entirely or partly within the periods 3 October 1992 to 30 October 1993 and 1 June 1994 to 23 November 1995.

Since the honourable member's question relates to the period prior to the aggregation of the various departments, agencies and authorities which make up of the present portfolio of agriculture and resources, there are some differences in the way that the departments, agencies and authorities collected or maintained information on consultancies. Every effort has been made to provide the honourable member with the information he requires in as comprehensive and consistent a form as possible, but there is some variation in the dollar levels at which detailed information is available. Thus for some organisations information has proved to be readily available on all consultancies, even those of a minor nature, while for others (generally the larger organisations) the practice has been (in keeping with the requirements of annual reporting) to provide details on those consultancies exceeding a certain dollar amount.

Moreover, some agencies reported difficulties in providing detailed information of the most recent consultancies which were being collated as part of the annual reporting process to be completed in accordance with the requirements of the Financial Management Act 1994.

Only the information readily accessible from consultancy registers has been supplied. Time and resources are not available to provide comprehensive advice about recommendations made, action taken and tenders called for the consultancies which have been listed. Should the honourable member require further information on a particular consultancy, I will be happy to consider his request.

The items are numbered for ease of identification.

Amounts have been rounded off to the nearest dollar.

(Information referred to in answer (6 pages) has been supplied to the honourable member and a copy tabled in the parliamentary library)

Industry, Science and Technology: consultancies

(Question No. 101)

Mr PANDAZOPOULOS asked the Minister for Education, for the Minister for Industry, Science and Technology:

In respect of each department, agency and authority within his administration, for the periods 3 October 1992 to 30 October 1993, and 1 June 1994 to 23 November 1995, what the details are of each consultancy commissioned, indicating- (a) date; (b) cost; (c) purpose; (d) name and address of consultant; (e) recommendations made; (f) action taken in response to any recommendations; and (g) whether tenders were called.

Mr GUDE (Minister for Education) - The answer supplied by the Minister for Industry, Science and Technology is:

The member is referred to successive annual reports of the Department of Business and Employment and its agencies published since 3 October 1992 which provide information regarding external consultancies.

Small business: consultancies

(Question No. 104)

Mr PANDAZOPOULOS asked the Minister for Sport, for the Minister for Small Business:

In respect of each department, agency and authority within her administration, for the periods 3 October 1992 to 30 October 1993, and 1 June 1994 to 23 November 1995, what the details are of each consultancy commissioned, indicating- (a) date; (b) cost; (c) purpose; (d) name and address of consultant; (e) recommendations made; (f) action taken in response to any recommendations; and (g) whether tenders were called.

Mr REYNOLDS (Minister for Sport)-The answer supplied by the Minister for Small Business is:

I refer the member to the annual reports of the Department of Business and Employment, Small Business Victoria and the Liquor Licensing Commission for 1992-93, 1993-94 and 1994-95. Summary information regarding external consultants is included in these reports.

Conservation and Land Management: consultancies

(Question No. 117)

Mr PANDAZOPOULOS asked the Minister for Conservation and Land Management,:

In respect of each department, agency and authority within her administration, for the periods 3 October 1992 to 30 October 1993 and 1 June 1994 to 23 November 1995, what the details are of each consultancy commissioned, indicating - (a) date; (b) cost; (c) purpose; (d) name and address of consultant; (e) recommendations made; (f) action taken in response to any recommendations; and (g) whether tenders were called?

Mrs TEHAN (Minister for Conservation and Land Management) - The answer is:

The information available is shown on the attached table. In accordance with Office of Public Sector Management, Department of Premier and Cabinet guidelines a consultancy has been interpreted as referring to consultancies which by their nature are short term and job specific, i.e. the temporary engagement of an organisation or individual to provide

services of a professional nature in respect of a particular project. The hiring of casual, contract or temporary staff to work under direction or supervision in a department, agency or authority is deemed to be not a consultancy, but a contract.

