

Tuesday, 12 November 1996

The **SPEAKER** (Hon. S. J. Plowman) took the chair at 2.06 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Government: spending cuts

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to his statement last year that he had instructed bureaucrats to slash \$600 million from state government spending in the next financial year and that the cuts would not result in any job losses for Victorians. Given the alarming increase in Victoria's unemployment rate over the past four years from 8.6 per cent to 9.5 per cent will the Premier now abandon his reckless and dishonest plans to close more schools, make redundant more teachers and close more hospital beds, and will he disclose to Parliament the full extent of his proposed cuts to vital community services?

Mr KENNETT (Premier) — I must owe someone a dollar! After all that has happened in the past 24 hours I did not predict that question — it has caught me by surprise. When we came to office some years ago the unemployment rate in this state was obviously high, and it continued to rise for a period because of the changes we put in place to try to put Victoria on a stable financial footing. From memory unemployment rose to about 12.8 per cent. Today it stands at about 9.5 per cent, so there has been an actual reduction of about 3 per cent.

The merchants of doom on the other side want to relate that to unemployment percentages; they do not want to look at what is happening with employment, which is the other side of the agenda. According to the figures that have just been released, in the past 12 months Victoria has actually added approximately 45 000 jobs to the work force. Although Victoria has only about 25 per cent of the population, that represents 50 per cent of all the new jobs created in Australia. To me that is not a bad achievement — although we should like to do more. The merchants of doom on the other side also said that we promised we would cut expenditure by \$600 million. That is correct, that is our goal.

Mr Brumby — You said there would be no school closures.

Mr KENNETT — You asked the question. If you cannot handle the answer you should pipe down. One of the reasons we are seeking that saving in terms of new efficiencies and so on is to deliver taxation reform and lower taxation. So when the Leader of the Opposition, in his convoluted way, says publicly, 'We must have more tax reform', we agree with that, but we want to earn the money before we spend it — unlike he and his predecessors. Then when we say we are moving down that path, he says, 'For goodness sake, let's not have any reduction in expenditure if it will potentially put at risk any jobs'.

In four years we have improved the efficiency of the public sector; it is now providing a very professional service to the people of this state. We will not be able to provide the tax relief as quickly as we wanted to because of the extra money we have to pay the commonwealth as it tries to dig itself out of its financial hole. From memory, I think it is about \$157 million a year for potentially two years, and then half of that for the third year, if it is still required.

We will continue to manage this state responsibly. The opposition will have to make up its mind: either it wants tax reform and tax relief, in which case we have to earn the \$600 million, or it has to recognise that changes will take place. Whether or not those changes result in any job loss is yet to be determined. There will always be changes in any government structure, particularly when it employs, as we do, about 150 000 people.

I am very proud that over the past four years this government has achieved things, both in the delivery of better social services and in economic reform, to which the opposition cannot come within a bull's roar.

One only has to look at the opposition to understand — and the public realises it — that if it ever were elected to government the people of this state would be substantially worse off, because none of them on that side has ever run a business or been involved in making an investment decision.

Mr Brumby interjected.

Mr KENNETT — The Leader of the Opposition says, 'What has that got to do with it?'. I will tell you what it has to do with it. It compounds the problem

that you cannot convince the public that either you or any of your backbenchers or frontbenchers have the experience or the capabilities to be entrusted with government again. We will continue to work hard to deliver tax cuts in this state.

Mr Brumby — On a point of order, Mr Speaker, I draw your attention to standing order 127. The Premier is clearly debating the question. I asked the Premier whether, now that he has confirmed that he intends to reach a \$600 million saving this financial year, he will abandon his proposals for more school closures, more teacher redundancies and the closure of more hospital beds. I then asked him to outline the full extent of his proposed cuts to government savings.

The SPEAKER — Order! The honourable member is now simply repeating his question. I uphold his point of order, which related to the Premier's beginning to debate the question. I think the Premier has now finished his answer.

Industrial relations: reform

Mr KILGOUR (Shepparton) — Will the Premier advise the house of the benefits to Victoria, and indeed Australia, of the decision to refer the state's industrial relations powers to the commonwealth?

Mr KENNETT (Premier) — Now, Mr Speaker, there is a good question, and how highly relevant! The government, with a great deal of pride, has reached a position —

Honourable members interjecting.

Mr KENNETT — There is no doubt that the saying 'empty vessels make the most noise' is correct when you look over to the other side!

The government has reached a position where, with a great deal of pride, it is able to achieve one of the objectives that it has held dear now for a number of years. It goes back to well beyond our election in 1992, to when we were preparing for government — in fact, the seeds were sown in 1982, when we recognised that if this country was to have the opportunity to play a realistic role in an international world, we needed to do two things. One was to get the industrial relations of this state and country on a better footing; and the second was to get the taxation reforms that many of us have talked about in place.

In announcing yesterday that we are ceding to the commonwealth responsibility for industrial relations we started the process of reducing the number of different jurisdictions in this field in Australia, which is not only good for business in terms of business compliance and business costs, but until another state follows it also gives us a real competitive advantage. And that advantage is in addition to the advantages that have been achieved in reputation — in other words, people recognise that this state is open for business, that we look towards attracting new business and expanding existing business, and through that expansion we create jobs.

It also builds on the real leadership position that this state has now assumed in the area of workers compensation. When we came to office we inherited from our predecessors an unfunded liability of \$2.1 billion. Not only has that \$2.1 billion disappeared — we are now trading in the black — but we now have the lowest workers compensation rate in Australia.

The industrial relations reforms — adding to the other natural advantages that we have carved out with the vast majority of Victorians and Victorian industry — will position us exceptionally well as we go into the 21st century. The reforms have won widespread support, although you had only to look at television last night to see the honourable member for Williamstown harping and carping, indicating he does not appreciate the direction in which this community is moving and the way it is leaving the ALP in its trail.

The ALP in this state is increasingly irrelevant. I understand some changes will be made shortly, but any change will not change the obvious point: the Labor Party lacks any sense of leadership or any sense of where it would like to take us in the years to come. The industrial reforms we announced yesterday, in partnership with the commonwealth, will give Victorian industry and Victorians a competitive edge, unparalleled in any other jurisdiction in this country.

Schools: funding cuts

Mr MILDENHALL (Footscray) — I refer the Minister for Education to the statement in September last year by his predecessor, Mr Hayward, who said that the Premier's announcement of \$600 million in cuts would not mean any additional school funding cuts, and I ask: are not the mergers and closures announced by the

minister the result of the Premier's drive to achieve \$600 million in additional cuts, which he just confirmed, and is this not yet another example of this government's lying to the people of Victoria?

Mr GUDE (Minister for Education) — The simple answer is no.

Arts grants

Mr ROWE (Cranbourne) — Will the Premier and Minister for the Arts advise the house of plans for the use of an extra \$2 million recently made available to arts organisations and Arts Victoria?

Mr KENNETT (Minister for the Arts) — I thank the honourable member very much for the second relevant question in Parliament today. I think we are watching the Labor Party in disarray; it is probably deteriorating before our eyes.

In March the coalition government made a commitment to increase recurrent funds to Arts Victoria by \$8 million over four years. I point out to the ALP that that is \$2 million a year. I am pleased to announce that the first \$2 million has been allocated to grants for non-government organisations with arts projects, with a particular focus on small to medium-size organisations in the performing arts sector that have great performance programming potential.

Governments often give community money to large organisations and in the arts the small performing companies or individuals can miss out on the support and encouragement this government is giving them. We made a considered decision to allocate this \$2 million to people and organisations in the non-government sector that have what we call programming potential.

An extra \$600 000 of funding will go to artists' projects to be allocated through the existing arts development program. The total annual allocation of \$1.8 million will provide opportunities for artists to create new work, refresh repertoire generally and deliver high calibre arts programs at a range of sites, places and venues across the state. Those of us who, two weekends ago, participated in the Castlemaine festival will understand — —

Honourable members interjecting.

Mr KENNETT — I recognised only one person, and that was the honourable member for Bendigo East. You weren't there, were you? No, you weren't.

Mr Brumby — I didn't fly in a helicopter.

Mr KENNETT — The Leader of the Opposition said that with a hint of churlishness. The reason why he did not fly in a helicopter was because he had nothing to do before going to Castlemaine. I was in other parts of the state fulfilling engagements that enabled me to spread goodwill and cheer wherever I went.

Mr Brumby interjected.

Mr KENNETT — The helicopter belonged to the company from which we hired it on a commercial basis. The Castlemaine festival continues to attract government support. Because of the success of that festival, the Wangaratta Jazz Festival, and others we are allocating an extra \$365 000 to festival and event development. Another \$100 000 will target international and export projects. Here we have the aim of giving the Victorian arts industry and people in the arts the opportunity to take their products into the new markets of the Asia-Pacific region.

The high priority for 1997 is targeting the increased support being provided to small and medium-size organisations. This government has a long and consistent record over four years of continually providing the opportunity for small and medium-size firms and organisations to nurture and develop their innovative and exciting products.

Finally, we are also increasing by \$480 000 the operating base for a number of these organisations. Importantly, this is an area that has been refused federal funding, although we are making representations to have that funding restored. I am referring to the Polyglot Puppet Theatre Company, which travels widely visiting schools throughout the state. This sort of action builds upon our wish and desire to take as much as the arts as we can into communities other than metropolitan Melbourne where other people live.

The grants are being well received by the community at large. They add to Victoria's reputation of having a strong arts industry base. I thank the honourable member very much for his question and for his incredible interest in this area.

Schools: mergers

Mr MILDENHALL (Footscray) — I refer the Minister for Education to his threat to schools targeted for closure that they will 'be accorded the lowest priority for discretionary major maintenance

and refurbishment funds' and to section 37 of the Equal Opportunity Act, which prohibits discrimination by education authorities. In the light of this blatant breach of the act and its intent, will the minister immediately withdraw his unlawful direction?

Mr GUDE (Minister for Education) — I thank the honourable member for his question because it gives me an opportunity to inform the house of some of the good things that are happening in education. It gives me a great deal of pleasure to inform the house that a number of school mergers have occurred in Victoria. These mergers have occurred as a result of goodwill between the principals of schools, the parents of children in schools and others who support the process, which includes members of Parliament from both sides of the house. What the government has been prepared to do in this instance is identify a cut-off point —

Mr Batchelor — Mr Speaker, I draw your attention to standing order 127. The minister is clearly debating the question because his answer does not relate to discrimination or the equal opportunity requirements as clearly set out in the question. He should either answer the question or be asked to sit down.

The SPEAKER — Order! I do not uphold the point of order. The minister has not been speaking for long. As the member well knows, it is up to the minister how he answers a question. It is the minister's prerogative, provided that there is some relevance to the question.

Mr GUDE — I understand that at this very early stage some 12 schools have already made a commitment to merge. I have announced that the Waldau Primary School is to merge with the Doncaster East school. The Murrumbeena, Caulfield and Prahran secondary colleges are also to merge to form the Glen Eira College.

On the last Thursday we met in the adjournment debate the honourable member for Thomastown raised with me the issue of Merrilands Secondary College. I am very pleased to be able to inform the honourable member and the house that that school community has agreed to merge with the Merrilands Primary School. It just shows what can be achieved when a local member works with his school community to bring about the best in education, which results in quality education. That is what ought to be happening. Contrast that with the grandstanding of the Labor Party, the grandstanding

of the AEU and the actions of certain councillors in the cities of Moreland and Geelong, who are prepared to squander ratepayer funds in their opposition to this project.

Mr Mildenhall — Mr Speaker, on a point of order I direct your attention to the matter of relevance. The question clearly related to the minister's threat to schools, as I outlined in the question, and the relevant section of the Equal Opportunity Act that prohibits discrimination by education authorities. I asked whether the minister, in light of the blatant breach of the act and its intent, would now withdraw his unlawful direction. He can say yes or no or whatever he likes, but he needs to answer the question.

The SPEAKER — Order! The question was clearly about school mergers, or closures as the honourable member said. The minister has been talking about mergers and, as I said in answer to the previous point of order, it is the prerogative of the minister to choose to answer part of the question and not all of it.

Mr GUDE — I am also pleased to give the house more good news. The Mornington Secondary College has decided to consolidate its school onto one site at the current secondary college. The Glenfern and Ferntree Gully secondary colleges have agreed to merge on the Ferntree Gully site. It can be seen that a range of commitments and support are coming from school communities right across Victoria. The government has simply asked school communities to examine the size of their schools, their projected growth and the opportunities that might be available to them to deliver a quality education.

Mr Brumby — On a point of order, Mr Speaker, this is a clear abuse of question time. The minister was asked about advice he has given to schools and the relationship of that advice to section 37 of the Equal Opportunity Act. This minister has acted unlawfully. He has threatened schools with discrimination, and we want him to —

Honourable members interjecting.

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

Mr GUDE — School communities are making clear commitments to providing quality education for their students. That and that alone is the government's goal — the best quality educational

outcome that can be achieved for every Victorian youngster. I commend the school communities, the principals, those members on this side of the house and sadly only one — but I have reason to believe there will be more — on the other side who will join with others in delivering improved quality educational outcomes. Finally, I look forward to announcing more opportunities for Victorian youngsters to gain a better education.

Electricity industry: national market

Mr McLELLAN (Frankston East) — Will the Treasurer inform the house of the benefits to Victoria from the new agreement for the establishment of the national electricity market?

Mr STOCKDALE (Treasurer) — I am happy to announce today that the governments of Victoria, New South Wales and the Australian Capital Territory have signed a heads of agreement to clear the way for the commencement of the next stage of development of the national electricity market, known as NEM1. This historic announcement will lead to a more competitive national electricity market, and Victorian consumers are among the first to benefit from that development.

Of course, it is intended that South Australia and Queensland will eventually be signatories to the national market agreement, but Victoria and New South Wales have led the way in establishing electricity reform and worked together to open the national electricity market. That will lead to important new opportunities for Victorian companies and benefits to Victorian consumers.

It should also lead to more competitive energy costs for both industrial and domestic consumers and help to make Australian industries more competitive as we capitalise on the comparative advantage of low-cost energy. It is also one of the key ingredients in continuing the very successful record Victoria has had under the current government in attracting new investment based on developing a skilled work force and advantages like low-cost energy.

The heads of agreement will see the introduction of the first stage of the NEM1 market by February 1997, and unrestricted trading between Victoria, New South Wales and the ACT is expected to commence no later than 1 July 1997. The announcement flows from the further implementation of the decisions of the Council of Australian Governments in which all states and territories have agreed to move towards competitive electricity and gas industries and to

provide effective and unrestricted access to the wholesale and retail electricity markets. The agreement will allow the phased introduction of interstate energy trading and enable generators and retailers in the participating states to trade electricity freely. The linking of the competing markets will establish a real incentive for robust and competitive trade.

It is important to point out that Labor governments not only have been part of the agreements reached to make these far-sighted reforms but, in the face of the competitive pressures unleashed in Victoria, New South Wales is currently contemplating further steps toward reform. It appears the New South Wales government is softening its position on privatisation, so the Victorian Labor Party is to be left alone. Deserted by its federal colleagues when it was last in government, according to the reports in Tuesday's *Sydney Morning Herald*, it is now faced with the New South Wales Premier distancing himself from the position he had previously adopted, and which had been adopted in the councils of the ALP, of opposing the sorts of reforms that have been introduced in Victoria. When asked last week about the prospect of privatisation, the NSW Premier said:

We've said we've got no plans to sell them but obviously we've got to look at how the national electricity market takes shape. I think the public sector can be a success but obviously we've got to make sure they're competitive.

You do not have to reflect for long on the competitive forces that have been unleashed with low-cost, brown-coal-fired baseload capacity in Victoria to realise that New South Wales will need to implement the sorts of reforms undertaken in this state. Just as it is encouraging to see New South Wales and the ACT joining Victoria in this formal recognition of the next stage of development of the national electricity market it is pleasing to note we can look forward to the establishment of new competition in Victoria and New South Wales.

Schools: information technology

Mr MILDENHALL (Footscray) — I refer the Minister for Education to his announcement that schools that merge will be eligible to receive four computers for each classroom plus five computers on a trolley for the whole school. Is this promise a backdown from the undertaking made by the Premier last year that there would be a computer for every four students in the state?

Mr GUDE (Minister for Education) — I thank the honourable member for his question because clearly upgrading is needed when schools merge and move to larger sites. As the honourable member is well aware, there is a commitment of up to \$150 000 for information technology in the case of primary schools. That is for things like wiring that might be necessary and hardware and software that are available. Unlike the Labor Party, which continues to whine, carp, knock and try to tear down, the government is about delivering quality educational outcomes for students in this state.

One of the other important areas relating to information technology is the government's commitment of \$10 million for the training of 6000 teachers per annum over the next four years. We have a commitment to training the teachers and providing information technology in the schools. If the honourable member had been paying attention a week or so ago — perhaps it has just escaped him — he would recall that I announced a new purchase program on a three-to-one arrangement to support schools in the delivery of information technology in this state.

Victoria is leading Australia and is one of the world leaders in the provision of information technology to schools. We will continue to drive that as hard as we possibly can and we will deliver the most computers and the most relevant information and multimedia technology to our schools that can possibly be achieved. The government is on target in fulfilling all the promises that have been made.

Drugs: database

Mr SPRY (Bellarine) — Will the Minister for Police and Emergency Services inform the house of the benefits of the recent decision to develop a drug database for the purpose of monitoring illicit drug use in Victoria?

Mr Brumby interjected.

Mr W. D. McGRATH (Minister for Police and Emergency Services) — I thank the honourable member for his question and his interest in this issue. Following the Premier's initiative in getting on the front foot and wanting to come to terms with drugs in this state — despite the interjection from the honourable member for Broadmeadows — the Penington committee highlighted the need for a comprehensive overview of illicit drug use in Victoria. The Penington report stresses the need for a consistent, up-to-date and accurate database for

illicit drug use across relevant government agencies. The Leader of the Opposition apparently didn't bother reading the report, otherwise he would not have made that stupid interjection at the commencement of this answer.

The report also recommends the development of drug policy in programs, the need to evaluate and monitor the effectiveness of law enforcement and harm reduction strategies, and the need to guide operational police action against illicit drugs and actions aimed at harm reduction. As the key element of the project, the report highlights the need to establish a comprehensive database on illicit drug use in Victoria to incorporate a wide range of information on how courts and correctional services deal with the illicit drug issue.

The project will develop consistent definitions, including rules and classifications of the data, provide easy access to the database for operational policy programs, provide links between the currently isolated data sources, and provide the basis for comprehensive analysis and interpretation of a full range of available data.

The project will provide a better resource to serve as a basis for the Victoria Police in deciding how best to enforce the drug laws and when and where to mount special operations targeting drug offences. It will also provide advice to the health department on dealing with the emergence of new types of illicit drugs — for example, the fantasy drug discovered in Queensland, which made many young people ill. This program will also provide linkages with several proposed initiatives under the government's drug reform strategy, which resulted in 'Turning the Tide'.

In addition, the project will promote and develop a national benchmark for statistics on illicit drug use to enable a comparison to be made between Victoria and other Australian states and territories. The government has provided just on \$750 000 over a three-year period for the overall program.

In conclusion, regardless of the initiative of government, of how hard educationalists, health workers, justice people or police work, there needs to be a commitment by our young people to be fully aware of the dangers of illicit and addictive drugs. As I have said previously in this Parliament, it really is a waste of a life to abuse illicit drugs. People who become addicted to drugs cause significant harm to themselves and enormous discomfort and disquiet in their family environments, and it is time we as a nation and as a people woke up to the dangers of

illicit drugs and took note not only of the Penington report but also some of the work undertaken by this government to come to terms with the drug problems in this state.

Child protection services

Mr BRUMBY (Leader of the Opposition) — I refer the Minister for Youth and Community Services to the fact that the minister's department instructs solicitors to make crimes compensation applications on behalf of children in the child protection system who have been the victims of such crimes as sex and physical abuse. I ask the minister to confirm that the vast majority of compensation paid to such children is paid for pain and suffering.

Dr NAPTHINE (Minister for Youth and Community Services) — I will take advice on this question and get back to the honourable member as soon as possible.

Libraries: funding

Mr PHILLIPS (Eltham) — Will the Minister for Planning and Local Government inform the house of the action the government is taking to improve the quality of public libraries in Victoria?

Mr MACLELLAN (Minister for Planning and Local Government) — In 1994 legislation was passed that enabled the establishment of proper legal entities for libraries and regional library corporations. To date 13 new corporations have been established and three are under way, in addition to one cross-border one being established among seven New South Wales and three Victorian councils to be based in the Albury-Wodonga area. Since coming to office, the government has increased the allocation of funds to municipal public libraries. In July this year I announced funding of \$19.7 million for public libraries, with an additional \$1.3 million to be spent providing Internet access through Vicnet to all library branches and book mobiles. I am now pleased to announce a further \$1.3 million for three additional programs for municipal libraries: \$118 000 for libraries that are in the transition phase to larger stand-alone services or regional library corporations, \$441 000 to be allocated following submissions for innovative and new programs in libraries, and \$750 000 for the purchase of additional book stock and other materials, which have been sadly neglected in the past. This will mean libraries will have received an additional \$2.6 million this year. The government remains committed to the

reform of the public library system to ensure that all Victorians have access to a quality library service.

Gascor: consultancy

Mr LONEY (Geelong North) — I refer the Treasurer to the internal Gascor memo of 29 July this year announcing the appointment of Troughton Swier as consultants on gas reform, and I ask the Treasurer to provide details of that appointment, including when the consultancy was advertised, the duration of the consultancy, and the cost to the taxpayer.

Mr STOCKDALE (Treasurer) — I can see the Labor Party interest extends to the very successful relationship between the government and Troughton Swier and Associates. As you will recall better than most, Mr Speaker, Dr Troughton and his associates, Mr Geoffrey Swier and a number of other specialists with international experience, were attracted to Victoria by the commitment the government had given to the introduction of a competitive market. During the government's first term of office it became apparent that although the reform of the electricity market was successful, a number of interrelated issues were being thrown up concerning electricity, gas and the government's involvement with the aluminium industry. Most particularly, of course, the issue in the latter category was the fact that the Labor government — when Victoria last suffered a Labor government — had actually committed us to a subsidy that runs at about \$200 million a year to the aluminium smelter.

In order to ensure that the interests in those areas were properly rationalised, the government took a number of initiatives. First of all, it restructured the state-owned enterprise division of the Treasury to create a new energy projects division, and appointed a new director with responsibility for gas, electricity and aluminium reforms. Staff involved were assigned to that area and it was determined that to give us access to the people who so successfully carried out the electricity reforms Dr Troughton's company should be retained in order to ensure that that success carried through into those other areas. The government was faced with the prospect of ensuring it obtained those services on the best possible terms, and for that reason entered into negotiations with that company and undertook benchmarking studies.

We have a significant investment in the knowledge that the people involved gained in the four years of our first term in office. We could have done what the

Labor Party did in many cases and gone through the fiction of a competitive process knowing that the state had a very strong interest in ensuring continuity. However, we used the benchmarking material available not only to ensure that the taxpayer received an extremely good deal but also to ensure that the investment in the knowledge and experience that those people gained during the reform of the electricity industry were not lost during the second stage of the reforms. Indeed, it was extended to cover our interest in —

Mr Loney — On a point of order, Mr Speaker, the Treasurer has been speaking for a considerable period and I ask you to direct him back to the question, which was quite specific: was it advertised, for how long and how much?

The SPEAKER — Order! The honourable member has, as have a number of other members, simply restated his question. It is not a point of order to restate a question.

Mr STOCKDALE — The state had an immensely valuable investment in the knowledge those people had gained and it was vital that that was carried through to the second stage of electricity reform, and nothing could be more important than that knowledge being extended into the areas of gas and aluminium. I am very pleased we have reached an arrangement with Dr Troughton and his associates. They are carrying on the same excellent work that gave the community such a tremendously important outcome in the government's first term and their work will be of immense benefit to the Victorian community.

RACIAL TOLERANCE

Mr KENNETT (Premier) — By leave, I move:

That this house — (a) reaffirms its commitment to the right of all Australians to enjoy equal rights and be treated with equal respect regardless of race, colour, creed or origin; (b) reaffirms its commitment to maintaining an immigration policy wholly non-discriminatory on grounds of race, colour, creed or origin; (c) reaffirms its commitment to the process of reconciliation with Aboriginal and Torres Strait Islander people, in the context of redressing their profound social and economic disadvantage; (d) reaffirms its commitment to maintaining Australia as a culturally diverse, tolerant and open society, united by an overriding commitment to our nation and its democratic institutions and values; and (e) denounces racial intolerance in any form as

incompatible with the kind of society we are and want to be.

This motion replicates the motion moved in federal Parliament recently by the Prime Minister, Mr John Howard, and seconded by the Leader of the Opposition, Mr Kim Beazley. I move the motion today in a bipartisan act to reinforce the federal resolution in defence of our democracy and in recognition of the harmonious way Australians have and, I expect, will live together.

This debate will be of 2 hours duration. I have agreed with the Leader of the Opposition that each speaker will speak for 10 minutes only in order to give a number of members the opportunity of making contributions to the motion.

I have been in Parliament for just over 20 years. In 1980 I was given the honour of being appointed a minister by the then Premier, Sir Rupert Hamer. He gave me three ministries: one was housing — in the middle of the land deals; one was aboriginal affairs; and the third was immigration and ethnic affairs. When I took up those responsibilities, particularly those in relation to the Aboriginal and ethnic communities, I admit my understanding and knowledge was minimal. On many occasions since then I have said that Dick Hamer did me a great personal service because he put me in touch with members of the community I would not normally have been in touch with as either a parliamentarian or a citizen. One real value of being a parliamentarian is the way we reach out to the community throughout the state and the country and the fact that as we receive increased and different responsibilities we are exposed to new environments and new congregations of people.

I have had responsibility in the Liberal Party for what I have now determined to be called multicultural affairs almost consistently since 1980, with a short break when I was serving time on the middle bench. I consider it to be an absolute honour to have developed relationships with members of the community I would not normally have been in touch with. That association has made me very aware that the social and financial strengths of Australian society would not be where they are today without the contribution of the many people who have settled in this country. The percentage of the Australian population is approximately 75 per cent Anglo-Saxon origin — we are all immigrants at one time or another — and 25 per cent non-Anglo-Saxon origin, yet during my time as a member — with one exception when there was some

tension within some communities — no-one could ever argue that we live in anything else but a harmonious environment. Australia is a wonderful democracy. Since our foundation we have consistently been a free democracy in which there has been a great deal of tolerance.

The multitude of peoples represented in this country is, without doubt, one of our greatest strengths. It is not a strength we have properly exercised or made the most of as yet, but we are doing more today than we have in the past. For instance, recently the Treasurer was in Asia to address a group of Malays who were educated in Victoria. We have established relationships with that group to develop commercial and social opportunities into the future. That has been the case in Thailand, Indonesia and in many other countries immediately to our north. We have relationships with people based on our tolerant policies that will stand this country in good stead for many years to come. Honourable members will see that paragraph (a) of the motion states:

... reaffirms its commitment to the right of all Australians ...

There is one other reference to Australia in the motion. It was suggested that be changed to Victoria and Victorians but I rejected that on the basis that we are Australians first. It is essential that this Parliament gives a clear message to the community that it will act in support of our federal colleagues, regardless of political persuasions, in a bipartisan way to reaffirm all strengths, benefits and opportunities that multiculturalism has given to us and will continue to give to us in years to come.

As I said earlier, few nations in the world can boast of the continuous democracy we have had. The continuous waves of immigration by choice or of displaced people — or a combination of both — have meant that Australia is a multicultural society in the true sense. This motion is and should be seen as an effort by this Parliament to reaffirm its commitment to a developing society as we leave this century and proceed into the next. All members of Parliament, from both sides of the house, should recognise the importance of the immigration program and support those who have been part of that program which has developed opportunities for us all.

One of the most disagreeable parts of the debate over the past few weeks has been the way in which, when talking about people of one ethnic origin or another, speakers have often overlooked the fact that

today most of those who have ethnic backgrounds have been born here. When talking about immigration levels it is totally inappropriate simply to generalise based on race, region, people's parents or grandparents or differences in skin colour or physical characteristics. Certainly, most of the people under 20 whom we see walking along our streets today have been born in this country. They are Australians first and foremost; they always will be Australians although their parents settled here at an earlier time.

Those on this side of the house who have known me for a long time — and those on the other side who have worked with or against me, whatever the occasion may have warranted — clearly understand that my views on immigration and multiculturalism have been consistent, and I would like to think that no-one would challenge that. People may disagree with the way I do things from time to time, but I have remained steadfast in my commitment to those two issues. Not only do I feel genuinely passionate about our multicultural society, but also I am a strong supporter of a higher immigration level — and I do not walk away from that. I want to see this country and its population grow.

I want to see this country made up of people who, regardless of where they come from, are prepared to commit themselves to our laws and to work not only to look after themselves, their families and their friends but also to develop opportunities for others. We will not change society: we can never go back, and we would not want to go back. We are strengthened by the mix of peoples who live in this country.

There are approximately 15 000 members of the Aboriginal community in Victoria, and there were approximately 17 000 when I first had responsibility for Aboriginal affairs in 1981. Aborigines are a special group of people, because they are members of our indigenous community. They have suffered greatly in the past, which all of us appreciate. All we can do in this day and age is make sure that whenever acts of discrimination occur they are recognised as such and eliminated. Secondly, we can provide Aborigines with opportunities not only to maintain their culture and to contribute to society in the ways they want to, but also to ensure that they and their communities have access to the fundamental benefits of a modern society — and by that I mean access to good health, good education and the security that goes with good housing.

All of us in this place are incredibly privileged to be Australians at this stage of our young country's development, because we have the opportunity to carve out opportunities for the future. Nothing better demonstrates the tenor of this debate than some words from the tune *One Australia*:

We are one, we are many, and from all the lands on Earth we come.

We sing with joy, we sing with one voice.

I am, you are, we are, Australians.

At the end of the day, that is exactly what we are. All of us are one; all of us are Australians. Let us make sure motions such as this are supported not only by Parliament but by the community as a whole.

Mr BRUMBY (Leader of the Opposition) — I join with the Premier in supporting the motion. We are debating it at a time in our history when it is necessary for this Parliament and the national Parliament to assert vigorously their belief in equal rights, non-discriminatory immigration, cultural diversity, multiculturalism and Aboriginal reconciliation. It is particularly appropriate that the Victorian Parliament should be debating this motion because, more than any other state, Victoria embodies multiculturalism. Of all the Australian states and territories Victoria has the highest proportion of residents who were born in countries other than the main English-speaking nations. Approximately one-third of the Australian population that comes from non-English-speaking backgrounds can be found here in Victoria.

I am sure that without parliamentary leadership the present debate about racism and immigration will travel down an ugly and destructive path and will directly challenge those values on which we have built a decent, cohesive, culturally vibrant and outward-looking society. Every honourable member has been elected to and has served this place during a period in which there has been strong bipartisan support for multiculturalism and non-discriminatory immigration. From the days of Gough Whitlam, a former Labor Prime Minister and the father of multiculturalism, through those of Prime Minister Fraser, Prime Minister Hawke and Prime Minister Keating to the present, all federal governments and their oppositions have embraced and supported the fundamental values of racial equality and non-discriminatory immigration.

This Parliament is the embodiment of the policies which have produced a diverse, tolerant and open society united by our overriding commitment to free democratic values. One-third of the 39 Labor members of this Parliament were born overseas. Many others are the children of parents who migrated here and made Australia their home. Approximately 8 per cent of members on the government benches, both here and in the other place, were born overseas — and 10 members of this place were born overseas. I know we are all proud that Australians of Greek, Italian, Maltese, Cambodian, German, Croatian and Bosnian origin are represented in this chamber.

We are also proud of the election to the other place of the first Australian of Vietnamese origin and the first Australian of Turkish origin, who is also the first person from that background elected to an English-speaking Parliament anywhere in the world. These are great achievements and we should be proud of them. In total, some 20 members of the 53rd Parliament were born overseas. In this place, as is the case elsewhere in Victoria and Australia, we are truly a family of nations.

In supporting the motion, every member of this house will send the clear and unequivocal message that racial intolerance and racial discrimination are unacceptable and un-Australian. With hindsight, it would have been better if the motion had been discussed and resolved in this place a month ago. At the ALP state conference on 13 October I spoke at some length about the need for national leadership on this issue. At that time, together with the shadow minister for ethnic affairs, the honourable member for Springvale, I wrote to all ethnic communities, chambers of commerce and consular heads making clear our full support for non-racial immigration, for multiculturalism and for our engagement with Asia. On 15 October, the parliamentary Labor Party caucus passed the following motion, which I shall read:

That the Victorian ALP parliamentary caucus affirms its commitment to Australia's multiculturalism and that Australia is based on common citizenship, equality of opportunity and pluralism.

We support the right of all Australian residents to retain and express their ethnic and cultural identity.

The ALP caucus recognises the invaluable contribution made by migrants to the economic, social and cultural development of Australia. We support a bipartisan, non-discriminatory immigration policy.

We went on to say:

Racism must be combated with the support of all political parties, and we call on all political leaders to reaffirm their party's commitment to multiculturalism and to a non-discriminatory immigration policy.

At about the same time I attended the Taiwanese national day at the Hyatt Hotel. In the audience were hundreds of people enjoying the celebrations. I made clear at that time the concerns about the withdrawal of foreign investment from Australia. I spoke of my pride that in this state both sides of politics support multiculturalism, non-racial immigration and engagement with Asia. I was warmly applauded.

To those in our community who hold different views about multiculturalism and non-racial immigration I make the following points. Since World War II more than 5 million people from more than 120 different countries have settled in Australia. That is an extraordinary achievement. In 1995 Australia's population reached 18 million. It took five years for the population to rise from 17 million to 18 million. Net overseas migration contributed some 32 per cent of the increase to 18 million compared with 52 per cent for the earlier total of 17 million. The postwar immigration program instigated by Labor Minister Calwell has been the envy of countries around the world — that is not a matter of debate, it is a matter of fact.

We have progressed from being an inward-looking, insular nation to a vibrant, outward-looking and independent country. Each new influx of migrants has added immeasurably to our culture, work force, skills base, arts, education, lifestyle, eating habits, trade links and economic opportunities. Indeed, it is impossible to envisage a Victoria which was not truly multicultural. In my electorate of Broadmeadows 24 per cent of the constituents are from non-English-speaking backgrounds and 12 languages other than English are spoken in Broadmeadows homes. With that kind of diversity every aspect of the community's life has been touched and enriched by multiculturalism.

As Leader of the Opposition and the member for Broadmeadows I state today that my support for this motion is based fundamentally on my deeply held convictions about racial equality and the benefits of diversity. Yet I acknowledge that feelings of economic insecurity within our community can provide fertile ground for racist sentiments. It is simple to brand and vilify those who are different in

order to relieve a sense of anxiety. In this debate we must say clearly that our multiculturalism and our diversity do not constitute an economic threat but an economic benefit.

Last financial year Victoria had a net trade surplus of more than \$2.8 billion with its Asian trading partners. Without doubt our focus on trading with Asia and our ability to connect with its societies has benefited immeasurably from the contribution of Asian migrants. Our engagement and our trade with Asia promises and offers us unlimited, improved living standards.

Our tourist industry continues to grow with travel from Asia providing \$6.3 billion to our country in the last financial year. In Victoria overseas tourists account for 25 per cent of our \$3.4 billion tourism industry. So immigration contributes to our economy. Our business migration program alone last year was estimated to yield an economic windfall of some \$90 million to this state. On the grounds of cultural diversity, multicultural tourism and business interests that are provided from our engagement with Asia there is no doubt that this motion not only reflects the values by which we live that have made this state and this country great but also, as the Premier said, is crucial for our economic future.

In the minute that remains I shall simply address the issue of Aboriginal reconciliation. Two years ago in Queen's Hall in Parliament House I had the honour of launching the Australia for Reconciliation project. In my speech I referred to the living conditions of our Aboriginal people, infant mortality rates, access to health care and incarceration and employment levels. It is incumbent on Parliament to reflect on the need for reconciliation with Aboriginal people. It remains as true today as it was when we launched the project in 1994.

The motion today is bipartisan; it enjoys support from all members of the house. It is a clear statement to the community and to our overseas trading partners that we believe in certain values and that we will support those values. We believe in cultural diversity and we gain strength from cultural diversity. We support multiculturalism and non-racial immigration and we stand firm in our support of and conviction about those values.

Mr McNAMARA (Minister for Agriculture and Resources) — I join with the Premier and the Leader of the Opposition to speak in favour of the motion, which is supported by all members of the house

across party lines. By its development as a multicultural nation, Australia has clearly been an example to the rest of the world. The way migrants from all parts of the world for more than 200 years have been welcomed as part of the Australian family has been an example to almost every other nation. We have some outstanding examples of migrants from various parts of the world. In the postwar period the composition of migration to this country changed dramatically — most noticeably from migrants from Anglo-Celtic countries to Central Europe, the Mediterranean area and later to migrants from Asia.

In my electorate the tobacco farmers were predominantly Italian; they came to Australia after the war and developed a flourishing industry. The community was led by people such as Angie Rigoni, who has been appointed as a commissioner of the Shire of Alpine. Joe Vraca migrated to Australia at the same time and has made a huge contribution to the agriculture of this state. In fact, he is running probably the largest farming operation in Victoria.

Regardless of where in the world they come from, it is natural for people to have pride in their origins. Even though many members of the Australian community were born here — perhaps their parents or grandparents were not born here — they still recognise their ethnic origins. In this place alone we have a notable celebration on 17 March, which is attended by a number of members. Various other functions are attended by other members who have different origins. That is just the nature of being an Australian. One of the interesting things is that no member sees offence in that. In fact, members welcome the fact that all Australians can be proud of their ethnic origins and display them openly at times. At the same time they can be fiercely proud to be Australians and of what Australia stands for.

Last Sunday in my electorate of Benalla a monument honouring Sir Edward 'Weary' Dunlop was unveiled. Without doubt he was one of the most notable Australians of this century. He was an outstanding international athlete and played rugby for Australia. He also suffered tribulation during one of our most torrid periods of history — like 22 000 other Australians he was a prisoner of war. He emerged from that experience as one of the greatest advocates for continued interaction and dialogue with Asia. He was directly involved in fostering and encouraging the Colombo Plan, which had an impact not only on Australia as a whole but especially on Victoria. A few weeks ago when I visited South-East Asia I appreciated the impact of

that plan because of the education links that exist between Australia and South-East Asia.

More than 100 000 Singaporeans and 140 000 Malaysians have received tertiary educations in Australia. That has provided terrific links on which to build. South-East Asia is developing as one of the strongest economic areas of the world, an area that is growing at a more rapid rate than any other. The area is becoming even more significant as a trade source for Australia.

The changes to Australian cuisine are, again, a result of migration, a fact that was reinforced on Saturday when I opened a viticulture conference. At that conference we talked about the wine industry's targets for the next 30 years. I reminded those at the conference that if we went back 30 years to 1966 we would see that 80 per cent of the wines we were consuming were fortified wines — sherries and ports. There was virtually no varietal wine, the total tonnage of cabernet sauvignon in Victoria was 700 tonnes — now plenty of vineyards produce that on their own — and wines such as chardonnay were non-existent. Without doubt the large influx of people from the Mediterranean area and from central Europe has had an impact on our dietary habits — and continues to have an impact.

The future trade we have with Asia is also particularly significant. If we again look back over that 30-year period we see that much of our trade was either with North America or Europe — and that has dramatically changed. Japan is clearly our largest trading partner; our second largest trading partner, Korea, is also in the north Asian area.

We have links with Asia through tourism; annually we receive 750 000 tourists from Japan, more than 150 000 from Korea, and an equal number from Taiwan — and the number of tourists from countries like Singapore is equivalent to two-thirds of the number from North America. So it is important that we send the messages out, particularly to our immediate neighbours, that Australia welcomes that interaction with Asia, that Australia welcomes that investment, and that Australia certainly welcomes that tourism.

When we were in Singapore with the Sembfood company, its vice president, Ms P. J. Tan, raised the matter of the reports that she, like many others in South-East Asia, has been reading of the so-called racist or Asian debate that is going on in Australia. It is causing a great deal of damage. It is unfortunate that many members of the media are overplaying

the issue — the view that is being portrayed to Asia is certainly not reflective of the views of the broad Australian community. In fact the broad Australian community abhors the publicity that one of our federal colleagues in recent times has been getting, and the message that has been going around the world.

The media has a responsibility, particularly given that some of the ABC broadcasts go into the Asian area. Some are reporting almost verbatim everything negative; every person who has made any racist comment in Australia is broadcast through that Asian area. It has to be put into perspective. I hope that debate such as this, and also debate in the federal Parliament, will in future get equal coverage to give a more correct picture of the real views of the bulk of Australians.

Mr MICALLEF (Springvale) — As the Victorian shadow minister for ethnic affairs, I join previous speakers in supporting the motion. I commend both the opposition and the government for coming together in support of a non-discriminatory immigration policy, in denouncing racism, and in supporting reconciliation of the indigenous people of this country. They are important principles.

It is a very opportune time for both major parties in this state to come together with a clear commitment to immigration and a strong support for multiculturalism.

I will read a statement from a media release put together last night by community leaders at the City of Greater Dandenong's access and equity meeting, which I attended. The statement reads:

Our experience is that the gains of a socially diverse community are immense. We are therefore disappointed that the bipartisan statement of the federal government speaks of the national interest in economic terms only. Racism is morally unacceptable and damaging to the community — it can never be good for the health and wellbeing of Australia — it implies that some people are inferior to others on the basis of physical characteristics such as skin colour, and violates the principle of the fundamental dignity of the human person ...

I believe that statement, even though it is good, could have gone a little further.

Many an apologist in this country has tried to say that the arguments put forward by Ms Pauline Hanson are reasonable and that she is not a racist.

We need to spell it out in clear, unequivocal terms that the present debate is certainly worth observing in terms of the definition of 'racism' in the *Macquarie Dictionary*, which is:

1. the belief that human races have distinctive characteristics which determine their respective cultures, usu. involving the idea that one's own race is superior and has the right to rule or dominate others.
2. offensive or aggressive behaviour to members of another race stemming from such a belief ...

Given that definition, Ms Hanson's speech and subsequent statements were certainly clearly examples of racism and are totally unacceptable.

In her maiden speech in the federal Parliament Ms Hanson said:

I and most Australians want our immigration policy radically reviewed and that of multiculturalism abolished —

that is, she wants the principle of multiculturalism abolished. She also said:

... we are in danger of being swamped by Asians.

The problem with this debate is that it has become very much an anti-Asian issue. That is rather unfortunate. We have the principle and come from the position that racism is morally wrong, that we are a culturally diverse country, and that we recognise the many different cultures in this state — and we have a bipartisan position on that in Victoria. The federal Parliament spells it out, but does not go far enough, but I think we have even got past that. As former Prime Minister Keating says, we are no longer a monoculture and we cannot go back to it; we are now at the stage where we are sharing and celebrating cultures from many different countries. That is an important issue. We have gone way beyond the monocultural position and are now celebrating — and enjoying — the cultural diversity of this rich nation with its 5.4 million people who have come to this country to develop it economically, culturally and socially to make it one of the best countries in the world in which to live.

I go to the repercussions of the comments made by the member for Oxley. In the area I represent, Springvale, in the City of Greater Dandenong, the director of SICMAA, the Springvale Indochinese Mutual Assistance Association, has had a death threat and a number of letters sent to him that are totally offensive. He has not reported the death

threat to the police, but it is a serious one and he became very emotional when talking about it. We have also had bashings in schools: one child from a non-English-speaking background was taken to an intensive-care ward at the local hospital.

The repercussions of the comments have been disruptive and bad because they have encouraged those with racist tendencies and racist attitudes to come out. It was rather unfortunate that the Prime Minister of this country did not come out and in clear and uncertain terms condemn the racism contained in that maiden speech. That is unfortunate, and that is one of the other issues that ethnic community leaders are talking about: there is a lack of clear leadership by the Prime Minister in this case. It was left up to the Parliament at a later stage, and people like the Governor-General and many religious leaders are — in deference to the interjection of the honourable member for Doncaster — coming out and showing leadership. It was unfortunate that this did not come out, because the views of apologists of prejudice and bigotry need to be stemmed and stopped. We do not need to give cold comfort to people who make such comments.

This is doing a lot of damage to Australia overseas. The Asian media is certainly reporting it in a way that is very damaging to this country. This matter was discussed last night. I accept that some Asian countries have a poor record on racism. Australia is a very tolerant country and to us the principle of a fair go is extremely important. We have had comments from the federal Minister for Immigration outlining the enormous benefits of immigration to jobs. Every job a newcomer takes up creates another job. The negative aspects of immigration that have been raised in this country can be shot down. Australia is a country the rest of the world looks at. Last year when the Cultural Global Diversity Conference was opened by the Secretary General of the United Nations we were very proud to put our cultural diversity on display. It is extremely important for us to do that.

Racism is repugnant; it is morally wrong; it should be condemned. In this country we should do all we can to show the way. As a Parliament we need to show the way. The actions of groups such as Australians Against Further Immigration and others that put forward economic or ecological arguments against immigration should be condemned.

The lack of leadership previously evident in this country has now been addressed by a number of people in this state. I believe we should work

together in a bipartisan way. We should stand up to these racists and not pander to the rednecks. We have some rednecks in our ranks and there are some rednecks in the government parties. We do not want to encourage them. I have been very pleased to take part in this debate. The background of racism in this country is well and truly documented in this wonderful book. We have a good story to tell. The Pauline Hansons of the world are a hiccup. We will go on to celebrate the cultural diversity of Australia.

Mr HONEYWOOD (Minister Assisting the Premier on Multicultural Affairs) — I join in this debate especially in my capacity as Minister Assisting the Premier on Multicultural Affairs. Just as the Premier finished his address on this most important of matters today with the words of a patriotic song, I would like to quote some words from a truly international song. Those words are:

You've got to be taught to hate and fear
You've got to be taught before it's too late
Before you are 6 or 7 or 8
To hate all the people that your relatives hate
You've got to be carefully taught

Those words are from Rogers and Hammerstein's musical *South Pacific*. To me those words contain the message that racism is something that is learnt rather than something that comes from the internal processes or the genes. I think all honourable members would agree that perhaps one of the worst aspects of the media attention given to the honourable member for Oxley — I use the word 'honourable' lightly — in the federal Parliament is that although mature-age Australians can withstand a debate on racism and all the issues pertaining to it, one worries for the young Australians who are open to this type of debate for the first time. It can do enormous damage to the young people of this nation. I guess one could take heart as an optimist and say that such a debate is enlightening for the young generation; it is something to which young people should be exposed at an early age. If they are exposed to it perhaps they can make informed views.

However, as a parent of an eight-year-old and a six-year-old I can see a downside to that point of view. So often they absorb without thinking what they see or hear in the media. I guess anybody who saw the *60 Minutes* program and the ugly confrontation between the federal member for Oxley and the young Aboriginals would believe it is very bad for young Australians to witness such an event. I believe in exposing young Australians to this debate we really need to ensure that they are aware of the facts. We must not allow racism in schools to

reach the levels that may occur if the debate remains unchecked.

Two weeks ago I attended the bat mitzvah of the daughter of a family friend. He is not Jewish; his wife is. Their 13-year-old daughter read from the Torah and performed the bat mitzvah in the process of becoming a member of the Jewish community. In his address to the synagogue the rabbi from St Kilda referred to his concern that the debate currently going on in Australia can be paralleled with pre-World War 11 Germany, with its whispering voices, as he put it, being allowed to be heard by the majority of people who really are very tolerant but who worry about economic crises and social change and who look for easy answers to difficult questions. The rabbi pointed out that this is something that is un-Australian; this is something that is new to this country; this is something we need to be very careful of.

Unfortunately, yesterday, along with the honourable member for Springvale, I saw what some of those whispering voices can do. In the immigration forum on 3AW we had one Dennis McCormack from Australians Against Further Immigration. Of course, what we heard was the usual story: Australia is an arid nation and we cannot support a population bigger than we have, et cetera, et cetera. I wanted to pose the questions, 'Why then are we the biggest mutton exporter in the world? Why are we one of the biggest wheat and grain exporters in the world if we cannot feed our own?'.

One of the revealing statements made by Dennis McCormack in referring to an article by Tim Colebatch was this: he said 'it would be as impossible to debate the pre-eminent role of Jewish Australians in business as to debate the role of the Chinese in Jakarta'. He noted that we are 'letting our economy be dominated by overseas folk, and increasingly Asian folk'. He was concerned about the influx of Asians into business as well. What Dennis McCormack revealed in those comments was not an academic argument about why we should have less immigration because of economic or environmental sustainability. It was an argument dressed up in that way but revealing naked envy of those who work hard to succeed in life; naked envy of those who have done better than he. One had only to look at the body language of that gentleman to realise that what he was espousing was the politics of greed and the politics of envy. What he was espousing was not in fact informed comment.

Equally, it was unfortunate to hear comments made by a certain leader of the RSL in Victoria. He is a person I know very well. He attends many ethnic functions. Unfortunately, on this occasion he made some comments which did not add to the debate but, rather, detracted very much from it. In support of comments made by the Leader of the Opposition we should look at the figures on migration to this nation. From 1945 onwards we had almost 5.4 million people coming to Australia as new settlers, almost 10 per cent of them arriving under humanitarian programs. This is the mark of an advanced society, one that is prepared to reach out to those in greatest need; one that is prepared to provide a safe haven to refugees from civil warfare and civil strife. We do not take very many of them but, when we do so, we do it as a humanitarian gesture by providing that safe haven.

Although the birthplace composition of the migrant intake has changed over time, the main source regions of settler arrivals to Australia continue to be Europe and the former USSR, with the United Kingdom still the main source country. As at June 1995, 23 per cent of Australia's population was born overseas; the percentage is higher in Victoria. Almost 7 per cent of Australians were born in the United Kingdom and Ireland, 6.4 per cent were born in Europe and only 4.8 per cent were born in Asia. To those like Dennis McCormack who say we are being overrun by Asians or that 25 per cent of the population will be of Asian origin by the year 2010 I point out that the facts are completely different.

Many people do not realise that most people from the Asian region are paying tourists who have come to visit us and to learn and that many of them are fee-paying college or university students who are continuing their education and who will return to contribute to and assist their countries in times of need.

I say to those who claim other countries practise racial discrimination that Australia is better than that and we can do better. We have shown a marked degree of tolerance dating back to our convict roots of giving somebody a fair go unless they prove they are not deserving and of reaching out a sharing hand. To those who maintain that migrants come here simply to gain access to welfare I say that most migrants I have encountered have very often left behind tragic circumstances. They have come here to build new lives not just for themselves but for their children and their families, and therefore they are

determined to work and succeed in their adopted land; they want to strive to achieve.

To those who say most migrants are uneducated and do not add to our nation's intellectual standing I point out that as Minister for Tertiary Education and Training in this state I know that the children of first-generation migrants have a much higher graduation achievement level from our universities and TAFE colleges than those of non-migrant background — that is a telling point.

I say to those who say we are overrun by Asians that their facts are simply not correct. Therefore, when we consider racism and the importance of having these debates in our society we have to note that, unlike so many other nations, Australia is not the captive of its past and does not carry with it centuries-old animosities and prejudices. That almost unique situation is surely enough to ensure we have a bright future and are ready to face new challenges — whether they be economic or social — as a nation with an open mind and that tolerance and multiculturalism are Australia's competitive advantage in the world which we should be boasting about rather than hiding from.

Although some would argue that the federal member for Oxley has opened the genie's bottle and that this debate is very unfortunate, as I said at the start of my remarks, the debate was inevitable and would have occurred sooner or later. However, the greatest fear I have in joining this debate with honourable members is the impact it may have on our children. Too often our children accept as gospel what they see or hear in the media and, in the words of Rogers and Hammerstein, 'You've got to be taught to hate and to fear'.

Mr HAMILTON (Morwell) — This is a great day for the Parliament of Victoria, and we have too few of them. In fact, we are not having a debate; Parliament is making a commitment to the most important fundamental in our community, and I am very pleased and proud to be part of it. I endorse the remarks of the Premier, the Leader of the Opposition, the Deputy Premier, the shadow ethnic affairs minister and the Minister Assisting the Premier on Multicultural Affairs, and I have no doubt I will endorse the remarks to follow.

I pay particular tribute to the Minister Assisting the Premier on Multicultural Affairs for his sentiment about racism and hatred being learned behaviours. I agree with that statement, and I imagine the minister will agree with me that tolerance, love and care are

also learned behaviours and that we should practise and promote them.

I am particularly pleased with the wording of the motion moved by the Premier because it is so much better and far more positive and proactive than many of the comments of people from all sides of Parliament at all levels with regard to what this debate is really about. Far too much emphasis has been placed on the damage done to the economy, trade and so on, yet this debate is about so much more than those materialistic values. This is very much a debate about spiritual and moral values and the real values on which we can build a nation. With the exception of the part relating to our indigenous people, which I gather may have been necessary, the motion contains no mention of trade or economics. It refers to our values and to people enjoying equal rights, treatment and respect regardless of their race, colour, creed or origin.

The motion reaffirms the commitment to maintaining an immigration policy based wholly on non-discriminatory grounds. It reaffirms a commitment to the process of reconciliation with the Aboriginal and Torres Strait Islander people, and I will come back to that. The motion also reaffirms the commitment to maintaining Australia as a culturally diverse, tolerant and open society, united by an overriding commitment to our nation and its democratic institutions and values. Surely that is a very worthwhile and important aim. Indeed, the motion could have included a recognition of the richness this nation has gathered from people who have come from overseas to be part of it. The last part of the motion denounces racial intolerance in any form as incompatible with the society we are and want to be.

It is very sad to hear the comments of hate, which have perhaps been reinforced by the creed of greed, because they are extremely hurtful. I do not believe anyone has the right to deliberately hurt other people. When someone makes derogatory racist comments, that person is hurting someone else, and that is completely unacceptable.

We should recognise that this nation has been built on immigrants. In fact, 98 per cent of our population are immigrants to this country. Some 100 different nations are represented in my electorate of Morwell. I am sure members who represent other parts of Victoria with multicultural communities will agree with me that those communities are outstanding examples of how people have come from overseas and have enriched and educated those communities

and made them more understanding than other Victorian communities.

The waves of people that came to the Latrobe Valley from all over the world after the Second World War have left their indelible mark. Ethnic clubs, ethnic churches and various ethnic sporting groups have enriched our community. Indeed, the fact that we have a soccer team in the national league is the result of the heritage and enrichment of our community by people that came to the Latrobe Valley after the war. I am extremely proud of that.

There is no doubt that people who came from Scotland are fiercely proud of being Scottish; the Irish especially, the English, the Greeks, the Italians, the Cambodians, the Dutch, the Germans and people from just about every nation of the world are similarly proud.

That is one of the important things about Australian culture. We have all recognised our inheritance, our heritage, where we have come from, and the only true Australians are our indigenous people. If there is something that is very bad in our society, it is the need to have someone to stick the boot into — someone you can say is worse than you, someone you can attack. That is not a virtue; that is something I find completely abhorrent. We need to start doing a lot more work.

I want to spend the last few minutes on Aboriginal reconciliation. We cannot have reconciliation without recognition. We cannot have reconciliation before we recognise the evidence is unchallenged that the Australian Aboriginal culture is the oldest living culture in the world — 80 000 years at least, and some would argue 200 000. Instead of concentrating on the great disadvantage of the Aboriginal and Torres Strait island people, we ought to spend more time looking at the wonderful inheritance their occupation of this country has left to this country, where there was no ownership of the land because the Aboriginal people are part of the land. We could all learn from their spirituality, their care for the environment and the values they put on family and interpersonal relationships. Uncle, brother, sister, father, mother, are words of respect throughout Aboriginal communities.

It makes me very angry when I hear people say how easy they get it. For an Aborigine to meet the criteria of Aboriginality, he or she must firstly be of Aboriginal descent; secondly, he or she must identify as an Aboriginal person himself or herself; and thirdly, he or she must be accepted by the

community. Let me assure you, those tests are taken very seriously in the community. The test of a person who claims to be of Aboriginal descent is something representing far more than the colour of the skin or the features of the person; it is something about the inner spirit. If we recognise the wonderful spirituality of our Aboriginal people, we will then be able to progress towards reconciliation. This nation will never grow up until it has achieved that reconciliation. It is something we all need to work towards. We can work towards it only by being proactive, by making a positive move to know our indigenous people and to understand that they also have a wonderful affinity with and love for this country.

Mr PERTON (Doncaster) — The benefit of this type of debate is that it takes us back to first principles. It takes us back to the reasons we entered this Parliament, the reasons we have undertaken our professional choices.

My family came to this country seeking refuge. Of my grandparents, one was executed for his political beliefs, one was sent to prison and to concentration camp for 12 years, and two others became refugees. My parents came to this country to make a new life among the Australians. Australia was a different place in the early 50s, but the terms bloody Balt or refo were part of the rough humour of Australians and were not an ethnic put down or, in my view, or the view of my parents, a racist statement. At that time things were different. My father changed the family name from Petronitus to Perton in order to better assimilate into this society, because my parents, having made the choice to settle their family here, believed in everything that this country stands for.

I said, let's go back to first principles, and I turn to my maiden speech in October 1988, a speech I spent much time preparing. I shall quote one paragraph from that speech:

The fact that I stand in the country at all is a result of the emigration of the Baltic peoples from their enslaved homelands to the freedom and opportunity of this country. My parents, coming from Latvia and Lithuania respectively, demonstrated to me that the values of freedom must have democracy as their first principle.

That is important. As the member for Morwell said, this motion represents something very good in our democracy. It represents Liberal and Labor and National, and in the federal Parliament, Democrats

and Greens and independents working together. This is a great country. It is not a racist country; it is a country of immense tolerance. My mother was widowed when I was very young. When you think about ethnic communities, you think about people getting their support from among their own ethnic people, but my mother's support base came from the next door neighbour, a good Anglo-Celtic Australian stock, here for six or seven generations. The bloke that cut the grass for the migrant widow across the road was again of ordinary Australian stock, and for my family to be adopted in that way and so quickly by the Australian people is a great tribute to the Australian people.

The first time I really understood my Australianness was when I visited my grandmother who had been released from Siberia and was living in internal exile. We spent time together and at the end of our first week together she said to me 'We look the same, to some extent we sound the same, but you are something very different, you are an Australian'. The sign that the migrant family can so quickly adopt Australian habits and values is again a tribute to this country.

This motion mimics the motion passed in the federal Parliament. The Prime Minister in speaking to that motion said:

It embodies a number of notions which have been enunciated by me repeatedly over a long period of time. It contains commitments to the kind of Australian society that I believe in and have always believed in.

I have to share those words with the Prime Minister because I believe that the fundamental values of Australia are tolerance, mateship and a fair go. We are extraordinarily tolerant, we do not have to make comparisons with other countries of Asia, Europe or Africa, but those of us who travelled and worked overseas know that the story we have to tell is a very good story.

One of the strongest speeches in the federal Parliament was from Tim Fischer, the Deputy Prime Minister, who said of the federal Parliament:

There is no room in this Parliament for racism. There is no room in this Parliament, in the government or in the opposition for racism ... For too long in this country the ignorant and the marginalised have been looking for scapegoats. Sadly, immigrants and Australians of Aboriginal heritage are the easiest scapegoats.

It is too easy for us to blame Pauline Hanson for this. We, as members of Parliament, have a very strong responsibility. The Australian media has been very quick to demand that parliamentarians take a lead role. In our trivial political way of having a go at each other all the time, we keep casting the blame on each other, but the media also has responsibilities.

The media has a civic duty not to inflame societal tensions by endlessly dissecting every word that is uttered by an individual such as Pauline Hanson. What does she matter? Hundreds of thousands of people have expressed their views, but this woman's words are repeated time and again! It is an insult to migrants and to every Australian.

It is rare these days in Australia to hear the word 'treason' used, but two weeks ago when I was driving home at midnight from Parliament House I switched on PNN, which broadcasts Radio Australia back to Australia late at night. It was five and a half weeks after Pauline Hanson made her statements and Radio Australia was blasting out her words to Asia. I think that was an act of treason.

In the past the media has chosen not to emphasise the comments made by Mr Campbell from Western Australia or the League of Rights. The public was informed but it was not assaulted by every edict these people uttered. I applaud the media for its part in helping to create a cosmopolitan and, if you like, multicultural Australia, but the media's responsibility to inform does not extend to providing a voice for every extremist who comments on this issue.

Mr Hamilton interjected.

Mr PERTON — It has a duty not to inflame racial tension. I am not blaming the media, but I urge every editor and every journalist to ask themselves whether their coverage of racism constitutes responsible reporting or salacious troublemaking. If it is the latter we will all bear the consequences.

Politicians spend a lot of time running each other down, and those in the United States of America are famous for it. Anyone who is a public figure has to be dragged down. John F. Kennedy, who put his life on the line for civil rights in his speech entitled 'The American vision', said:

What we are seeking, after all, is really very simple. It's merely a recognition that this is one nation and we are all one great people. Our origins may be different but our destiny is the same, our aspirations are identical.

I represent a constituency that is incredibly diverse with people from China, Lithuania, Greece, Italy and Malta. We have one aspiration and that is to build a good life in this country and to work to enhance Australia by building one nation out of diverse people. I thank my Liberal, Labor, National and Independent colleagues for joining together in support of this motion today.

Mr DOLLIS (Richmond) — I reaffirm this Parliament's commitment to Australia's multicultural society, to a non-discriminatory immigration policy and to the process of reconciliation with Aboriginal and Torres Strait Islander people. At the same time I state that throughout history racial and religious prejudice been one of the greatest sources of human conflict. It has resulted in genocide and has inflicted harm on large numbers of people. Our own history is full of instances of racial and religious prejudice.

The main victims of racism have been and continue to be Aborigines and those with Asian, Arab and Jewish backgrounds. That is not to say that this is not one of the most tolerant societies in the world; but as part of continuing to build a society that is a model for the world into the next century we should recognise what is obvious to us. Racial vilification is part and parcel of our society and that is why the extremism and the crudity of the anti-Asian and anti-Aboriginal positions held and propagated by the federal member for Oxley, Pauline Hanson, have negative effects on community life and have damaged Australia's reputation abroad.

I do not wish to suggest that years of multiculturalism have been eradicated by recent events, but there is no doubt that elements of divisiveness have been introduced or reintroduced into the relations between the different communities constituting Australia society. Similarly Australia's reputation of multiculturalism and enlightened support of cultural and ethnic pluralism has been somewhat marred.

Our national leadership has been wrong to see the issue merely in terms of personal liberty. We should not hide from but acknowledge the fact that some individuals in our society hold abhorrent views because such individuals are found in all societies and people are mature enough to know that. The question is not to prevent Pauline Hanson giving free expression to her racist position — a very crude position — but to indicate that this country will not allow the dignity of the Australian federal Parliament or of this Parliament to be diminished

and that she does not represent the official line in this country.

An editorial published by an United Emirates newspaper the *Khaleef Times* indicates that Pauline Hanson's statement and other similar statements made by public figures, especially in Parliament, can easily have international resonance and therefore affect the reputation of Australia abroad. Far more embarrassing than Pauline Hanson's personal position is the fact that she has, or seems to have, a following — she was democratically elected — despite her unconventional and abhorrent views. That fact must be placed in proper perspective. No doubt there is a racist component in the support she has received, but I do not think that component is statistically significant. Many of the votes and expressions of solidarity she has received do not come from racists; they are expressions of uneasiness which have little to do with racism in the strict sense and more to do with the perceived threats posed by the relentless rapidity of changes in the modern world to people who desire to build a life for themselves and their children in our society.

We must recognise that racial and ethnic divisions have played a central role in shaping the Australian labour force since 1788. Racism and the utilisation of migrant labour have been crucial factors in the history of the Australian economy. Social conflicts around these questions have helped shape Australia's political institutions and cultural life. What we are seeing is not unusual; what is unusual is that for the first time our economic life is interwoven with the South-East Asian and Asian-Pacific regions and it is for that reason that this and every Parliament in the land must clearly indicate that Pauline Hanson is an official representative of an electorate but that she does not represent the official position of the country. That is why the Prime Minister, the federal Leader of the Opposition and every leader in this country have stated clearly and explicitly that she does not represent the official position of Australia. However, it is a little late for us to indicate that these people do not exist. They exist and they are a manifestation of a society that is continually changing and growing. It is impossible to continue a migration program without expecting that this sort of incident will take place.

In the 1950s and 1960s people saw the Greeks as a source of instability, as taking jobs from the people who had established themselves here years before. Yet in the 1990s, the Greeks and the Italians are supposedly model citizens of this country. How

ridiculous things can become if you forget your own history!

We must recognise that Asian migration to this country has been a fact of life since the creation of modern Australia. Asian migrants have contributed as much to this country as any other group — if not more — and Asian migration will continue to enrich this country into the next century and beyond. Let us be very clear in our condemnation of Pauline Hanson and the tendencies she represents. But let us also recognise that during times of economic uncertainty people whose jobs are threatened are likely to identify with the simplistic views that Pauline Hanson has expressed in the federal Parliament.

With rights come responsibilities, so in passing this motion, Parliament has a responsibility to give a solid indication that it is serious about combating racial vilification. In the spirit of bipartisanship, I make it clear, just as I made it clear in 1992, that the opposition is interested in sitting down with the government to examine the need for racial vilification legislation. Based on the agreement that existed before the 1992 election, the former Labor government did not attempt to force racial vilification legislation through the Parliament. We have always believed that we would not move forward until the Labor, Liberal and National parties were able to follow rhetoric with action. We can move forward only if we take a united approach. I say that because, as it stands, the law does not adequately protect people.

These things must be stated in a bipartisan way. Although some may wish to blame the government, others may seek to blame the opposition when it was in government. It is not a question of one political force being better than the other on this question. Following this debate we have a responsibility to pursue the proposition that some time in the near future Parliament should debate and enact racial vilification legislation for the sake of not only this state but this country.

Mrs PEULICH (Bentleigh) — As a Bosnian-born Australian, it is my pleasure to support the motion, which is basically a reaffirmation of the values underlying the social fabric of Australia.

I was 10 years old when I migrated to Australia with my family in 1967. The sum total of our possessions was four suitcases and very little else. If racism is the categorical treatment of people on the grounds of race, colour, creed and country of origin, let me say

unequivocally that, based on nearly 30 years of living in this country, I know that Australia and Victoria are not racist. They are certainly far less racist than they were in 1967 — and as previous speakers have pointed out, our institutions are not racist.

I will speak about a few of the things I experienced in my very first year of living in Australia. I came out here as a fairly tall 10-year-old who had finished grade 2. At that time there was no assessment of educational skills, so based on my height I was slotted into grade 6. That meant, of course, that I skipped three or four grades, and my son keeps on insisting that that is the reason why my handwriting is bad!

Given the lack of support services at the time, and the usual difficulties of the migrant experience, I was subjected to physical abuse. I was frequently beaten up by a girl named Melany who happened to be even taller than I was. It took me a whole year to stand up to her, to stand my ground and assert myself in the typically Australian way. However, every time she beat me up, the rest of the class gave her hell and the teacher gave her detention. That is an example from my childhood of the fact that Australians and Victorians do not tolerate racial discrimination. Of course, there are exceptions; and as previous speakers have said, there always will be in a country which has an active migration program. Another example from my childhood that probably contributed significantly to my choice of profession was the expectation of migrant children to act as interpreters for their parents. Children often undertake a lot of adult responsibilities, often before they have matured and are ready to cope with them. One of my responsibilities involved taking mum on various business trips — for example, to the bank or into the city. Every time we hopped on the tram she was accosted by tram conductors from various non-English-speaking backgrounds who gave her a hard time because she could not articulate the fare or destination in fluent Australian! As a 10-year-old who was full of love for her mother, I made sure I stood by her on every occasion defending her from abuse and ridicule. As I said, I believe those experiences played a significant part in my choice of vocation.

I also remember that I was ashamed of walking with my parents if they happened to be speaking Serbo-Croatian. I always walked a few steps ahead of them, because in those days speaking your own language in public was not the thing to do. Now we speak freely in whatever language we choose —

fortunately quite a few members of my family are multilingual — without the feelings of shame I experienced in 1967.

My election to the Parliament of Victoria and the fact that my husband, who had never voted in his life until he migrated to Australia, had the opportunity to vote for me are symbolic of what is possible in this vibrant democracy. They show that Australia and Victoria are not racist.

Coming from Bosnia, I know what cultural conflict and racism are about. One of the principles that underpin the Australian way of life is that of a fair go, a fair crack of the whip. Of course, racial tolerance depends on both parties showing good will. Last weekend, a friend of mine said, 'Look, it's all about two-way traffic', and I could not agree more. It is about two-way traffic, and there are benefits for everyone in that. My father and mother had to elope because they came from different ethnic cultures. My parents survived 45 years of if not blissful marriage then very close to it. My own marriage is multicultural in reference to Bosnian politics, and it is a very happy one at that.

As the honourable member for Richmond said, Australian migrants are entitled to all the important rights that we often take for granted — the right to vote, the right to protection by the law, the right to freedom of speech and the right to freedom of worship and thought. As a five-year-old in Bosnia, I remember asking my mother who she thought was worse, Tito or Hitler. When my father returned from work that day he punished me very severely. If a neighbour had overheard the conversation we would have been promptly reported to the authorities and one or perhaps both my parents might have been imprisoned for expressing those views. The right to freedom of speech is very important. That is why, when a public figure transgresses that right in Australia, the sort of response as seen in Australia over the past few weeks is most appropriate, because it encourages public debate, scrutiny and criticism, including discussions on radio talkback programs and comments on the television news several times a day.

I believe this is an excellent way of exercising some restraint on such transgressions. However, the previous speakers called for a racial vilification bill. Because of my background I cannot reconcile my feelings as a five-year-old being subjected to corporal punishment for asking a simple question and have great difficulty in supporting such a bill.

Before the election my father passed away. In his last few days and in the grips of terminal restlessness he hallucinated about the early days of his life. He imagined the black maria coming to pick him up because he had been black-banned by the communists in an authoritarian regime. Critics of the system were whisked away. Even to his last days he was obsessed with his obligation to protect his family against a system that deprived its citizens of basic rights.

That is why I am thankful that in Australia we do not have institutionalised injustices. We can say and think and worship as we wish. However, we also have responsibilities. We are expected to uphold the rule of law. We are expected not to incite crime or inflame racism. This is not so much because of our knowledge that freedom of speech is qualified but because it is the way of life and values that we cherish.

As an Australian with a non-English-speaking background my fear is that all the ills of society will be blamed on racial differences. The difficulty with that, as the honourable member for Doncaster mentioned, is that this juggernaut will become even bigger and more powerful and will be difficult to stop. The onus is on all of us, not only the media and public figures but also the community, to look at the issues impartially in the cold light of day and without inciting racism and hatred.

Racial tolerance is reciprocal goodwill and the motion is a reaffirmation of that. Unfortunately there are always exceptions and examples of individual racial intolerance, even during the last election campaign. I have spent some 30 years in Australia but my husband, who has been in Australia for only 13 years, was told by a Labor campaigner to go back to where he came from because he did not speak English fluently. A shopkeeper down the road, Lou, who fled Hungary in 1956 because of the communists, was called a Nazi by the Public First protesters and campaigners.

So there are exceptions to racial tolerance just as there were when I was 10 years of age, but they are the minority, thank God. Coming from where I do, there is not one day that I do not thank God that I live in Australia and that my family will grow up here. I have great delight in supporting the motion.

Mr LIM (Clayton) — I join the Premier and the Leader of the Opposition in supporting the motion and I salute the Leader of the Opposition for his forceful contribution to the debate. It would be

remiss of me not to say what I am about to say: the reason for this debate has come from the lack of leadership at the national level. It is rather a sad occasion that we have come to this point. The damage has been done and we are now called upon to mop up.

It is not as though there has never been any debate on immigration or Asian immigration in this country. During the 26 years I have been in this country I have noticed that racism rears its ugly head every time we have an economic downturn or there is high unemployment. The community always points the finger of blame at Asians for economic downturns or high unemployment.

As I mentioned before, the difference this time is the lack of leadership at the national level. For the first time in more than 20 years a prime minister has not been prepared to come out and condemn what the federal member for Oxley said. Instead she was indirectly supported as he believed she had the right to say what she said. It is unfortunate that since then the issue has gone out of control.

Today it is not about us as members of Parliament making feel-good statements. I believe each one of us is making a statement because we truly believe it. I am sure the Premier is sincere because he is well known for his opinion in this field — for being a proponent of migration and an upholder of multiculturalism. If we tried not mentioning the issue or not facing up to it we would not be doing our duty as members of Parliament.

I am terribly concerned about the extent of the damage because I am a representative of the most multicultural electorate in Victoria. A person who had been spat on at a bus stop came to see me. Another person, an elderly lady on her weekly pilgrimage to her local temple, was hosed with water and told to go back where she came from. I had to visit a student at Monash Medical Centre after he had lost his front teeth in a confrontation, and other students have complained to me that they have been marked down simply because they have had it 'too good for too long'. These incidents tell me that our community is in trouble.

The anxiety in the community is very real. This is the first time in my public life that I have seen the Asian community, especially the Chinese community, so agitated. Since this so-called debate has taken place I have attended four major community conferences and I am sure there are many more conferences taking place out there. People are coming together to

discuss the issue. For the first time people feel abandoned. For the first time they feel betrayed. For the first time they feel they cannot run to anyone for cover, comfort or support.

People used to have leadership at the national level. They used to be able to get the issue straightened out. Suddenly they hear it is okay to condemn migrants, to condemn Asian migrants and to condemn other people. Therefore their anxiety and trauma are so real that they keep meeting and ringing each other, and they rang me. I do not think anything will change without leadership at the national level, which we do not have even at this stage. Yes, there is a bipartisan motion at the federal level but it is no good covering words with honey or saying beautiful words about a whole range of things when the perception is that people are not wanted in this country.

We now have at the federal level what I call the 'new multicultural gatekeepers'. They have suddenly been able to put in place a policy, a process or a measure in such a way that family reunion and job finding will become difficult. The office of multicultural affairs was abolished and a whole range of measures was put in place which show to the wider community that multiculturalism is now being questioned or not supported by certain people.

The danger signals are all there. If you look at all that in its totality you will see that the Asian community particularly feels vulnerable.

I will not repeat what the other honourable members have already mentioned. But as members of Parliament, as law-makers, we have an important role to play — that is, we have to be vigilant at all times, and multiculturalism or racism cannot be taken for granted.

This motion is a significant step in the right direction and I support it wholeheartedly. But I believe there is a lot more that we as leaders of the community — and the press also has a role to play — can do, and we need to continue to lead in a positive way.

Mr RICHARDSON (Forest Hill) — I expect that some cynical commentators may describe this motion as an exercise in motherhood statement. Perhaps it is. The colloquial expression 'motherhood statement' essentially means the expression of a fundamental truth.

This motion really is the expression of a fundamental truth about our society. It is a great

pity that it has been found necessary in both the federal Parliament and in this Parliament to present such a motion as this for discussion in the respective houses. But let us look at the other fundamental truth from which this exercise has sprung. One other fundamental truth about our society is the concept of freedom of expression, freedom of the individual and freedom of speech. It was by the exercising of freedom of speech that this whole unfortunate debate has really sprung.

Our society is a truly multicultural society; I am pleased to be part of it and I am pleased to have had many years of involvement with the various migrant communities that make up this vibrant and highly successful society in which we are privileged to live.

I understand the sense of isolation and foreboding and the quiver of fear that comes to many members of our migrant communities. The honourable member for Clayton referred to the Chinese community as being one that was unsettled by the present debate. I understand that. The apparent threatening of the solid structure of our society is very unsettling. It brings a multitude of fears — not imagined fears, but real fears — and I understand that.

It is terribly important that public figures understand that they have a particular responsibility when exercising that other fundamental truth of our society: the freedom of expression and the freedom of speech within that broader definition of freedom of expression; and that they must use that facility very wisely. By any measure a member of Parliament is entitled to say anything in the house. That is fundamental to the democratic process; that is why there is parliamentary privilege. But with that privilege comes the special responsibility to take great care when the privilege is being utilised. I fear that care was not exercised in the events that sparked this unfortunate debate.

We must not attack those who express views with which we may disagree, because to do that we are attacking that fundamental right of freedom of expression. What is important is that when remarks are made within the context of this discussion which are most disagreeable, they be answered not by attacks and vilification but by calm and reasoned response. They must be met by example, and I think this motion is an example that can be set by those of us who have a special role in society as the representatives of our various communities. That is why this motion is, in my view, very important.

The most devastating effect through our community would be to have it shattered and to have the various multiracial and multicultural components torn apart and then brought together in some sort of conflict, be it a conflict of vilification or of assault. We have been very fortunate that in the development of this multicultural society, of which I and so many others are so proud, we have been free of much of the violence that has characterised other societies in which races and cultures are mixed together. The reason we have avoided conflict of the kind we see around the world is that set of fundamental truths that are the cornerstone of our society: the concepts of tolerance, freedom of expression and freedom of the individual. These are rich and precious possessions, and they must never be threatened. That is why this motion is important: it is a reaffirmation of those fundamental truths upon which our society is based.

I do not think any good purpose is served by having a law on racial vilification, because that would then attack the fundamental right of the individual, the fundamental right of free speech, and you cannot change attitudes by passing a law; you change attitudes by example, by reasoned debate — not by conflict, not by the imposition of laws. It is in places like this house, in the federal Parliament and in the community at large where we as leaders in our communities can set those examples, move freely and tolerantly, and in a friendly way demonstrate the importance of those fundamental truths to our society.

It is a great pity that events have developed to the point where it was necessary for the federal Parliament and this house to debate a motion such as this. But we are not always in control of events. What is important is that when events begin to overtake something, we, in positions of responsibility, can turn and address those events.

I think it is important that we discuss this matter today. In my view this debate has been conducted in a way that does this house great credit. It does great credit to all who contributed to debate on this motion, which I support wholeheartedly and which I know will be supported by the house, and, through this example, let us hope it will be supported by the entire community.

Mr BATCHELOR (Thomastown) — John Kennedy said:

So, let us not be blind to our differences — but let us also direct attention to our common interests and to the

means by which those differences can be resolved. And if we cannot end now our differences, at least we can help to make the world safe for diversity.

That is what the Victorian Parliament seeks to do today. It seeks to make the world safe for diversity. It seeks to make Victoria and Australia safe for diversity. We can see that in the very words of the motion this Parliament will pass today. It talks about the need for Australians to enjoy equal rights and to be treated with equal respect regardless of race, colour, creed or origin. It talks about and gives support to a non-discriminatory immigration policy. It supports the process of reconciliation with our Aboriginal and Torres Strait Islander people. It talks about cultural diversity, tolerance and an open society. It denounces racial intolerance. This is a motion I wholeheartedly support.

I join this debate today as the member for Thomastown, an outer northern suburban electorate of Melbourne. Thomastown is probably the most multicultural electorate in Australia. I would like to quote some statistics to back that claim because there are a number of ways in which multiculturalism can be determined. Seventy per cent of the people in the electorate of Thomastown speak a language other than English at home. If we look at the number of people in the electorate who were born overseas or whose parents were born overseas we find the percentage is much greater; the figures are more stark. In Thomastown 79 per cent of people were born overseas or have parents who were born overseas. So it is obvious that when people in the media and in parliaments start running down immigration and attacking diversity and multiculturalism many people in the electorate of Thomastown are being hurt. It goes to the very core of the people who elected me. Nearly 80 per cent of the people in the electorate were either born overseas or have parents who were born overseas. I am proud to represent this multicultural community. As I said, when people attack migrants, cultural diversity and multiculturalism they are not doing it in the abstract or on the basis of some theory. These are statements that are directed to individuals. These remarks are being directed to fellow Australians who live and work in my electorate. The people in my electorate, whether they are Australian-born or overseas-born, find these statements hurtful and offensive.