'Cost' has been interpreted as referring to the actual cost in cases where the consultancy has been completed, or to the amount approved in cases where the consultancy is in progress. Only consultancies over $2000 are listed.

'Date' has been interpreted as relating to those consultancies which fall entirely or partly within the periods 3 October 1992 to 30 October 1993 and 1 June 1994 to 23 November 1995.

Since the honourable member's question relates to the period prior to the formation of the present portfolio of Conservation and Land Management, there are some differences in the way that the former departments, agencies and authorities collected or maintained information on consultancies. Every effort has been made to provide the honourable member with the information he requires in a comprehensive and consistent form.

I also draw to the honourable member's attention the fact that information on consultancies undertaken on behalf of the entities which preceded and now constitute the present Department of Natural Resources and Environment has been published in the relevant annual reports for those years.

Only the information readily accessible from consultancy registers has been supplied. Time and resources are not available to provide comprehensive advice about recommendations made, action taken and tenders called for the consultancies which have been listed. Should the honourable member require further information on a particular consultancy, I will be happy to consider his request.

The items are numbered for ease of identification.

Amounts have been rounded off to the nearest dollar.

(Information referred to in *answer (5 pages) has been supplied to the honourable member and a copy tabled* in *the parliamentary library)*

Housing: consultancies

(Question No. 121)

Mr PANDAZOPOULOS asked the Minister for Housing:

In respect of each department, agency and authority within her administration, for the period 3 October 1992 to 30 October 1993, and 1 June 1994 to 23 November 1995, what the details are of each consultancy commissioned, indicating- (a) date; (b) cost; (c) purpose; (d) name and address of consultant; (e) recommendations made; (f) action taken in response to any recommendations; and (g) whether tenders were called.

Mrs HENDERSON (Minister for Housing) - The answer is:

The annual reports of the Department of Planning and Development for the years 1992-93 and 1993-94 include details of consultants engaged during those years, including for the period 3 October 1992 to 30 October 1993.

The 1994-1995 annual report for the department reports on consultancies engaged in that year when the cost of engagement exceeded $50 000.

The following table covers consultancies engaged by the Office of Housing, and the Resources Division which serviced the whole Department of Planning and Development. It supplements information available in the annual reports and details:

Consultancies costing less than $50 000 engaged since 1 July 1994; and

All consultancies engaged between 1 July and 23 November 1995.

It does not include the large number of technical consultancies engaged in relation to specific building and development projects undertaken by the Office of Housing.

If the honourable member seeks specific details in respect of a particular consultancy, I will be happy to provide it.

CONSULTANT	PROJECT	COST $
Lewis & Coleman Services	Housing Assistance Planning Services to the inner urban region for 1994-95.	32 250
Aldboume Associates	Undertake a series of CHP consultations in Melbourne and rural Victoria and develop a Victorian Community Housing Plan	35 850
KPMG	Preliminary investigation of the data integrity of the department's property and tenancy systems	16 500
Deloitte Touche Tohmatsu	Technical service review	31279
AGBMcNair	Conduct of pilot customer satisfaction focus group	2 870
BEF Consulting Pty Ltd	Design, develop and document the home finance division asset cash flow model	19 200
KPMG	Preparation of property services business plan	22 666
David Caple and Associates	CAD workstation review	500
National Security Education	Internal audit investigation	41 497
Price Waterhouse	Review FBT liability	4 500
Towers Perrin	Actuarial assessment of superannuation liability of Office of Housing	5 130
GBL Consulting	Separation of tenancy and property management functions (ongoing - cost indicates payments to November 1995)	9 752
Neville Barwick Associates	Research, develop and document a proposal for the future management of rental housing associations as part of the community housing sector	65 696
Systems Intellect	Review of the expenditure limits for acquisition of public housing (stage 1 component)	65 000

Energy Victoria News

(Question No. 127)

Mr PANDAZOPOULOS asked the Minister for Agriculture and Resources

What the details are of all issues of *Energy Victoria News* produced, indicating - (a) how many issues were produced; (b) the date of each issue; (c) details of distribution, including numbers and cost; (d) the number printed; (e) the cost of production; (f) who it was printed by; and (g) whether tenders were called.

Mr McNAMARA (Minister for Agriculture and Resources) - The answer is:

(a) *Energy Victoria News* was first published as *Solutions* in August 1987 as the official newsletter of the then Victorian Solar Energy Council (VSEC). VSEC became the Renewable Energy Authority Victoria under the Renewable Energy Authority Act 1990 and adopted the trading name Energy Victoria. In January 1994 the newsletter adopted the name *Energy Victoria News*. It is produced on a quarterly basis and to date eight issues have been published. Under its old name *Solutions* approximately 24 issues were produced.

(b) Issues are dated to correspond with the seasons on an annual basis. The first issue of *Energy Victoria News* appeared in summer 1994. This has been followed by one issue per season since.

(c) 2500 copies of *Energy Victoria News* are produced per issue. Of these 2360 copies are distributed in the categories below. The remaining copies are available to individuals and organisations who visit the Energy Information Centre. The cost of distribution on average is $1725 per issue. This price includes addressing and postage costs.

Current distribution by category and number:

Category	Number
Building industry - architects, designers, builders, engineers, real estate agents	679
Education - secondary schools, tertiary institutions	525
Energy sector - electricity, gas, Energy Information Centre	175
Federal government - contacts	19
General - interest groups/individuals	37
Industry - industry associations, energy consultants, product manufacturers/suppliers, renewables industry contacts	320
Local government - building/planning sections, conservation officers	294
Media - magazines, newspapers, radio, television	72
Other government	39
State government - contacts, Department of Energy and Minerals, heads of departments, Members of Parliament	192
Targeted groups	8
TOTAL	**2360**

(d) The number of copies printed per issue is 2500: i.e. 10 000 per year.

(e) Production costs per issue are on average $5150. This includes design, typesetting, film and printing. Production costs for the year average $20 600.

(f) *Energy Victoria News* has been produced by Ideograph Design (81 Asling Street, Gardenvale, Victoria 3185) since January 1994. This company designs and typesets each issue and contracts out the printing to Patterson Press (Richmond, Victoria 3121). Under its prior name *Solutions,* the newsletter was designed and printed by Oberon Printing P/L (8D Adina Court, Tullamarine, Victoria 3043) during 1992 and 1993. Prior to the middle of 1992, *Solutions* was designed and printed by Lenoval Printing (125 Hawke Street, West Melbourne, Victoria 3003).

(g) Quotations are called for each year for the financial period 1 July - 30 June. Quotations are obtained from at least three companies and the production of *Energy Victoria News* is offered to the most competitive submission.

Small Business Victoria

(Question No. 130)

Mr PANDAZOPOULOS asked the Minister for Sport, for the Minister for Small Business:

What the details are of all issues of the newsletter *Small Business Victoria* produced, indicating - (a) how many issues were produced; (b) the date for each issue; (c) details of distribution, including numbers and cost; (d) the number printed; (e) the cost of production; (f) who it was printed by; and (g) whether tenders were called.

Mr REYNOLDS (Minister for Sport) - The answer supplied by the Minister for Small Business is:

(a) Over the period March 1993 to 30 June 1996 ten issues of the newsletter *Small Business Victoria* were produced.

(b) 1993 - March, May, July, September

1994 - January, April, June, September

1995 - February, September

1996 - nil

(c) The newsletters were distributed via a mailout to government agencies, small business operators and industry associations (approximately 3000) and at events and seminars as a communications vehicle. The cost of the mailout was $2400 in 1993 and $2700 in each of 1994 and 1995.

(d) The average print run was approximately 6000.

(e) Total production cost of the ten issues was $66 840 over three years.

(f) The firm responsible for writing, editing, design, production, typesetting and printing was Hallmark Editions.

(g) In accordance with internal expenditure guidelines concerning expenditure of this magnitude public tenders were not called.