As a Parliament we need to say to the wider electorate that it is time to draw a line in the sand and to stand up for all the people who make up our community. We have to stand up for all our

migrants and for all the people whose parents were born overseas. These are good people. They are good citizens, whether they be young or old. They are looking to parliaments and parliamentarians to show political leadership. They are looking to this Parliament to provide words and actions of comfort as well as support and protection. Above all, these people are looking to parliamentarians to provide political leadership.

Multicultural Thomastown is made up of long-term immigrants, recent arrivals and people who are Australian-born of many generations. They have all contributed to this country. They want to know why our community should be subjected to this type of debate. They want to know why they, as a family and a community and an electorate, should be subjected to the hurt and vilification Pauline Hanson has unleashed. The multicultural electorate of Thomastown is made up of people who are loyal, hardworking citizens, many of whom have physically built Australia into the nation it is today. They have toiled hard and long and worked with their hands. They have broken their backs and worked in factories. They have contributed. They are absolutely offended by the comments Pauline Hanson and others of her ilk are making. They want to know what they have done to deserve it. Clearly they deserve a lot better.

It goes further than that because it is the children in multicultural electorates like Thomastown who go home and see daily on television things they cherish being attacked. They see their parents and what their parents stand for being attacked. They see the things their parents stand for vilified and their parents humiliated. It is a hurtful, scary and inexplicable experience.

We want this Parliament to condemn the attitudes of the racists and the bigots and the evil Pauline Hanson represents. We have to remind ourselves that those people and their attitudes are a danger not only to multicultural values but to the wider Australian community. We have a community that is based on fairness and diversity. While I was gathering information for this debate another quote was drawn to my attention. Alan Barth said:

If tolerance of diversity involves an admitted element of risk to national unity, intolerance involves a certainty that unity will be destroyed.

I think that sums it up. There is a lot at stake here. This matter does not simply involve the community relations of those suburbs where there are very large

migrant communities. This matter goes to the whole of the Australian community. These racists and bigots, in putting forward these views, risk not only multiculturalism but much of what Australia stands for. I want to see a Victoria where a citizen can leave his house, go into the street and see another human being — see that person but not his colour.

I want a Victoria where people can see the faces and humanity of other people but not their colour. I want a Victoria where you can go into the street and just see your neighbour.

Mr THOMPSON (Sandringham) — I am pleased to have the opportunity to make a contribution to this debate. In doing so, I refer to the recent opportunity I had to represent the Premier at the United Villages of Florina gathering held in the past fortnight. On that occasion I told the audience that I would report back to the Premier that I had met a strong people with character etched on their faces who regarded the truth, appreciated history and had made a strong contribution to their new country of settlement not only through their immediate endeavours in the establishment of a community centre but also in the wider community.

In the past week I had occasion to peruse the 1850s *Hansard* records of this house. In debates involving Charles Ebdon, one of the first members for Brighton, and also Charles Duffy, comment was made on the issue of people migrating to this country. Their settlement arrangements and harmony had been points at issue. It was said in those days that migrants came to Australia principally from England, Ireland and Scotland and that their interrelationships, sense of wellbeing and welfare were not just confined to adjusting to Australia but also involved a process of association and developing a wider degree of harmony between themselves and people from America, Germany and France. Today, instead of it being a process of adjustment and development in a multicultural community of 6 different nationalities, up to 146 different nationalities are reflected in the cultural, community, sporting, commercial and academic life of this state.

Although I am not a keen supporter of the Carlton Football Club, in attending the grand final in 1995 I could not help marvelling at the contribution of three people whose families had come from overseas — it was the Carlton back line. I marvelled at the artistry of contributions to what had been traditionally regarded as an Australian sport by Koutoufides, Christou and Silvagni, the dominant

players on the day. I can see the honourable member for Eltham — whose background is part Aboriginal — nodding in support of their contributions.

Members on both sides of the house who have had occasion to attend the gatherings of various ethnic communities in this state are aware of the contributions of communities such as the Chinese, Greek, Lebanese, Italian and British communities and understand the adjustment difficulties they have had in this nation. I remember that a few years ago English shop stewards were not widely accepted in this state!

The contributions of people of migrant background in my electorate have been significant. A gentleman from my electorate whom I have often mentioned in this house, Tab Fried, came to this country in the post-war period from Hungary. He had begun an apprenticeship as a fitter and turner and he completed it here in Australia. Two weeks ago he sold his enterprise in Bay Road, Sandringham, for \$25 million. His company was involved with the advanced design tooling for the Boeing 777 rudders which were made at Fishermens Bend before they were shipped to Seattle. Another success story is Marathon Food Industries founded by Jack Dardalis.

In conclusion, I quote the words of Solzhenitsyn in a slightly modified form: the strength of the society does not depend upon its degree of industrialisation, its market economy, nor its racial mix but rather upon the character of its people. Migrants to this state and nation have made a great contribution over the past 160 years.

Motion agreed to unanimously.

PETITION

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

Ministry for the aged

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that with psychiatric-drug-alcohol plus aged care under one ministry and the user pays across all aged services, real questions of access and quality care of our ageing population are raised.

Your petitioners therefore pray that we the undersigned citizens of Victoria call for an immediate separate ministry for the aged, with increased community consultations and the continuance of quality service.

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

By Mr E. R. Smith (502 signatures)

Laid on table.

HOUSE COMMITTEE

Mr DOLLIS (Richmond) presented report for 1995-96.

Laid on table.

FILM AND VIDEOTAPE CLASSIFICATION GUIDELINES

Mrs WADE (Attorney-General) presented guidelines for classification of films and videotapes amendment no. 1.

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 8

Mr RYAN (Gippsland South) presented *Alert Digest No. 8 of 1996* on:

Friendly Societies (Victoria) Bill

Co-operatives Bill

Victims of Crime Assistance Bill

Lord Mayor's Charitable Fund Bill

Optometrists Registration Bill

Rail Corporations Bill

Stock (Seller Liability and Declarations)
(Amendment) Bill

Witness Protection (Amendment) Bill

Mental Health (Interstate Provisions) Bill

Motor Car Traders (Amendment) Bill

Firearms Bill

together with appendix.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Adult Parole Board — Report for the year 1995-96

Anti-Cancer Council of Victoria — Report for the year 1995-96 (two papers)

Australian Food Industry Science Centre — Report for the year 1995-96

Bethlehem Hospital Incorporated — Report for the year 1995-96 (two papers)

Central Wellington Health Service, Sale — Report for the year 1995-96

Coleraine District Hospital and Aged Care Services — Report for the year 1995-96

Drugs, Poisons and Controlled Substances Act 1981 — Poisons Code — Amendment No. 3 to the Standard for the Uniform Scheduling of Drugs and Poisons No. 11, and Notice regarding the amendment, commencement and availability of the Poisons Code (two papers)

Dunmunkle Health Services — Report for the year 1995-96

Eastern Health Care Network — Report for the year 1995-96

Edenhope and District Memorial Hospital — Report for the year 1995-96

Financial Management Act 1994 —

Report of the Minister for Sport advising that he had received the 1995-96 Annual Report of the Victorian Institute of Sport

Report of the Minister for Health advising that he had received the 1995-96 Annual Report of the Yarram and District Health Service

Flora and Fauna Guarantee Act 1988 — Order in Council adding items and repealing an item to Schedule 2 — List of Taxa and Communities of Flora or

Fauna which are threatened and Schedule 3 — List of potentially threatening processes

Health Computing Services Victoria Limited — Report for the year 1995-96

Housing Guarantee Fund Ltd — Report for the year 1995-96

Ingelwood and District Health Service — Report for the period ended 30 June 1996

Ingelwood Hospital — Report for the period ended 31 December 1995

Judicial Remuneration Tribunal — Report on Judicial Salary and Allowances, 23 September 1996

Melbourne and Olympic Parks Trust — Report for the year 1995-96

Melbourne City Link Act 1995 — Order pursuant to section 8(4) increasing and decreasing the Project area

Optometrists Registration Board — Report for the year 1995-96

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

Bacchus Marsh Planning Scheme — Nos L47, L51

Bairnsdale (Shire) Planning Scheme — No. L51

Banyule Planning Scheme — No. L5

Cranbourne Planning Scheme — No. L193

Euroa Planning Scheme — No. L27

Frankston Planning Scheme — No. L79

Greater Bendigo Planning Scheme — Nos AMA 2, L43

Greater Geelong Planning Scheme — Nos L163, L166

Hobsons Bay Planning Scheme — No. AMA1

Maffra Planning Scheme — No. L31

Maroondah Planning Scheme — Nos L5, L6

Melbourne Planning Scheme — No. L225

Melton Planning Scheme — No. L62

Milawa Planning Scheme — No. L8

Mitchell Planning Scheme — No. L5

Moira Planning Scheme — Nos L10, L14, L17

Orbost Planning Scheme — No. L27

Port of Melbourne Planning Scheme — No. L17

Port Phillip Planning Scheme — Nos L33, L34

Warrnambool Planning Scheme — No. L8

Warragul Planning Scheme — No. L53

Werribee Planning Scheme — Nos L102, L103, L104, L105, L106

Wodonga Rural City Planning Scheme — No. L18

Yarra Planning Scheme — No. L20

Yarra Ranges Planning Scheme — Nos L2, L12
Part 1

Radiation Advisory Committee — Report for the year ended 30 September 1996

Skipton and District Memorial Hospital — Report for the year 1995-96

Stamps Act 1958 — Report of exemptions and partial approved refunds made pursuant to section 137R for the year 1995-96

Stawell District Hospital — Report for the year 1995-96

Tawonga District General Hospital — Report for the year 1995-96

Transport Act 1983 — Order for transfer of assets and liabilities pursuant to section 81

Tweddle Child and Family Health Service — Report for the year 1995-96 (two papers)

Victorian Health Promotion Foundation — Report for the year 1995-96

Warracknabeal District Hospital — Report for the year 1995-96

Waste Management Council — Report for the year 1995-96

Western Health Care Network — Report for the year 1995-96

Wimmera Health Care Group — Report for the year 1995-96 (two papers)

Women's and Children's Health Care Network — Report for the year 1995-96

Wonthaggi and District Hospital — Report for the year 1995-96

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 14 May 1996:

Gaming Acts (Amendment) Act 1996 — Part 5 on 1 November 1996 (*Gazette No. G43*, 31 October 1996)

Westpac and Bank of Melbourne (Challenge Bank) Act 1996 — Section 36 on 1 November 1996 (*Gazette No. G43*, 31 October 1996).

ROYAL ASSENT

Message read advising royal assent to:

6 November

Legal Practice Bill

Professional Boxing and Martial Arts Bill

Road Safety (Amendment) Bill

Shop Trading Reform Bill

12 November

Building (Amendment) Bill

Farm Produce Wholesale (Amendment) Bill

Gaming Machine Control (Amendment) Bill

State Taxation (Further Omnibus Amendment) Bill

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Co-operatives Bill

Firearms Bill

Friendly Societies (Victoria) Bill

Motor Car Traders (Amendment) Bill

Optometrists Registration Bill

Rail Corporations Bill

Victims of Crime Assistance Bill

Witness Protection (Amendment) Bill

BUSINESS OF THE HOUSE

Program

Mr STOCKDALE (Treasurer) — I move:

That, pursuant to sessional order no. 6(3), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 14 November 1996:

Electricity Industry (Further Amendment) Bill

Births Death and Marriages Registration Bill

Miscellaneous Acts (Further Omnibus Amendments) Bill

Health Acts (Further Amendment) Bill

Chiropractors Registration Bill

Osteopaths Registration Bill

Witness Protection (Amendment) Bill

Co-operatives Bill

Lord Mayor's Charitable Fund Bill

Motion agreed to.

ELECTRICITY INDUSTRY (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 17 October; motion of Dr NAPTHINE (Minister for Youth and Community Services).

Mr LONEY (Geelong North) — The purpose of this bill is to make a number of changes to the rules governing the operations of the Victorian electricity industry. Most of these changes are in general terms not objectionable in themselves, so the opposition will not oppose the bill. The passage of this bill, however, does raise a number of concerns that deserve to be aired in the Parliament during this debate — concerns that revolve around the need for this legislation to be introduced. Firstly, and most obviously — I would think most importantly — the existence of this bill and its being here today demonstrates yet again that the government's ideological obsession with privatisation created a short-term mind-set in this government that resulted in a headlong rush into the transfer of the electricity industry assets of Victorian people into private and largely foreign ownership without any proper indication of the medium and long-term implications of the original legislation.

The instrument that grounded the privatisation process this government introduced was the Electricity Act 1993, a large and extensive piece of legislation running to hundreds of pages. Yet in spite of that this government has so far seen the need on five previous occasions to amend the act in the Electricity Industry (Amendment) Act 1994, the Electricity Industry (Further Amendment) Act 1994, the Electricity Industry (Amendment) Act 1995, the Electricity Industry (Further Amendment) Act 1995, the Electricity Industry (Amendment) Act 1996, and now the further amendment act of 1996.

Mr Stockdale — Very consistent!

Mr LONEY — It is, as the Treasurer says, very consistent. In every autumn and spring session since the passage of the original legislation we have had to have further amending legislation. When you look at the quantum of the amending legislation a rough count shows it has reached approximately 300 pages in that time. It is the state equivalent of the commonwealth taxation or corporations legislation, which are huge pieces of legislation poorly understood by anyone but which are being added to all the time and which are becoming increasingly complex as the federal government tries to deal with unforeseen circumstances and consequences.

Amending legislation containing knee-jerk amendments has been introduced as circumstances have arisen in the sale process. Of the six amending measures introduced into this place since the original 1993 legislation most have dealt with some aspects of the sale process that have thrown up some unintended or unforeseen consequences. Of course, some minor technical amendments have been necessary to correct grammatical errors, which is always a problem, or to define or clarify the intention of the original legislation. However, the overwhelming number of amendments has been about trying to repair the unintended consequences arising from the sale process.

That brings to mind the question of how much thought went into the process in the first place? The focus was on the sale, and it seems that little attention was paid to the consequences and the post-sale operation. How many more pieces of amending legislation will it take before the government gets it right? Will the government ever manage to produce legislation that is more than a short-term response to problems as they arise?

The framework of the legislation requires comment because many of the problems dealt with by the bill

should have been foreseen at the outset of the privatisation process. Furthermore, and more importantly, the problems would have been foreseen if there had been an appropriate measure of public consultation when the legislation was drafted.

The legislation was drafted in secrecy, which is one of the government's hallmarks. It was not open to public comment, and we are paying for it because every session sees another large amendment bill introduced. If open debate about the future of the electricity industry had been held in 1993 a more appropriate public process may have put to bed some of the issues that must now be regularly confronted.

It is important to examine in a broad framework the problems and uncertainties that have arisen. Essentially the government should understand that its short-term approach and lack of attention to the necessary steps has had a real effect on ordinary Victorians. It is not a matter of beginning a process and leaving the detail until later; the detail is important because it has a marked effect on the lives of millions of Victorians. The government should not commence such a process without some idea of where it is going.

The problem facing Victoria is that we are not travelling down a well-trodden path to a clearly marked destination. The government took a leap of faith when it embarked on this process; it should be borne in mind that it was an experiment. The privatisation path was not well defined and it did not have benchmarks. It was an experiment and, as with any experiment, there have been some unintended consequences.

At the basic level, and despite the pride of the government in its crowning achievement, the most stark and lasting result so far of the privatisation of the electricity industry has been the fact that during the search for the holy grail of efficiency many thousands of Victorians have lost their jobs. That has had a devastating effect on regional Victoria, particularly the Latrobe Valley and other areas where service depots and maintenance areas have been removed.

Has the sacrifice of the jobs of thousands of Victorian workers been worth while? To date the only answer is a resounding and overwhelming no. The first and most marked effect has been an increase in domestic tariffs by 7 to 8 per cent in real terms and around 4 to 5 per cent for those in the band of average users. That is quite different to what

was stated in the government's publication *Victoria: The Story So Far* in which it claimed an 11 per cent fall. If you do some calculations to discover the real reduction you will have a bit of a problem because in order to break even on prices at 31 October 1992 the average domestic consumer would have to use 45 000 kilowatt hours per quarter at an average of \$5420 per quarter.

It would be almost impossible for a domestic consumer to get an 11 per cent decrease in real terms. Even if you use the figure of 1 million kilowatt hours per quarter, you do not get a decrease in real terms of 11 per cent compared with the tariffs that applied on 3 October 1992. The supply charge has doubled since then, so electricity bills are based on a much higher rate. We must also consider the differential impact of the tariff changes on rural Victorians, who, according to recent surveys, are among the worst affected electricity consumers in Australia. They are paying the highest residential prices for electricity of any group in Australia. That is another consequence of privatisation.

Power surges and blackouts are another stark reminder of the changes. Very few Victorians — rural domestic consumers in particular — need to be told that they are now not only paying for the most expensive electricity in Australia but also not getting the services they deserve. That is highlighted by the experiences of those people who happen to barrack for either the St Kilda or Essendon football clubs. They well remember the lights going out at Waverley Park in the middle of a night game — another hallmark achievement of the reform process!

Victorians are being subjected to an ill-considered ideological adventure. We do not know what waits for us at the end of the privatisation process, but we do know ordinary Victorians have missed out on any of the benefits the government insisted would flow from it. The sad fact is that, to date, the Treasurer cannot point to the creation of a single job that has flowed directly from his reform process. Instead, most people are paying higher prices and rural communities are being disadvantaged. Despite that, we are still being told to hang on and to wait for benefits that are supposedly coming one day.

The onus to demonstrate clearly the case for something as radical as the sale of the Victorian community's electricity industry rested on those advocating the change. They should have taken into account the social as well as the economic factors. Of course, no such case was made. The benefits of privatisation are confined, at least at this stage,

almost entirely to the purchasers of the privatised power companies and to the government's group of peak consultants. In recent times it has become clear that any consultancy which presents a report that reaches the wrong conclusion — one the government does not want — is struck off the government's list. That is precisely what happened to the Collins Hill group, which delivered a report on the gas industry that ran contrary to the government's wishes.

Victorians can only pray that the Premier and the Treasurer do not take the same cavalier attitude to their custodianship of Gas and Fuel as they took in making decisions on the future of the electricity industry. This government has been more interested in talking about the gains from privatisation as though they were self-evident truths — as though they belonged in the American Bill of Rights — than in participating in genuine debate on how best to serve the long-term interests of the Victorian community given the increasing complexity of our energy environment and infrastructure.

The bill has a number of main features. It authorises Powernet Victoria to carry optic fibre cables in conjunction with its electricity cables, both for its own purposes and for those of others — with the important qualification that it may not compulsorily acquire land solely for that purpose. It clarifies the definitional issues surrounding what constitutes a cogeneration facility, and it authorises the Governor in Council to establish common rules between New South Wales and Victoria to facilitate the creation of a consistent wholesale electricity market between the states.

The bill also clarifies the status of the Public Transport Corporation as a user but not as a transmitter, distributor or supplier of electricity. Holders of Victorian electricity licences will no longer be required to be incorporated in Victoria, subject to the conditions of any licence being approved by the minister at the request of the Office of the Regulator-General. The bill changes the cross-ownership provisions to clarify the position of partnerships and to force licensees to own any property in Victoria that is used in connection with any licence activity, and there are other minor amendments to do with that.

The bill removes the sunset provisions affecting the Newport power station to allow it to continue in commercial operation. It also authorises the Minister for Conservation and Land Management to enter into agreements relating to the use of public land for

the purposes of power generation. That power is specifically aimed at creating security of tenure over land used by Southern Hydro.

As I said at the outset, none of these provisions is objectionable in itself. However, each of them in various ways raises concerns that need to be dealt with. The opposition would like the government to respond to those concerns as the debate proceeds. As a general criticism, we could do no better than to hark back to the words of the Leader of the Opposition when he spoke on the Electricity Industry (Amendment) Bill on 25 May 1995. As reported at page 2127 of *Hansard* he said:

The legislation establishes only a framework for the industry; it does not, for example, spell out how the electricity market is to operate in the future. Given the lack of available information, the opposition can only make the best guesses of what are the government's plans.

Little has changed since that time. We still have to make best guesses. The reason we can only guess at this is because in reality the government has no plans or vision for the electricity industry beyond flogging it off and letting the market dictate. The Treasurer's blind faith in the operation of the market is touching but it is nonetheless misguided and represents an abrogation of the responsibilities of government.

As I said, it is now 18 months since the Leader of the Opposition made those comments and little has changed since then. The minister's second-reading speech on the bill is singularly unhelpful as a guide to animating the vision underlying the bill. It fails to provide a sufficient explanation for the outcomes intended by the bill.

Clauses 1 to 3 are simply machinery provisions about the purpose, the commencement, the definitions and so on and the opposition has no concern with those. Clause 4 allows Powernet to install optical fibre cables for safety and supply purposes and, incidentally, to release excess power capacity to telecommunication carriers. The commonwealth telecommunications act requires that Powernet be empowered to become a telecommunications carrier. Lest people should fear this is simply about stringing more overhead cabling to allow cable TV operators to get into places where they currently cannot, we accept entirely that this is not the primary purpose of the clause.

The opposition accepts the need for Powernet to have optical fibre cable throughout its system so that it can also gain access to some of the emerging technologies, especially relating to monitoring and ensuring system safety. As we move into the future, new technological information about the state of the system that is vitally important to safety will come through optical fibre cable and will be relayed to a central terminal in perhaps milliseconds. Clause 4 relates to something that is necessary to the system.

The opposition does not object to allowing the excess capacity to be used by carriers for other purposes provided appropriate controls are in place and provided only the excess capacity is offered and the primary purpose is Powernet being able to have access to and collect information. This clause should never be used simply to allow communication companies access on the basis of increasing the profits of a possibly privatised Powernet. It should not simply be a mechanism by which a higher sale price can be put on Powernet because it now has an additional service it can offer out in the market.

Clause 5 allows Powernet to use its easements for the provision of telecommunication services and, again, that is a necessary clause. It also provides that Powernet will not be allowed to compulsorily acquire land solely for the purpose of stringing optical cable. It is an important safeguarding clause against Powernet simply determining to up its value by being a carrier for some other communications company.

Clause 5 needs to be actively and strenuously policed in the future. The primary purpose of Powernet is to ensure that Victorians all around the state have access to a safe and reliable power supply. It is not meant to ensure that they have access to cable TV.

Clause 6 defines a cogeneration facility for the purpose of the act. It is an unexceptional clause until one realises why it has become necessary. It is precisely what I was saying in the early part of my contribution — it is an unforeseen consequence of the earlier act when it was determined that a definition of cogeneration should be left out, possibly because there were some perceived problems at the time. In spite of leaving it out, cogeneration was referred to in the act and that created an element of uncertainty at the time of the Hazelwood sale, particularly about the status of Energy Bricks as a cogenerator and part of that sale.

The opposition points out that this clause represents yet another example of the government's failing to anticipate future problems and consequences at the time the original act was introduced. It requires the insertion of a new section 157A that will give the Office of the Regulator-General power to determine whether facilities are cogeneration facilities for the purpose of the act. The opposition has no problem with that. It is reasonable that the power of determination should lie with the Regulator-General. If anything, the opposition supports a whole raft of powers being given to the Regulator-General to ensure that we still have a Regulator-General. Essentially the clause is another indication of the dominance of short-term mentality over working through the proper processes in preparing for the reform of the electricity industry.

Clause 7 arises out of the transitional arrangements to the national electricity market and will result in its harmonisation and bring our rules into line with those of other states and territories. As we understand it, for the purposes of this bill and the interim period, the rules introduced with the transitional arrangements will have the same effect as and will prevail over the pool rules in the event of some inconsistencies between the transitional arrangements and the pool rules. We support that they should prevail over them in those circumstances.

Proposed section 158D authorises the Governor in Council, on the recommendation of the Treasurer, to make such rules regarding facilitating the operation of a national wholesale market for trading electricity as are necessary. At this point I should note the Treasurer's statement in the house earlier today regarding the signing of an agreement between Victoria, New South Wales and the ACT. I think that is right — it was signed today?

Mr Stockdale interjected.

Mr LONEY — Anyway, an agreement has been reached between those three jurisdictions to set up a national electricity market from 1 July 1997. While that is a good thing, it was supposed to have commenced from February 1997, not July, so it is already back a few months.

Obviously there are real issues relating to the impending national electricity market which are of major concern in light of the history of electricity industry legislation in this state. We are talking not about a simple process, but a complex process of important competition reform in the national

electricity market, which is now in the hands of a government whose understanding of infrastructure is basically confined to the notion that public ownership is bad and private ownership is good. A very complex series of arrangements will be attacked on the basis of some simplistic understandings of infrastructure. One would hope that in the light of the way electricity industry legislation and amendments have proceeded through this Parliament in the past three years there may be some real commitment by the government to try to get this one right the first time.

What the government needs to understand about the national electricity market — and as we move towards gas — is that the key issue is not ownership; the key issue is competition and bringing benefits to consumers through competition. That is not necessarily an issue of ownership at all.

That is clearly spelled out by experts in competition policy, Dr Stephen King and Professor Rod Maddock. In their recent book *Unlocking the Infrastructure* they make a number of points regarding national competition policy and lay out the framework for consideration of how you achieve benefit through micro-economic reform. Essentially they say that ownership is not the key issue. The points they make, which flow from national competition policy — and this is directly related to the national electricity market — are, firstly:

The policy does not remove the need for regulation of the unlocked infrastructure industries.

That is an interesting point because there seems to be a belief around that privatisation necessarily equates with deregulation. In fact, it does not. If you look at this government's performance in the electricity act you will see that it clearly does not lead to deregulation. Secondly, they say:

... access to the infrastructure does not guarantee, and by itself is unlikely to achieve, any improvement in economic efficiency ...

Thirdly:

... access negotiations between the owners and users of the infrastructure cannot be expected to produce any advantage for the end user or consumer ...

Fourthly:

ELECTRICITY INDUSTRY (FURTHER AMENDMENT) BILL

Tuesday, 12 November 1996

ASSEMBLY

1075

... greater access to the national infrastructure may have significant and undesirable effects on business investment ...

And, finally:

... the vertical break-up of infrastructure enterprises may indeed reduce economic efficiency in those industries ...

There is a clear warning from Maddock and King about these issues and about going down this road. One hopes they are the sorts of issues and principles this government will address at some stage as it heads towards working out how a national electricity market will operate and how gas industry reform will take place in this state, because they are crucial if consumers are to benefit, and, as Maddock and King say, if industry is to benefit from these things.

It seems, however, that tackling these issues and principles is too hard for this government. It seems that the Treasurer is far more comfortable with his unshakeable belief in the righteousness of this crusade for privatisation than he is in coming to terms with the difficult problems raised by micro-economic reform. This government has continually put the horse — in this case privatisation — before the cart, which is efficiency gains. This government refuses to deal with anything that questions its blinkered account of its model of blind faith, voodoo economics — again witness the Collins Hill report, consigned to the pigeonhole and never to be seen again!

Earlier today we heard the Treasurer's comments about privatisation and how Premier Carr in New South Wales has now somehow accepted his model. The article, which I think the Treasurer was referring to, entitled 'Privatisation: a Carr's-eye view', is interesting because it reports Premier Carr saying things like:

We do not privatise to fill holes in the budget,... In fact, the budget is in better shape than it has been for years ...

Mr Stockdale interjected.

Mr LONEY — Sorry; the Treasurer tells me this is not the same article. Nonetheless, given that it is an article of recent occurrence of Bob Carr's views on privatisation, it probably has some relevance. He goes on to say that one of his primary aims through reform in the industries is — and I am sure the

honourable member for Morwell will like this comment:

... to ensure no job losses ...

The ACTING SPEAKER (Mr Richardson) — Order! Would the honourable member like to identify the item from which he was quoting?

Mr Stockdale interjected.

Mr LONEY — It is the same article. It is the *Sydney Morning Herald*, Mr Acting Speaker.

If we get to the stage where Premier Carr and Treasurer Stockdale see eye to eye on these things, we hope they may also see eye to eye on no job losses. Unfortunately, it would seem that that is not one of the things on which they can see eye to eye. If we are going down this track of trying to get things right, the government now has a chance, in the interests of all Victorians, to come clean on what it is doing with gas. The government should admit that it has made terrible mistakes with privatising the electricity industry, mistakes it should not be repeating with the Gas and Fuel. Perhaps the government could take the public into its confidence and declare its intentions so that some form of debate and discussion can take place. We thus might see some reason and sanity brought to bear on this government. One lives in continual hope — diminishing but continual.

Clause 8 relates to the Public Transport Corporation and is simply a tidying-up provision, but importantly it is another of those provisions that come here because the government did not foresee something. It has taken six bills to pick up the fact that the PTC, by virtue of its position with electricity, could be taken to be a distributor, supplier or transmitter. We had better clarify its status as a user of electricity. I guess that really is an indication of the lack of thought that was put into this process.

Clause 9 makes changes that will allow licensees not to be incorporated in Victoria following the approval of the minister. This is a major change to the original provision, which required licensees to be incorporated in Victoria. The original provisions were largely seen as supporting the enforcement powers of the Office of the Regulator-General. This change reflects a reorientation of thinking towards the idea that the licence itself is the appropriate vehicle for regulating licensees.

There are a couple of things to be said about that. The idea of attaching conditions to licences is not one with which the opposition has great difficulty; in fact, we are quite happy for conditions to be attached to licences. There are some questions about what one would do in order to ensure that the conditions of the licence are complied with, but we are quite happy to have conditional licences.

The power of the Regulator-General, though, is another issue. As I said before, we think there is a whole range of areas where, perhaps, the powers of the Regulator-General should be strengthened and enforced rather than removed or watered down. On balance, in this case I guess we are prepared to say we will see how this operates in practice. It may well be that conditions on licences are the way to go if they are properly supervised and monitored. I shall come to that in a moment.

What we say in relation to this matter — and I think this is also the government's argument — is that the nature of the assets involved weighs against the need for the requirement of Victorian incorporation to prevent dispersal out of the state. This is true, I guess, as far as it goes. But, of course, who knows what will happen in the future? That is one of the problems we keep coming back to.

We know the government is also insisting that a provision be inserted in licences to require the ownership of a sufficient level of property as an alternative means of ensuring that the regulation can be effectively enforced. That is something we would support. Licensees should own property in the state. It may well be that the ownership of property in the state can provide a better mechanism for enforcement than otherwise.

Proposed section 162(2)(a) allows licences to be issued to joint ventures or partnerships. That arose out of the bidding processes; a joint venture was one of the bidders, which was largely unforeseen, as was explained to us in the briefing provided by the Treasurer. This was an unforeseen event. It needs to be legislated for to allow it to operate. We do not have great problems with that.

As we understand the process, the Regulator-General will advise the minister of the conditions he believes appropriate to be attached to the licence. The minister will approve those conditions. I think it is appropriate that the Regulator-General advise on the conditions that should be attached to licences. I am not quite so sure that the final approval should remain in the hands of

a single minister rather than the Governor in Council. I am not drawing conclusions about the current minister, but what if some unforeseen circumstance concerning a minister occurred in the future? Is this an appropriate method of regulation? That is the question that has to be answered. What will the ultimate safeguard be? One may well have thought it would be —

Mr Hamilton — The integrity of the minister.

Mr LONEY — The integrity of the minister, certainly. I do not wish to reflect on the current minister, but it appears to the opposition that this may well be better dealt with by the Governor in Council. The introduction of the system of conditional licences has some merit. In many ways it is an appropriate regulatory vehicle. However, what is not tackled in this piece of legislation and has not been explained by the government are the appropriate mechanisms for the supervision and enforcement of this system. That is a key issue that we believe has to be addressed. We hope that in his reply the minister gives us some guidance on the government's plans for the supervision and enforcement of this regime.

Mr Hamilton — That is a big ask.

Mr LONEY — I am sure the government has thought about it. I am sure the Treasurer will give us some guidance about the supervision and enforcement regime that will be set up around this system. It is unfortunate, of course, that the bill ignores far more pressing issues concerning the Office of the Regulator-General, and there are pressing issues involving that office. Although the opposition does not embrace with any great enthusiasm the prospect of a seventh set of amendments to the Electricity Industry Act, we would be prepared to have them in there if the government became serious about ensuring that consumers saw some benefit from the privatisation of electricity.

If the government wants to do this it should reconstruct this regulatory body, the Office of the Regulator-General, to give it some real teeth. Wouldn't it be nice if we found the Victorian Regulator-General doing what the United Kingdom Regulator-General did a short time ago when she instructed the gas companies in Britain to drop their prices by 28 per cent? They were far too high, and the gas companies were required to drop their prices by 28 per cent. I would like to see that happen here.

A current licence condition stipulates that the distribution companies must provide separated accounts to the Regulator-General or suffer financial penalties. Perhaps the government can deal with some questions about this during the debate. How is this provision being supervised and enforced? Have the distribution companies lodged separated accounts with the Regulator-General?

Mr Hamilton — Not in the annual report.

Mr LONEY — That is right, certainly not in the annual report. Has it been done? Will the accounts be made public? What access will the public have to those separated accounts if and when they are provided? This is an important issue.

Given that the distribution companies have now been operating for well over a year, if they have not lodged those separated accounts — and nothing at this stage indicates that they have — the opposition would like to know what action the Regulator-General has taken. Have any of them been fined? Have the financial penalties the legislation provides for been applied to those companies? What is going on? This is what I am talking about when I say that licence conditions are meaningless unless a strict, strenuous supervisory and enforcement regime is set up around them.

The point of the particular licence condition to which I refer is that separated accounting is the only way to provide information that is central to determining whether a real benefit is being passed on to Victorian consumers. For example, are the distribution companies living up to their maintenance obligations? We cannot tell without separated accounting. The licence conditions clearly show that the companies have to do that. If they do not carry out separated accounting and pass it on to the Regulator-General distribution companies can fudge their figures to try to argue anything they like, for example, to pass on excessive costs to residential consumers over the costs of commercial or industrial consumers or to those for whom the decision regarding electricity consumption is totally illusory.

The opposition wants to know what has happened to separated accounting. Has it been provided, and when will we see the figures? There have been major accounting problems, and I note the problems United Energy encountered last year over its accounting exercises and practices which were heavily criticised by the Auditor-General. The opposition certainly contends that the sorts of accounting problems and practices criticised by the

Auditor-General are just the tip of the iceberg. One need only look at yesterday's *Australian Financial Review* to see further evidence of that. That newspaper carried a story that the failure of United Energy to win tax deductibility for its franchise fee is now likely to cost Victorian taxpayers \$85 million. We know that some \$35 million is flowing out in a sales tax subsidy to these companies. The opposition would like at some stage to see the true figures.

In May 1994 in response to the first package of amendments to the Electricity Industry Act the Leader of the Opposition expressed concerns that are yet to be allayed. He noted the undue haste with which that bill was rushed through Parliament. It seems the government has learnt absolutely nothing in that regard. At that time the Leader of the Opposition pointed out the uncertain independence of the Regulator-General, the potential power and influence of the Regulator-General, the apparent lack of consideration of general public issues, and the narrow economic focus in the role and function of the Office of the Regulator-General. He pointed to all the uncertainties that existed yet to date, in spite of other measures having been brought in, the issues about giving the Regulator-General true powers have still not been addressed. More than two years ago the opposition directed the government's attention to the key issues at hand, but to date the bill before the house is the best the government has been able to come up with.

Clause 11 arises from the need for the Office of the Regulator-General to be empowered to resolve disputes between non-licensed persons about industry codes and rules. That is certainly a needed amendment and one that actually widens the Regulator-General's power to act to ensure the removal of some chaos in the industry.

Clause 12 is purely a drafting clause. Clause 13 is a definitional amendment designed to exclude small distributors such as caravan parks from the application of the cross-ownership provisions. In that sense it is a minor amendment. It is worth noting that proposed section 171(9) prohibits distributors from getting around cross-ownership provisions by accumulating generation capacity; it actually extends the scope of prohibition in the act. It is one of the few amendments in any of the six amending bills that extends the scope of prohibitions — just about everything else the government has done has been to limit them.

Clause 14 relates to cross-ownership rules and attempts to address the need for the provisions

dealing with partnerships and incorporated ventures to be effective. As I said earlier, this flows directly from the fact that partnerships and joint ventures were not considered earlier. They arose essentially from the fact that the successful bidder for the Hazelwood power station was constituted as a joint venture while the original cross-ownership provisions in the act applied only to corporations.

The amendments take the form of deeming provisions, which provide that partnership as broadly defined in this bill is to be equated with incorporation and that in terms of cross-ownership regulation a stake in a partnership shall be equated to shares in a corporation. The bill deals with problems experienced under the provisions of the principal act regarding the uncertainty of the percentages limiting one's ability to buy into other places and the way they are allocated in the partnership. In fact, it strengthens the provisions in that regard, and the opposition clearly supports that.

It is important to note the lack of clarity in the original bidding structures. This relates directly back to the fact that the government has failed to work through issues relating to the privatisation process. Even today there is still a great degree of uncertainty about exactly what is happening and how things are to be worked through.

One question which should have been considered earlier is whether the legal device of partnership has been used to circumvent existing cross-ownership provisions? It would seem to be something that should have been considered and perhaps responded to earlier.

Mr Hamilton — You cannot assume logic and economists have any relationship.

Mr LONEY — That is right. You are saying economic rationalists are not rational beings?

Mr Hamilton — That is true.

Mr LONEY — The theme of liberalisation of cross-ownership seems to be developing across this saga of the amendments to the Electricity Industry Act. The opposition intends to keep a very close eye on where those cross-ownership provisions go.

It is interesting to compare this approach with the approach of the guru of competition policy, Professor Fred Hilmer. In an article in the *Australian* of 22 March 1995 he talks about economies of scale and cross-ownership and considers that Victoria has

not gone down the right path. Professor Hilmer considers that five distribution companies are too many, that ultimately we will see mergers among the five distribution companies in order to get back to some economies of scale. Professor Hilmer is our guru on privatisation, and I seem to remember he appeared on a TV ad. Professor Hilmer is now saying, or was saying last year:

I think it's quite possible in an open market that some entrepreneur or generating manager will say that he can do a better job if he controls all the power stations in one area. He might then argue he can secure better arrangements with miners, better arrangements with his work force and better arrangements sourcing his generating plant.

Graham Samuel, who sees merging as the answer to everything these days, whether it is football clubs, hospitals or whatever, may be a consultant to the electricity industry at some stage and produce a report recommending merging everything again. As far back as May 1994 when we were talking about this bill the Leader of the Opposition recognised the issues that have been left uncertain by the legislation with regard to re-aggregation of the split units. It is an issue that still has not been addressed by this government.

Clause 15 clarifies changes to the Corporations Law and expands the operation of section 171A(a) to make explicit reference to section 15(1) as well as section 12(1)(e) of the Corporations Law and to include persons 'acting in concert'.

Mr Acting Speaker, at this stage you may be as unclear as I am as to what all that means, but I presume it relates largely to cross-ownership and is consequential on changes in clauses 10 and 14. At least I hope so, and if I am wrong I hope the Treasurer will point that out to us later.

Mr Hamilton — He will do it very gently.

Mr LONEY — Of course. Again, arising from recognition of partnerships and joint venturers, this particular clause is designed to ensure no anomalies regarding partnerships and cross-ownerships. As I have said before, the opposition hopes this time the government has got it right.

Clause 17 relates to possible breaches of the cross-ownership regime. It gives the Office of the Regulator-General the ultimate sanction of revoking licences and takes a non-restrictive approach to

divining a relevant controlling interest — that is, it is not prescribed by a percentage holding.

The repealed section 175(5) was an automatic void provision and it has successfully been contended this provision was not bankable — that is, it is a provision to which financial institutions take great objection. They would not lend to a company restricted by this provision where a licence could be automatically voided if the company had done something naughty because it may leave the financial institutions holding the bag for a great deal of money. We understand the institutions were not prepared to keep lending, and this provision is designed to try to give more security when these companies go out to borrow.

The view is that the other provisions being attacked are quite adequate in this regard, but you have to ask the question, given assurances on all sorts of things earlier — who really knows and who, if anyone, is in a position to know if this is the case?

Clauses 18 and 19 are pure drafting changes. Clause 19 is particularly pertinent to this place where the word 'electrical' is being substituted for 'electoral', as it occurs in the act, and I am not sure what the original legislation would have required of members of Parliament and their electorate offices or the Victorian Electoral Commission if it were allowed to stand without this change, but we are now thankful it will now be electrical and not electoral!

Clause 20 clarifies the drafting uncertainty regarding section 15 of the State Electricity Commission Act 1958 with regard to the establishment of Newport power station. Effectively, it removes the sunset provisions to say Newport can continue to operate in a commercial capacity. That is the effect of the clause. Of course, it disregards the recommendations of the Newport review panel, but it may well be that the continued operation of Newport is something that will not have adverse consequences. We are not sure of that as it has not been spelled out, but it is another one of those clauses in this legislation that falls into the category of 'Who knows what the future is?'. Obviously it is intended to give Newport an extended commercial life in order for it to be sold.

Clause 21 contains essentially drafting corrections to the SEC act and is unexceptional. The provisions of clause 22 onwards, the group of clauses at the end of this bill, relate to the need to provide certainty of tenure for Southern Hydro. The substantive amendments in question were made last year under

a variety of acts: the Lands Act 1958, Transfer of Land Act 1958, Crown Land (Reserves) Act 1978, Forests Act 1958, Alpine Resorts Act 1983 and National Parks Act 1958. However, the change occurring here is that the relevant authority is to be vested in the minister, in this case the Minister for Conservation and Land Management, rather than the Governor in Council. A single person rather than a single body is responsible for entering into the agreements. The opposition is told this is essentially for administrative purposes — I guess for administrative ease.

There are some major issues that flow from that, the first of which we would like clarified, if I can attract the Treasurer's attention for a moment. During the briefing on the bill I asked whether these agreements would be public documents, and the people provided by the Treasurer for the briefing did not know the answer but undertook to get me the answer prior to the debate. I have not received that answer.

Mr Stockdale — Who are the agreements between?

Mr LONEY — The agreements are between the Minister for Conservation and Land Management and electricity bodies for Crown land. Will the agreements be public documents? That is an important question when talking about public land. It is to be hoped there will be some form of public consultation process on the agreements and that they will be public documents. However, on past experience I fear I may be disappointed by the answer because this government has placed its obsessive secrecy above the rights and interests of ordinary Victorians.

Concern has been expressed about the amendments that provide for the substitution of 'Governor in Council' for 'Minister'. The Victorian National Parks Association quite correctly points out that to do so affords the minister an inappropriate and undemocratic level of discretion by further distancing these actions from parliamentary scrutiny. That is a valid point and impinges on the earlier point I raised about whether the agreements will be public documents. The parameters of such agreements, so far as one can tell under the legislation, remains uncertain and is probably not able to be ascertained, which suggests an arbitrary regime is being put in place. A crucial underlying issue is the concern about the efficacy of safeguards, but the past performance of the government offers no great reassurance for Victorians.

I have dealt with the contents of the bill in some detail because, as I said at the outset, they are not objectionable if taken individually. However, they are indicative of the way the government has gone about its business. Although the opposition does not oppose the passage of the legislation per se it should not be allowed to pass without critical comment, and it certainly won't be! Opposition speakers who will follow me will apply their critical microscopes to the legislation in a range of ways, and rightly so because the introduction of amending legislation every session is adhocery at its worst!

The key point of this bill and its five predecessors is the ill-considered nature of the government's privatisation of the electricity industry. As I pointed out earlier, the way the government has privatised the electricity industry has implications for the gas industry. If the government adopts the same ad hoc view about the privatisation of the gas industry not only will we be back here time and again to debate further amendments to the Electricity Industry Act but we will also find ourselves addressing amendments to the legislation applying to the gas industry. It is time the government learnt the lessons from its legislation; it is time it put some thought into getting the legislation right the first time, which means it should not go down the path of privatisation of the gas industry.

As I pointed out earlier, reform of and competition between utilities is not synonymous with ownership and should not be treated that way. It is not a simple issue of ownership but of efficiency and the delivery of benefits to the consumer. That point has been missed by the government not only in this debate but time after time. It is what micro-economic reform, restructure and competition policies are about — that is, delivering benefits to the consumer. Unless the government can demonstrate that a benefit will be delivered to the consumer it should not take that path. Why embark on a radical experiment? Why set off towards an unknown destination? The government turned up at the airport with a one-way ticket to a destination called privatisation. It jumped on the plane but has no idea what it will find when it reaches the destination. It has not booked any accommodation and it does not even know if there is a hotel. It does not know whether anyone lives at the destination. It has no idea what is at the end of its journey and it will not recognise it when it reaches it.

The underlying factor in relation to the privatisation of the electricity industry is that the government does not know the consequences of its actions. At

one stage the government took great pride in boasting that it was doing something that nobody else had done before. It should have occurred to the government at some stage to ask why nobody else has done it. Why has it never been tried before? Perhaps someone like Professor Hilmer thought about it and said that the aim was competition and not ownership, and that is where the government has got it wrong. It has focused on ownership rather than on benefit; the benefit to Victorian consumers should have been examined and not the ownership. Until the government gets the message that the delivery of benefits, quality services and the best possible price to the Victorian consumer is the primary issue and not ownership, clearly there is nowhere to go.

Sitting suspended 6.30 p.m. until 8.04 p.m.

Mr HAMILTON (Morwell) — I feel as though my colleague, the shadow minister for energy and resources, has been too generous in indicating that the opposition will not be opposing the bill. That is one step short of supporting it, but to my mind every electricity bill that comes up for debate should be opposed on the ground that it is based on the false premise that privatisation is god.

The Electricity Industry Act has had more retakes than a Tom and Jerry cartoon — although perhaps that is being unfair to Tom and Jerry. The government's addiction to privatisation can be compared to an addiction to bungee jumping without the bungee rope. It is a though the government is saying, 'Let's just see where this takes us'. The result will be a bit like bungee jumping without the rope: by the time we get there it will be far too late. That will be especially true for country Victorians, who will necessarily be disadvantaged given the arguments that are advanced in favour of privatisation.

Mr Deputy Speaker, you will be well aware that services to country Victoria have been guaranteed by government ever since Victoria has had elected governments. The private sector could not provide schools for country Victoria, so the government stepped in and built them. The private sector could not or would not supply gas to country Victoria, so the government took up that particular responsibility. Originally, country Victoria did not have access to a safe and reliable supply of electricity, so the government also took on that responsibility. Governments of whatever colour have taken on the responsibility of providing

services to the country at the same prices as those charged in the city.

One of our sorest wounds has been caused by the petrol prices charged by the private sector in country Victorians. There is no doubt in the world that we in the country are ripped off every time we use a petrol bowser or an LPG tank. The private providers treat country Victoria as a milking cow. It stands to reason that the private electricity industry will care as much about country Victorians as do the petrol providers and other private companies that supply services at exorbitant costs. Given that half its backbench and half its cabinet is from the country, I am amazed that the government still fails to see that the privatisation of the electricity industry has inevitably put country Victorians at risk.

If one looks at the arguments for privatisation and the promises of competition and efficiency, one realises that, because of the physics involved, it will cost more to supply electricity to country Victoria. Energy losses on the transmission lines from, say, the Latrobe Valley to Mildura will be of the order of 10 per cent. Who will pay for the losses? The government has decided that until the year 2000 the extra costs will be borne by all consumers. That is fair enough, and we support the decision. But if the cost of electricity supply is to be governed by market forces — the bungee jump without the bungee rope — it follows that it will cost more to send electricity to country Victoria. The logical result will be that country Victorians will pay more than people in the city. That is but one of the consequences of the bills that have been passed to try to get the privatisation of the electricity industry in order.

The privatisation of the electricity industry is the government's first serious attempt at privatisation. It has had six attempts to get the legislation right. One wonders whether that has been the result of incompetence or because of pressures from within or without. What is more, Mr Deputy Speaker, the legislation is still not right. There are still enough holes in it to drive a truck through. My colleague the honourable member for Geelong North has listed some of the problems.

We remember the song and dance when the Treasurer came into this house with his dancing pumps on and told us about cross-ownership. He said that we cannot have one mob getting into distribution and another into the generation side. Now the bill reduces the cross-ownership requirements to prevent what has been a public monopoly inevitably becoming a private monopoly.

Without doubt, as these requirements for cross-ownership are reduced one wonders how to follow the chain of who owns who and what owns what. Stricter rules than that provided by the bill are required.

As well as needing to be aware of cross-ownership we also need to be aware of what happened in the UK with privatisation. The new majority owner of the Hazelwood station, the United Kingdom company with a 52 per cent share in the station, is here not because it loves Australia or because it thinks it might make a quid here, it is here because the government in the UK said that it had too much of a share in the electricity in the UK and it must reduce it. The company had to reduce its supply in England and as a result it had some extra cash and decided to buy a power station in Australia and another in Pakistan.

The company thought it would invest in power stations because it knew something about them. However, it probably does not know much about brown coal power stations because there is not much brown coal being used to produce power in the UK. The first thing the company did when it took over Hazelwood was to sack another 120 people. In 1989 there were 10 000 employees in the SEC in the Latrobe Valley. In 1996 there are fewer than 2000 and the figure is dropping. The only way the economists involved in these companies know how to make efficiency gains is to sack a few more workers. They know nothing about humanities or communities.

If that is not bad enough they then pay exorbitant salaries to the blokes they put in charge. When George Bates was head of the SEC his salary was around \$160 000 a year. That was a senior salary. We now have 10 distribution companies where each CEO receives between \$250 000 and \$300 000 a year salary and the five distribution companies pay their CEOs much the same. The fat cats have ripped into this area as they have in every other sector where they receive bonuses for getting rid of workers. In comparison with the salary received by George Bates their salaries are exorbitant. George Bates managed the whole system on the salary he received.

The fat cats have moved in and are ripping off the ordinary customers. If you count the Victorian Power Exchange and Powernet Victoria you have a total of 12 new bodies each with its own board of directors to replace one board and one CEO. Those directors are not there because they are Father

Christmas, they are getting a nice fat take from the system.

You cannot help but wonder about the advantage of privatisation. The workers in my electorate see no advantage. They see permanent, well-paid jobs disappear. They see worker fighting worker to get on to the employment roll. If they manage to get on the roll they get a contract which means they are guaranteed employment for only 12 months or two years or however long the contract is.

We might have accepted the situation if power prices had dropped, but a check of the electricity bill shows no price reduction. Even pensioners' bills have gone up enormously since the application of the surcharge that has doubled the supply charge. Neither the ordinary voter in the street nor the workers have seen any benefits of privatisation. The only people who have benefited are the CEOs and their highly paid boards of directors.

We should be careful about some provisions in the bill. In layman's language clauses 9 and 10 say that a Regulator-General has been appointed so that there is some control or regulation, some watchdog on the industry. However, according to clauses 9 and 10, regardless of what the Regulator-General says, the minister can do as he likes. If the minister wants to do a sweetheart deal with someone and the Regulator-General thinks it is not a good idea clause 9 says the minister can go ahead. He can approve the granting of a generation or distribution licence on request regardless of the Regulator-General.

I should be careful about that because ministers come and go. The minister and the government benches should realise when they are carrying out these stupid allocations of responsibility that governments come and go and next week I might be the minister for electricity supply and I would have extraordinary powers to do as I liked. Clauses 9 and 10 create some large dangers.

I turn to clauses 13 to 16, which relate to cross-ownership. They provide that if the rules do not suit the players the rules will be bent or changed. Not only have the goalposts shifted, the ground has also shifted. When the next applicants come along and want to reinvest what they have because they have been thrown out of somewhere else the rules will be changed again. That is what is happening with the principal act — every time someone is not satisfied the government changes the rules. That defeats the very guarantees we were given as a

Parliament by the Treasurer when privatisation of utilities first started.

I shall make quick reference to some amendments to other acts because they are of concern. Clauses 25 to 34 amend the Crown land, forest and national park acts. I surmise those amendments are to enable a generator to move into a national park, forest or Crown land area, obtain a 99-year lease and set up a power-generating company. It could be a hydro-electric company, although the potential for hydro-electricity in this state is not all that good.

I wonder about the import of that. Are we going to allow small generating companies to set up all over the place? These clauses allow the minister to grant licences but there is no guarantee that the information about the granting of the licences will become public. It is no wonder conservation groups and national parks associations are concerned about this.

Our national parks were not set up to be commercialised. That is the argument against building a 4½ star hotel at Wilsons Promontory. National parks were established to keep our wonderful national resources forever. Yet here, as is happening with the national park proposal at Wilsons Promontory, they are about to be commercialised. That is not good enough.

The government is absolutely breaking its promise to care for what happens in this state. It is an impact, and it is a thin end of the wedge on national parks. What will happen next when they want to get in to do something else in national parks? The lead speaker from the opposition was too generous; we ought to be opposing this bill on all of those grounds.

We talk about the national electricity grid. It is not even in the same class as the Treasurer's eyebrows. At the moment there is a connection which will take about 10 per cent of Victoria's load; any more than that and the wires will get so hot they will melt and fall on the ground. So who will supply the capacity to exchange electricity between here and New South Wales?

It will not happen; there are not red dots on one of the electricity generators and blue dots on another one. All sorts of deals will be done — 'I'm supposed to be supplying it, but we cannot pump it up through the line, so what will happen when we have this so-called competition between Victoria and New South Wales?'. The original model for the national electricity grid included Tasmania with an

underground cable; South Australia was in the ball game; Queensland was supposed to be — it was always put up as the model for efficient production of electricity, until people did their sums and the economists started to be a bit honest; and Victoria, which has always had the cheapest electricity.

So we have a national grid between Victoria and New South Wales. One must ask who's in whose pocket and who's paying? You could paraphrase that slightly differently if you wished to.

This bill is an abomination: it is the bungee jump without the bungee rope, and it fails to give any credit at all to even a Tom and Jerry cartoon with its six retakes.

Mr STOCKDALE (Treasurer) — I thank members for their contributions to this debate. Given the limited nature of the bill, it would have been a little difficult to detect the relevance of a number of the contributions, but I guess that is par for the course on these bills. There was some criticism about the fact that we are introducing bills every session. Although implicit, it later became explicit that the reason for that was some lack of preparation or uncertainty.

It has always been clear that the electricity reforms are a dynamic process; that there is constant change, not only change within Victoria resulting from the reforms that are already implemented in each case, but also from the collateral development of the national market. Of course some of the amendments in the bill result from the further progress in relation to the development of a national market, or to be more accurate perhaps, a south-eastern Australian segment market. So I certainly would not accept the criticism that there is anything extraordinary, unusual, unexpected, or indeed reprehensible about the fact that we are continually bringing in bills.

The honourable member for Geelong North raised issue about the fact that there have been bills in each session for quite some years now. I have to be right up front — I think it is quite likely we will have further bills in relation to gas and electricity in each of the succeeding years after this session. If we have a session when there is not an electricity bill, and in all probability if we have a session in which there is not a gas reform bill, I would be quite surprised, because the process is dynamic, and certain aspects of it are iterative in the sense that it is continually necessary to refine the legislative and regulatory environment by virtue of the changes in this area.

It is certainly not an experiment, as the honourable member suggested, but it is a continually changing environment, and in many respects Victoria is now at the forefront of the world in terms of the introduction of effectively competitive markets for utility industries. We have bypassed the British; we have avoided a number of the mistakes that the British made, and many people are coming from around the world, not only to take interest in and study the reforms that are being implemented here in Victoria and in the rest of south-eastern Australia, but to make investment here on the basis that they can learn lessons here that will be of value in much bigger markets in other parts of the world. So it is a dynamic process and the government makes no excuse or apology for the fact that it is continually necessary to monitor, improve and update the regulatory and legislative environment to ensure that it meets the challenge of what are very important reforms for Victoria.

The honourable member also criticised the downsizing of employment in the industry. It is a fact that back in the mid-1960s the electricity industry produced about two-thirds of its current output with something like 23 000 workers, whereas today it is producing one and a half times as much electricity as it did then with a work force that is closer to 7000. That is a massive improvement in labour productivity. For the honourable member to suggest that that is somehow an indication of failure and that the search for efficiency is somehow damaging to Victoria's interest flies not only in the face of the interests of Victorian electricity consumers — which includes virtually everybody in the state — but most particularly in the face of workers in the industry.

You do not just have to take the government's word for that, because there were union officials — one, in particular, in the Latrobe Valley — who years ago were saying to the workers in the valley, 'If you don't make this industry efficient, if you let it continue in its current ways, if you don't face the fact that an interstate market is coming, then in 30 years time there may well be nobody working in the electricity industry in the Latrobe Valley based on those huge deposits of brown coal'.

Mr Hamilton interjected.

Mr STOCKDALE — The honourable member for Morwell suggests that the particular individual has gone to the private sector, proving that he practises what he preaches. But the fact remains that what he said is unquestionably true. I think the fact that these

massive changes, with huge social implications for the Latrobe Valley communities, have been introduced with so little industrial disruption —

Mr Hamilton — Go down and look at the shops —

Mr STOCKDALE — That is exactly the point I make to you; we had an infrastructure development and an artificial economy development in the Latrobe Valley which was simply not sustainable. It is to the great credit of the workers in the Latrobe Valley, to the Latrobe Valley communities, and particularly to the union officials, that they have recognised the need for this industry to become nationally competitive, and for international benchmarking to set the standard for the performance of the industry.

For example, I remember that when the SEC was running the power stations, even with Loy Yang B in operation, it still had an average availability of about 70 per cent of its generating plant. They were available to run generating electricity about 70 per cent of the time that theoretically they could have run. It is interesting that now with Mission Energy applying the benchmark of international competition, the availability for the more modern plant is well over 90 per cent. Indeed, for Mission you could say it is over 100 per cent, because they frequently run the plant above its rated capacity.

One of the major dynamics of the efficiency of our electricity industry in this state, the unit cost of capital, has been massively driven down by more efficient use of the plant, by more efficient running, and by more efficient operation, but particularly, by —

Mr Baker interjected.

The DEPUTY SPEAKER — Order! The honourable member for Sunshine should contain his enthusiasm and remain quiet and he might learn the resolution to his puzzle.

Mr STOCKDALE — More particularly, the unit cost of capital has been driven down in an industry that is immensely capital intensive. So the reforms, the introduction of international expertise, the international benchmarking, and the competitive discipline has had an enormous impact.

To the great credit of the work force, I remember an experience — I think I have relayed it to the honourable member for Morwell before — I had

when I went to Loy Yang A power station. Bear in mind that Loy Yang A and Loy Yang B are not in actual competition; Loy Yang B has a take-or-pay contract so Loy Yang A cannot win market share from Loy Yang B.

The operators recognised me when I visited the station, and they were very keen to tell me that the previous weekend they performed some routine maintenance outage in a faster time than the opposition had performed it on a previous occasion. We can have economists debate the theory of competition, but when operators on the shop floor are impressed with the fact that they have beaten the opposition in a routine maintenance function, and performed it more efficiently and more rapidly, one can see the human face of competition. The excitement and the commitment those people demonstrated was a visible face of the benefits of the reform we are talking about. It demonstrates the added security they have in their jobs because the industry has become more efficient and the national market is now developing an opportunity for them to export the fruits of that efficient operation to other states.

The honourable member raised the pricing issue. I do not accept his datum point. I suppose for the purposes of political debate it is fair game for the opposition to argue that the datum point is the day on which this government came to office. I do not think this government has ever resiled from the fact that it was necessary for us to do things that were quite unpalatable to us when we first came to office. A 10 per cent increase in domestic —

Mr Hamilton interjected.

Mr STOCKDALE — I do not think that is fair. The government has always made it clear that it took no pleasure at all from things like the 10 per cent increase in domestic tariffs when we first came to office. I think the more relevant benchmark is what has happened since the electricity industry ceased to be a vehicle for governments to use their monopoly position as a taxing mechanism. Since then we have seen a real reduction of 11 per cent in domestic tariffs and we will continue to see, in real terms, the price of electricity decline over the balance of —

Mr Hamilton interjected.

Mr STOCKDALE — That is taking account of the increase in the service charge. If we look at the combined effect of the service charge and the unit

charge for energy, in real terms consumers have had a lot of benefit.

Mr Hamilton — Go and talk to some pensioners.

Mr STOCKDALE — As one who used to attack Rob Jolly for the use of 'real terms', I realise perhaps even better than members on the opposite side how little the community understands the distinction between nominal terms and real terms reductions. But the important point in looking at the economic effect and the economic significance of the reforms is to look at the share of GDP and the share of the purchasing power of the average citizen going into the consumption of electricity. It is reducing. The purchasing power of the average wage is increasing as we peg the price of electricity below the enforcement rate.

The honourable member for Geelong North raised a series of specific issues, some of which I am in a position to respond to now, and others of which I will give him a more detailed answer on before the bill goes to the upper house. I have already given instructions for the department to prepare detailed responses to the issues the honourable member raised, many of which are issues that obviously occupied the government's thinking.

He asked a question about accounting separation, and I am advised that there is no requirement to file accounts with the Regulator-General but that the Regulator-General is developing guidelines for the enforcement of those provisions in the licences. Those guidelines are due for completion in December 1996. The Regulator-General is liaising with the distribution businesses in the development of those separate accounts. The brief does not extend to it, but my understanding is that the material necessarily involves a lot of highly sensitive commercial information which I would expect the Regulator-General would regard as commercially confidential for his regulatory purposes and which will not be public documents.

In relation to the agreements in the contracts relating to Southern Hydro, which the honourable member for Geelong North raised in the briefing session the department provided, I am advised that the department does not register the agreements but they would be available to anybody who seeks to see them. As I understand it, our expectation — we have not actually consulted with Southern Hydro — is that Southern Hydro would not have any problem with the department making available the terms of those agreements.

In relation to the enforcement powers of the Regulator-General, I do not think they could be any more effective than they are. The Regulator-General has statutory power to require information to be filed with him. He has very, very strong investigative powers. He has the power to enforce the application and to enforce the conditions of the licences, with power to impose fines and, in the final analysis, power to suspend or cancel licences. He has what in normal circumstances most people would regard as quite draconian powers to inquire into, to supervise and to enforce supervision. Indeed, in relation to the cross-ownership rules he has statutory power to require divestiture of shareholdings. In relation to compliance with the act, I do not think there is any doubt that he would exercise those powers. He has investigative powers that would enable him to ascertain whether companies are complying with the undertakings they give at the time of acquisition and to ensure that they do comply with the cross-ownership rules.

I do not resile from the fact that by their very nature the cross-ownership rules are extremely complex. They are modelled on the rules in the Corporations Act, which themselves are very complex, but the peculiarities of the situation we face here have overlaid that with even greater complexity. I do not think anybody would pretend that we would necessarily contemplate all the circumstances very inventive financiers would eventually develop. We will need to continually monitor the applications to make sure they achieve their desired outcome of locking in effective and sustainable competition and do not impose sacrifices of value on taxpayers by being unnecessarily restrictive.

There is some room for continuing monitoring and refinement of the rules. The essential elements of the rules are designed to create sustainable and effective competition, and that is one of the essences of the reforms. The government will certainly ensure that they subsist. I thank honourable members for their contributions. I think it has been a high-level debate. I will ensure that we address the matters raised by the honourable member.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

BIRTHS, DEATHS AND MARRIAGES
REGISTRATION BILL*Second reading***Debate resumed from 17 October; motion of
Mrs WADE (Attorney-General).**

Mr HULLS (Niddrie) — I suppose it is a fairly rare occasion for me to speak on a bill introduced by the Attorney-General where I am keen to congratulate the Attorney-General. At the outset I wish to state that the opposition certainly does not oppose this bill.

It is interesting to note that it is referred to as the Births, Deaths and Marriages Registration Bill. I am sure that when the Attorney-General was studying law — it was certainly the case when I was studying law — it was known as the match, hatch and dispatch. I can remember when I was doing articles with my father and had to go to either the Titles Office or the office of the Registrar of Births, Deaths and Marriages he would say to me, 'Please go down to Match, Hatch and Dispatch and pick up a certificate'. I am not sure whether that terminology is still in use.

Mrs Wade interjected.

Mr HULLS — I suppose it does date me somewhat but I am pleased to say I am younger than a lot of people in this house!

As I said, the opposition supports the bill. It is very sensible and, as the Attorney-General said in her second-reading speech, it is the result of the agreement of the Standing Committee of Attorneys-General made in February 1995 to have common core legislation dealing with the registration of births, deaths, marriages and changes of name.

The objects of the bill set out in clause 3 are worth referring to briefly:

The objects of this Act are to provide for —

- (a) the registration of births, deaths and marriages in Victoria; and
- (b) the registration of changes of name; and
- (c) the keeping of registers for recording and preserving information about births, deaths, marriages, changes of name and adoptions in perpetuity; and

- (d) access to the information in the registers in appropriate cases by government or private agencies and members of the public, from within and outside the State; and
- (e) the issue of certified and uncertified information from the registers; and
- (f) the collection and dissemination of statistical information.

They are quite appropriate objects, particularly when we are trying to achieve uniform legislation throughout the country. As I said, in the main the bill mirrors legislation that will be set up in other states. It establishes a Registrar of Births, Deaths and Marriages whose functions are set out in clause 6:

- (a) to establish and maintain the registers necessary for the purposes of this Act; and
- (b) to administer the registration system established by this Act and ensure that it operates efficiently, effectively and economically; and
- (c) to ensure that this Act is administered in the way best calculated to achieve its objects.

Clause 12 deals with the notification of births and makes it clear that when a child is born the responsible person must give notice of the birth to the registrar. Clause 12(1) provides a penalty of 10 penalty units. One can assume only that the penalty applies where the responsible person has failed to notify the registrar of the birth, including any particulars required by the registrar. I do not know whether that is an error in drafting. I direct that to the Attorney-General's attention because although the provision sets out what must be done it does not actually state that failure to perform that responsibility results in the imposition of a penalty. Perhaps it could be argued that the wording implies that, but I point out that it does not actually stipulate the wrongdoing for which the penalty is to apply.

Clause 12(6) defines 'responsible person' as the person who has to inform the registrar of the particular birth. It clearly provides that the 'responsible person' includes any person in attendance at the birth. That should be of some concern to the Attorney-General, particularly from the drafting aspect, because if, for instance, a birth took place — I know the legislation deals with this elsewhere — in an aeroplane, bus, public place or wherever, the question arises whether it would be the responsibility of any person present to give notice of that birth. Indeed, if there was a crowd in attendance at the birth, one wonders whether all one of those people should give notice of the birth. If

there is a failure to give notice of the birth, who would be the responsible person?

This may be deemed to be somewhat technical. Nonetheless I suspect a situation could be envisaged where a birth took place in the presence of a number of people, all of whom believed one of the others had the responsibility to give notice of the birth. One wonders in that case who would be penalised under the provision. Clause 13(4) provides:

If a child is born outside the Commonwealth, but the child is to become a resident of the state, the birth may be registered under this Act.

I ask the Attorney-General how it is envisaged that proof could be shown to enable that child to become a resident of the state. Perhaps it is a technical matter, but it may well be that a person could receive the benefits of having the birth registered in Victoria simply by stating that the child is to become a resident of the state. Perhaps it should be clarified that the birth can be registered only when residence is actually taken up in this state.

Another matter to which I direct the Attorney-General's attention relates to clause 16(1)(c), which deals with the registration of parentage details and provides that the registrar must not include information about the identity of a child's parent in the register unless:

... the Registrar is satisfied that the other parent does not dispute the correctness of that information.

I seek information from the Attorney-General about how a disputed parentage matter will be settled by the registrar.

The final matter I direct to the Attorney-General's attention relates to clause 22, which is interesting particularly in light of the debate on immigration issues that took place earlier today. That clause provides that the birth registration statement must state the name of the child. That goes without saying. Subclause (2) states:

However, the Registrar may assign a name to the child if—

- (a) the name stated in the birth registration statement is a prohibited name; or
- (b) the birth registration statement is lodged by both parents of the child and they satisfy the Registrar that they are unable to agree on the child's name.

The prohibited name aspect is quite interesting. An earlier clause of the bill contains the definition of 'prohibited name'. Clause 22 provides that the registrar may refuse to register the name of the child if it is a prohibited name. Clause 4 states:

"Prohibited name" means a name that —

- (a) is obscene or offensive.

I am not too sure of the test for ascertaining whether the name of a person is obscene or offensive. Many of us in this house would find certain names offensive or obscene. Some people in the house may find the name 'Jeff' obscene or offensive. What test is used to ascertain whether a name is offensive or obscene? The second part of the definition of 'prohibited name' is a name that:

- (b) could not practicably be established by repute or usage —

- (i) because it is too long; or
- (ii) because it consists of or includes symbols without phonetic significance; or
- (iii) for some other reason; or

- (c) is contrary to the public interest for some other reason.

In light of the debate on multiculturalism that took place today it is fair to say that Victoria is a homogenous multicultural society — and thank goodness for that! It is made up of people from many different backgrounds with a wide range of names, both in pronunciation and in length.

Included in this legislation is the power for the registrar to refuse to register a name because the registrar finds it obscene, offensive or too long, and there needs to be some guidance from the Attorney-General about what sort of circumstances she anticipates the registrar would use his or her powers under section 22 and declare that the name intended to be registered is a prohibited name.

Having made those observations, the opposition certainly supports this legislation and would like to congratulate the registrars around the nation who have worked cooperatively to force the government's hand over this particular matter. The initiatives by the registrars will promote the development of a uniform, simplified and more creative register, which will enable implementation of further technological innovations. The opposition supports the bill for a number of reasons, but primarily because it moves the registration system closer to a uniform registration system throughout

the country. I am sure the Attorney-General would agree with me when I urge the Queensland government in particular to stop dragging its heels on this reform and move as quickly as possible to implement the model bill introduced to the house today.

The opposition supports this piece of legislation because of the recognition the bill gives to the role of both parents in raising a child, by making it the responsibility of both parents to register the name where that is possible. The bill goes further, and rightly so: it removes the traditional priority given to the father's name. The opposition also supports the bill because it correctly identified the anomaly that applied to adopted persons with respect to their right to alter personal details on the register if they so wished. That has been a problem for quite some time. Further, as a result of the cooperative work of the registrars throughout Australia, the bill also provides for the Victorian registry to issue information from registers in other states. The bill also recognises the emerging practice of issuing decorative birth certificates that are apparently very popular with some parents.

I want to commend and encourage the development of technology and practices this bill goes part of the way to facilitating — that is, the delivery of services for the purposes of historical and genealogical research. The opposition urges the government and the Attorney-General to continue to work with the registrar to advance the register system, and in particular increase electronic access to the service, while remaining sensitive, and I think this bill is sensitive to the issues of privacy.

In conclusion, the opposition certainly supports this bill and congratulates the Attorney-General for adopting a uniform approach to the registration of births, deaths and marriages.

Dr DEAN (Berwick) — I do not think anyone by any stretch of the imagination could call this a sexy bill. Some might even go so far as to say it is a boring bill, but in fact it is quite an important bill. Affectionately known by some of my colleagues as the hatch-em, dispatch-em and match-em bill, it does have about it some important aspects that are not immediately obvious when you look at the title. Of course, it affects all of us on at least two occasions, sometimes three, and others four or more times. There are probably some people I know who ought to get an autographed copy on the basis they access it on quite a number of occasions.

Mr Baker — Access is not a verb.

Dr DEAN — Anything can be a verb, depending on how it is used. I am using it in the appropriate manner. One important aspect of this bill is the fact that it is enabling otherwise boring information, but information which is quite important, to be accessed electronically and also to be collected electronically. This means that the information revolution, which is obviously going at a fast rate and is particularly embraced by this government through its multimedia activities, and its ministry designed specifically to encourage the use of electronic means of information dispatch and retrieval, has caught up even with the Births, Deaths and Marriages Registration Bill.

The information revolution not only breaks down barriers between countries, but quite clearly when it operates within federalism, breaks down the barriers between states. It is of no use having access to the electronic transfer of information if you still have the barriers of states to deal with. Federalism, therefore, is taking on an entirely new aspect when it comes to modern-day retrieval and dissemination of electronic information. I predict that federalism, in particular uniform legislation and cooperation between the states, will go apace now as it becomes obvious that the electronic transfer of information requires uniformity.

This bill is demonstrating that the states have got together and said that if we have information that can be accessed, whether it be in a kiosk arrangement, in a shopping centre, or on the Internet, so that someone in Queensland can access information in a registry in Victoria, quite clearly we will have to have the same rights and obligations in relation to the use of that material between states. That aspect of the bill demonstrates that if we are going to access electronic information retrieval and collection, we must have uniform legislation between states.

One might say 'Why does that not lead us on to unitary government? Why should we stick with federal government?'. The answer is that federal government gives us greater creativity and independence. It has many aspects that recommend it, and federalism will rise to the challenge and endeavour to have either template or identical legislation between states so that we can make use of the new technology.

The particular states — I think it is New South Wales, the Northern Territory, and South

Australia — that have already enacted their uniform legislation should be congratulated. The registrars from each of the states have worked long and hard on this task and are to be congratulated on reaching agreement on uniform legislation. On its face this task seems a simple one, but I can assure you that trying to get agreement between the states about legislation which is based entirely on state constitutions to reach a situation where one state can act as an agency for the other is quite a difficult matter.

Effectively, it means if Mrs Brown wants a copy of her marriage certificate and her marriage was registered in Victoria but she happens to live in the Northern Territory all she needs to do is to go to the nearest office of the Registry of Births, Deaths and Marriages in the Northern Territory — it may be a kiosk arrangement at the local supermarket — and she can tap into the system to obtain her marriage certificate from Victoria. The bill shows the way to a process that will change the nature of Australian federalism.

The government should be congratulated because it has made this one of its Agenda 21 multimedia projects. It has put money aside to ensure that the project is up and running. It is important that Victoria leads the way. The race in the use of multimedia technology means that those who are at the forefront will gain the benefits of using such techniques. The government is positioning itself to ensure that it is at the forefront of this form of technological information gathering and dispersal through all its government departments.

The bill will also enable the registry to engage in some commercial activities which will bring it into the modern era in service provision, such as providing services to the Australian Bureau of Statistics, providing personalised certificates and selling information to marketing agencies keen to have the information for their own purposes. Of course the privacy provisions referred to by the shadow Attorney-General must be protected. It is important that the marketing agencies have access to statistics, but it would be totally inappropriate if private information of any description were released. Safeguards are in place to ensure that does not happen. The bill makes other small changes but I do not believe it is necessary to go into them. The point I make is that although the bill appears to be simple it is legislation at the cutting edge of information technology.

Ms McCALL (Frankston) — I do not propose to speak for very long because, as I remind the honourable member for Berwick, backbenchers are not paid by the hour as lawyers are. I was brought up with the British system of Somerset House, which was affectionately known as the hatches, matches and dispatches department. I would have liked the title of the bill to be reworded to births, marriages and deaths because deaths rarely come before marriages.

I support the bill because it brings about conformity and uniformity to the system. As I said earlier, I come from the United Kingdom and earlier this century my uncle disappeared after he had landed in Western Australia. Uncle Jack McCall has never been traced. Somewhere along the line he may have changed his name, married and moved interstate, but as he would now be 140 years old he has probably died. Because there is not a uniform system we have not been able to track him down, but, perish the thought, I may be related to a large number of other McCalls!

The government has moved towards national uniformity and it will lead to consistency in the registration of births, deaths and marriages throughout Australia and the rights and obligations. It will also make it a little easier to pursue those of the criminal tendency when they move elsewhere — it may not be so easy to disappear. I am happy to support the bill and I commend the Attorney-General.

Mr A. F. PLOWMAN (Benambra) — The bill promotes a consistent registration practice across the states and territories, but I suggest there be a provision for cross-border situations. When the babies of families who live on one side of the border are born on the other side a notation should be made of their place of residence. I refer particularly to the situation in Albury-Wodonga where there are three public hospitals and a private hospital. In an endeavour to rationalise the delivery of services it was proposed that one of the three public hospitals should cover all the obstetrics for the area, but there is resistance because mothers particularly and families in general on one side of the border wish their children to be registered recognising their state of residence as well as their state of birth.

I note the Attorney-General said in her second-reading speech that the recording of key events of our lives such as births, marriages and deaths is fundamental to the way we organise our society. I suggest that another fundamental aspect is

that people wish there to be recognition of their children's places of residence even if those children are born in an adjoining state. The rationalisation process in Albury-Wodonga has been proposed to achieve the ultimate in health services, but it should still meet the requirements of the families whose children are born on the other side of the border.

The Attorney-General also mentions in her second-reading speech the additional services to be offered, such as the provision of decorative birth certificates and historical and genealogical information. I suggest this additional service could include the information that a child is resident in another state.

Mrs WADE (Attorney-General) — I thank honourable members who have participated in the debate. A number of issues have been raised and I will respond to them as best I can. The honourable member for Niddrie initially indicated that the opposition supported the bill, and indeed I heard him congratulate me for introducing the bill. Perhaps he was almost as surprised as I was to hear himself making those comments. He then went on to refer to a number of clauses in the bill and I shall briefly comment on them.

Firstly, he referred to clause 12, which provides that a responsible person must notify the registrar of a birth. He expressed concern about whether an appropriate offence was generated by the provision. The problem the honourable member has is that it is some time since he completed his law course and since then we have moved to a more modern form of drafting in plain English. I believe the wording of the provision reflects the current drafting system. I do not believe any court would find it difficult to discover what the offence is.

In speaking on clause 13, the member asked how it could be shown that a child was to become a resident of the state for the purposes of registering the birth in Victoria — in other words, it concerns a birth that takes place outside the state. My understanding is that the provisions cover a situation where a child is born on its way to Victoria, either in an aircraft or on a vessel or, alternatively, where the child's parents are temporarily living overseas and intend to come back to Victoria. I cannot imagine there would be a problem in the great majority of cases. If the registrar either registers a birth and somebody is unhappy with it or refuses to register a birth, I understand anyone affected has a right of appeal to the AAT.

A question was also asked about the responsibilities of the people in a crowd who happened to be present at a birth when neither a doctor or a midwife was in attendance. It would seem at first glance that any member of the crowd probably would have an obligation to register the birth. However, the member for Niddrie will have to trust the good sense of those responsible for administering the act. My husband was on the aircraft on which a child was born just recently, so I will go home and explain to him the obligation he is now under!

The next matter raised by the member for Niddrie concerned the issue of disputed parentage under clause 16(1)(c). In particular, he asked how disputes between parents would be settled. My understanding of the bill is that the registrar will include that information in the register only if there is agreement between the parents or if he is satisfied that there is no real disagreement. I also understand that if there is a dispute about the parentage of a child, it will be dealt with in another way, presumably by DNA testing. The matter may also end up coming before the court.

Finally, the member raised the issue of prohibited names. 'Prohibited name' is defined in the legislation, and the registrar can refuse to register a name which is obscene or offensive, which is too long or which for some other reason is contrary to the public interest. Again, the registrar will make those judgments based on the provisions of the legislation; and again, anyone who is dissatisfied with a decision can appeal to the AAT. I understand this issue arises only two or three times a year. Members might be interested to know that the last example involved somebody who endeavoured to register a child under the name *Abolish Child Support In The Family Court*. I understand the name was felt to be too long and perhaps not in the public interest!

The member for Berwick outlined the importance of uniform legislation in the electronic age. That is certainly of the utmost importance throughout my portfolio, and the government is endeavouring to come to grips with the electronic age in a number of different areas. I join with those members who congratulated registrars throughout Australia on producing uniform legislation, which certainly does assist us to move into the electronic age.