Tourism: grand prix advertising

(Question No. 136)

Mr PANDAZOPOULOS asked the Minister for Agriculture and Resources, for the Minister for Tourism:

In relation to the Melbourne grand prix advertising campaigns - (i) what the details are to date of all campaigns over $10 000, indicating the purpose and cost of each campaign; (ii) what the total advertising budget is for the 1994-95 financial year.

Mr McNAMARA (Minister for Agriculture and Resources)-The answer supplied by the Minister for Tourism is:

This detailed information would provide the Australian Grand Prix Corporation's competitors with commercially sensitive information, the release of which could jeopardise the essential work of the corporation.

However, in summary:

1

Year	Total cost	Campaign details
1994-95	$602 000	Promotion for the grand prix
1995-96 (to 30 I4196)	$1407 573	Promotion for the grand prix

2

$602 000

Agriculture and Resources: staffing levels

(Question No. 151)

Mr PANDAZOPOULOS asked the Minister for Agriculture and Resources:

In respect of each department, agency and authority within his administration, whether he will provide details relating to staffing levels for the financial years 1992-93, 1993-94 and 1994-95.

Mr McNAMARA (Minister for Agriculture and Resources) - The answer is provided in the table below:

Agency/Department	1992-93	1993-94	1994-95
Daratech P/L	83	88	72
Melbourne Market Authority	47	50	37
Veterinary Board of Victoria[1]	1.27	1.27	1.54
Victorian Dairy Industry Authority	100	80	65
Victorian Dried Fruits Board[2]	3124	2/23	2137
Victorian Meat Authority3	NIA	4	4
Victorian Plantations Corporation[4]	NIA	98	105
Melbourne Water5	3996	2742	962
South East Water Ltd	NIA	NIA	508
City West Water Ltd	NIA	NIA	322
Yarra Valley Water Ltd	NIA	NIA	483
Barwon Rural Water Authority (RWA)[6]	NIA	427	395
Central Gippsland RWA	NIA	233	210
Central Highlands RWA	NIA	223	214
ColibanRWA	NIA	188	176
East Gippsland RWA	NIA	67	64
GlenelgRWA	NIA	20	17
Goulburn Valley RWA	NIA	122	111
Grampians RWA	NIA	103	84
Kiewa Murray RWA	NIA	65	65

Lower Murray RWA	N/A	102	102
Mid Goulburn RWA	N/A	49	47
Otway RWA	N/A	41	45
Ovens RWA	N/A	57	45
Portland Coast RWA	N/A	30	20
South Gippsland RWA	N/A	50	50
South West RWA	N/A	68	63
Western RWA	N/A	89	83
Westernport RWA	N/A	23	24

Notes:

[1]Figures are full-time equivalent.

[2]These figures identify permanent/casual staff respectively of the Victorian Dried Fruits Board.

[3]The Victorian Meat Authority commenced in July 1993.

[4]The Victorian Plantations Corporation commenced operations on 1 July 1993.

[5]City West Water Ltd, Yarra Valley Water Ltd and South East Water Ltd commenced operations on 1 January 1995, following the disaggregation of the former Melbourne Water.

[6]Prior to the recent process of amalgamation there were over 100 small non-metropolitan water authorities. Most of the successor bodies listed above were established during the 1994-95 financial year, some as late as February 1995. The information provided above under the 1993-94 financial year incorporates that which related to the predecessor bodies. To attempt to provide information relating to the staffing levels of each of these bodies for earlier financial years would involve a significant outlay of time and resources and, consistent with past practice, cannot be justified.

Information on the staffing levels for the entities which preceded and now constitute the present Department of Natural Resources and Environment have been published in the relevant annual reports for those years.

Small business: staffing levels

(Question No. 153)

Mr PANDAZOPOULOS asked the Minister for Sport, for the Minister for Small Business:

In respect of each department, agency and authority within her administration, whether she will provide details relating to staffing levels for the financial years 1992-93, 1993-94 and 1994-95.