The member for Benambra raised the question of a birth in a state other than that in which the parents live. He has a particular interest in the matter, being a member who represents a border electorate. All

births are registered in the state in which they occur. Given the provisions in the bill that enable searches to be done and certificates to be obtained from offices throughout Australia, I do not anticipate that will be a particular problem. The member for Frankston added some international flavour to the debate in commenting on the position in the United Kingdom. She enabled us to see that the description of births, deaths and marriages as matches, hatches and dispatches came to Australia with those of our forebears who arrived from the United Kingdom. Again, I thank all those members who participated in this debate.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

MISCELLANEOUS ACTS (FURTHER OMNIBUS AMENDMENTS) BILL

Second reading

Debate resumed from 17 October; motion of Mrs WADE (Attorney-General).

Mr HULLS (Niddrie) — As I have said on a number of occasions, members of the opposition have some concerns about omnibus bills because they do not allow for a proper and reasoned consideration of all the amendments they contain. We are particularly concerned about this bill, because it affects 12 portfolio areas and proposes to amend 28 pieces of legislation. In her second-reading speech the Attorney-General said this omnibus bill will just make technical amendments to some pieces of legislation. The bill does more than that, because it deals with a large number of acts. Omnibus bills are not the most appropriate way of dealing with various pieces of legislation, particularly if Parliament is supposed to scrutinise and analyse them all in the interests of all Victorians.

Having made some preliminary comments on the omnibus nature of the bill, I will comment in particular on part 5, which amends the Casino Control Act. I will comment specifically on the amendments relating to credit betting.

Before making those comments I propose to move a reasoned amendment in relation to that provision in the bill. 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 a gambling code of conduct incorporating appropriate advertising and industry standards applies under Victorian gambling legislation which also would include conditions relating to the extension of credit to non-Australian premium players proposed by amendments in part 5 of the bill to the Casino Control Act 1991.'

The bill relates to credit betting and the reasoned amendment makes it clear that the opposition has a firm view about the gambling industry generally and also about credit betting. Indeed, it has been at the forefront of the debate on credit betting and gambling venues over the past five or six months and has made it clear that any responsible gambling industry should not extend credit at gambling venues to players because it entices people to bet beyond their means and creates more and more problems in the gambling industry.

I was pleased to note that recently the Victorian Casino and Gaming Authority issued a statement that made it clear that it intended prohibiting credit betting as well as prohibiting players being advanced credit over the counter at gambling venues. We certainly welcome that. The bill that amends the Casino Control Act proposes to allow premium players, who are defined in the act and are really the high rollers, to obtain credit if they are not ordinarily residents of Australia. Section 68(2) of the Casino Control Act has a general prohibition against obtaining credit.

I understand the proposal in the bill is unique in Australia. If the bill is passed Victoria will be the first state in Australia to allow credit betting to premium players. Whether we could be said to be taking a lead is perhaps another question and I expect that if the bill is passed other states will see that Crown Casino has a comparative advantage and they may well move to introduce similar legislation in relation to their casinos, especially those in Queensland and New South Wales.

It must be said that wins by commission-based players — and those commission-based players are usually the high rollers, the large punters — already receive a substantial benefit over other players in relation to the amount of tax they pay. Indeed the taxation percentage on wins by commission-based players in this state is currently 10 per cent and that compares favourably with a number of other states. I understand Queensland has the same percentage.

However, it is interesting to note that if this proposal is passed Victoria will be the first state to actually allow credit betting for punters.

I do not have a philosophical objection to Victoria being at the forefront of attracting overseas investment. That goes without saying. The opposition welcomes most moves to attract investment in this state. However, we are dealing with something far more sensitive than just normal overseas investment; we are dealing with an industry that some would say is currently out of control because there is no proper gambling code.

The reasoned amendment provides that before the house passes the bill it should take stock and introduce an appropriate gambling code of conduct, including proper advertising, perhaps proper advertising of payouts, and advertising of machines at particular venues to ensure appropriate competition between venues. It is fair to say that currently there is a lack of appropriate competition in the gambling industry. The casino has a monopoly as also do the suppliers of gambling machines, Tattersalls and Tabcorp.

The opposition has advocated in the past that one way to increase competition is to allow gambling venues to advertise the returns they pay out to players. I am sure that those who play the gaming machines at the East Keilor RSL, for instance, and know that under legislation they will receive a minimum payout of 87 per cent and who also know that down the road at another gaming venue they can receive 92 per cent would prefer to visit the venue with the higher payout, especially given the small cost of the petrol they would have to use to get there.

It has also been made clear that the advertising for gambling venues is inappropriate at the moment. There is not a proper advertising code. The opposition has advocated that with any product Tattersalls, Tabcorp and the casino sell, they should be advertising the G-line number for problem gamblers. They should be putting more into that aspect of the industry. The only way we can say we have a civilised gambling industry is if we have an appropriate code of conduct.

I must also mention where the push for the introduction of this sort of legislation is coming from. I have little doubt that the push to introduce this measure, which will certainly give Crown Casino a competitive advantage over its rivals in other states and may well give it advantage over its

rivals overseas, is coming from Crown. One must ask: when has there been an occasion where Crown Casino and its directors, Ron Walker and Lloyd Williams, have requested something of this government in relation to the casino and that request has been refused? I cannot think of one.

Mr Ryan interjected.

Mr HULLS — I am sure my friend who is interjecting cannot think of one, either. The reason is that he, like me, is well aware of the close association between the government and those associated with Crown. He, like me, is well aware of and dismayed about the closeness of that association. Whether it is an application to increase the size of the hotel or the casino complex, whether it is in relation to signs around the city of Melbourne directing people to the casino, whether it is tax concessions for high rollers or the proposal that is now before the house — whatever Crown wants Crown gets.

One has to ask why that is the case. There are a number of reasons why that is the case; the major reason is that this government has become so dependent on one individual associated with Crown — that is, Mr Ron Walker. The reason this government has become so dependent on Mr Ron Walker and the reason this government adheres to every request Mr Walker makes is that Mr Walker is the chief bagman for the Liberal Party — not just in this state, but also in this country; and increasingly, Mr Walker is also becoming the chief bagman for conservative and Tory parties in other countries as well.

It is interesting to note that at the last federal election Mr Walker was able to use his personal wealth to guarantee the debts of the Liberal Party — in fact, he was able to bankroll the debts of the Liberal Party. The only reason he was able to do that was his extraordinary wealth, and the only reason Mr Walker has become so extraordinarily wealthy is that he has been given concession after concession by his good mate, the Premier of this state. The reason he has been given concession after concession is the vicious circle that has been created, where the government becomes more and more dependent on Mr Walker, and as a result, it is imperative Mr Walker becomes more and more wealthy, and as a result, the government, instead of regulating the industry, has become a promoter of the industry. The more the government promotes the gambling industry, the more problems occur as a result of gambling, and as a result, more money needs to be generated to assist problem gamblers. The only way

the government can generate more finances in this state is to continue to promote the gambling industry and Ron Walker. So an invidious situation has developed in this state where the chief bagman of the Liberal Party has far too much power: whatever he requests of the Premier, he receives.

Now it is not just in Victoria that Mr Ron Walker has a very tight grip. A recent article by Laura Tingle that appeared in the *Age* of 1 November this year suggested that Mr Ron Walker has also been playing an active part in the Conservatives fortunes in the UK by raising millions of pounds for the party —

Mr Ryan — On a point of order, Mr Acting Speaker, not under even the remotest of circumstances can there be the slightest connection between what the honourable member for Niddrie is now talking about and the bill now before this house, let alone his amendment. He has taken this debate down a track that is utterly irrelevant in terms of the legislation now before us and the amendment he has moved. There is no connection whatever and I ask you to have him return to the bill before we get more of the diatribe we have all heard in this place many times before.

The ACTING SPEAKER (Mr Cunningham) — Order! I have listened carefully to the honourable member for Niddrie and I do think he is starting to stray. At this stage I uphold the point of order.

Mr HULLS — No doubt the amendment to the Casino Control Act has been moved because of approaches made by the casino to give it a competitive edge over other states. Mr Walker himself was in the foyer this evening. It may well be that he was in the foyer to get further concessions out of this government. I expect that in the next month or so further legislation will be introduced that will give the casino a competitive advantage and will further increase the wealth of Mr Ron Walker.

Just how much power this gentleman has in this state really is of great concern to the opposition; I am sure it is also of great concern to the member who has been interjecting and has also taken the point of order, and it ought to be of grave concern to all Victorians. That is why we moved this reasoned amendment to the Casino Control Act. We believe that before legislation is passed which will allow credit to be extended to premium players from overseas which is not available to Australian-based players, a proper code of conduct for the industry should be put in place.

I am sure that most members on the other side would agree that the industry, particularly in their electorates, has got out of control. In my electorate I have received numerous letters, I have received numerous phone calls and I have had numerous conversations with people who believe that the industry has got out of control, and that we need to have an appropriate code of conduct and an appropriate advertising standard for the industry. I am sure that there are members sitting opposite who have also received numerous calls in their offices, numerous complaints about the effect that an unregulated industry that some may say is out of control is having in their electorates.

You have only to look at the retail sales figures in particular electorates to see that what is being spent on gambling in the main is not new money; it is money that would normally be spent on buying manufactured goods and a whole range of foodstuffs and items, but instead it is going into gambling. It is not new money, and as a result in some areas it is having a devastating effect on the retail trade, it is having a devastating effect on small businesses, and hence a devastating effect on employment. The only way we can call ourselves a civilised society in relation to an industry such as gambling is to ensure that appropriate standards are set and to ensure that we have a responsible gambling industry.

Prior to the last election the Labor Party produced a document entitled *A Responsible Gambling Industry, Platform for a Brumby Labor Government*. That responsible code included such things as: gambling industry standards, far better responses to problem gambling, more appropriate use and better transparency of the Community Support Fund, better research and support for communities that are affected by gambling, and an advertising code which made it clear that the advertising that was taking place in the industry was inappropriate and created an unrealistic, glamorous image of gambling without pointing out any of the risks that are associated with the industry. The gambling advertising code also set out clearly that the industry should be promoted only in moderation, so that people are not encouraged to spend beyond their means. That is certainly not the case at the moment. It also made it clear that the advertising should not target young people or groups within the community at high risk of problem gambling. It also said that to have a responsible industry there had to be appropriate education about gambling and the effects of gambling.

Prior to the election we made it clear that we would promote education about gambling and the odds of winning and losing at gambling venues. The advertising that takes place at the moment seems to suggest that everybody who has a bet, everybody who uses an electronic gaming machine and everybody who goes to the casino is a winner. As you would well know, Mr Acting Speaker, the opposite is the case. Most people who gamble, most people who use gaming machines and most people who go to the casino are losers. We believe a responsible industry has to reflect that fact and not con people into believing that they will be winners.

Further to that we made it quite clear that a responsible gambling code of conduct had to include warnings on products of almost the same type that apply to tobacco products and which make it clear that there is a real risk of losing if you gamble. Further to that, we made it quite clear that a responsible industry code has to include the G-line emergency number to assist people in contacting G-line services if they believe they have a problem. In addition, we believe a responsible industry would ensure that there was a comprehensive community education campaign involving not just the print media but also radio and television. We would have provided assistance to parents and teachers to educate young people about the risks associated with gambling.

So how can we, as a supposedly civilised society dealing with an industry that has so many problems associated with it, simply allow legislation to be passed that extends credit to overseas players without first ensuring that we have an appropriate code of conduct? As an opposition we do not believe we can.

There are all sorts of stories that come out of the casino about the high rollers who are currently playing there. I am sure you, Mr Acting Speaker, have heard many of them. Indeed, I received a call the other day from a former casino employee who explained quite clearly the amounts that are bet by high rollers. It was suggested to me that money is being paid over by way of cheque to the tune of, in one case, some \$30 million. Under the legislation those cheques are to be banked within a certain period. However, it has been suggested to me that in relation to one particular punter a substantial amount of money, approximately some \$30 million, was handed over in gaming chips. We are told that as a result of this favoured treatment the high rollers receive a rebate on their turnover. For instance, if they bet \$30 million and lose \$30 million they do not

necessarily have to pay out the full \$30 million. They would get a rebate of some percentage of that amount to ensure that the amount lost is far less than \$30 million.

I am advised that in one case \$30 million was bet by a particular overseas high roller, cheques were paid over, the person received his rebate of turnover and then, lo and behold, the cheques were not honoured. We are talking about a substantial amount of money. These reports come to me as the shadow Minister for Gaming. Names have been mentioned to me, but it would be inappropriate for me at this stage to mention the name of that punter in this house. Further work has been done on that matter.

As I said, it would be totally inappropriate if we, as a Parliament and as a society, allowed this sort of behaviour to continue if we have not put in place an appropriate advertising campaign and a code of conduct for gaming. We have moved a reasoned amendment because of that particular aspect of the bill.

A whole range of other pieces of legislation are amended by this omnibus bill. I shall speak briefly on one of those matters — namely, the Lotteries Gaming and Betting Act amendment. The purpose of that amendment is to strengthen the effectiveness of the act against illegal SP bookmaking operations and other related illegal activities. The bill provides for the extension of the existing range of betting house offences to include keeping a house or place for the purpose of taking instructions for the placing of bets on behalf of any person; to make technical changes to existing prohibitions on the advertising and communication of betting information and systems about sporting contingencies; to clarify the legitimacy of registered bookmakers settling bets at their homes, or other places, providing such bets have been lawfully placed on course during race meetings; and to provide for the streamlining of the administration of Calcutta sweepstakes. The amendments also enable user-pay fees to be charged for the issuing of athletic and cycling race betting permits and pre-recorded betting information authorities. The amendments remove the anachronism that requires media-reported betting odds to be sourced from places outside Victoria.

We will not be moving an amendment in relation to those matters, which slot into my portfolio area, and we are not opposed to the amendments. I understand a number of other speakers wish to make comments in relation to their portfolio areas.

I repeat that, in relation to the Casino Control Act, we are gravely concerned about the authority and the power that one of the directors — probably both — has over this government. We have no doubt that this bill is coming before the house because of a recommendation, if not an order, given to the government by Mr Ron Walker. We are not prepared to consent to the legislation until we have in place a far more civilised gambling industry, and that includes an appropriate code of conduct and appropriate advertising.

Mr RYAN (Gippsland South) — It is my pleasure to join the debate on the Miscellaneous Acts (Further Omnibus Amendments) Bill. I shall confine my remarks to the Casino Control Act referred to in part 5 of the bill.

I heard the comments of the honourable member for Niddrie about the multiplicity of legislative provisions accommodated by the bill. Many of them, of course, consist of one or two clauses. They are simple in content. The options are that we either have a series of individual bills over a protracted period or roll them into one, which is what we have done here. Anyway, we have what we have.

I shall deal with the content of the bill in so far as it is reflected in part 5 because the content of the bill received very little direct comment from the honourable member for Niddrie. There are really two operative clauses in this legislation: clause 9, which deals with premium player arrangements, and clause 10, which deals with credit betting.

The idea behind premium player arrangements is basically to amend section 3(1) of the Casino Control Act so that the definition of premium player arrangement fits with the definition of junket. As a result the two definitions line up. At the moment the premium player arrangement is defined simply on the basis of being related to a player's actual turnover as opposed to any other factors that might relate to the involvement of that player at the venue in question. It might be a relevant consideration for the operator that a high roller has played for only a short period of time and has not necessarily achieved a high turnover, but has nevertheless lost a lot of money. In the circumstances the casino operator might feel that an appropriate arrangement can be struck with that premium player to give him a rebate similar to that which would have been allowed if it were based upon actual turnover. As I say, it lines up those two definitions in the Casino Control Act.

The second element is in clause 10 and deals with credit betting. I emphasise that what we are talking about here is credit betting on an extremely limited scale. The essential features of this are that the casino operator will be entitled to provide credit in the form of chips and not cash money. The player concerned must be a non-Australian resident, so the availability of credit to Australian residents is precluded.

Also, it must be a premium player or a player participating at the casino on the basis of a junket arrangement. In addition, these arrangements are also subject to the authority set out under the approval provisions contained in section 121 of the Casino Control Act. That imparts on the Casino and Gaming Authority the responsibility to ensure the arrangements the casino strikes with these players are appropriate in all prevailing circumstances.

It is pertinent to recognise that clause 10 is extremely narrow. The exemption, or should I say the prohibition, contained in section 68 of the principal act is maintained. There is no suggestion at all that there will be an extension of the credit facilities by the government to Australian residents or otherwise. We are dealing with non-Australian residents who are premium players or who are participating at the casino on the basis of its being a junket. Therefore, we are talking about very few people indeed.

The honourable member for Niddrie seems to be troubled that the proposition has come about because Crown requested it. What an absolutely extraordinary surprise that Crown Casino should have requested it! Who else would request it? Of course the casino operator has made the request. However, the casino operator has not made the request of the government, and I shall dwell on that for a moment.

In the Labor Party's typical slap and whack fashion, the honourable member for Niddrie proceeded to abuse the rights offered by parliamentary privilege to give Mr Ron Walker a good kick on the way past. Of course, Mr Ron Walker made his way into this debate simply through the so-called reasoned amendment the honourable member for Niddrie chose to move. As honourable members recognise, the opposition's tactics are such that when a bill as narrow as this is before the house, the way to broaden it is to move a reasoned amendment, which then entitles opposition members to wander off into parts they would otherwise be precluded from discussing. That is how Mr Ron Walker got a mention. We have had the dark-side-of-the-moon

presentation from the honourable member for Niddrie.

It would be interesting to see what would happen if he had the gumption to say those sorts of things on the front steps of Parliament House, but that will not happen. The honourable member for Niddrie has dragged this man's name through the gutter without any basis at all for doing so, and it is deplorable that he has taken the opportunity available to him in this place to do it. He spoke about concessions being made to Ron Walker by the Premier. What an absolutely unmitigated load of garbage!

Let us consider the situation we are dealing with. It is the Labor Party's legislation. The Casino Control Act was passed by the Labor Party when in power in 1991. One of the important things it did was to put between the government of the day and the casino operator, which turned out to be Crown, the Casino and Gaming Authority. That independent statutory authority has a crucial role to play in the administration of the industry.

As I have said in this place before, the honourable member for Niddrie is quite happy to talk about a purported benefit being provided to Mr Ron Walker by way of concessions from the Premier. In the middle is the gatekeeper — the Casino and Gaming Authority — and it is the authority that oversees these forms of amendment. This has precious little to do with any relationship between the government of the day and any individual who happens to be a shareholder in the casino because all these things must pass through the authority.

The point implicit in what has been put in the debate tonight is that once again the authority has been had. The implication of the honourable member for Niddrie is that the authority has been bought or somehow got at — as a matter of logic, you cannot sustain the contention he makes without addressing that necessary element of it. The fact is that the government is not empowered to do of itself the things represented by the terms of this amendment. The authority must provide the content, vet the proposals and provide its approval.

Again I say it is an awful state of affairs for the honourable member for Niddrie to come into this place and give Mr Ron Walker a bit of a belting as he goes past. On the way through he is clearly implying that John Richards and the other members of the Casino and Gaming Authority are crooked.

Mr Hulls interjected.

Mr RYAN — I hear the interjections from the honourable member for Niddrie. I invite him to stand up in this place and make the straight-out assertion. He has his parliamentary privilege. Why doesn't he actually say it straight out rather than just imply it? Next time a bill comes before the house and he has an opportunity to speak, let us see if he has the courage of his convictions.

Another criticism from the honourable member for Niddrie is that this is somehow competitive and that the Victorian casino will be ahead of the pack, if you like, in its operations. What a dreadful state of affairs that would be! We do not want the Victorian casino competing ahead of an equal marketplace across Australia — that would be a shocking state of affairs! Where do opposition members come from? Crown is the fourteenth casino built in Australia, and of course it is in competition with other casinos around the nation. The Victorian casino will have available a credit facility for overseas players — that is, non-residents of Australia. It is true that no other casino in Australia will have it and it will give our casino the competitive advantage. I say good on it if it is prepared to become involved and do it. It has been recommended by the authority and so the casino is perfectly entitled to have the advantage if it is able to get it. Among other things, it enables the casino to keep ahead of its competition. No Victorians or Australians are involved in this proposal.

The honourable member for Niddrie went on with a lot of nonsense about introducing the code of conduct on the back of debate on this bill. What a load of rubbish! I can assure him that the code of conduct is well and truly on the way. I invite him to watch this space: he will see it sooner rather than later and we will all be able to have a good debate about it then. The honourable member sought to introduce the code of conduct, along with all the motherhood stuff about the people involved in the gambling industry generally, and to talk about it in the context of the debate on non-Australian overseas premium players, who he said invest in this industry to the tune of \$30 million. What will we do with the code of conduct in relation to premium players, who spend a great deal of their time travelling in aeroplanes from country to country?

Mr Hulls interjected.

Mr RYAN — Of course I want a code of conduct. I think it is a good idea to have one. As I said, watch this space because it will be here sooner than you think. Its content will be terrific and it will be a very

responsible response by the industry. To talk about a code of conduct in the context of international non-Australian residents who are premium players is absolute rubbish. There is nothing terrible or untoward about the legislation; it makes some very sensible improvements to an industry operating in Victoria.

The honourable member for Niddrie asked when Crown has ever been refused an application for anything it wants to do. Crown wanted 2500 gaming machines and was knocked back. Some of the suggested amendments to the structure of the building have been refused. All that has been part of the history of the casino, but the honourable member is happy to conveniently forget all that on the basis of trying to personally and viciously malign the individuals involved.

This is sensible legislation. It is a further amendment to the act introduced by the former Labor government and will enable the industry to profit and prosper in Victoria. I believe it will be to the advantage of all Victorians, particularly those in the tourism and gaming industries.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! Under sessional orders the time for the adjournment of the house has now arrived.

Electorate officers: pay claims

Ms GILLETT (Werribee) — I direct to the attention of the Premier the rates of pay and conditions of service of electorate officers. Electorate officers have not received a pay increase other than the \$8 safety net adjustment since 1991. There is some debate they may not have received a pay increase since 1988. For more than two years the electorate officer sub-branches of the State Public Service Federation and the Community and Public Sector Union have been attempting to establish a timetable for formal negotiations of a wages and conditions claim. Throughout this period there have been substantial movements in community standards for rates of pay and conditions of service. This is not simply a concern of Labor MPs and their electorate office staff; government electorate office staff have engaged a consultant to negotiate a claim that contains items relating to both their conditions of service and their wages and salaries.

In recent weeks representatives of the SPSF and CPSU have met with both Mr Purdy and Mr Norman in their roles as Acting Secretary of the House Committee. It appears clear that the major impediment to negotiations commencing lies somewhere between the offices of the Speaker and the President and the Department of Premier and Cabinet. I ask for an assurance from the Premier that he will remove all barriers to negotiating an adequate, modern and up-to-date pay and conditions agreement for the most vital link in the political chain, our front-line troops — that is, our electorate officers.

Electorate officers work in most unusual conditions. They are responsible for meeting the needs of our constituents on a daily basis in most difficult circumstances, yet they do not have the basic minimum conditions that others in the community have, such as a skills-based classification structure and modern rates of pay. I seek the Premier's assistance in this matter.

Ballarat: vacant land

Mr JENKINS (Ballarat West) — I direct a matter to the attention of the Minister for Conservation and Land Management. A constituent has raised with me some land which it appears nobody wants to own adjacent to a new subdivision off Humffray Street, North Ballarat. The constituent is a senior citizen and her husband is disabled, but they are quite happy to do something about clearing the land. The land is at the rear of the block on which they are building a new home in which to spend the last years of their lives together.

The area of concern is between Humffray Street and the Yarrowee Creek. Most of the area adjacent to the creek has been the subject of good conservation management but that does not apply to the spot in question. As I mentioned earlier, according to details represented to this particular constituent nobody owns the land. It is an abandoned mining area which has become a dumping ground for car bodies. Gorse has grown there, and it is quite an untidy area.

Nobody wants to own the area, including the local city council. The council has investigated the matter and does not believe it owns the land. It is difficult to determine who controls it. My constituent is very concerned about moving to her new home with this problem at the back door. She is concerned about fire hazards, snakes, rats and vermin in the area. It is typical of many of the mining areas abandoned over

the years around the major cities and towns in the gold mining parts of the state.

I ask the minister to investigate the situation within her department and find out who owns the land, who is responsible for it and who can clean it up. I am sure if those three points can be determined it will make my constituent very happy as she moves into her new home to spend her retirement years.

Essendon-East Keilor District Secondary College

Mrs MADDIGAN (Essendon) — In the absence of the Minister for Education I direct to the attention of the Minister for Planning and Local Government the Essendon-East Keilor District Secondary College. The college has three campuses, two for years 7 to 10 located in Niddrie and East Keilor and a senior campus located in Essendon. Overall it has about 1600 students. The Niddrie campus has been mistakenly included in the recent list of threatened schools on the basis that it currently has only 280 students. One reason for that is that since 1992 it has been waiting for a promised upgrade —

Mr Maclellan — It was the previous government.

Mrs MADDIGAN — If the minister waits I will explain all to him. The upgrade was part of the government's inducement for the three schools to form a regional college. Oddly enough, I attended the opening of the upgrade, worth \$1.7 million, on 21 October and the honourable member for Tullamarine was present representing the Minister for Education. On opening the college the member said:

Not only a School of the Future, but a school with a great future.

At the same time the school received a letter from the federal education minister referring to the \$373 000 the federal government had put into the school and also prophesying a great future for the school. You can imagine how surprised the parents of the students were when two days later the same school appeared on the hit list.

The Niddrie campus has been considered in isolation and assessed as though it were a years 7 to 12 college when it caters only for years 7 to 10. The students at the Niddrie campus are fairly essential to the future of the years 11 and 12 college at the Essendon campus, which has achieved extremely

good results since its creation in 1993. It is essential for all the colleges to remain —

The DEPUTY SPEAKER — Order! The honourable member should ask the minister to take some action.

Mrs MADDIGAN — I intend to do so. I ask the Minister for Education to refer the situation back to the Department of School Education for further examination. A number of submissions should be put to the department and the Niddrie campus should be given the opportunity to increase its numbers considering that the upgrade, promised four years ago, has only just been finished.

Eastern Freeway extension

Mr RICHARDSON (Forest Hill) — I raise for the attention of the Minister for Roads and Ports in another place the work relating to the very welcome extension and widening of the Eastern Freeway. I refer particularly to Blackburn Road. The minister will be aware that Blackburn Road will be serving as a major exit for cars coming off the Eastern Freeway. The problem with Blackburn Road is that it includes a number of absurdities. It is Blackburn Road for a time and then it becomes Surrey Road for about half a mile, then it ceases to exist altogether until it goes over the railway line. It suddenly re-emerges, and there is Blackburn Road again. The absurdity to which I refer is compounded further by the fact that at the intersection of Junction and Blackburn roads Blackburn Road becomes Surrey Road and this major road begins to narrow sharply.

If that is not enough, the confusion is compounded even further by the fact that a quarter of a mile down the road it widens again. I do not know why that occurred. Perhaps it was because of a stray bullock wagon in the dim, dark past, but what we do know is that Blackburn Road is dangerous! It is carrying an enormous amount of traffic and something needs to be done to remove the nonsense of Surrey Road. It confuses people but, more importantly, the narrow part of the road should be widened. I have no idea why it has remained so or why there has been no word about resolving the problem. I ask the minister to resolve it.

Public transport: fare zones

Ms KOSKY (Altona) — In the absence of the Minister for Transport I direct to the attention of the Minister for Sport an anomaly in the fares from railway stations in my electorate. I have been

approached by a number of constituents about the zoning of Laverton railway station, which is in zone 1, and Aircraft railway station, which is in zone 2. There is only 1 kilometre between the two stations. They serve the same community but are at either ends of the zones.

Recently a constituent was fined \$200 for travelling to Aircraft station rather than Laverton station. Many people walk the distance rather than pay extra for a zone 2 ticket, but that creates a difficulty for disabled people and mothers with prams. The cost is expensive for a number of my constituents. A day ticket costs \$4.10 for zone 1 and \$6.80 for zone 2, a difference of \$2.70 or more than 50 per cent. Over a week that cost adds up. A 2-hour ticket in zone 1 costs \$2.10 and \$3.60 in zone 2, a difference of \$1.50 or almost 75 per cent.

If there were a huge distance between those two stations it might be understandable but that is not the case. The difference causes confusion for my constituents because they must pay the extra fare to travel the short distance to Aircraft railway station. I ask the minister whether he will rectify this anomaly that is causing financial distress for many people in my electorate and include Aircraft station in zone 1. I am sure he is not aware of the anomaly, that it was not intended and that he will want to rectify the situation so that people are not fined \$200 for travelling an additional 1 kilometre to Aircraft station.

Sunraysia: citrus industry

Mr SAVAGE (Mildura) — In the absence of the Minister for Agriculture and Resources I direct to the attention of the Minister for Sport the crisis in the citrus industry in the Mildura area. As a matter of urgency I request that the minister come to Mildura to meet with the Victorian Farmers Federation Murray Valley Horticultural Group. The crisis has been caused by tariff arrangements. The arrangements are as follows: Australia, 10 per cent last year and reduced to 5 per cent this year; Brazil, 105 per cent last year and scaled down to 35 per cent over five years; Israel, 142 per cent last year and scaled down to 120 per cent over five years; South Africa, 20 per cent last year and remaining at 20 per cent over five years; and Japan, 35 per cent last year and scaled down to 25 per cent over five years.

Those serious disparities in international trade agreements are causing a crisis in the citrus industry in Sunraysia. Berrivale Fruit Juices has posted a

\$9 million loss for this year that is directly attributed to the inequality in international trade agreements. Currently the break-even cost for a citrus grower is \$160 a tonne but the current price for juice is \$30. Further negotiations in round 2 of the bilateral talks due to take place in Uruguay will not occur until 1999.

The DEPUTY SPEAKER — Order! The honourable member for Mildura appears to have raised a commonwealth issue that is not handled directly by the state. In the time remaining he should explain why he needs the minister to take action on an issue that is principally a commonwealth issue.

Mr SAVAGE — It is because the Minister for Agriculture and Resources is the direct link with the federal government and without his support this inequality will continue. I ask him to visit Sunraysia and meet with the VFF to discuss this issue.

Schools: redevelopment

Ms GARBUTT (Bundoora) — I direct to the attention of the Minister for Education — I hope he takes the opportunity to come in to the house to respond — the act of destruction which has distressed and angered the community and which may have been unnecessary. A large group of trees on the property of the Norris Bank Primary School have been destroyed. Now it is a wasteland! I ask the minister to clarify what his role has been in this matter.

Last year the Department of School Education, despite objections, decided to dispose of the land by excising it from the property of the primary school. The land was rezoned in secret by the Minister for Planning and Local Government to residential C.

Mr Maclellan interjected.

Ms GARBUTT — The community had absolutely no say in the matter at all. The local council was asked whether it was a good idea but it was ignored.

Mr Maclellan interjected.

Ms GARBUTT — You decided to do it without public consultation!

Mr Maclellan — On a point of order, Mr Deputy Speaker, I do not want to delay the honourable member but she is aware the amendment was tabled in Parliament and was not secret.

The DEPUTY SPEAKER — Order! That is a personal explanation. The honourable member for Bundoora would do herself a great service by directing her comments through the Chair and not encouraging the unhelpful interjections from across the table.

Ms GARBUTT — That was a crucial decision because the community did not know about it at the time. The land was sold and the developer has been out with his bulldozer pushing down the trees. That was done before a permit had been issued and before the sale of the land was completed — in other words, the government is still the owner of the land. Inquiries made during the day revealed a secret clause in the sale contract which allowed the developer to remove the trees before he took possession of the land and before the community could object formally through the planning system.

I ask the minister to come clean and explain what else was in the contract. Was it a deliberate ruse to get around the community's objections? How much did the minister know about this and is this clause in other contracts so that communities are locked out of the planning process only to find that things are done secretly before sales are completed.

Waverley Park

Mr WELLS (Wantirna) — I raise for the attention of the Minister for Sport the constant rumours about the future of Waverley Park, which is in my electorate. The situation has not been helped by front-page stories in the newspapers in my electorate stating that a report on the long-term future of Waverley Park will soon be brought down. I have to declare a vested interest in the issue, being a St Kilda supporter. I am disturbed by stories that the report guarantees the park's co-tenants, Hawthorn and St Kilda, only three years. I am not sure whether that means Waverley Park will not be there in three years or the St Kilda Football Club will not be there in three years. On either count, the stories upset me greatly.

The house might be interested to know that Waverley Park is the demographic centre of Melbourne, which means about 1 million people live to the east of the park. It is an excellent facility and can hold approximately 90 000 spectators. I believe it is unrealistic to have all our major sporting venues located in the centre of the city. As I said, the centre of Melbourne, demographically speaking, is in the Wantirna area. The concentration on Optus Oval, the MCG and the proposed stadium at Docklands does

not take into consideration the huge population in the eastern and outer eastern suburbs.

We have put in a serious bid for the 2006 Commonwealth Games. Waverley Park would be an excellent venue at which to hold one if not a number of the Commonwealth Games events. I ask the minister to talk to the AFL to find out what is behind all these rumours and to ascertain its concerns about maintaining Waverley Park in its current form. If it is a matter of people having poor access to public transport, why not address the situation? If the perception is that the park is too far from the centre of the city, we need to correct it. As I said, and my comments are backed up by a Coopers and Lybrand study, that area is in the demographic centre of Melbourne. I understand that Waverley Park is on private land and that the AFL does not answer directly to the government, but I ask the minister to address the situation.

Deer Park Women's Correction Centre

Ms CAMPBELL (Pascoe Vale) — I raise for the attention of the Minister for Corrections the Deer Park Women's Correction Centre and the situation last month involving a mother and her brand new baby. I was fortunate enough to attend the opening of that centre, which was spick and span and freshly painted. But there is a contrast between the physical appearance and case management. The concerns of inmates at the correction centre were borne out by what happened in this particular instance. Concern was expressed about the lack of case plans for the inmates, particularly as they affected an expectant mother who delivered her baby last month.

Following the birth the mother returned to the centre, which does not have any facilities for her and her newborn baby. That ludicrous situation resulted in an appeal over the radio for a pram for the mother. The people of Victoria would expect some provision to be made for expectant mothers at Deer Park. They would also expect that when a mother returns with her infant some consideration would be given to her special needs. Fairfield had a special unit for mothers and newborn babies, but Deer Park does not. I am advised that the mother and her baby were part of the centre at Deer Park and that they slept in a unit with six other women, which was hardly appropriate either for the other residents or to encourage any mother-baby bonding.

I ask the minister to explain to the house the details of the case plan in that particular instance. I also ask

him to consider establishing a special unit at Deer Park for mothers and their newborn babies.

Dandenongs: noxious weeds

Mr McARTHUR (Monbulk) — I raise for the attention of the Minister for Conservation and Land Management a long-term problem in my electorate and indeed in the electorates of other honourable members. I refer to the problems caused by noxious weeds, which affect a range of areas across Victoria. In particular, I refer the minister's attention to the effects the weeds are having on public land in the Dandenongs and around the Dandenong Ranges National Park. A number of weeds, including English ivy, are now causing serious environmental problems.

Mr Steggall interjected.

Mr McARTHUR — It is a serious issue that is often ignored because it is not quite as sexy as some of the other environmental issues. The problems caused by noxious weeds are far more important than many of the issues which attract media attention because they are considered more photogenic. Weeds like English ivy, holly, sweet pittosporum, blackberry and ragwort cause serious damage to private and public land. They affect the conservation value of public land throughout the state, particularly in areas of the Dandenong Ranges.

Many Melburnians and Victorians and people from interstate and overseas visit the public land areas in the Dandenongs to see natural ecosystems, but the conservation values they hold dear are being damaged by environmental weeds. It is about time governments of all persuasions took pragmatic and realistic action to reduce the impact of these weeds on both private and public land in my electorate. I invite the minister to visit the Dandenong Ranges and to look at the impact these weeds are having on public land, particularly the impact English ivy is having on lyrebird habitats in the Dandenong Ranges National Park. I am sure the minister will be impressed by the seriousness of this situation. Following her visit, I will ask her to take some practical and immediate action to address the problem caused by these weeds. The government has a duty as a good neighbour to ensure that weeds on public land do not damage private land as well.

Schools: cleaners

Mr SEITZ (Keilor) — I raise for the attention of the Minister for Education a matter of great concern

to me and to the people in my electorate. It concerns the health of school children and the danger of their contracting infectious diseases due to the time constraints on cleaners and their not using the proper amount of disinfectant, particularly when it comes to cleaning toilets.

The increase in the number of schoolchildren who have contracted hepatitis B because of the lack of hygiene in our schools is of great concern, not only to me but also to parents. Teachers are not allowed to speak out publicly on the issue. However, the doctors in my area with whom I have checked have told me about the increase in the number of reports of the disease. I ask the minister to examine the increase in hepatitis B infections in schools. The doctors have told me that the disease is commonly caused by contact with human excreta. I ask that more money be allocated either to the schools or to the cleaners to ensure that the proper amounts of disinfectant are used and that the schools are cleaned not just at the end of the day but during the day. It is important that cleaners come in to clean the smaller schools in particular, which do not have the money or the contracts to allow permanent cleaners to be present. If children have accidents in the toilets, the toilets must be cleaned immediately. Our children should not be put at risk of infection. I am sure all honourable members have the same concerns for our children.

Responses

Mrs TEHAN (Minister for Conservation and Land Management) — I thank the honourable member for Ballarat West asking about an issue raised with him by a constituent. The honourable member always gives personal care and consideration to issues raised by his constituents. This matter is somewhat perplexing because it relates to a piece of land in the Ballarat city area.

The essence of the matter raised with me is that nobody really knows who owns the land. In official terms I probably own it, because about one-third of the land mass of Victoria is controlled by the Crown and administered by the department. I shall follow that up through the Crown Lands and Assets Unit, which has good records of all the land owned and administered by the state. The unit does an excellent job and I am sure that by reference to the unit we will be able to track this matter through.

Following the restructure of the Department of Natural Resources and Environment, the Titles Office, the Surveyor-General and the Valuer-General

are similarly under the control of Miss Elizabeth O'Keefe, the Director of the Crown Lands and Assets Division, so we will be able to look at the records in the Titles Office and come up with at least the answer to who owns the land.

The honourable member said we need to know who cleans it up. That, of course, will be something else. But let's find out who owns it and who is responsible, and then we can address some of the problems he mentioned, such as snakes, fire, weeds, and I am not too sure what else — rats, mice; you name it, it seems to be on that piece of land. We will certainly attempt to find out who is responsible and then work out what can be done about it.

The honourable member for Monbulk raised with me the matter of environmental weeds in his electorate, especially in the Dandenong Ranges National Park. As I think I told this house not so long ago, the question of introduced weeds in this state goes back a long way. Honourable members would know that one of the earliest pieces of legislation passed in the first 10 years of this Parliament was the thistle act of 1856, when action was taken to control thistles in this new state. Some 140 years later we are still grappling with the problem of environmental weeds and weeds generally.

I look forward to examining some of these problems with the honourable member for Monbulk because the government sees this issue as a priority and is seeking to address some of the problems the influx of weeds presents. Mr Deputy Speaker, as you would know, the government has given a reference to an all-party parliamentary committee to examine the weed problem and how it can be addressed, especially over the long term through biological control or through gene manipulation. To address the short-term problem the government has allocated \$12 million over the next four years to control and eradicate weeds.

In terms of the interface between private and public land, which is part of the matter the honourable member for Monbulk raised with me, the government has introduced the Good Neighbour program, which has annual funding of about \$3 million. I will certainly be going to see for myself the sweet pittosporum, the ivy, the ragwort and the blackberry the honourable member for Monbulk says are causing problems in his electorate. I am delighted he has raised this matter because it is important that we recognise that environmental weeds can do a lot of damage. The government is

very conscious of that, and it is providing innovative, well-funded programs to try to address the problem.