Mr REYNOLDS (Minister for Sport) — The answer supplied by the Minister for Small Business is:

In relation to each agency now under my administration staffing levels were as follows:

	Total Staff (*1)
30 June 1993	
Department of Business and Employment	34.8
Small Business Victoria	54.6
Liquor Licensing Commission	74.2
Total	**163.6**
30 June 1994	
Department of Business and Employment	31.9
Small Business Victoria	50.2
Liquor Licensing Commission	72.2
Total	**154.3**
30 June 1995	
Department of Business and Employment	35.1
Small Business Victoria	43.5
Liquor Licensing Commission	61.4
Total	**140.0**

(*1) Staff, in full time equivalents, on payroll as at 30 June each year excluding statutory appointees.

Industry, Science and Technology: staffing levels

(Question No. 154)

Mr PANDAZOPOULOS asked the Minister for Education, for the Minister for Industry, Science and Technology:

In respect of each department, agency and authority within his administration, what are the details relating to staffing levels for the financial years 1992-93, 1993-04 and 1994-95?

Mr GUDE (Minister for Education) — The answer supplied by the Minister for Industry, Science and Technology is:

The information being sought is readily available from successive annual reports of the following bodies:

Department of Business and Employment

Employee Relations Commission of Victoria

The Exhibition Trustees

Melbourne Exhibition Centre Trust

Youth and Community Services: staffing levels

(Question No. 157

Mr PANDAZOPOULOS asked the Minister for Youth and Community Services, for the Minister for Health:

In respect of each department, agency and authority within his administration, whether he will provide details relating to staffing levels for the financial years 1992-93, 1993-94 and 1994-95.

Dr NAPTHINE (Minister for Youth and Community Services) — The answer supplied by the Minister for Health is:

The staffing levels, expressed in equivalent full time (EFT) terms, include departmental employees and staff in public hospitals and other health agencies in receipt of grants from the then Department of Health and Community Services. Departmental staff provide services to all areas of the department and cannot be directly allocated to individual ministers.

A number of public hospitals provide a range of services eg, acute care, aged care, mental health. An accurate disaggregation of staff between these services is not accessible from the consolidated payroll reports available to the department.

Financial Year*	Departmental Staff (EFT)	External Agency Staff (EFT)	Total Staff (EFT)
July 1992	14 124	57 310	71 434
1992-3*	12 546	52 341	64 887
1993-4*	12 007	50 214	62 221
1994-5*	11 919	50 286	62 205

* as at June in each year

Notes:

The data for 1994-95 includes 1573 staff from Heidelberg Repatriation Hospital, which was transferred from the Commonwealth Department of Veterans' Affairs to state administration from January 1995.

External agency data includes 1500 EFT at 1 July 1992 employed by public hospitals under section 97 of the Mental Health Act. The number included at June 1995 is 1651.

Housing: staffing levels

(Question No. 163)

Mr PANDAZOPOULOS asked the Minister for Housing:

In respect of each department, agency and authority within her administration, whether she will provide details relating to staffing levels for the financial years 1992-93, 1993-94 and 1994-95?

Mrs HENDERSON (Minister for Housing) — The answer is:

For the financial years 1992-93, 1993-94 and 1994-95 the Office of Housing was part of the then Department of Planning and Development and staffing statistics were reported under that department.

Under the machinery of government changes in April 1996 the Office of Housing became part of the Department of Human Services. Staff transferred to the new department included central resources staff not previously included as part of the Office of Housing.

Therefore, the staff levels reported are based on the current definition of the Office of Housing and include an estimate for the central resources staff previously reported under the Department of Planning and Development.

Financial Year*	Staffing Levels (EFT)
1992-93	1435
1993-94	1298
1994-95	1162

* as at June in each year

Aboriginal Affairs: staffing levels

(Question No. 164)

Mr PANDAZOPOULOS asked the Minister responsible for Aboriginal Affairs:

In respect of each department, agency and authority within her administration, whether she will provide details relating to staffing levels for the financial years 1992-93, 1993-94 and 1994-95.