Mr McNAMARA (Minister for Agriculture and Resources) — The honourable member for Mildura raised the tariff issue in relation to imported frozen orange juice concentrate and the effect it is having on producers in the Sunraysia area. This issue needs to be tackled on a national basis. I know that John Forrest, the federal member for Mallee, has been working on this issue for some time. I suggest to the honourable member that we work through this issue with our federal colleague. It is an important issue that needs to be addressed, and clearly, as he said, there are great discrepancies in the way this matter has been treated in other parts of the world.

The government understands the difficulties being faced with concentrate. It has in the past had some discussions about the appropriate labelling of concentrate brought in from overseas to which Australian water is added. It was being labelled 'Produce of Australia'. The federal coalition government has been working on that issue to ensure that the appropriate labelling is put on orange juice.

I do not think anyone in any way underestimates the problem faced by producers in the Sunraysia district and in other parts of Australia such as Berri. I believe we should all work closely together to ensure that we address the issue not only on a state basis but also federally. I have had the opportunity to meet with the producer organisations in the Sunraysia area, and I will be continuing to meet with them to see what steps we can take on a state basis. I thank the honourable member for his representations.

Mr REYNOLDS (Minister for Sport) — The honourable member for Wantirna raised the matter of the future of Waverley Park. I think he has a vested interest, given that he is a St Kilda supporter and Waverley Park is the St Kilda home ground. He suggested that there are some rumours about Waverley Park. As the Leader of the Opposition in his sartorial splendour has just entered the house and has caused an uproar, I must ensure he gets a mention.

The honourable member for Wantirna suggests that there are some rumours about a three-year term. If he is not sure whether it is Waverley Park or St Kilda, might I suggest that three years is probably long term for both of them! As the honourable

member points out, Waverley Park is in the demographic centre of Melbourne, but like Sandown racecourse, it is not spectator friendly or spectator popular, and I don't know why.

As the honourable member is on my sports committee, he would realise that the state baseball and softball centre at Altona North-East Laverton is exactly the same — people think it is at North Geelong! Both those centres are worthwhile facilities that would be the envy of other cities in the world if they were patronised the way they should be.

As the member pointed out, the Australian Football League owns Waverley Park, and it is up to it to decide the future of the park, given the advent of the new stadium at Docklands, which should be finished by September 1999. I can give the honourable member no other assurance than that. I will talk with Mr John Kennedy and Mr Wayne Jackson about the future of the ground to see if I can enlighten him. But really, as the member pointed out, the government has little involvement in the issue of the future of the ground, and a lot of it lies in the hands of the people who support the clubs whose teams play there. It is up to them to use it.

The honourable member for Werribee raised a matter for the Premier about the payment and conditions of electorate officers which, as I understand it, is currently a matter for negotiation. I will bring the matter to the attention of the Premier on behalf of the honourable member for Werribee. I, like her, share her admiration for electorate officers. I am sure all of us could not do without their support and assistance, no matter what side of the house or what side of politics we represent.

The honourable member for Essendon raised a matter for the Minister for Education about the Essendon-East Keilor Secondary College, which is spread over three campuses and has 1600 pupils. It appears that one campus requiring an upgrade is threatened with closure. It seems there may be some confusion, and I am sure the Minister for Education will check the matter and sort it out for the honourable member for Essendon.

The honourable member for Forest Hill has held the marginal electorate of Forest Hill by the seat of his pants for the past seven elections simply by being a very active, assiduous and diligent local member. However, he has the problem that when Blackburn Road, a very broad suburban thoroughfare, crosses Junction Road it becomes Surrey Road and, as I understand it, narrows to a very narrow road, and

then somewhere down the track again widens and becomes Blackburn Road. I suggest to the honourable member that he take up the issue with the council and have that narrow section renamed Blackburn Lane, or something like that.

He suggested it is dangerous. I will raise this matter with the Minister for Roads and Ports. Maybe it is just a bullock-wagon aberration, as the member so capably put it. We will see if the Minister for Roads and Ports can achieve something to assist the hard-working member for Forest Hill.

The honourable member for Altona raised the matter of the zone tickets available from two stations in her electorate — Laverton station, which is in zone 1 of the Met ticket system, and Aircraft station, which is 1 kilometre away in zone 2 — and pointed out the example of several ticket prices where it was considerably dearer to purchase a ticket at Aircraft station than it was at Laverton Station, even though they were only 1 kilometre apart. That is causing financial distress as well as other stress to some of her constituents.

That gets to the very principle of politics that I am sure has been a bugbear to all of us. I know from my 17 or 18 years or so in this place that when you put a line on a map or you have a benchmark by which people either qualify or do not qualify for a pension you have this problem. There would appear to be an anomaly, and I will pass on the matter to the Minister for Transport. I am sure he will discuss it with the honourable member for Altona given that, I can assure her, this occurs not only in her electorate.

The honourable member for Bundoora raised a matter for the Minister for Education concerning what she called active destruction at the Norris Bank Primary School where trees were cut down and she asked the minister to clarify his role in the matter. She believed the contractor did not have a permit to cut down the trees and the land sale had not been completed. I doubt whether the minister would have any role in it. I do not think he was out there wielding the axe was he? The honourable member asked me to clarify the minister's role in it. It is a bit of a worry that she asked the minister to clarify his role in this issue. I assure the honourable member that any change in the planning amendment was tabled in this house, as the Minister for Planning and Local Government pointed out. I am sure if she had been attentive during her time in the Parliament she would have noticed that the planning zoning had been changed.

ADJOURNMENT

1104

ASSEMBLY

Tuesday, 12 November 1996

The honourable member for Pascoe Vale raised a matter for the Minister for Police and Emergency Services concerning the Deer Park correction centre, where there was no pram or special needs facilities to accommodate an inmate who had given birth to an infant and had returned to the centre. I wondered why the honourable member for Keilor did not raise the matter; after all, it is in his electorate. But still, I will refer the matter to the Minister for Police and Emergency Services, who I am sure will get back to the honourable member.

The honourable member for Keilor — 2-minutes George, or a-minute-and-a-half George — raised a matter for the Minister for Education about inadequate disinfectant in the cleaning of school toilets and schools. He wants more money allocated

to cleaners for disinfectants. I am sure the Minister for Education will look at the issue and get back to him with an adequate result — and probably a tin of Dettol.

The DEPUTY SPEAKER — Order! The house stands adjourned until next day.

House adjourned 10.47 p.m.

Wednesday, 13 November 1996

PAPERS

The SPEAKER (Hon. S. J. Plowman) took the chair at 10.05 a.m. and read the prayer.

PETITION

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

Shire of Melton

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

The humble petition of the undersigned citizens of the state of Victoria sheweth the need for the present commissioners of the Shire of Melton to be retained for a further period of two years from 16 March 1997.

Your petitioners therefore pray that the Victorian government take the necessary steps to retain the appointed commissioners of the Shire of Melton by extending the terms of the present commissioners to March 1999.

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

By Mr Cunningham (4472 signatures)

Laid on table.

Mr Brumby — I raise a point of order concerning question time yesterday. I refer to a question I asked of the Minister for Youth and Community Services regarding children protection services. The minister responded to the question by saying that he would take advice on the question and 'get back to the honourable member as soon as possible'.

Given that this is now the next day of sitting, I ask the minister to answer the specific question I asked, which is whether he is now in a position to advise the house, as he committed to do yesterday, of the details of children's services cutbacks.

The SPEAKER — Order! There is no point of order. If I remember correctly, the minister advised the questioner yesterday that he would get back to him. That is the responsibility of the minister. If the minister wishes to raise a matter by leave of the house he can do so, but it is in the hands of the minister as to how he responds to the Leader of the Opposition.

Laid on table by Clerk:

Statutory Rules under the following Acts:

Gaming Machine Control Act 1991 — S.R. No. 118

Business Names Act 1962 — S.R. No. 113

Credit (Administration) Act 1984 — S.R. Nos 114, 116

Domestic Building Contracts and Tribunal Act 1995 — S.R. No. 115

Consumer Credit (Victoria) Act 1995 — S.R. No. 116

Lotteries Gaming and Betting Act 1966 — S.R. No. 117

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rule Nos 113, 114, 115, 116, 118.

INDUSTRIAL RELATIONS REFORM

Mr BRACKS (Williamstown) — I desire to move that the house do now adjourn for the purpose of discussing a definite matter of urgent public importance — namely, the government's failure to set adequate minimum conditions of employment and to protect Victorian workers in the process announced by the government for the transfer from the state industrial relations system to the commonwealth industrial relations system.

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

Mr BRACKS (Williamstown) — I move:

That the house do now adjourn.

The coalition's industrial relations system may have been born out of a bottle of whisky four years ago, but this week it had to be buried as a paralytic mess by the Premier. It was buried without celebration — no-one was popping champagne corks, certainly not retail and hospitality workers, hairdressers and public servants, all of whom were used by this government as guinea pigs in an industrial relations experiment. Despite that, in his usual marketing style, the Premier would have us believe that somehow the transfer of the state's industrial relations system to the federal government was some sort of statesmanlike victory and that it was always intended to be handed over. He now says he was not really pursuing economic and industrial

relations reform in this state; that is what he said when he announced the move on Monday. What a miserable joke and what a transparent marketing spin from the Premier!

The reality is that this is an absolute and total stuff-up by the Premier and the former industry and employment minister, now the Minister for Education. Everyone knows it has been a stuff-up. When the former minister writes his curriculum vitae on his record in Parliament he will have to write about the Employee Relations Act and the industrial relations system; about how his own commission continually bagged it; how it had to be withdrawn by the Premier and handed over to the federal government; and how 400 000 workers walked out of the state system. It will be a great task for an incoming government to write up the history of industrial relations in this state, and no-one bears more responsibility for that stuff-up than the current Minister for Education.

It will go down in history as the most botched undertaking by the minister, who would not even listen to advice from his own Employee Relations Commission, his department or the employer groups that roundly criticised the state's Employee Relations Act and industrial relations system. Employers called out for reform and said they would dearly like the employment minister to enable the system to work better but he listened neither to them nor the independent advice of his own commission — the umpire in this state.

The commission's president, Ms Susan Zeitz, was desperate to try to make the minister look better. She set about trying to improve what was a botched and flawed system from the very start. She gave advice to the minister in two annual reports in 1993 and 1994. In an extraordinary circumstance revealed in this house she had to repeat in 1994 the identical words of the advice she had given in 1993 because it had fallen on deaf ears. The minister would not take advice and would not listen to the Employee Relations Commission or its president.

It is worth reflecting on the appointment of Ms Susan Zeitz on 30 March 1993. The minister issued a press release at the time saying:

The government is delighted to appoint Ms Zeitz. She brings to the position a wealth of knowledge and experience in industrial matters.

Ms Zeitz carries a great responsibility in heading the Employee Relations Commission, which is at the forefront of industrial reform in this country.

The minister's problem was that the president of the commission took her job seriously. She read what was said in the job description and the press release and said, 'Okay, I have a dreadful act to deal with. It is not working, employers and workers do not want it and they have walked out of the system. I will recommend to the minister and Parliament how it can be improved so I can realise the government's aim to have an industrial relations system at the forefront of this country'. That was the aim, but the Premier now wants us to believe it was never the government's aim.

It will be interesting to hear from the former employment minister whether the aim was to have a world-leading industrial relations system of reform which introduced minimum wages and conditions in the marketplace. Was that the aim? The Premier is changing his mind after the event. Two days ago the Premier said — I shall come back to the absolute lies in his statement — it was always his intention and commitment in 1992 to hand over the system to the federal government. If that was a commitment, it was one of the most secret in Victoria's history because no-one knew about it. I do not think even the then industry and employment minister knew about it. I wonder whether the Premier knew about it! Certainly no member of the public ever knew about it.

In trying to improve the government's employee relations system and make workable something which was not workable and which, I suppose, grew out of the minister's own mind Ms Susan Zeitz in two annual reports identified three major flaws. She kept repeating them but she received no answer from the minister. She said it would be better if she could check the contracts entered into individually and collectively to ensure they were fair and above board and that they were set against moral laws.

Mr Gude — On a point of order, Mr Speaker, although this diatribe may be interesting to some people in an historical context, I direct your attention to the motion before the Chair, which relates specifically to the provision of adequate minimum conditions of employment for Victorian workers in the transfer process the government has announced. The debate is narrowed specifically to dealing with the conditions prevailing from the announcement by the commonwealth and state governments on Monday this week until the legislation is passed in

this house and complementary legislation is passed in the commonwealth. This is a narrow debate. I am quite happy for the honourable member to go along in this way if he wants to waste his time, but he is not addressing the motion before the house.

Mr BRACKS — On the point of order, Sir, the minister should be patient; I am developing an argument. The Premier made a statement that the government had always intended to hand over the system to the commonwealth. If that was the case, the government should have had the forethought to change the system to an acceptable level as recommended by the Employee Relations Commission so that it would not be caught out at the last moment with no effective minimum conditions. If the government was of that belief back in 1992 the former employment minister would have taken the commission's advice, had the system ready to hand over to the commonwealth and ensured workers had minimum conditions. I am developing the case that adequate minimum conditions do not exist because of the government's lack of regard for this issue.

The SPEAKER — Order! I accept the thrust of the point of order. The motion, as written and set down by the member for Williamstown, is narrow. He is developing an argument but I would like him to bring the argument back to the specifics, which are very narrow in the context of the motion he has moved. I accept the point of order but I would like the member, who wrote the motion, to come back to the motion itself.

Mr BRACKS — I am happy to do that. My next paragraph was on this matter so I welcome the interjection of the minister; he is on cue. It is not surprising he is stunned at the comments made by the President of the Employee Relations Commission. I would be stunned if my own appointee continuously bagged me in reports to the Parliament.

The tragedy of the neglect by the minister and his lack of regard for advice about a proper industrial relations system and changes can be seen in the transfer of the Victorian system to the commonwealth government. There are about 400 000 permanent victims of the minister. It can go on his CV that he has continually persecuted 400 000 people right through to the federal system. The minister has treated them as guinea pigs — he has stripped them of their 17.5 per cent, taken their overtime and penalty rates, and taken procedural justice away from them. Effectively he is saying we

will do a deal with Mr Howard and Mr Reith to ensure those 400 000 people get only the minimum allowed under schedule 1 of the Employee Relations Act.

That is the substance of this motion — the dreadful legacy left by the minister's neglect in his not foreseeing his system was crashing, and not taking advice from his department, the Employee Relations Commission and employers. Employer groups told the minister they wanted the system to work, and in order for the system to work the minister needed to change it. But he ignored all those criticisms.

Victoria effectively has 400 000 of the most vulnerable workers, the least organised workers — workers in small retail outlets, hairdressers, hospitality workers and some public servants captured by the minister. They are the workers who were not organised, those who could not negotiate a federal award through a large union or organisation. The minister persecuted them and continues to persecute them in the transfer to the federal system.

I refer to the news release of the Premier, Mr Kennett, on Monday, 11 November 1996. Page 2 of his statement states:

The Victorian safety net of minimum terms and conditions of employment will be maintained in federal law —

thanks very much, Minister —

for any Victorian employee not covered by a federal award or agreement.

The poor people who are unorganised, who are not strong in the marketplace or in the workplace, have been continuously victimised by this minister. I would hate to have to suffer the legacy of the Premier pulling the minister out and handing the system over, but given the deal that was done those 400 000 workers will be stuck with all their individual and collective agreements until their expiration if there is no applicable federal award. The minister knows there is no applicable federal award for these workers. The minister has been around the system for a while and knows what he is doing. He knows there is no common rule in the federal system. He knows the industrial relations system from his historical background, and knows there was no common rule and no way these employees could be covered by proper minimum standards in federal arrangements. So he has effectively transferred schedule 1 of the act.

Schedule 1 of the act is magnificent! I have a table of minimum safety nets under Kennett and under Howard. We do not accept all of the federal system — it is not good enough and does not have the safeguards we hoped for — but the list shows he is offering those 400 000 long-term victims five days sick leave, four weeks annual leave, unpaid maternity and paternity leave, and long service leave. End, stop, finish! That is all that will happen to those people, who have been continually persecuted by the government, and the minister laughs because he doesn't care. He can create havoc and destruction in education, but he has left a great legacy in industrial relations!

There is no 17.5 per cent in that minimum — the goodwill of employers is relied on to pay that. The minimum doesn't include the 17.5 per cent, penalty rates, overtime rates, bereavement leave, family leave, make-up pay for jury service, equal pay for work of equal value, 10 days sick leave as there is in the federal system — only five days — or superannuation. That is what the government is saying to the 400 000 workers, including employees of small shopkeepers. The coalition is supposed to be made up of a group of people with backgrounds in small business. The government is doing a lot for workers in small business! It is telling them it will follow them to the end of the earth and never let them get out from under the rock, that it will keep them on the bare minimum conditions, on the conditions it tried to impose on the whole Victorian system. It could not do it with public servants — they will negotiate a federal award, and good on them! It could not do it with a lot of other workers who have fled from the state system.

The treachery of the document released by the Premier can also be appreciated when you remember how those 400 000 workers will be continually trapped. On page 1 of the Premier's statement of Monday 11 November 1996 he also says:

The Victorian referral contains a number of important safeguards:

As he terms it. He says:

Existing arrangements continue unless employers and employees choose otherwise.

He is saying you need mutual consent between the parties, between those who have signed the contracts. Those 400 000 cannot move, they cannot do anything unless their respective employers agree now or over the next couple of years before the

expiration of the contract. Even after the contract has expired, we do not know whether they will get anything except the bare minimums in Victoria because there is no common rule system federally, and no ability for the workers to seek a federal arrangement.

This is miserable politics. It is effectively saying that we set out to have a radical industrial relations system in the state, and it all went bad but we are not going to apologise. First, we say we always intended for this to happen, always intended to have the system crash and hand it over. Second, we also say we do not care there are victims now, we will not fix their conditions up. We will not seek a set of minimum standards to put in the federal legislation that match the federal system. That is what the minister has not done.

Apart from the minister's understanding of industrial relations in victimising these 400 000, he is basically lazy. He has not bothered to improve the system, to take advice, to do the hard work to seek proper minimum standards before the system was handed over. The history in Parliament shows that he is absolutely bone lazy, and it will be his legacy when he leaves this place.

One must ask what sin these workers have committed. Their crime for being continually persecuted and discriminated against by the Kennett government and now the Howard government is to have no effective federal award. Their crime is not to be members of a powerful union. Their crime is to be working in small workplaces at a time when the Kennett government changed the industrial relations system of this state. New entrants to the labour market will be protected by a federal industrial relations system that is better than the former state system. The sin these workers have committed is that they were the only group left for the government to experiment on; they were the vulnerable group in the system.

The motion is absolutely relevant to the statement made two days ago because it condemns the government for its failure to set adequate minimum conditions of employment. The government and the Minister for Education failed to change minimum arrangements of employment to make the state's industrial relations system better for workers. The experiment has failed, but it has permanently damaged a cohort of Victorian workers.

The press release issued by the Premier on 11 November states on page 2:

Today's historic announcement fulfils our 1992 election commitment to transfer Victoria's industrial relations to Canberra.

Surely a commitment has to be recorded in writing or be in some policy document. I could not find anything relating to a 1992 election commitment. I welcome the tabling of any such document. I challenge the Minister for Education, the lazy incompetent minister, to table the document to support his Premier's claim that the government had an election commitment in 1992 to transfer the state's industrial relations system to the commonwealth. It may be just a scrap of paper, but if it has an official letterhead on it to support the claim I will be satisfied.

Mr Elder interjected.

Mr BRACKS — I welcome the interjection from the honourable member for Ripon.

The SPEAKER — Order! The Chair does not welcome the interjection.

Mr BRACKS — The honourable member mentioned nitpicking when I referred to the Premier's statement about an historic commitment made during the 1992 election campaign. This is not nitpicking; this is about the Premier telling untruths in a press release — he is misleading the Victorian public.

Mr Elder interjected.

Mr BRACKS — I have been talking about the substance of the motion, but you have been missing. I ask the Minister for Education to table the commitment so we can see what was offered to the Victorian people in 1992. The reality is that no such document exists. Ask any practitioner, employer, union or organisation associated with industrial relations about this so-called commitment and not one of them will tell you that the government was committed in 1992 to handing over the industrial relations system of the state to the commonwealth.

The then industry and employment minister, the current Minister for Education, effectively countered the Premier's press statement. In his second-reading speeches made when introducing the Employee Relations Bill 1992 and an amending bill in 1994 the minister said it was the government's objective to create a system that was an economic model for recovery in the state. The minister said on those occasions that the bills were an essential ingredient

of the government's pre-election commitment to provide the environment to revitalise the Victorian economy and to streamline and improve the relationships between employers and employees.

The government had a commitment to establish a state system that would revitalise the Victorian economy, and this was one of its central reform planks. On almost every occasion on which the Premier and the then Minister for Industry and Employment spoke they said the industrial relations reforms were essential for generating job growth. They cannot back away from that, although they are now saying they never meant to change anything and always meant to hand over the Victorian industrial relations system to the commonwealth! They are the propositions we are supposed to believe! I assume that will be the minister's retrospective line when he speaks to the motion.

Just three weeks ago the government indicated that it was not keen on handing over the industrial relations system to the federal government. In an article in the *Herald Sun* of 17 October entitled 'State IR defeat may cost \$250m', which was a report about an historic industrial relations victory clearing the way for federal award coverage by public servants, a spokesman for the government was reported as saying:

The government yesterday strongly disagreed with the ruling by the full bench of the Australian Industrial Relations Commission and signalled it might appeal to the High Court.

The government has spent at least \$10 million of taxpayers' money trying to prevent public servants gaining federal award coverage. The government fought the case in the Australian Industrial Relations Commission, appealed to the High Court and then appealed again to the commission. The *Herald Sun* article reports that just three weeks ago the government was prepared to appeal the decision to the High Court! Does that sound like the actions of a government wanting to hand over its industrial relations system to the federal government? Is that why it spent \$10 million stopping state public servants moving to the federal industrial relations system? The Premier would have us believe the industrial relations legislation was not central to the state's economic reform. Therefore, the government spent \$10 million just for the hell of it, just to persecute state public servants. That is almost believable, but I suspect there was another aim — that is, to try to rescue the state industrial relations system. Once public sector employees moved to the

federal system what was left of the state system? The Premier has put up the white flag and surrendered. The experiment is over because it has not worked. The government has handed over its industrial relations system to the federal government, which has significant benefits. Unfortunately, the government will not apologise to the 400 000 victims of its industrial relations experiment who will continue to be persecuted because schedule 1 of the Employee Relations Act will be encapsulated into federal legislation.

I conclude by welcoming the demise of the Employee Relations Act. It is fantastic that the act will be revoked. It has been an instrument of persecution for Victorian workers for four years and every worker in this state will be pleased to see it go.

I welcome the fact the government has thrown in the towel, is admitting defeat and saying the system does not work. The federal system is flawed but it is better than the corrupt and dreadful system that has not worked in Victoria. However, I do not welcome the mess left behind by the Premier and the former employment minister, the current Minister for Education. Through no fault of their own, unless their employers agree to it, 400 000 casualties of the state system will not receive 17.5 per cent loading, fair contract arrangements, overtime or penalty rates or any other benefits that fellow workers have received. The Employee Relations Act was a bad idea in 1992 and it got worse and worse.

I will finish with a quotation I remember from my fourth form study of *Julius Caesar*, which aptly marks the end of the employee relations system in this state. While standing over the body of Julius Caesar, Mark Antony said:

The good that men do lives after them. The bad is often interred with their bones — so let it be with Caesar.

So let it be for the Minister for Education, the Premier and for the 400 000 workers in Victoria.

Mr GUDE (Minister for Education) — If the contribution by the honourable member for Williamstown was meant to shake the very foundations of industrial relations in this state I say it was yet another dismal failure by the lacklustre, policy-deficient group opposite. As I said earlier when I raised a point of order, this adjournment motion goes to the question of the protective arrangements in place for Victorian workers during the transitional period to the commonwealth system.

The honourable member for Williamstown glossed over truths and accuracies so I shall deal with some of the deficiencies in his argument. At one stage the honourable member referred to a group of Victorian employees, both private and public, as being weak and not having the support of strong unions. I wonder whether he included the fire, ambulance and police services in that group. I am sure the unions representing those three groups would not like to read in *Hansard* and anything else they can lay their hands on that the shadow Treasurer believes they are weak and ineffective and have not delivered anything for their membership. I will give a simple example of some of the things those supposedly weak, ineffective unions have achieved for their members. They have achieved a little thing called 10 weeks annual leave. I should have thought that was a significant gain for their membership. I would not regard any of those unions as being weak or inefficient.

The honourable member referred to the hospitality industry and a number of other industries in the private sector. At least he was accurate in suggesting I have a history in industrial relations. I have dealt with those unions. If the honourable member believes those unions are weak and inefficient I am sure his comrades at Trades Hall and other places will not be full of enthusiasm for his derogatory remarks about them and their capacities. I will send a copy of his remarks to all those unions so that they can read in *Hansard* exactly what the honourable member said.

For workers to be transferred from the Victorian system into a new single Australian system is something the government has wanted for a long time. I indicated that earlier by interjection across the table but the honourable member was too slow or too full of himself to pick it up. It was Liberal Party policy back in 1982. Mr Clive Bubb, a former member of the other place was involved in this area and only recently we were discussing matters industrial when I was in Queensland on the happy occasion of my son's wedding.

Mr Bracks interjected.

Mr GUDE — I will come to the bottle of Scotch. I hate to bury this myth but it is probably too good an opportunity not to. Frankly, I have not got enough scotch out of it! If I really thought I could keep the myth going and it was worth while I would do so. I can see I will have to go back to tea!

Mr Bubb recalled with some interest that it was Liberal Party policy back in 1982 to move to a single system. I remind the honourable member for Williamstown that on numerous occasions — not once or twice — the Premier and I have indicated our desire for one industrial relations system in this country. However, we were not prepared to accept the Labor way — that is, the Brereton or the Cook way. We were never prepared to accept that because it was ludicrous, hopeless, and negative for the growth of this country and was one reason the national and Victorian economies were driven down in a doomsday process aided and abetted by the incompetent Cain and Kirner governments. The Victorian minimum standards go to issues such as the minimum wage arbitrated by the Employee Relations Commission.

Mr Bracks — What was that?

Mr GUDE — If the honourable member had been awake he would know the commission broke down the state's award into 17 groups and arbitrated wages for those groups. All the minimum wages arbitrated were consistent with those at the commonwealth level. I make the further point that when the old awards expired in 1992 the rollover arrangement meant that workers were entitled to all the pre-existing award conditions and wage rates. The honourable member should know that virtually every award mirrored a federal award in every respect, certainly with respect to wages. So much for that one! They provided four weeks paid annual leave, pro rata and cumulative — that is the national standard, isn't it? They provided one week paid sick leave, pro rata and cumulative and a capacity for much more than that. They provided 12 months maternity, paternity and adoption leave. What was the standard in the commonwealth? Exactly the same! What is the standard in the commonwealth for long-service leave? Exactly the same! What are the minimum-notice periods for dismissal? Exactly the same! Grievance and dispute-settling procedures were exactly the same. The honourable member could find only three or four conditions that were different, and I am only one-third of the way down the page!

Mr Bracks — What about equal pay for equal working value?

Mr GUDE — I will look at that for you. The Victorian Equal Opportunity Act 1995 provides protection against discrimination in the workplace. What is the position federally? Although there is no minimum under the federal act, it is a function of the

federal Industrial Relations Commission to review awards for discriminatory provisions. The situation is the exact reverse of what the honourable member has said in that the Victorian provision is stronger. It is another demonstration of the fact that the honourable member does not know what he is talking about. He has not done his homework. He has been the shadow minister for some period but he does not bother to do the work. He trots out the typical Labor rhetoric.

Victoria has a minimum of one year's unpaid maternity, paternity and adoption leave — and it is exactly the same in Australian workplace agreements and certified agreements. Minimum notice periods for dismissal — again, Victoria's conditions are the same as federal agreements. Dispute settlement procedures — exactly the same. Protection from discrimination in the workplace — the same again. Meal breaks — in Victoria they are negotiated in the agreement. The federal act makes no provision for meal breaks but Victoria has a protective provision. The honourable member for Williamstown wants to give that away. He would sell out the workers he claims to represent in this place.

In Victoria the protective provision in the agreement is of no effect if it is less than the minima in schedule 1 of the Employee Relations Act. Schedule 1 is deemed to apply to division 2, sections 25 and 26 unless it falls within the exemptions — for example, slow and infirm workers or students. In the federal area it can be less than the legally prescribed minima if lesser conditions are a response to a short-term crisis or revival of business. Again the honourable member seems unhappy about those sorts of things. He does not want the protective mechanisms that are in place. We have confidentiality with Victorian agreements. At the national level the details of agreements can be disclosed with the agreement of both parties.

Mr Bracks interjected.

Mr GUDE — I am not trying to gloss over things like the honourable member did; I am trying to identify the truth. I know that is anathema to the opposition; it is embarrassing. The truth has always been difficult for the opposition to handle.

Under the Victorian system of individual and collective agreements the minimum wage for employees, not casual and pieceworkers, is an hourly rate referable to the expired award or wage arbitrated by the commission with no requirement to

consider previous award overtime payments, penalty loadings or allowances. Under the federal workplace agreements in respect of satisfying the no-disadvantage test, the employer advocate must consider the overall terms and conditions of employment under the relevant or designated award. Again I should hardly have thought that was a sell-out of Victorian workers' minimum standards.

I refer to Victoria's minimum wage for casual and piecework. The rate must comprise a loading and account for sick and annual leave. Victoria has a similar situation to that which applies at the national level. Annual leave — again almost virtually lineball with the commonwealth, and the same can be said about sick leave, maternity leave and minimum notice periods for dismissal. The honourable member did not refer to that. I suppose it was embarrassing to have to say that standards, such as meal breaks, are something for which the commonwealth does not provide the same generous arrangements.

As one goes through the minimum standards one can see that Victorian workers have enjoyed a strong safety net during the life of the new Victorian system which has put this state into a pre-eminent position and has had a major impact in driving industrial relations reform in this country. If nothing else it has forced the broad debate to move to the issue of contracts, both individual and collective. With the implementation of the Brereton-Cook amendments it was not so much that the federal Labor government was trying to stymie a progressive Victorian coalition government that was doing a tremendous job rejuvenating its economy as much as embarrassment that Victoria stuck out like a beacon on the hill as a state that was moving forward, developing jobs and overcoming the legacy of the bankruptcy, dereliction and wasted years of the Cain and Kirner governments. From all of that a new direction and a commitment to individual and collective agreements emerged.

The honourable member's argument centred on process. Over many years the Premier and I have been strong advocates of a single, good, decent and progressive system that would assist industry and therefore the work force of this great state to take its proper place in international markets. Industry's competitiveness, skills, drive and commitment would be assisted through a properly recognised system, one that was understood and appreciated worldwide.

The centralised wage-fixing approach under which this country operated for generations was unique, backwards and negative. The rest of the world cannot be wrong, and I know other countries welcome the drive towards individual and collective agreements. They salute the Kennett government. They especially salute the Premier for the initiative he has taken and the leadership he has shown yet again with his positive, future-looking, economic commitment to Victoria.

This approach will put Victorian business in a pre-eminent position. It will assist with recruitment. I have no doubt other states will join us because they will be embarrassed out of the marketplace as more and more companies continue to establish businesses in Victoria, as they have been doing over the past four years in numbers far greater than anywhere else in this country. There will be job opportunities and a good outcome. I commend the Premier for the decision that has been made. The government has much to be proud of.

Mr MICALLEF (Springvale) — I am concerned about the government's failure to set adequate minimum conditions of employment to protect Victorian workers and I support the adjournment motion outlined by the shadow Treasurer. After listening to the Minister for Education I wonder about the world in which he lives. He told us how wonderful the state system was in delivering wages and conditions to workers that are second to none. He equates those conditions with what the federal system can deliver but fails to tell us why he wasted millions of dollars of taxpayers' money in the past three or four years fighting unions and workers who opted out of the system and moved to the federal system.

He failed to explain that. All of a sudden he is on the road to Damascus. The Premier suddenly sees some merit in the federal system. The Premier suddenly says that the way forward is for all workers to be under one system. In theory that is a wonderful concept. We commend the Premier for his vision. Very often he looks backwards but in this case he shows vision. Whenever the Premier has a vision we have to look at the fine print and the detail. In this case the detail means that workers who are moving across from the state system to the federal system will find it is not the same as it was under the previous Labor administration in Canberra.

In this case we are not comparing apples with apples. The minister should be honest and say that it is not the same system, that workers will not receive

the same treatment and there will not be the same outcomes. The outcomes will be roughly in line with the outcomes that were determined by the original Employee Relations Act that was introduced in 1992.

I shall recap on the original act — firstly, its obsession with destroying unions. The key aim of the act with its introduction of individual contracts was to destroy unions and the ability of workers to negotiate effectively.

That was the key aim of the Employee Relations Act that was introduced in 1992. We all remember the disgraceful way they guillotined it — rammed it through — in the early hours of the morning when the press were home in bed and not around to see it. When workers got up the next day their working conditions had been totally taken away by sleight of hand, by the so-called move towards individual contracts where workers could negotiate their conditions. But the reality is they could not.

The second point that came through with the Employee Relations Act is that it was a crude shift from employees' to employers' pockets — in other words, it weakened the bargaining positions of workers and made employers more able to exploit the working conditions of their workers. That, Minister, makes Victoria more competitive — that is the system of competitiveness that you talk about as a government and as a minister. It means you are able to exploit and extract from workers the maximum amount for the least return in order to compete with other companies and other organisations throughout Australia. It breaches the principles of fairness, and it has left workers exploited and vulnerable.

Then we proceeded to see a whole range of conditions, like the 17½ per cent leave loading, penalty rates, shift rates, family leave, hours of work, and overtime — all those fundamental conditions for workers in this state — up for grabs. One by one workers were picked off, either by individual agreements, which were kept secret, or collective agreements, where workers were able to collectively negotiate. But in the main, workers in the most vulnerable areas were picked off. Who were those workers? The most vulnerable workers — women, people from non-English-speaking backgrounds, especially women from non-English-speaking backgrounds — had their working conditions absolutely decimated. That was a disgraceful act by this government.

It drove home an agreement that left workers in vulnerable positions. It was also a recipe for division; it exploited divisions between workers by paying some workers more than others and secret contracts created divisions in the workplace and on the shop floor. In other words, it did not create harmony and cohesion in the workplace so that productivity could increase; it degenerated to a level of basic competitiveness to achieve an outcome, which in some cases, in the shorter term, it may have delivered — but in the longer term it was a recipe for divisiveness and disaster.

There were no guarantees of equal pay for equal work, and after yesterday's debate I believe what the government did had an impact on multiculturalism because it set up divisions. Recently arrived refugees were often prepared to work at lower rates than other groups of workers, and the agreements allowed their exploitation. That is the background to the Employee Relations Act coming into that type of environment.

The system we had before had everything to do with enterprise bargaining and productivity; it promoted enterprise bargaining agreements, which enhanced productivity so everybody received the benefit. Productivity went up, and collective bargaining, fairness and best practices — all those catchphrases of the 1980s — were thrown out. International visitors to Australia throughout the 1980s, especially those involved in industrial relations, understood that the unions worked to do away with a number of practices that were inefficient in relation to productivity. That was hard for many unions to do and it took a lot for those old craft-based unions — including the union I came from, the Amalgamated Metal Workers Union, and traditionally the old Amalgamated Engineering Union, which was steeped in craft history — to relate to the changing world; but they did it by negotiation, seeking more productive work environments to enhance the security of jobs and working conditions of their members.

What do we have now? We have a government that is opting out of industrial relations altogether. It has become too hard for this government. The former minister who was in charge of the Employee Relations Act has moved portfolios and has his hands full closing schools, so the government does not have anybody who is capable of understanding and running the employee and industrial relations system in this state. So the government has taken the easy option and let the system move across to the federal system, even though from 1992 to 1995 it did

not believe such a move was appropriate and spent millions of dollars in taxpayers' money fighting it. Had it understood what employee relations is all about, and had it understood that workers would remain competitive by moving across to that system, it may not have opposed it to the extent it did.

The minister may say that many unions have done well under the state system, but he fails to understand what unions are all about. Unions have to extract the best wages, conditions and rates for their workers, no matter what system they work under. If they work under a bad system, they do the best they can; that is their charter, that is their role — and that is what they have done. In some cases they may have achieved 10 weeks pay, but in the overall outcome of those private contracts they would have been badly done by.

The government's moving the state system across to the federal system makes us wonder what is happening. Where are the penalty rates? Where are the shift rates that were spelt out? Where are the four weeks annual leave? Where are the public holidays? We remember very well the sleight of hand, the three or four public holidays that were taken away from Victorian workers when Minister Pescott was Minister for Industry Services. Every three or four years Victoria would have been three or four public holidays down on the rest of Australia. That is the thank you this government has given to workers in this state for working extremely well.

This system gives some of it back, but it also locks those in the state system into a specific slot in the federal system. It is not a fair and open situation as it was when workers were transferred across to the federal system — which was opposed by minister Gude and by the Premier — and were able to take all the benefits of federal awards.

Here we have a system where some workers are locked into a component of the federal award, and this will deny them the benefit of receiving those conditions. The 400 000 workers in Victoria who are on agreements are certainly concerned. Some of them have now won back their federal leave loading after some years of having it denied. That is to be supported. Employers and employees have to agree before employees are transferred to the federal system. We are not going to see an agreement where an employer will have to honour a set of conditions well above what he has been able to get away with under the state system. I believe they are the weaknesses. We will not have employers voluntarily

agreeing to increased pay rates after they have been given comfort and support by this Premier and this government with their disgraceful approach to industrial relations in Victoria. After the 1992 election we saw hundreds of thousands of workers out in the streets voicing their disapproval. I think we may see that again.

Mr HONEYWOOD (Minister Assisting the Premier on Multicultural Affairs) — To give the lie to the opposition's attempts to establish a case that the government has undertaken some new initiative in an arrangement with the federal government to hand over the state's industrial relations powers one has only to look at the industrial relations policy of the government going into the 1992 election. At that time we were in opposition. I will hand across to the honourable member for Williamstown a document that refers to the 'Liberal-National industrial relations improving employment opportunities' — an aptly named policy — dated by the Parliamentary Library as 26 August 1992. That was well before we came into government. Under the relevant section on employer relations it says that a coalition government is prepared to abolish the Victorian system totally after the federal coalition implements its reforms. The honourable member for Williamstown should do his homework next time. He should check up on his research. He should not make out that this is some new initiative following an experience on the road to Damascus.

Ms Gillett interjected.

Mr HONEYWOOD — I refer to a 3LO radio interview on *The World Today* on 25 March this year, before the most recent state election. On that occasion compere Tony Eastley said:

Victorian Premier Jeff Kennett is today continuing to push his radical scheme to shake up federal-state relations by handing all industrial relations powers to the federal government.

Later in the interview the Premier said:

Look, it's early days yet and we are on record as saying before, both myself and Phil Gude, that if we have a federal government that we believe was prepared to put into place a range of industrial relations policies that were in the nation's interests we would be happy to surrender those so that we could have one system.

There is consistency all the way through. As a government we have been prepared to back up our philosophy and the spirit of our intent with action.

The defining point between this government and the other side is that we are prepared to make the big decision. It is not surprising that Labor Party politicians come in here today as captives of the masters of the trade union movement to ring out the usual trade union bell. They fail to realise that they are not looking at the big picture items because, if nothing else, the Premier's initiative yesterday —

Ms Gillett interjected.

The SPEAKER — Order! The honourable member for Werribee is next on my list of speakers. She should retain her comments until she has the opportunity to state them.