Mrs HENDERSON (Minister responsible for Aboriginal Affairs) — The answer is:

The staffing levels, expressed in equivalent full time (EFT) terms, are for the Aboriginal Affairs Program in the then Department of Health and Community Services. These levels are also included in the reply to question 157.

Financial Year*	Staffing levels (EFT)
1992-93	37.27
1993-94	36.54
1994-95	36.27

* as at 30 June in each year

Conservation and Land Management: staffing levels

(Question No. 166)

Mr PANDAZOPOULOS asked the Minister for Conservation and Land Management:

In respect of each department, agency and authority within her administration, whether she will provide details relating to staffing levels for the financial years 1992-93, 1993-94 and 1994-95.

Mrs TEHAN (Minister for Conservation and Land Management) — The answer is provided in the table below, with break-downs where available:

Agency/Department	1992-93	1993-94	1994-95
Alpine Resorts Commission[1]	81	65	60
Environment Protection Authority	294	311	300
Land Conservation Council	14	12	11

Land Titles Office	581	486	438
Melbourne Parks and Waterways	Not available	Not available	306[2]
Former Department of Conservation and Natural Resources	3424[3]	3107	2688
Office of Geographic Data Co-ordination	118	84	64
Office of the Surveyor-General	133	123	102
Office of the Valuer-General	103[4]	104[5]	58[6]
Royal Botanic Gardens	103[7]	99[8]	119[9]
Trust for Nature (Victoria)[10]	10.6	12.4	13.6
Zoological Parks and Gardens Board	248	251	261

Notes:

[1]Alpine Resorts Commission figures given in the table relate to full-time and permanent staff. Seasonal staff totals for the commission were 89, 106, and 115 for the same periods.

[2]Comprises 254 full-time, 3 part-time, 17 term and 32 casual employees.

[3]The figures for the former Department of Conservation and Natural Resources reflect the total work force, including, for example, staff on leave without pay etc.

[4]Comprises 93 full-time and 10 part-time employees.

[5]Comprises 92 full-time and 12 part-time employees.

[6]Comprises 49 full-time and 9 part-time employees.

[7]Comprises 87 full-time, 12 temporary and 4 part-time employees.

[8]Comprises 78 full-time, 17 temporary and 4 part-time employees.

[9]Comprises 95 full-time, 10 temporary, 7 part-time and 7 casual employees.

[10]Figures are full-time equivalent.

Tourism: staffing levels

(Question No. 174)

Mr PANDAZOPOULOS asked the Minister for Agriculture and Resources, for the Minister for Tourism:

In respect of each department, agency and authority within her administration, whether she will provide details relating to staffing levels for the financial years 1992-93, 1993-94 and 1994-95.

Mr McNAMARA (Minister for Agriculture and Resources) — The answer supplied by the Minister for Tourism is:

AUSTRALIAN GRAND PRIX CORPORATION

1992-93: Nil (The AGPC did not exist)

1993-94: Nil (The AGPC did not exist)

1994-95: 23

TOURISM VICTORIA

1992-93: 95

1993-94: 103

1994-95: 110

Electricity: prepayment meters

(Question No. 178)

Mr LONEY asked the Treasurer:

In regard to the government's position on the use of prepayment meters by electricity consumers, will he provide the house with details relating to the following?

1. Whether the government supports the use of prepayment meters for domestic electricity consumers; if so, what process will the government use to allow prepayment meters?
2. How will prepayment meter customers be able to access the competitive market after the year 2000?
3. How will prepayment meter households, eligible for concession, be able to access the Energy Relief Grants Scheme and the winter energy concession?
4. What concession will these consumers receive for prepaying their bill rather than paying after consumption as do all other electricity consumers?
5. Whether the government will ensure that consumers do not have to pay for their prepayment meters and that they will not be compulsory for customers who do not pay promptly.
6. What role will the Regulator-General play in this process?