Mr HONEYWOOD — If nothing else, the Premier's initiative yesterday has ensured that we will have some rational debate on federal-state relations. Remember one Bob Hawke, a former Prime Minister, who at last put on the national agenda the importance of ironing out overlap and duplication and giving sense to federal-state relations? Of course, he was rolled by his own party and a bloke named Paul Keating, a former Prime Minister, came in and refused to proceed down the line of sensible and meaningful rationalisation of powers between the federal government and the state and territory governments.

Yesterday's initiative puts the importance of reform back on the national agenda. In my own portfolio one has only to look at the ridiculous situation that is occurring in training to see that. A young person in Victoria can embark, for example, on a hairdressing training course and do three years on-the-job work combined with research and homework, and through no fault of her own — perhaps because of family need — that person moves to Queensland. Do honourable members think it is possible for that person to have portability of skill? Do honourable members think that person can practise as a hairdresser in Queensland? No! The person is not able to practise. Two weeks ago I received a letter from the Queensland Minister for Industrial Relations, who informed me that, despite my representations on behalf of some young people down here, they would not be able to practise even as hairdressers in Queensland because of the ludicrous system the Labor Party has allowed to prevail in this country.

Under the Labor Party system we have to have separate propped-up state industrial relations systems and separate trades hall councils to help the preselection ambitions of Labor MPs. As a result we

have this ridiculous crossing-the-border situation where the young people are the ones who will miss out. With entrenched youth unemployment we find that the young people are the ones who do not gain.

We also have to come back to a short debate in this chamber on Tuesday, 19 March 1991, on an industrial relations bill, during which the honourable member for Springvale said:

I support the industrial relations bill and commend the government for introducing the measure.

That was his own government. He went on:

It is very much a reforming piece of legislation of the government and will benefit all Victorians.

In noting that the bill would establish a new industrial relations system the honourable member for Springvale in fact called for the abolition of the conciliation and arbitration system as we knew it. So the honourable member for Springvale has himself been an advocate for significant reform in industrial relations. For him to come into this chamber and make out that this is the end of life as we know it in industrial relations and to cast the blame for the changes entirely on the coalition is at odds with the fact that members of the opposition have been more than willing to embark upon changes to industrial relations when it suited their trade union interests. By kowtowing to the Trades Hall Council the Labor Party has missed opportunities in this state. I spent five years working for the Shell Oil Company in industrial relations.

Ms Gillett interjected.

Mr HONEYWOOD — We have a snicker from the interjecting member. Of course, that is the difference, isn't it? The Labor Party believes the only industrial relations policy that should exist in this country and this state is that of the union movement. The Labor Party believes the union movement should call all the shots. We have just had laughter on the other side at the prospect of employer organisations having a say. We know the honourable member for Werribee must be a clone of Laurie Brereton. She obviously wants to ensure that employers do not have any say. That is the very reason we have entrenched youth unemployment. Unfortunately, people like the honourable member for Werribee think of one-track industrial relations only.

When I worked for the Shell oil company, apart from national awards we had to have state awards. On top of that we had a small thing called the Altona agreement and another thing called the Geelong agreement. Those agreements put an extra layer of perks and lurks and benefits — —

Ms Gillett interjected.

The SPEAKER — Order! The honourable member for Werribee will cease interjecting.

Mr HONEYWOOD — We had this extra layer of perks and lurks and benefits that an employer had to face up to to meet all the conditions required by the union movement.

That was the greatest disincentive for Shell to employ new workers or to take on young trainees because there were different layers, inconsistencies, and overlaps. Because of the different layers there were demarcation disputes where three workers had to do the job of one because the Geelong agreement distinguished from the state award, which distinguished from the federal award, which came under different unions.

That was the greatest disincentive for employers and other people, but it was also a major disincentive to overseas companies contemplating infrastructure improvements in this state and nation. When they come across a nation that has such complications and when they have to deal with such bureaucracy, different employment conditions and so on, many overseas companies throw their hands in the air and give up.

It is ludicrous to advocate a return to the multi-layer sector of the past. The honourable member for Werribee often comes into this place and pleads the cause of women and female workers. I point out that it was a Liberal industrial relations policy that opened up the spread of hours. In his capacity as the then employment minister, the Minister for Education — —

Ms Gillett interjected.

The SPEAKER — Order! The honourable member for Werribee is about to have her chance to speak. If she does not stop interjecting she will lose that opportunity.

Mr HONEYWOOD — When the Minister for Education was the minister responsible for industrial relations in the previous term of this

government he was able to deliver some very meaningful reforms that I would have thought the honourable member for Werribee would have supported. They included the spread of hours, which enabled female workers to come to meaningful arrangements with their employers and to drop their children at school on the way to work instead of having to put them into some form of care before school. That suited the lifestyle of the modern Australian working couple. For the honourable member to indicate otherwise is to give the lie to her support for female workers and the rights of women in the workplace.

There was a deal of commonsense in the industrial relations policy introduced by the government on coming to power in 1992. Unfortunately, a federal coalition was not subsequently elected to government and, as is so often the case, the Victorian government was left to carry the can for national reform. It has done so in the knowledge that, for example, 80 per cent of Western Australian workers and some 60 per cent of Queensland workers are subject to state industrial relations awards.

I should have thought Labor politicians would have been opposed to the retention of state industrial relations powers on this basis alone — that is, that workers in Western Australia and Queensland receive less than the national average when it comes to rights and conditions of pay and other benefits. That is the case purely because Labor Party members in those states have advocated the retention of state-based industrial relations systems. The sooner the Labor Party in this nation realises the benefits to be gained from a meaningful national reform the sooner we can get on with ensuring that in international forums Australia is able to say, 'If you want to invest in our nation or build factories in Victoria, Queensland and Western Australia and have a national marketing strategy, you will have one system of pay and conditions and one system of allowances. In this nation you will be able to rationalise in a much more meaningful way the system of regulations that you may be forced to comply with elsewhere'.

I note that in the past the Labor Party — even in government, when the honourable member for Springvale spoke on the industrial relations bill on Tuesday, 19 March 1991 — spoke of meaningful reform, but because it had to kowtow to the union masters nothing happened.

Ms GILLETT (Werribee) — I welcome the opportunity to speak on this adjournment motion. It

behoves me to answer some of the issues raised by the Minister for Tertiary Education and Training. Before I had the honour of coming to this place to represent the people of Werribee I represented members of the National Union of Workers in the oil industry for some four or five years. During those years there were some enormous opportunities for change, growth, rationalisation, and efficiency and productivity increases. Those changes were possible because of a range of federal labour laws and conventions that encouraged industrial partners to work in partnership for the greater good of working people and industry.

It is a great tribute to Shell and the senior people in that organisation who worked so constructively with members and representatives of the National Union of Workers — I was one of them — to enable us to take the opportunities provided by those equitable, progressive and visionary labour laws — under the federal industrial relations system as it was and not, sadly, as it is today — to make significant reforms in the oil industry.

Shell now has one national agreement. I urge the Minister for Tertiary Education and Training to update his information base in the same way that he urged the shadow Treasurer to update his — what is good for the goose is good for the gander. Shell has one national award with productivity bonuses that acknowledge efficiency. That was capable and positive.

An honourable member interjected.

Ms GILLET — It was not an embarrassment for Shell. The company went to the Industrial Relations Commission and praised the efforts of its work force, the representatives of its work force and the industrial relations system that made such significant, substantial and continuing change possible — under the system as it was, not as it is today under the current federal coalition government.

I remember the 1992 election campaign in Victoria when people who now make up the very temporary government in this state lauded as the absolute foundation for future growth in Victoria their heartfelt and consistent vision that the deregulation of yet another market was what this country needed. The market they were referring to was the labour market, which is actually not a commodity. It may come as a surprise to members of the government to realise that human beings are not a market.

The relationship between employer and employee is only the second most important relationship that a human being has; the most important is the relationship with his or her family. The second is at the workplace, and that relationship is absolutely critical. It does not always have as its foundation a commercial base alone, yet in the 1992 election campaign the Liberal Party put forward its view that the market it wanted to deregulate — it actually called human beings a market — was the labour market. It implied that the second most important relationship in people's lives was nothing more than a market with a commercial base attached to it. It was then that some of us began to get a rough idea of who were the people advocating deregulation of the labour market. We now know for certain who they are, not because of what they have said but because of what they have done.

I remember the obsessive and totally self-indulgent government that pursued with vigour its legislative reform. It didn't talk to anybody. It let its own ignorance, incompetence and inappropriate adjustment to government give it the licence to ride roughshod over this Parliament. The government rammed through legislation at a rapid rate and paid no attention to the effects it would have in the community. The industrial relations legislation stands as a strong example of the sort of obsessive ignorance that reigned supreme in this Parliament in the first term of this government.

I remember the ignorance and the incompetence that surrounded the development of the IR act. I remember also the heartbreaking headlines in the newspapers, the quotes from the then responsible minister — and I use the term very lightly — now in charge of destroying the education system

The SPEAKER — Order! I remind the member, who has been developing an argument, of the narrowness of the motion. I bring her back to the motion on the transfer of IR to the commonwealth and the terms of the motion as moved by the member for Williamstown.

Ms GILLET — I will now come to the issues as they particularly relate to the adjournment motion. As a working trade union official I remember those heartbreaking headlines, which indicated to us that what we are now seeing would take place. The headlines said the minister had developed the industrial relations legislation while consuming a bottle of scotch. I could not believe it, and I was surrounded by other working people who saw first-hand the disrespect this government had for

that second most important relationship of human beings — the relationship between employee and employer through appropriately constructed labour laws that provide equity, freedom and dignity for working people. The first line of the press release issued by the Premier on Monday states:

The Premier, Mr Kennett, today announced the most significant industrial relations reform in Victorian history.

By what account? It is my assertion that on Monday the Premier announced a hoax. A careful examination of what this government has agreed to do with the federal government shows it is not handing over these industrial relations powers in an open and irrevocable way — it has lent them. The government has failed. The trade union movement begged the government. Half a million Victorians took to the streets to say, 'Listen guys, you've got it wrong, we don't like what you're doing, we don't accept what you're doing'. Four years later we can say we were right and you were wrong.

To cover the mistakes of ignorance and incompetence, this obsessive, extremist, right-wing government finds its industrial relations appetite satisfied by the Industrial Relations Act of the federal government. That is an indictment of that industrial relations legislation. If the federal legislation satisfies these extremists, we should be far more concerned about it than we have been in the past.

It is my view that this is actually a significant hoax perpetrated on the Victorian people. This is not a significant reform. It is not a reform at all — it is a joke. This government has said 'Here it is, we have failed, you take it for us. You are like we are. You hate working people, you hate the trade union movement, you cannot make the trade union movement illegal, but what you can do —

An honourable member interjected.

Ms GILLETT — Some of my best friends are employers — ask Warren Stooke. I will show you the letter of congratulations that Warren Stooke, senior national industrial relations manager for Shell, gave to me on the occasion of my election. In that correspondence he says he is certain I will make a fine contribution here.

The hoax that has been perpetrated under the guise of significant industrial reform tells us much about this group of extremist, right-wing cowards and

bullies. You have not handed over anything except your grotesque mistake — a mistake that the Victorian public marched and told you about. You have not looked after working people.

The SPEAKER — Order! The honourable member addressed the Chair. I do not think I have handed over anything, actually.

Ms GILLETT — The government has not looked after working people. It has made a series of enormous mistakes based on its own ignorance and incompetence in this area. It has now handed over its ignorance and incompetence to another group of people, equally ignorant, equally incompetent —

Mr Honeywood — Cheryl Kernot incompetent?

Ms GILLETT — No, your mates, your coalition colleagues. I don't think Senator Kernot has been recruited as yet to the fold. If it were not for Senator Kernot some of the worse aspects of the proposed federal Industrial Relations Act would have gone through unchecked, as they did here.

This government had an absolute majority in both houses of Parliament and abused it. There were no checks and balances in the government legislation, and it has suffered the penalty that attaches to that lack. The legislation was created out of a bottle and it now goes down the drain. However, there is a bright future. When a federal Labor government is restored and there is a Labor government in this state — I am still young enough to see it and I look forward to it with much enthusiasm — the real test of this industrial relations megahit, megahoax, will be what those governments do then. When we start introducing fair, equitable, democratic labour laws, what will happen then?

Mr Honeywood — Unemployment.

Ms GILLETT — It is going through the roof now, Mr Speaker. The Victorian government has nothing to be proud of in its record on unemployment. Its foundation for change and revitalisation has not worked. What will happen when there is a federal labor government? What will happen when we reintroduce legislation which is fair and equitable and which looks after the interests of workers? The present government will say it made a mistake. The good guys will change their minds about their present substantial, ground-breaking pillar of federal-state relations and want it back, and there is nothing to stop them taking it back. It is another joke, another fraud and there is no substance.

The Premier comes from an advertising background — promotion and publicity is his thing. He can make a mountain out of a molehill, he can make a silk purse out of a sow's ear. That is what he has done this time. The government has had a gut full of this sow's ear — this Employee Relations Act — which was a nightmare to start with and a nightmare to finish with and has had to flick off somewhere else.

It has been handed over in a flurry of promotion on a publicity activity that makes one at least admire the Premier for his flair. He should go back to advertising, it is clearly where his talents lie — not in creating innovative, positive, progressive legislation for this state. He has handed it over with a great flurry, referring to it as a monumental change and the most significant industrial relations reform in Victorian history. It is a hoax and a joke, and when the time comes that good labour laws are reintroduced federally, you will not leave —

Mr Honeywood — The employers will leave.

Ms GILLET — They have left you, didn't you notice? The test of this legislation was who stayed underneath it, who stayed, welcomed and used it. Employers left the government, abandoning it as they are beginning to abandon the federal coalition government as well. I have heard from a number of employers who have spoken to this coalition government. They want a positive, balanced, equitable relationship between the industrial partners. They do not want aggression, hostility, or to be in a position where they have to drive people down. They had 10 years of real growth, of absolute maturity in the relationship.

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

Mr PERRIN (Bulleen) — I oppose the motion. The honourable member for Werribee is making the former honourable member for Werribee, the Honourable Ken Coghill, look really good. She has turned a strong Labor seat into a marginal seat. At the last election the honourable member scraped in after the distribution of preferences. I hope her contribution is read by her constituents, because at the next election the Liberal Party will win the seat of Werribee.

One aspect of the debate is lost on the opposition. On transferring the state's industrial relations system to the commonwealth the government is not transferring like to like, because there will be a new

federal industrial relations system. I anticipate that prior to Christmas a new federal industrial relations act will be in place. The deal has been done between the federal coalition government and the Australian Democrats, and the legislation will progress through the Senate. The catalyst for the transfer of the state system to the commonwealth was the agreement reached between the federal coalition government and the Australian Democrats — I remember watching Senator Cheryl Kernot signing the agreement.

The motion has been moved because of the Labor Party's sour grapes. Who was left out of the negotiations when the deal was done between the federal coalition government and the Australian Democrats? The first group was the unions. They have no say because they are yesterday's people. They do not understand why workers turned against the Labor Party and voted for the federal coalition just as they did not understand when they had an accord with the former Labor government that reduced the living standards of workers. The second group to miss out is the Australian Labor Party. They have no relevance in Victoria or in Canberra. The deal was done between the coalition government and the Australian Democrats, and the Labor Party was left out of the action. It is totally irrelevant in today's industrial relations environment.

I have been a sparring partner of the honourable member for Springvale on many occasions, but he does not seem to understand what has happened with the deal between the federal coalition government and the Kennett government. The honourable member and other members of the opposition do not understand that the minimum conditions outlined in schedule 1 of the Employee Relations Act will be maintained in federal legislation. They will be the standard minimum conditions in commonwealth legislation. Minimum conditions that are currently the law of the state will be the law of the commonwealth. Those conditions protect every worker in the state, but the opposition does not understand that. It thinks you can trifle with minimum conditions, but they are standard in every agreement. They include maternity leave, paternity leave, adoption leave and part-time employment. Those minimum conditions, including provisions for the termination of employment, will be enshrined in federal legislation just as they are in state legislation. They will protect the workers of Victoria from unscrupulous practices.

I am concerned about the motion because it says that somehow basic minimum conditions and minimum rates of pay that are enshrined in legislation will not be enforced.

I direct to the attention of the house two editorials from today's newspapers referring to the transfer of the state's industrial relations system to the commonwealth. The editorial in the *Herald Sun* states:

The new industrial revolution continues with this week's much-welcomed Kennett government decision to reform the labour market.

By ceding workplace powers to the commonwealth, Victoria leads the nation in ending the duplication of rival federal and state industrial relations systems.

This economic reform signals a major step forward in the Howard government's determination to change forever the relationship between employees and management. Employers and workers will be able to make wage deals once federal awards are stripped back to a safety net of employment entitlements.

The editorial is a clear statement of support for the reforms in legislation that will be introduced later this session. It continues:

The bill changing the system of wage bargaining is before the Senate and, because of the deal done with the Australian Democrats, is expected to receive royal assent before Christmas.

The new federal legislation, coupled with the Kennett government handover, will begin an era of structural change that neither the Hawke nor Keating governments could ever have achieved, irrespective of their allegiances with unions.

In other words, the former Labor government could not deliver. It has taken conservative governments at the state and federal levels to bring these reforms about. The former Labor government could not deliver because of its ties with the unions and their mates.

The changes will bring productivity increases, where individual workers will achieve workplace efficiencies as a result of wage-productivity deals. Big gains also will flow to workers presently employed under state-based agreements.

The editorial says benefits will flow to workers, but do we hear any acknowledgment from the Labor

Party of benefits flowing to workers? The opposition does not understand that workers will be better off under the new system. The editorial continues:

Until now these groups have laboured in an industrial wilderness with their state-based award benefits frozen since the Kennett government introduced its now redundant Employee Relations Act in 1993.

The Kennett handover means they will at last be able to seek wage justice, winning parity with colleagues employed under the federal system.

In other words, the *Herald Sun* editorial admits that workers will be better off. However, the Labor Party is opposing it. It does not want it to go through and it does not want these benefits to flow on to workers. It is interesting that the coalition governments in Victoria and Canberra are improving the benefits for workers.

I remind the Labor Party — it might have forgotten — that the Keating and Hawke governments did the deals with the union movement under the wages accord which resulted in reduced wages. Deals were done under the accord that actually disadvantaged workers!

Another editorial makes it clear that Victorian workers will actually be better off as a result of the changes. Today's *Australian* editorial is quite complementary about what the government is doing:

Victoria's decision to 'refer' its industrial relations powers to the federal government is a sensible response by the Premier, Mr Kennett, to the reality of his administration's limited capacity to extract any meaningful advantage from continuing the state system. It is also an encouraging precedent for what the Prime Minister calls pragmatic federalism. For although it is widely remarked — and largely true — that the Victorians are giving away something of scant value to them, the reference of any state constitutional power, however redundant, to the commonwealth, would have been regarded as a highly improbable event until very recently.

Historically, the commonwealth-states struggle over industrial relations has been particularly bitter.

It has been bitter and it has been costly. It has cost the taxpayers of Victoria a lot of money to go through the process and to reduce the number of industrial relations systems from two to one. However, they will be better off, as is clearly

outlined in the editorial in the *Australian*, which continues:

In the short term, however, the most constructive thing Mr Howard might do with his Victorian success —

note the word 'success' —

is demonstrate to the states, by constructive initiatives on funding and functional rationalisation at Friday's Council of Australian Governments meeting, that there is a genuinely bilateral dimension to his version of federalism. Mr Kennett clearly is looking for some movement on new commonwealth-state agreements on health, education and housing. As the premiers' undisputed leader —

meaning the Premier of Victoria is leading the way —

on this and other financial issues, he is not a man to be trifled with — at least if the Prime Minister values the COAG process.

In other words, the editorials in those newspapers support the coalition's action. The transfer involves benefits for taxpayers and workers, and so far as I am concerned the motion is nonsense and should be voted out!

Mr CAMERON (Bendigo West) — I trust I will be able to keep calm and keep my blood pressure down lower than that of the honourable member for Bulleen, who I feared was about to collapse on the floor after passionately trying to support anti-worker laws. It is extremely unfortunate that the honourable member's health should be affected so much by his attempt to defend anti-worker laws.

Victorians want a fair system, and that has been the case ever since the Harvester decision was handed down earlier this century by Mr Justice Higgins. He made it clear that workers should no longer be pitted against employers and that people were entitled to a basic wage, as it was known then. Since then the system has grown and it has served the nation well.

An industrial relations system not only must bring about harmony but also provide workers with a wage that allows them to afford the basic necessities of life. That has been an underpinning principle of the Australian nation. In the post-war period as the nation grew economically workers benefited as the centralised system improved wages, but there was an exception to that in 1992 when the Kennett

government introduced the Victorian Employee Relations Act.

Dr Dean interjected.

Mr CAMERON — The honourable member for Berwick has misinterpreted what I have said. The centralised system improved conditions for workers. With enterprise bargaining workers can collectively enter into new deals provided they are fair and that they are not being screwed down. That is exactly what the Employee Relations Act was about.

Members of the coalition talked about the promises made in 1992. I will tell you what was promised: no worker would be 1 cent worse off as a result of the reforms a coalition government would undertake. I see the honourable member for Berwick is silent. No doubt he campaigned on this issue in 1992. The Employee Relations Act abolished the 17.5 per cent leave loading, but workers were not supposed to be a cent worse off in wages and conditions! The honourable member for Berwick voted to get rid of annual leave loading. The Kennett government reduced the number of public holidays. Isn't that a reduction in conditions? Yes, but the honourable member for Berwick voted for that legislation.

Dr Dean interjected.

The SPEAKER — Order! The honourable member for Berwick may not make a contribution by interjection.

Mr CAMERON — National pay rises normally flowed on automatically from the federal to the state system, but that was abolished in 1992 even though workers were told they would not be 1 cent worse off.

The SPEAKER — Order! I remind the honourable member of the terms of the motion, which are very narrow, and I ask him to come back to it for the remainder of his contribution.

Mr CAMERON — The motion talks about workers being moved to a new system, but those workers will find themselves in a different category to those already under federal awards. It is important to establish those differences so they can be addressed, and that is why I raise these matters.

The SPEAKER — Order! Having made reference to that perhaps the honourable member can now come back to the motion.

Mr CAMERON — State workers who have been affected by the Kennett government's anti-worker laws will not be ordinary members after transferring to the federal system but associate members; they will be second-class members. They will find themselves without annual leave loading, penalty rates and so forth. Although the government promised that wages and conditions would not be reduced those people will miss out on those benefits.

Individual employment contracts have resulted in workers finding themselves in positions of economic duress. The government has talked about workers and employers entering into arrangements on the basis that somehow they are on an equal footing and that the workers do not need the extra conditions that were provided under the state system prior to 1992, but that has not been the case at all.

Central Victoria has the highest unemployment rate in country Victoria. The Kennett government slashed 1350 jobs in the area in its first term. What choice do those unemployed workers have when they turn up to apply for jobs? Their choice is the barest minimum. The conditions are lower than the pre-1992 conditions; and workers therefore have no choice. Despite its promise that it would not do so the Kennett government has eroded the conditions of working people. Victoria now has an industrial relations system that has been discredited by its own Employee Relations Commission. Its first and second annual reports say workplace agreements would be lodged with the commission and there would be no opportunity for scrutiny. Even though the agreements may contain conditions that are below the minimum there is to be no scrutiny. That means some people are working under even worse conditions and they fear they cannot complain because they might find themselves without jobs. That is the reason the president of the Employee Relations Commission raised the matter on two occasions. The Kennett government does not care about working people.

The SPEAKER — Order! I have asked the honourable member to come back to the motion, which clearly relates to the government's failure to set adequate minimum conditions of employment and to protect Victorian workers in the process announced by the government of transferring from the state to the commonwealth industrial relations system. The motion is clear and it is narrow. The honourable member has been straying from the motion and I ask him to address it.

Mr CAMERON — The honourable member for Bulleen referred to the schedule to the Employee Relations Act. He said workers were protected by the minimum conditions in that act. Although the government now proposes that workers will go on to the federal system they will find themselves only associate members and they will not have the full benefits of federal awards. I shall go through schedule 1 to see whether we can find some things that are in the federal system — even under the new Howard system. I doubt whether anyone could find penalty rates in schedule 1. The same applies to leave loading, overtime rates and family and bereavement leave.

A perusal of the act shows that workers in the state system are in a far worse position than those who went onto federal awards. Working people sought to escape to federal awards so that they could enjoy better conditions, and they got back the conditions they had prior to 1992. That occurred as a result of legislation passed by the Keating government.

The Kennett government spent a fortune — something like \$10 million — fighting and opposing workers who sought coverage by federal awards. Through their unions and representations working people have also had to expend vast sums of money. That not only caused worry for workers and their families, it resulted in wasted money and energy. The end result was that the legislation passed by the Keating government allowed most workers to escape to federal awards.

Did the Kennett government say it wanted only one system and did not mind workers going onto federal awards? The answer is no. As a result of the Keating legislation, only three weeks ago public servants were able to go on to federal awards. Some 800 workers, such as prison officers and conservation department workers, were able to go over to federal awards. Yesterday the state government gave up and acknowledged that workers could receive federal award coverage and have their leave loading back. Over the years workers have been humiliated and disgraced, but at last the government has recognised that its system is no good and it has given up. The government is now trying to keep workers who have been in the state system and whose conditions are worse than those that apply under the federal system.

I refer to the Keating legislation, which made it possible for more workers to escape from the state to the federal system. It is interesting to see what the federal coalition did at the time. We heard this

morning that the government's policy is to openly embrace one system. However, when the Keating legislation was introduced the federal coalition voted against it. It did not want Victorian workers to get better conditions. It did not want Victorian workers to go back to pre-1992 conditions.

The honourable member for Bulleen referred to an editorial this morning that said workers would ultimately be better off under federal awards. That is presumably because as new workers come into the system they may find themselves on federal awards. It clearly will not apply to workers who are currently in the state system. The editorial pointed out that workers have been screwed down by the Kennett government. It made it clear that the current system has failed so badly that we should have only one system. Certainly most people would like to see one system. Hundreds of thousands of Victorians fled to the federal system — and they want a good system. The opposition wants to see Victorian workers enjoying the same conditions regardless of whether they are in the state or the federal system. The plan concocted by the coalition parties for the federal system to allow Victorian workers — who they treat as second-class citizens — to supposedly enjoy the protection of the federal system but being accepted at a lower level is a complete outrage.

I support the motion moved by the honourable member for Williamstown. He cares for workers and he wants them to be protected across the board. He does not want to see one set of workers disadvantaged compared with the workers currently in the federal system.

Dr DEAN (Berwick) — The adjournment motion is an attempt to rehash an old argument that has been in Parliament time and again. It refers to an alleged failure by the government to set adequate minimum conditions of employment and to protect Victorian workers in the process announced by the government for the transfer of industrial relations powers from the state to the commonwealth industrial relations system. Workers already have a safety net. If they wish they may transfer to the federal safety net. To what failure is the honourable member for Williamstown referring? There can be none. He is simply getting back to the old argument that he does not agree with the terms of Victoria's safety net.

If the shadow minister is to be a member of Parliament it is apt that he should be the honourable member for Williamstown because Williamstown is known for its history. The beauty of Williamstown is

its past. If one goes to Williamstown one can see the things that were done in the past and the old traditions that are of great interest.

That is exactly the same state of mind the member for Williamstown is exercising in this house in this debate. He is trying to take Victoria and the rest of Australia back to where it was 10 years ago. He does not want the award system to be changed; he does not want flexibility in the workplace.

Unfortunately he is absolutely caught, because his masters at the Trades Hall Council tell him what it is that he should be saying, yet he knows in his heart — as the past Prime Minister and member of the Labor Party, Mr Keating knew in his heart — that the system has to change. Victoria has led that change, and the new coalition government is now taking up that change.

I will underline the absolute hypocrisy of the member for Williamstown by referring to his speeches in this house. When referring to the Employee Relations Act he decided he would give some reference to the Liberal Party as it then was — the coalition opposition. This is what he said in those debates —

The SPEAKER — Order! The honourable member's time has expired. The question is that the motion be agreed to.

House divided on motion:

Ayes, 26

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

Noes, 52

Andrighetto, Mr	McLellan, Mr
Ashley, Mr	MacIellan, Mr
Brown, Mr	McNamara, Mr
Burke, Ms	Maughan, Mr
Clark, Mr	Napthine, Dr
Coleman, Mr	Paterson, Mr

Cooper, Mr	Perrin, Mr
Dean, Dr	Pescott, Mr
Dixon, Mr	Peulich, Mrs
Doyle, Mr	Phillips, Mr (Teller)
Elder, Mr	Plowman, Mr A.F.
Elliott, Mrs	Reynolds, Mr
Finn, Mr	Richardson, Mr
Gude, Mr	Rowe, Mr
Henderson, Mrs	Ryan, Mr
Jasper, Mr	Savage, Mr (Teller)
Jenkins, Mr	Shardey, Mrs
John, Mr	Smith, Mr E.R.
Kilgour, Mr	Smith, Mr I.W.
Lean, Mr	Spry, Mr
Leigh, Mr	Tehan, Mrs
Lupton, Mr	Thompson, Mr
McArthur, Mr	Traynor, Mr
McCall, Ms	Treasure, Mr
McGill, Mrs	Wade, Mrs
McGrath, Mr J.F.	Wells, Mr

Motion negatived.

BETTER ROADS PROGRAM

Mr PERRIN (Bulleen) — I move:

That this house congratulates the Victorian government on the improvements to roads in all parts of Victoria and its highly successful Better Roads program.

This is an important motion because the roads program the Kennett government has instituted since 1992 has been an outstanding success. When we look at the bitumen that has been placed on roads and the improvements that have been undertaken we can see where the government has improved roads right throughout Victoria. We can point to these roads as a symbol of the success of the government's road strategy.

Victoria receives many benefits and much value from its good roads, and I will outline them to the house. Before doing so I will quote from a publication that contains an interview with the Minister for Roads and Ports, the Honourable Geoff Craigie. The interview in the September 1996 edition of *Vicroads* illustrates what I am talking about. The minister was asked:

What are your initial impressions of the state of Victoria's road network?

He replied:

We started off on a very poor base in 1992. There was a lot of work which hadn't been done. The focus of the previous government clearly wasn't on roads. Since 1992 there's been a concerted effort to address that issue. What I'm actually enjoying now is going out and hearing people complain about roadworks. This is a significant turnaround. Prior to this, the complaints were all about the condition of the roads. We're out there working and people are noticing.

That is the essence of my motion. The minister has made it very clear that he is enjoying hearing complaints about roadworks being undertaken from one end of the state to the other. People like to see roads being constructed. It is a clear indication of the difference between the previous Labor Party administration and the Kennett government.

I am sure every member was in the same position as I was prior to 1992. People were telling us, 'Our roads are terrible. We want better roads'. The Labor Party was voted out. The Kennett government introduced a new roads program and now we see road construction works all over the place. People who come into my office are happy to see the roadworks. They compliment the government. They do not mind being held up while road construction takes place because they can see the government doing something. Roads that were in poor condition are now being upgraded. People can see new jobs being created. We are building an efficient transport system. A great many benefits are accruing to Victorians.

One of the benefits in my electorate is that because buses are road based the improved roads have meant that the public transport system has been improved. There have been many flow-ons from this improvement in the roads. Every honourable member would have seen significant roadwork improvements in his or her electorate. Every honourable member has benefited from this work.

My electorate has a long history of concern about roads. My electorate had one of the worst road problems in the metropolitan area, but tremendous improvements are taking place on three or four roads. The extension of the Eastern Freeway will be of major benefit to my electorate, where in four years some \$12 million has been spent on roads. The people are very appreciative. Approximately \$4.6 million was spent on the upgrading of Reynolds Road in Templestowe, which is a great boon to the area. I pointed that out to my constituents during the election campaign and they responded with a very good vote for me.

I now turn to some of the other major road projects the Kennett government has undertaken in its four years of government, projects of which we can be extremely proud and from which we can see great social and economic benefits flowing. I refer firstly to the Calder Highway, which has had major upgrades in the past four years. It is a major highway taking traffic to Bendigo, up to Mildura and into New South Wales, and is heavily trafficked. Because of the nature of the areas it services the highway takes a lot of tourists, and tourists like to drive on good roads, so any improvement of the Calder Highway is important.

In April last year we spent \$30 million on the Kyneton bypass, which allows traffic to continue on without having to go into Kyneton. The bypass carries some 5000 cars and 700 trucks a day around the outskirts of the city, which I am sure has improved the environment for the people of Kyneton.

Another \$32 million was spent on the Gap Hill section of the Calder Highway, which runs from Diggers Rest to Millett Road. That section, which carries 15 000 vehicles a day, including 1500 trucks, was opened in May this year. In the previous five years there were 50 accidents involving 5 fatalities on that section of the Calder Highway. That sum of money will actually reduce the number of accidents. That is very important for the people who use these roads.

A new freeway section of the Calder Highway has been constructed between Gisborne and Kyneton at a cost of \$1.2 million. That will give us a better Calder Highway.

As honourable members know, Princes Highway East travels down to East Gippsland, is a major tourist and commercial centre that has greatly benefited from new roadworks. There has been a major improvement of the highway between Sale and the Gippsland Lakes. The duplication of Princes Highway between Melbourne and Traralgon is also taking place, and those \$47 million roadworks will ensure the highway is much safer. That will be completed in mid-1997. In addition, other roadworks are planned for the Princes Highway under the Better Roads program, and I shall come to that in a moment.

A major link between Melbourne and Adelaide is the Western Highway, which travels through Ballarat, Horsham and the Grampians. Some federal funding has been made available for works on the

highway and that has been very useful. I am sure members representing the western parts of Melbourne will appreciate any improvement of the Western Highway as it benefits residents of that area. People in the western suburbs are not traditional supporters of the Liberal Party, but they have benefited from this major upgrade.

The government has just spent \$22 million on the second stage of the Ballarat Bypass. It was opened in December 1994 by the Kennett government and has had and will have a major impact on Ballarat. The benefits can already be seen. There will be reductions in time travel, improvements in road safety because traffic will not travel through urban areas and a reduction in the number of heavy vehicles travelling through the urban areas of Ballarat.

I have just listed some of the major roadworks for which the government has allocated funding through the normal appropriations. It is very proud of those achievements. I will refer to the Better Roads levy a bit later when I will outline some of the important improvements taking place. The budget contains a number of major road initiatives. The house will recall that the Minister for Roads and Ports announced an allocation of an additional \$83.7 million for new roadworks. Obviously they have not been completed yet; they have just been voted through Parliament and the money is becoming available. I shall outline the anticipated roadworks for the near future.

Some \$23 million of that allocation will be used to improve roads and bridges around Werribee and Melton. I would have thought opposition members who represent those areas would be very appreciative of that sort of money to improve roads and bridges in their areas and to make the roads safer for their constituents. I point out that Melton and Werribee are among the fastest growing areas of Melbourne, so the government is actually spending money where the need exists. It is important to ensure that the money allocated in the budget is effectively spent so that the areas requiring it most receive the funding.

Some \$6 million has been allocated for improvements to Warrigal Road. That is an urban road in the south-eastern suburbs. There will be a major upgrade in North Road and Warrigal Road, and the residents of those areas will see major improvements in the future.

I shall outline some of the major benefits from spending money on roads. Road construction leads to growth and more jobs; that is just accepted as fact. We know for a fact that if money is spent on improving the roads major economic benefits follow, not only through the jobs that are created but also in the efficiency engendered. For example, almost all the goods in the Melbourne and metropolitan area are transported by road. Therefore, an excellent road network means that the goods we buy get to the supermarkets in better condition and at a cheaper price because they have not had to be transported on bad roads. I understand up to 80 per cent of the goods that are transported to country areas are also transported by road. Good roads are critical to ensuring goods and services are delivered to us wherever we happen to live.

Through its road strategy the government has been trying to link freight routes, where the manufacturers of goods can get their products from the manufacturing base to the retail base or the distribution centres in the most cost efficient way and in the best possible condition. It must be remembered that some of the goods transported are perishable, such as fruit and vegetables being taken to supermarkets. It is not good for them to be taken over bad roads as they can be bruised, which results in economic losses for the producers.

We are trying to link the Melbourne ports with the airports and traditional centres producing goods and services. That is all part of the government's export drive. Having good roads means better exports: our produce reaches the markets in much better condition simply because it has been transported on better roads.

It can be seen that poorly designed or bad roads actually increase costs. They extend travelling times, reduce fuel efficiency, increase the cost of vehicle maintenance and cause wear and tear on vehicle tyres and suspensions. Therefore, money spent on roads is a good economic investment because it makes Victoria more attractive to new investment and encourages our existing businesses to become more competitive. Of course, the important thing is that it creates more jobs in the road construction and export industries.

Road transport economist John Cox concluded from a study he conducted in 1992 that for every \$1 million spent on roads 40 new jobs were created. His analysis, which is just a few years old, indicates that of those 40 jobs, 17 would be in construction and the remaining 23 would be in other areas. In

other words, there are major benefits from spending money on roads in the future.

Not only are better roads economically beneficial to the state but they are safer as well. Those of us who have been in Parliament for some time and been involved in passing legislation to make our roads safer know that good roads are safer roads as they result in fewer accidents and fewer deaths.

It is a proven fact that poor roads lead to road crashes. I will give some statistics to the house indicating how money is spent to produce economic and major benefits in reducing the number of people killed and injured on our roads.

Car crashes cost hundreds of millions of dollars each year in many ways: lost productivity, property damage, higher insurance premiums and medical and hospital costs for people who are injured. The costs of car accidents on bad roads reach many millions of dollars. A study undertaken by the Bureau of Transport and Communications Economics estimated the cost of road crashes in Victoria in 1993 to be \$1.5 billion. If we can reduce that figure just 10 or 20 per cent by having better roads, we will all be better off. We would all agree that the Bureau of Transport and Communications Economics is a credible organisation capable of working out the costs to our community.

I turn now to consider the Transport Accident Commission figures for 1994-95. The Transport Accident Commission paid out \$379 million for persons killed or injured on Victorian roads. Better Roads will reduce the number of crashes, which will have an effect on the Transport Accident Commission and in the future will lead to a better transport accident system. There is a direct relationship between the cost of our vehicle registration and good roads.

It is a well know fact that improving roads reduces crashes. Over the past few years the road toll has actually been decreasing. In 1990, 548 people were killed in Victoria; in 1994 it was reduced to 376, a great improvement that governments of all political persuasions should be pleased about. In 1995 the figure unfortunately increased — 418 people were killed in Victoria. Better Roads is one aspect of it. It is also Transport Accident Commission advertising, and we have all seen those ads on television. Speed cameras have had an effect and cars are becoming safer with air bags and ABS. And there are other factors. Better Roads will actually reduce the number

of injuries and the number of people killed on our roads.

Unfortunately, this year the road toll is on the rise again, something we should be very worried about. The figures I have available to me are as at 14 October this year — some 337 people have been killed on our roads this year, 23 more than at the same time last year. We need to ensure the road construction program continues as fast as it possibly can.

In 1992 the government instituted a black spot program. About \$47 million has been spent improving various aspects of roads to make them safer; not to make them look better, but safer. There have been many improvements, such as new roundabouts, removing bends from roads and sealing shoulders on country roads. More than 500 kilometres of country roads have had the shoulders sealed, which makes it safer for people travelling on our country roads. We know what happens — a car tries to pass another, it gets one set of wheels on the bitumen and another set on the gravel, it loses control and there is an accident. The sealing of shoulders on country roads is a great benefit in reducing the number of accidents.

For example, we have sealed a 36-kilometre section of road between Warrnambool and Garvoc, completed in June 1996 at a cost of \$900 000. It has been suggested that \$900 000 will result in 40 fewer casualty accidents in the next ten years, just as a result of sealing those shoulders in that one particular area. What a great benefit that will be to the residents in that area.

We know generally that for every \$1 spent on improving black spots there has been a \$5 saving in reduced accident costs. We can see the cost efficiency of actually increasing the amount of money being spent on our roads.