Mr STOCKDALE (Treasurer) — The answer is:

1. The tariff order, gazetted on 30 June 1995, provides that a licensee proposing to implement a prepayment scheme in respect of the supply of electricity, which would include prepayment metering technology, must first obtain the prior written approval of the Regulator-General.

2, 3, 4, 5. The Regulator-General will consult with the Customer Consultative Committee established by the Office of the Regulator-General, and other interested groups to ensure that relevant issues are addressed and procedures adopted in the introduction of debit or prepaid meter cards or other prepayment schemes.

6. The Regulator-General is responsible for coordinating the development, issuing and review of any standards or procedures, and regulation of the introduction of debit or prepaid meter cards or other prepayment schemes.

Electricity: tariffs

(Question No. 179)

Mr LONEY asked the Treasurer:

In regard to the setting of tariff levels, will the Treasurer provide the house with details relating to the following?

1. What was the bad debt level of the pre-reform SECV?
2. How is bad debt to be factored into the tariff and charge setting process by the Regulator-General?
3. Whether the utilities have introduced an interest rate penalty in the new round of contestable customer contracts, to improve cash flow.
4. What proportion of the latest tranche of contestable customers do not have an appropriate meter to record their energy demand and consumption as well as the losses that they incur on the power quality which is paid by the franchised customers?
5. What is the relationship between bad debt and finalised accounts and how many finalised accounts of the electricity retailers contribute to utility bad debt?
6. What money, if any, has the Regulator-General spent on consultancies to allocate costs in deciding the levels of flow on cost to consumers?
7. What policy, if any, has the Regulator-General made on the imposition of security deposits on customers?
8. How will the Regulator-General determine equity in this situation?
9. Whether consumers are finding out about utility policy changes before or after they are implemented, if so, how?

Mr STOCKDALE (Treasurer) — The answer is:

The 1992-93 annual report of the SECV shows the following amounts in respect of bad debts which were written off to the profit and loss statement as expenses:

	Consolidated June 1993
Bad debts	$000
Class of Debtor	
Electricity	
Domestic	5249
Non-domestic	3840
	9089
Other	552
	9641
Bad debts recovered	1612

2. Until 31 December 2000, the tariff order gives direction in setting price determinations. Post 2000 the Regulator-General will determine appropriate policies for the treatment of various distribution expenses, such as bad debts, in the setting of prices.
3. Contract provisions agreed to between the distribution businesses and contestable customers is a matter of commercial negotiation between the parties.
4. The government is not aware of difficulties in supplying meters to contestable customers.
5. Statistics of this nature are not kept by government.
6. None
7.8. The statement of government policy, made under the Office of the Regulator-General Act 1994 and gazetted on 3 October 1994 requires each distribution company by way of licence condition to develop and publish its own security deposit policies, practices and procedures which will be at least equal to those of the former SECV. The Office of the Regulator-General monitors and reports on compliance by the distribution companies with the standards, policies, practices and procedures.
9. The distribution and retail licensees must give advance notice of changes in terms and conditions as part of their licence conditions.

Electricity: supply standards

(Question No. 180)

Mr LONEY asked the Treasurer:

In regard to quality of supply in the electricity industry, will the Treasurer provide to the house all details of work that the government has, is, or will commission to define, monitor and assess quality of supply?

Mr STOCKDALE (Treasurer) — The answer is:

Licences issued by the Office of the Regulator-General require the licensees to observe certain standards in relation to the quality of supply. The office monitors the licensees' compliance with those standards.

Treasury: consultancies

(Question No. 182)

Mr LONEY asked the Treasurer:

Whether he will provide details of the outcome of the consultancy commissioned by the government to review the Energy Relief Grants Scheme and concessions, including details of the involvement of the welfare industry.

Mr STOCKDALE (Treasurer) — The answer is:

The study commissioned by Department of Human Services to review the administrative processes of the Energy Relief Grants Scheme and the instalment payments plans has not yet been concluded.

The welfare industry has been consulted through a reference group comprising:

Victorian Council of Social Services (VCOSS)

Consumer Advocacy and Financial Consumer Rights Council

The Consumer Law Centre Victoria

Tuesday, 15 October 1996

QUESTIONS ON NOTICE

Multimedia: staffing levels

(Question No. 149)

Mr PANDAZOPOULOS asked the Minister for Multimedia:

In respect of each department, agency and authority under his administration, whether he will provide details relating to staffing levels for the financial years 1992-93, 1993-94 and 1994-95.

Mr STOCKDALE (Minister for Multimedia) — The answer is:

Multimedia Victoria was formed from elements of the Department of Premier and Cabinet, the then Department of Business and Employment and Arts Victoria (Film Victoria and the State Film Centre of Victoria) in 1996. Therefore, for the timeframes specified the answer is none.

Treasury: energy relief grants scheme

(Question No. 181)

Mr LONEY asked the Treasurer:

In regard to Energy Relief grants by the utilities, whether he will provide details of expenditure by government departments on energy relief grants for each year since 1990-91, indicating the split between service delivery costs and grants to consumers.

Mr STOCKDALE (Treasurer) — The answer is:

The following expenditure details on the energy relief grants scheme have been extracted from the relevant departmental annual reports for the years 1990-1991 to 1994-1995.

The 1995-96 expenditure details have been provided by the Department of Human Services.

Year	Department	Total (m)
1990-91	Manufacturing and Industry Development	1.199
1991-92	Manufacturing and Industry Development	1.517
1992-93	Energy and Minerals	1.817
1993-94	Energy and Minerals (part year)	0.122
	Health and Community Services (part year)	0.986
		1.108
1994-95	Health and Community Services	0.950
1995-96	Human Services	1.481

1995-96 is the first year in which service delivery costs were funded as a discrete component following execution of contracts between the Department of Human Services and the electricity distribution companies. The distribution companies received a combined total of $52 591 for administration of the energy relief grants scheme.

Treasury: energy efficiency

(Question No. 184)

Mr LONEY asked the Treasurer:

In regard to ensuring energy efficiency in Victoria, whether he will provide details on the following :

1. How is the government going to encourage energy efficiency when the distribution of system charges, the VP and transmission use of system charges are all flat rate charges?
2. How will reduction in consumption be achieved when for every extra unit of energy sold the suppliers of infrastructure gain most of the price in profit once their fixed costs are covered?
3. Why should a distribution company sell off-peak electricity when it can get far higher revenue for on peak energy sales because of the substantial variation between the on and off peak distribution use of system charges for consumers?
4. What effect is the failure to promote off peak electricity sales going to have on Victoria's ability to meet the greenhouse gas emission reduction targets?
5. Whether the Treasurer can explain how he expects there to be substantial competition in the electricity industry when most of the costs are tied in fixed charges to customers.
6. What percentage of the current round of contestable customers have accepted offers from retail licence-holders?
7. How many customers have signed contracts with retail licence holders who do not own a distribution company?

Mr STOCKDALE (Treasurer) — The answer is:

1. The predominant charge to consumers is directly related to the volume of energy actually used. Consumers have an incentive to conserve electricity as this will result in lower bills.
2. The electricity market has been restructured in order to provide incentives for sellers and buyers of electricity to negotiate outcomes which benefit both parties.

3. and 4. The distribution companies have a finite capacity and use higher distribution use of system pricing to encourage off peak sales and discourage peak sales. Cost reflective pricing is the beneficial outcome of the government's reform program. This promotes energy efficiency and reduces energy consumption with associated greenhouse emissions savings.

5. Competition occurs across the entire wholesale market which operates on an energy-bid basis. Competition is being progressively introduced in the retail market, where all customers will have choice of supplier by 2001.

6. and 7. Government does not have information on the specific contractual arrangements of the current round of contestable customers. However, between 40 and 50 per cent have changed from their host retailer (the distribution company that held their franchise) to another retail licence holder (this may be another distribution company or an independent retailer).