I turn now to the Better Roads program. This has been one of the outstanding successes of the Kennett government in this term. The program was started in July 1993, so it has been going for only a few years, but between July 1993 and June 1996 we have had a major impact from the Better Roads program. I shall outline those important impacts to the house. First, 234 projects have been completed between July 1993 and June 1996, of which 38 are in the metropolitan area and 196 in rural areas — so \$462 million has been spent on those 234 projects and there has been a large expenditure of money in rural areas. If you want to split that up between

metropolitan and country areas, you find that \$302 million has been spent in the metropolitan area, or 65.4 per cent, and \$160 million or 34.6 per cent in country areas on the rural projects. When the government introduced that program, it said it would spend about one-third of that money in country areas and two-thirds of that money in city areas. People in the country could see they were going to get something back for the money spent.

I shall outline some excellent projects that money relates to. The 3-cent-a-litre levy on our petrol was put in a special trust fund to be used exclusively on the building of new roads. That \$462 million I have been talking about is money that has been taken from motorists, put into a trust fund and taken out only to be spent directly on new roads. Let us look at some of the fantastic projects that money has been spent on — first, the excellent project, the \$250 million extension of the Eastern Freeway to Springvale Road, which services my electorate and which is of great benefit and greatly supported by the people of the eastern suburbs, who are particularly keen to see that project finished all the way through to Ringwood.

There is the widening of Alexandra Parade in Fitzroy. We all know what a terrible bottleneck that was in the lead-in to the Eastern Freeway at the Fitzroy/Collingwood end. I am glad to say most of the people who use that area of Alexandra Parade are pleased to see that widening. There are now no bottlenecks at morning peak and evening peak.

The Better Roads program has helped reduce traffic congestion. The program has funded the construction of many overtaking lanes, particularly in rural Victoria. We all know the frustration of driving behind a slow motorist on a single-lane highway waiting for the right opportunity to pass. That frustration often leads to road accidents when people try to pass other vehicles at the wrong time.

In 1995-96 the Better Roads levy raised \$171 million. The South Eastern Arterial used to be known as the South Eastern Car Park — cars driving along the arterial would constantly be stopped by traffic lights all the way to Dandenong. I am pleased to inform the house that \$78 million has been spent upgrading that arterial. In fact, last week the Toorak Road underpass was opened. Now motorists using the arterial are not stopped by traffic lights as overpasses have been built at Warrigal, Burke and Tooronga roads with an underpass at Toorak Road. Motorists using the arterial can see a tremendous

return for the investment of \$78 million. It is a better road and is better for the environment.

Approximately \$7 million has been spent on upgrading the Westernport Highway, an important road for tourism because it takes people to Phillip Island. It is a critical road that must be in good condition because of the number of tourists using it. Approximately \$6 million has been spent upgrading the Monash Highway, another important country road, and \$3 million has been spent upgrading the Nepean Highway, which takes people through the southern suburbs of Melbourne.

Rural roads have also benefited from the program. The government has spent \$6 million on duplication works and construction of overtaking lanes for the South Gippsland Highway and \$22 million has been spent on various works and duplication of the Princess Highway East. I am sure tourists and the many people using that road will approve of the upgrade.

Approximately \$4 million has been spent upgrading the Princess Highway West and \$9 million has been spent upgrading the Midland Highway, an important road for the people of Shepparton and central Victoria. Approximately \$3 million has been spent upgrading the Hamilton Highway and a further \$3 million has been spent upgrading the Omeo Highway so that people visiting the snowfields can be secure in the knowledge that the highway is a safe road to travel on. Approximately \$5 million has been spent upgrading the Sunraysia Highway, an important highway for the people of Mildura and those living along the River Murray.

The Great Ocean Road has been improved by the allocation of funds from the levy. It is one of the great tourists attractions of the state. Bus drivers have told me that when they take tourists around Victoria they are thrilled by the experience of driving down the Great Ocean Road. The last 20 kilometres of gravel road of the Great Alpine Road is being sealed with the works to be completed by 1998. That road is important in the transportation of people to the snow country. Part of the Bellarine Highway is being duplicated at a cost of \$2.3 million. I know the honourable members for Bellarine and Geelong are happy about that. The Bellarine Peninsula is extremely important for tourism and holiday makers.

The government has undertaken major bridge reconstruction works because poorly maintained bridges can be the cause of many accidents. The new

Hamilton Highway bridge is being built along the Hamilton Highway over the Woody Yaloak River at a cost of \$2.36 million. A new bridge is being built over the Thompson River to improve access to the old gold mining town of Walhalla. The Mount Buller Tourist Road is being upgraded to improve access and safety to the Alpine National Park at a cost of \$1.8 million. The Bendigo-Redesdale Road, which connects Bendigo to the fast growing township of Strathfieldsaye, is being duplicated at a cost of \$1.8 million. That road attracts a lot of tourist traffic and it makes good economic sense to upgrade it. A new bridge is being built over the Loddon River at Newbridge at a cost of more than \$2 million. The bridge is on the goldfields tourist route and the works will ensure that the route is safe for tourists and the local people who use the road.

I conclude by referring to the fantastic road strategies implemented by the government. Ports, airports and major roads will be linked. The Western Ring Road — which runs through Labor heartland — is a major road running from Broadmeadows to Laverton North and is of enormous benefit to the people who live in and around that area. It demonstrates that the government is not discriminating against electorates represented by members of the Labor Party.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.04 p.m.

The SPEAKER — Order! I remind honourable members that at 7.00 p.m. in the Legislative Council committee room the Chairman of the Parliament House Construction Authority will brief any member who wishes to be present and who wishes to ask questions about the progress of the Parliament House Construction Authority and the plans to decant Parliament House.

QUESTIONS WITHOUT NOTICE

Crime compensation: funding cuts

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to his confirmation yesterday that the government's goal is to cut government spending by a further \$600 million and I ask: is this the reason the government intends slashing compensation to the victims of crime? Will the Premier also explain why it is acceptable for a politician to receive a lump sum defamation

settlement of \$400 000 and spend that on home improvements while it is not acceptable for a victim of sexual abuse or vicious assault to receive a single cent for the pain and suffering experienced?

Mr KENNETT (Premier) — We are seeing yet another act of desperation by the poor Leader of the Opposition. If he is suggesting for one moment that I was the recipient of \$400 000 as the result of any legal action he is entirely, absolutely and totally wrong.

Mr Brumby interjected.

Mr KENNETT — No, but you are wrong. I am making the point that in his question the Leader of the Opposition referred to a member of Parliament receiving \$400 000. As he asked the question of me I thought by inference he was referring to me. If that is the allegation he is making — again I say it is a sign of desperation — I only wish I had received \$400 000 for any defamation I pursued. There is only one person in this place who may have to pay — not receive — more than \$400 000 and that is the shadow Minister for Transport who, in fact, could be up for \$30 million. If he gets out of it for \$400 000 he will be doing very well indeed!

Mr Hulls interjected.

Mr KENNETT — There is the other federal failure! There is no doubt about them! We have failure no. 1 at the table who is shortly to be replaced by failure no. 2. Failure no. 2 has been driving the ALP campaign during the past three years. We on the government side of the house are grateful for his contribution because our numbers after the last election were even better than they were before. Any time you want to join the party, Big Boy, just let us know!

Mr Hulls interjected.

Mr KENNETT — The honourable member asks how much I got. I am not sure what court case he is referring to as I have been involved in many!

Mr Hulls — There will be a few more, too!

Mr KENNETT — Here comes the new leader from the benches. He says there will be many more. There is only one Judas-like person in this house and that is the honourable member for Niddrie. He was given a job by the Leader of the Opposition on his personal staff. He was given a frontbench position.

The SPEAKER — Order!

Mr KENNETT — I am sorry, I might be out of order, you're right!

The SPEAKER — Order! The Premier is quite correct. He is out of order and I ask him to return to the question.

Mr KENNETT — I apologise. I was provoked. I have forgotten the question. What was the question?

The SPEAKER — Order! Is the Leader of the Opposition raising a point of order?

Mr Brumby — The Premier asked for the question to be repeated and I am happy to paraphrase it.

The SPEAKER — Order! This is the second question. You have asked your question and if you wish to ask a second question it will be the next round.

Mr Brumby — The Premier said he wanted the question repeated.

The SPEAKER — Order! You will have an opportunity in the next round to ask another question if you wish.

Mr Brumby — Will you instruct the Premier to answer the question?

The SPEAKER — Order! The Leader of the Opposition knows full well I cannot instruct the Premier how to answer a question. The Premier commenced answering the question but there were a considerable number of interjections from the opposition front bench. It is little wonder the Premier strayed from the question.

Mr Brumby interjected.

The SPEAKER — Order! The Leader of the Opposition will cease talking while the Chair is on his feet. If the Leader of the Opposition, the honourable member for Niddrie and others continue to interject it is little wonder the Premier has strayed from the question. It does not do anything for question time. I ask the Premier to come back to the original question.

Mr KENNETT — I thank my colleague for refreshing my memory on the question. The question has to do with the changes that have been

put through this place to assist the victims of crime. People can be victims in many ways: as the recipients of attacks, as the family of victims of attacks or as witnesses to attacks. In the past the government has provided a range of programs that allow people to secure what has been described as a form of compensation. It can be monetary compensation and in some cases it has been \$50 000 or \$60 000. Because abuses have been occurring in the system and because public money is involved we have decided to try to make sure the money is properly allocated so that if people fall into any one of those categories they do not suffer injury or pain.

Mr Brumby interjected.

The SPEAKER — Order! I should not have to continue to ask the Leader of the Opposition to cease interjecting. He should set an example to the other members of his party.

Mr KENNETT — The government is trying to make sure people who are injured or suffer trauma receive assistance in a way that will actually give them back their good health or, if they suffer psychological injury, that they receive psychological assistance. I think that is a good way to go. It is the way we work fundamentally with workers compensation and a whole range of other things. I do not know why the Leader of the Opposition asked this question, and I do not believe it is relevant but I refer to an advertisement on page 15 of the *Herald Sun* of 13 November:

Are you a crime victim?

Your right to compensation for pain and suffering may soon be removed by legislation.

Call Melanie Eagle now!

I do not know who Melanie Eagle is but it has been suggested to me that she might be closely related to a member of this house. I am not saying there is anything untoward about that. The Labor Party has consistently had double standards about things that matter such as workers compensation. When we started reforming workers compensation it was the Labor Party that screamed the most because its members and their associates were on the gravy train.

Now that we are making changes to ensure that public money is spent wisely and people who are injured or suffer emotional stress get professional assistance it is Labor Party members who scream. I

know why they scream. It is not because they want public moneys spent wisely or because they want these people assisted, it is because they and their kin actually work in that area of the law. There is record after record of it. Not only is the Labor Party guilty but the Leader of the Opposition fails in this place and outside to make any point whatsoever.

Taxis: safety standards

Mr ASHLEY (Bayswater) — Will the Premier inform the house of improvements made to passenger and driver safety standards in the taxi industry as a result of the initiatives taken by the government?

Mr KENNETT (Premier) — I refer firstly to the issue reported this morning in the *Herald Sun*. Everyone in the house would know that over the past three years the government and the industry have been working hard to reposition an important part of our public transport system. We have had incredible success in making sure that we get our taxidriviers into uniform, their cabs cleaned up and their livery changed. They are also being trained in a number of areas of public interest.

In 1994 we put into place an automatic recording system to allow people wanting to make complaints about the taxi system to register those complaints. In 1994-1995 approximately 500 complaints or comments were made. This year the number has been about the same. Some calls have been simply comments about the system and others have been complaining about some aspect of it. The taxi industry, the government and the public have embarked on a campaign to upgrade the standard of people involved in the taxi industry. In 1994 the directorate reviewed all the 14 000 taxidriviers in Melbourne and cancelled 300 licences because the individuals who held them had criminal records. Another 200 driver applications were refused because of something in their past which was not deemed appropriate to be part of the public transport system.

In 1994-95 there were 8 complaints of assaults of a sexual nature and in 1995-1996 there were 15. Each and every one of those complaints will be investigated fully and if there is any possibility that the events took place the individuals involved will be pursued in the normal way. To give members some idea of the way the public has reacted to the change in the system, I advise that although there have been 500 registrations of comments or complaints there have been only about 45 referrals to

the police by the public or the authority. In other words, a system that deals with about 45 million taxi trips a year has had only about 45 individual complaints lodged with the police.

Although this report has been used in an appeal process I believe the people who have used this information have obviously done it for their own self-interest. They are trying to secure specific licences for an all-female taxi service. A large number of females are currently members of various taxi companies. Some are taxidrivers and they provide a good service. We have expressed our opinion previously. Because of the make-up of the taxi industry we do not need a gender-specific taxi group because ultimately that will be discriminatory. On the other side of the coin with respect to the complaints we read about this morning I do not think anyone should underestimate that many of our taxidrivers are abused and misused by the public on a whole range of occasions.

Mr Baker — That is ridiculous. Give them a choice.

Mr KENNETT — They have a choice. There are 3500 taxis out there. Our taxidrivers are an important part of our public transport system. We are working closely with them and will continue to do so. In any group of 3500 people there will be one or two who give the industry a bad name, just as there will be one or two politicians who give our profession a bad name. Generally speaking the taxi industry is a fine industry. Its standards are improving dramatically and I have no doubt that ours will be the envy of other taxi industries throughout Australia. At the conclusion of this term of Parliament in three years our goal is that we will have the best taxi system in the world. I regret the inference that was made in the newspaper report today and the way the information was misused. It is a slur on taxidrivers and the industry. Given that they have in the past three years upgraded their standards they simply do not deserve to be treated in that way.

Schools: minister's comments

Mr MILDENHALL (Footscray) — I refer to the remarks of the Minister for Education on radio 3AW yesterday when he said:

If you make a comparison of Victoria versus New South Wales there's 500 less schools in New South Wales.

Is it not a fact that there are 480 more schools in New South Wales than Victoria and that the reason this incompetent minister has it so hopelessly wrong is that he has consumed too much Scotch, like the Scotch he drank when he stuffed up Victoria's industrial relations legislation?

The SPEAKER — Order! The latter part of the question is out of order; it contains an imputation. I suggest the honourable member deliver the Scotch to the Speaker's office.

Mr GUDE (Minister for Education) — I thank the honourable member for the question and the bottle of Scotch, and I hope there is not too big a hangover!

The remarks that I made on radio yesterday were as a consequence of advice that I received from the department. If the honourable member has different advice — and he obviously does, on the basis of the proposition that has been put before the house — I will raise the matter with the department and happily inform the honourable member.

Rail: Echuca Sprinter

Mr MAUGHAN (Rodney) — I preface my question to the Minister for Transport by complimenting him on introducing a new Sprinter service to Echuca. Will the minister advise the house of recent significant improvements to public transport in rural Victoria?

Mr BROWN (Minister for Transport) — I thank my colleague the member for Rodney for what is clearly an important question for the people of rural Victoria. I am delighted to respond to my colleague about the many recent and significant reforms and improvements that have taken place in rural transport in Victoria.

This superb state of ours has recently benefited from a major package of new rail services, and there is unprecedented support for the initiatives this government has recently implemented.

This is highlighted by one measure. In the 1995-96 financial year more than 7 million V/Line passengers were carried. A result of that size has not been achieved in more than 40 years in this state. People are flocking back to public transport, not just in the city of Melbourne but also in rural Victoria. This result can be attributed to the focus that this government has placed on good management practice and, more importantly, the needs of our important customers.

The signal of a profitable and well-managed business, particularly one operating transport services, is that it listens to its customers. That is something this government has been prepared to do, and it is responding over time by utilising the savings that have been made to improve the services that the Labor Party left in such a parlous state in rural Victoria.

As the member for Rodney indicated, among the many changes that have been made in rural Victoria for the first time in 17 years is that Echuca now has a weekend passenger train service. The new regular Sprinter train service is proving to be extremely popular in bringing visitors to Echuca and with family members, particularly students, wishing to return home for the weekend and then travel back to Melbourne. It has proven to be a real boon. In fact, my colleague has informed me just how widespread the support for the newly introduced service is and how much it has been supported in the local community.

We have recently made other changes. The second brand new service V/Line has introduced is a Sprinter service to Albury-Wodonga. There has been a similar outcome there. That service is being well supported by that community, and my colleagues in that area, particularly the member for Benambra, have likewise impressed upon me the enthusiastic support local commuters are giving the new service.

The introduction of those two services is an example of the excellent commitment we have to regional public transport. But the initiatives do not end there; the initiatives recently introduced and announced will cover areas such as Ballarat, Bendigo and Seymour, and more weekday services are also available for Ballarat and Kyneton residents.

Mr Hamilton — How about Gippsland?

Mr BROWN — As you are well aware, you were in attendance with me when I named the *Lionel Rose*, a very good Sprinter train to Gippsland — in fact, we took two new Sprinter trains to Gippsland. I received an enthusiastic welcome when I was there; it was a pleasure to be in that part of the world, which was, like so many other areas of the state, left for dead by the former Labor government.

An honourable member interjected.

Mr BROWN — Yes, I was there two weeks ago. I led a contingent of 612 cyclists, in the form of

Harley-Davidson motorbike owners, into town and received a very enthusiastic welcome.

An honourable member interjected.

Mr BROWN — I did get a standing ovation; I was rather surprised about the extent of the warmth of the welcome. It was pleasing to be back in that part of the world. A number of issues were raised with me.

We have also committed \$5.6 million to upgrade more than 80 country rail stations in the near future. Much is being done in Victoria to improve the pathetic public transport service this government inherited four years ago. The scores are on the board in Melbourne and the scores are now on the board in rural Victoria for all to see, and like in Melbourne, our commuters in the bush are voting with their feet by flocking back to public transport and using it regularly.

Hospitals: funding

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to the fact that the hospital annual reports, which were tabled yesterday in this place, reveal that the western network had an operating deficit of \$37.5 million and the southern network, a deficit of \$6.5 million — or in fact a \$22.2 million deficit, according to the Auditor-General's amended accounts. Will the Premier now exempt public hospitals from the Premier's goal of a further \$600 million in spending cuts, which he confirmed yesterday?

Mr KENNETT (Premier) — As I indicated to the honourable member yesterday, on one hand he wants tax cuts, yet on the other he does not want the government to make the savings to be able to pass the tax cuts on. You cannot have it both ways.

All I am asking for — and I think all the people of Victoria are asking for — is a bit of consistency from the opposition, on just one issue. There is no consistency in question time. I have said before that, unfortunately, it is boring, and obviously no work has been done on the questions. I can only say to the honourable member that we are committed to trying to deliver tax cuts before the end of this term. We hope they will certainly be in place in years three and four.

Mr Bracks interjected.

Mr KENNETT — The honourable member asked me, 'When is the election?'. I will tell you when the election will be. It will be the Saturday after the grand prix in the year 2000, if you want to make a note. You will have had three different leaders by then. We just want some consistency from you. You keep asking me when the election will be. I would not think you would want an election the way you are travelling at the moment.

We are trying to deliver tax reform, and we are trying to lower taxation levels. It requires us to generate the savings from our budget of about \$14 billion. In terms of the specifics of the honourable member's question about hospitals, I have not read the reports. He said they were handed down last night. I cannot comment on the figures.

Mr Brumby — There are huge deficits.

Mr KENNETT — Huge?

Mr Brumby interjected.

The SPEAKER — Order! Will the Leader of the Opposition cease interjecting across the table?

Mr KENNETT — It is so easy, Mr Speaker. It is like fishing here; I say something and he interjects.

Mr Brumby interjected.

Mr KENNETT — There you go again!

The SPEAKER — Order! The Premier will address the Chair; that might help, too.

Mr KENNETT — Mr Speaker, we will continue to manage this state to bring about the tax savings, the reduction in expenditure where we can to deliver tax cuts, and ultimately — —

Ms Garbutt interjected.

Mr KENNETT — What is it? Sherryl is awake. How are you, Sherryl?

Honourable members interjecting.

Mr KENNETT — It is always good, Mr Speaker. Hello, Sherryl, come on!

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

Mr KENNETT — Mr Speaker, I keep getting provoked. At least I remembered her name. You have to give me credit for that!

We will continue to try to make savings wherever we can in an appropriate way. We do not intend to put at risk the quality of services that are continuing to increase after the very responsible attitudes and actions of my ministers.

Disability services: adult

Mr TREASURE (Gippsland East) — I ask the Minister for Youth and Community Services to advise the house of the actions the government is taking to provide disabled adult students with more appropriate options.

Dr NAPTHINE (Minister for Youth and Community Services) — I thank the honourable member for Gippsland East for his question and his interest in people with disabilities. During our recent visit to Gippsland we looked at a number of the very good programs in operation in his electorate for people with intellectual and physical disabilities.

Currently in Victorian schools there are some 1270 adults with intellectual or physical disabilities — often they have dual disabilities. They attend schools run by the Department of Education either in the normal school system or as special schools or special developmental schools. The Minister for Education and I, together with these young people, their parents and carers and the wider community — and I include the opposition in that — recognise the need for these young people to be given more appropriate options in adult services that better suit their needs. I am pleased to say that the Minister for Education and I at lunchtime today were able to announce a new program entitled Future for Young Adults that will enable these young adults to have the adult options they deserve.

The government has committed \$17 million in recurrent funding to provide services for young adults and an additional \$10 million in capital and start-up costs to facilitate the program. The program must recognise the individual skills, abilities and needs of young adult persons. Indeed, I advise the house that we will treat each of them as an individual because we recognise that people with disabilities are individuals and no one size fits all in the services provided. We have recognised that. The former Minister for Community Services introduced programs such as Making a Difference, Options for Older Parents and One Hundred Places, each of

which put the person with the disability at the centre of the service. The service was designed specifically to meet the needs of individuals and their carers.

In consultation with the young person, with his or her family and with the school he or she is currently involved with we will develop specific programs for each of these individuals to ensure that the most appropriate adult option is available. The options may include a range of things such as post-secondary education. Many young people have the skills and ability to benefit from TAFE and other post-secondary courses. The Minister for Tertiary Education and Training has been well to the fore in including people with disabilities in his programs and has provided leadership across Australia in including people with disabilities in post-secondary education.

We have the option of providing further day programs, particularly for young adults with multiple disabilities or severe disabilities or challenging behaviour. We will also look at employment options, whether in the open work force or in the assisted employment work force. These young adults will truly be able to graduate from the school program instead of remaining in school well beyond the age of 18 or 19. Indeed, some of them are well over 21. They deserve adult options and we will provide adult options for them.

This is a wonderful initiative. The Minister for Education and I will be providing young people with services that meet their adult needs to help them graduate from their school lives and to be able to lead adult lives to the full.

ARTS INSTITUTIONS (AMENDMENT) BILL

Introduction and first reading

Mr KENNETT (Minister for the Arts) introduced a bill to amend the Libraries Act 1988, the Museums Act 1983, the National Gallery of Victoria Act 1966, the Ministry for the Arts Act 1972 and the Public Records Act 1973 and for other purposes.

Read first time.

COMMONWEALTH POWERS (INDUSTRIAL RELATIONS) BILL

Introduction and first reading

Mr KENNETT (Premier) introduced a bill to refer to the Parliament of the Commonwealth certain matters relating to industrial relations and for other purposes.

Read first time.

PLANNING AND ENVIRONMENT (PLANNING SCHEMES) BILL

Introduction and first reading

Mr MACLELLAN (Minister for Planning and Local Government) introduced a bill to amend the Planning and Environment Act 1987 in relation to planning schemes and for other purposes.

Read first time.

PARLIAMENT HOUSE COMPLETION AUTHORITY (AMENDMENT) BILL

Introduction and first reading

Mr MACLELLAN (Minister for Planning and Local Government) — I move:

That I have leave to bring in a bill to amend the Parliament House Completion Authority Act 1966 and for other purposes.

Ms GARBUTT (Bundoorra) — I wonder if I could request a brief explanation of that bill?

Mr MACLELLAN — The bill proposes to clarify the position regarding access to materials to complete Parliament House.

Motion agreed to.

Read first time.

CASINO (MANAGEMENT AGREEMENT) (AMENDMENT) BILL

Introduction and first reading

Mr MACLELLAN (Minister for Planning and Local Government) introduced a bill to amend the Casino (Management Agreement) Act 1993 and for other purposes.

Read first time.

MELBOURNE CONVENTION AND EXHIBITION TRUST BILL

Introduction and first reading

Mr REYNOLDS (Minister for Sport) introduced a bill to establish a Melbourne Convention and Exhibition Trust to manage convention and exhibition facilities and services and to carry out certain other functions, to abolish the Melbourne Exhibition Centre Trust, to repeal the Melbourne Exhibition Centre Act 1994 and for other purposes.

Read first time.

PIPELINES (AMENDMENT) BILL

Introduction and first reading

Mr McNAMARA (Minister for Agriculture and Resources) — I move:

That I have leave to bring in a bill to amend the Pipelines Act 1967 and for other purposes.

Mr LONEY (Geelong North) — Could I ask that the house be given a brief explanation of this bill?

Mr McNAMARA — The bill will enable a pipeline to be constructed from Longford in Gippsland to supply gas to Sydney.

Motion agreed to.

Read first time.

FISHERIES (AMENDMENT) BILL

Introduction and first reading

Mr McNAMARA (Minister for Agriculture and Resources) introduced a bill to amend the Fisheries Act 1968, the Fisheries Act 1995, to close the Port Phillip Bay scallop dredge fishery and for other purposes.

Read first time.

MAGISTRATES' COURT (AMENDMENT) BILL

Introduction and first reading

Mrs WADE (Attorney-General) introduced a bill to amend the Magistrates' Court Act 1989 and for other purposes.

Read first time.

QUEEN VICTORIA MARKET LANDS BILL

Introduction and first reading

Mrs TEHAN (Minister for Conservation and Land Management) introduced a bill to revoke the permanent reservations and Crown grants and provide for the surrender of certain land in relation to the Queen Victoria Market site, to provide for the granting of that land to the City of Melbourne, to repeal the Melbourne General Market Site Act 1877, the Melbourne Lands Exchange Act 1904 and the Melbourne General Market Lands Act 1917 and for other purposes.

Read first time.

LAND (FURTHER REVOCATION OF RESERVATIONS) BILL

Introduction and first reading

Mrs TEHAN (Minister for Conservation and Land Management) introduced a bill to revoke certain reservations over land at Carisbrook, Bullarto South and Burnley and to revoke certain Crown grants and for other purposes.

Read first time.

ENVIRONMENT PROTECTION (AMENDMENT) BILL

Introduction and first reading

Mrs TEHAN (Minister for Conservation and Land Management) introduced a bill to amend the Environment Protection Act 1970 and for other purposes.

Read first time.

ACCIDENT COMPENSATION (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr STOCKDALE (Treasurer) — I move:

That I have leave to bring in a bill to make further amendments to the Accident Compensation Act 1985 and the Accident Compensation (WorkCover Insurance) Act 1993 and certain other acts and for other purposes.

Mr MICALLEF (Springvale) — Will the Treasurer provide a brief explanation of the bill?

Mr STOCKDALE (Treasurer) (*By leave*) — The bill makes a number of amendments to the Workcover scheme, particularly to the operation of the medical ancillary costs provisions in relation to clarifying the level of cost recovery available for medical expenses; the powers of the minister in determining the conditions to be applied in the definition of 'serious injury' under the bill; and a number of other minor matters.

Motion agreed to.

Read first time.

CINEMEDIA CORPORATION BILL

Introduction and first reading

Mr STOCKDALE (Treasurer) introduced a bill to establish the Cinemedia Corporation, to repeal the Film Victoria Act 1981 and the State Film Centre of Victoria Council Act 1983 and for other purposes.

Read first time.

HEALTH ACTS (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 17 October; motion of Dr NAPTHINE (Minister for Youth and Community Services).

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

Mr THWAITES (Albert Park) — This bill allows the Kennett government to sell off our public

hospital system. Not only does it enable private operators to operate and build new public hospitals but it goes even further than that. In fact, the bill allows the government to hand over an existing public hospital to one of its mates, a private company that is in it for profit and not for patients. This bill is not about patients or caring for people; it is not about improving our health system or improving our hospitals — it is about profit.

I have no doubt the government will be the beneficiary of donations from these private operators, just as the former New South Wales Liberal government received donations from private hospital operators who were in the business of taking over government hospitals. That is what this bill is all about. I ask the Minister for Youth and Community Services to advise the house and thereby advise the public whether his party and his government are receiving donations from private hospital operators as an incentive for the government to go ahead with flogging off our public hospital system.

Economic rationalists have a view that health care is much the same as selling hamburgers or motor cars or the same as running a supermarket. That quintessential economic rationalist, the former head of the health department, Dr Paterson, said as much to leading administrators when speaking of the health system:

Within a short time the economics of the operations of public hospitals, individually and as a system, will become indistinguishable from that of Target, Safeway, General Motors-Holden or McDonalds.

In other words, Dr Paterson reckons that you run the health system in the same way you run McDonalds. An examination of the way the health system is being run now shows that is true. People are rammed through the system too quickly so the government can continue to make its budget cuts. The new system with private hospital operators will be even worse. Victoria is going down the American track of increased private involvement in our public hospital system. That has proved to be a disaster in the United States; it has been a disaster in other states where it has been tried, and it will be a disaster in Victoria.

I say to members on all sides of the house that despite the problems of our public hospital system, Australia as a whole has a reputation for having a high-quality, accessible and relatively cheap health system. We spend about half of what the

United States spends — on a GDP basis — on health care and yet, despite that high level of expenditure, some 40 million Americans are unable to afford hospital care. That is because America has a system dominated by profit; it is dominated too much by the interests of private companies and not dominated enough by the interests of patients.

There are losers in a private system, and they are inevitably the poor, the people who do not speak English, the old, the chronically ill and patients whose treatments are expensive and complex. All those people will be losers in this government's privatisation proposal for hospitals.

I commence by summarising the key objections the opposition has to the privatisation of our hospitals. First, privatisation will lead to a loss of equity and a lowering of access to high-quality health services; second, it will lead to a loss of public control over hospital facilities; third, it will lead to a loss of control over future health planning; and fourth, privatisation will lead to greater health costs for the community. Those problems — the reduced access and equity, the loss of public control over health planning and greater health costs — are all evident in the United States. Similarly, they are all evident in other places around the world where privatisation of health care has been tried. One sorry example is the Port Macquarie hospital in New South Wales. The Port Macquarie hospital costs the taxpayer 30 per cent more than a comparative public hospital. The former liberal government in New South Wales not only entered a contract to pay a private operator 30 per cent more, but also entered a contract which cost the New South Wales public something like \$140 million to build a hospital that should have cost \$56 million. It gets even worse than that. Having paid the \$140 million you would expect the New South Wales taxpayer would at least get a hospital for all that money, but it did not, because under that magical privatisation deal, the hospital reverted to the private operator.

The New South Wales Auditor-General said of that Sale of the Century deal with respect to the Port Macquarie hospital that the New South Wales taxpayer was effectively paying for the hospital twice and then giving it away. That is the sort of thing we will see in Victoria with this legislation. There are no safeguards in the legislation. It is open-slasher legislation. There are no limits on what the government can do under this legislation. This legislation is the blank cheque that allows this government to enter contracts with private operators

to build, own and operate our public hospital system for 20 or 30 years hence.

Mr Doyle — You have to read the contract.

Mr THWAITES — The parliamentary secretary interjects 'You have to read the contract at the same time'. I would love to do that but his government will not let us read the contracts. He has put his foot in it — this stupid parliamentary secretary, who is now going red with embarrassment because he has just let the cat out of the bag. He said we should read the contract; I take up that offer and I now call upon the parliamentary secretary to table it.

The SPEAKER — Order! Would the honourable member for Malvern cease interjecting; he seems to have caused a deal of excitement by his interjections.

Mr THWAITES — I call upon the parliamentary secretary to table the contract he said I should read. That is one of the huge problems with the privatisation process — it is conducted in secrecy. It is another cover-up by this government. We will reach a situation as in New South Wales where the minister is not even allowed to publicly say what is in his contract for the Port Macquarie hospital. Mr Acting Speaker, or Madam Acting Speaker, we are sort of halfway in between — —

Honourable members interjecting.

The ACTING SPEAKER (Mrs Peulich) — Order! I missed that one, would you care to repeat it?

Mr THWAITES — There was no reflection intended on the Acting Speaker. The statement was meant to be a reflection on the chronology of time in the arrangement between the Speaker and the Acting Speaker, because neither were in the chair at the time. Mr Acting Speaker — —

The ACTING SPEAKER (Mrs Peulich) — Order!

Mr THWAITES — Madam Acting Speaker — I am completely destroyed! The problem that the opposition and the public have in making any real analysis of whether privatisation of hospitals in Victoria will be as disastrous as it has been in New South Wales is that this government will not release the details of the contracts or tenders. Indeed, the Save the Moe hospital group unsuccessfully sought details of the brief. The parliamentary secretary says these are disinterested bystanders; of course these people have an interest because it is their hospital

that is being closed and being replaced by a private operator.

I am not necessarily going to get into the arguments at this stage in favour of the hospitals, I will just talk about one issue to begin with — and that is the issue of public disclosure and transparency. The word 'transparency' is used by the government. It boasts about being so transparent, but when it comes to its secret deals with private operators to privatise our public hospitals, it is not transparent, it is not even opaque. There is nothing you can see about these contracts because they continue to be covered up.

I am pleased the parliamentary secretary has indicated today by implication that he will allow us to see the contracts, because without seeing the contracts, we can only presume that it is the same sort of rotten deal that was done in New South Wales. I shall quote from the New South Wales Auditor-General's report on this rotten privatisation deal in New South Wales. The Auditor-General said:

... in the case of the Port Macquarie Base Hospital, the government agrees to pass over the hospital and hospital land ... to the private sector, after the government has paid out the financiers in 20 years time. This inexplicable grant is additional to the significant fees paid by the government for the private sector-provided hospital services. The government is, in effect, paying for the hospital twice and giving it away.

The former liberal government in New South Wales flogged off a public hospital, gave it away, paid \$150 million for a \$50 million hospital, paid 30 per cent more every year for the recurrent patient services, and then at the end of the day got nothing at all. Is this the sort of deal we are going to get in Victoria? We do not know. We are not to be told.

I ask the secretary when he is tabling the contract to indicate what fee the government of Victoria will pay to the private operator of the Latrobe Regional Hospital. I ask the parliamentary secretary to take up this important issue in his speech. It is very simple — what fee will the private operator of the Latrobe Regional Hospital be paid for providing hospital services to the public hospital patients, because this government is very keen on arguing that the cost of private-enterprise service by private providers is cheaper than the amount the government would pay if the service were provided by the government sector.

The latest figures from the Australian Institute of Health and Welfare reveal that the daily cost of a public sector hospital bed was \$453, for the private sector, \$475. The private hospital is about \$22 a day more expensive than the public hospital. That result will be replicated not only at Latrobe, but all over Victoria when the government privatises our public hospitals. We will see more costs, for the simple reason that money has to go into the profits of the private companies that run hospitals. Many of the private companies are not even Australian owned or Australian run. The decisions about health care in Victoria, about what is best for patients, will not be made by the government, they will not be made by the local community — they will be made by shareholders overseas.

The basis on which the decision will be made is the profit interest of those private companies. When you are running a hamburger shop or a used car yard it makes sense to have market-based systems, but not with the hospital system. The reason it does not make sense is that public control over the public health system has led to two things: the capping of costs and the general view that everyone should have access to a hospital. That is the basic Medicare principle — that there ought to be universal and free access to our public hospital systems.

The government says, of course, that the Medicare principles are embodied in the legislation. How secure are those principles? They are only as secure as the Howard Liberal government's desire to maintain Medicare. There is no more reason for us to rely on the Howard government maintaining Medicare than we could rely on the Fraser government maintaining Medibank, as it then was.

For years Mr Howard has hated the idea of Medicare. He wanted to get rid of it in 1987, 1989, 1990 and every other year up until late last year when, approaching the federal election, he suddenly underwent a transformation; a magical transformation on the road to Damascus! However, it was not the road to Damascus, it was the road to Canberra. John Howard knew that to get to Canberra he had to lie to the Australian people and fool them into believing that a federal Liberal government would continue to support Medicare when we know it will not. It will do exactly what the Fraser government did — chip away at Medibank until there is nothing left and the principles are destroyed.

In 1976 the Fraser government started chipping away at Medibank despite its promise to retain the

system. In May 1978 Medibank Mark III abolished bulk billing except for pensioners. It also dropped certain benefits and made other cuts to Medibank. In November 1978 Medibank Mark IV evolved. Hospital fees were charged for uninsured people and further cuts were made. In September 1979 Medibank Mark V evolved, which made further cuts to the system. Finally, in 1981 under the then federal health minister, the Honourable Michael McKellar, the user-pays principle was adopted resulting in 2 million people not classed as poor or disadvantaged going without any kind of hospital or medical cover.

What we saw under the Fraser government is exactly what will happen under the Howard government — a gradual chipping away at the principles of Medicare. The first way that is done is by cutting government expenditure to Medicare, government support for the free universal health system. The Howard government has already done that. In the last budget it cut some \$75 million a year from the public hospital system budget, on top of the cuts to the financial assistance grants. Victoria is suffering cuts of some \$80 million to its public hospital system as a result of the Howard government action.

The next step the federal government has taken, which threatens Medicare, is to cut back funding for certain medical procedures. For example, the federal government has cut back funding for psychiatric services and placed limits on the number of psychiatric visits. I am sure we will see further cuts in next year's budget. No doubt by the time of the next federal election, despite the protestations of the government that Medicare is still around, the government will introduce means testing fees in public hospitals. We will end up with exactly the same situation that the Hawke Labor government found on its election — a United States system where millions of people did not have access to proper public health care.

This privatisation legislation, linked to what the Howard government is doing to Medicare, will mean we are going down the American path. We are choosing in Victoria the American path to health care.

Just two years ago the United States President, Bill Clinton, and his wife did everything they could to fix up the shocking system of health care in the United States. On 25 July 1993 an editorial in the *New York Times* stated:

A memo to Hilary: take a look at the Australian health care system. Australia is a softer place than America and there are a lot of reasons for that. One of them I'm convinced is the absence of that fear: what happens if I get sick? Australia's solution seems so simple. If they can do it, why can't we?

The *New York Times* was of the view that the Australian system, based on a strong public health system, was a lot better than the United States style. It is a rare thing for a *New York Times* editorial to even mention Australia, but I would not be surprised if Australia gets another mention in the *New York Times* when it hears of this legislation. It would throw up its hands in horror and ask us why we are going down the same disastrous track they went down in the United States. It is a track where health care is not available to millions of people, and where costs are higher and public control over health planning is minimal. That is just what we do not want. We want the public involved in planning our health system. That way we get not just community involvement, but public support for the health system, rather than have it run by companies that may be foreign owned.

The legislation is going down the wrong track, the American track, when instead we should go down the track of a strong public health system with sufficient resources to ensure there are enough beds and enough staff to treat patients properly.

The current legislation gives the Minister for Health and his department considerable power to intervene in the management of public hospitals so that the government can maintain its proper role in managing public hospitals. Indeed, the Health Services Act provides for the secretary of the department to give instructions to hospitals about the number of patients they treat, the type of patients treated, the sort of health care provided in the hospital system and the way hospitals can better coordinate and cooperate with each other. That will all go out the window. Under the proposed legislation, once the contract is signed the government loses its right to intervene or have some control over health planning for that hospital and that region.

The bill contains a provision that allows the minister to appoint an administrator if it is necessary to do so for the protection of the health and safety of the public hospital patients. That is an extremely limited power. It will be difficult for a minister to ever establish that intervention is necessary for the protection of the health or safety of public hospital

patients. We will have to have patients dying or being seriously ill as a result of the actions of the private operator. That power is far more limited than the current power, which allows the minister to intervene in a public hospital and appoint an administrator if it is inefficiently or incompetently managed, if it has failed to provide an effective health service or comply with a direction of the department.

That broad power is very important because it allows the public and the government to retain control over what goes on in our public hospitals. Once a contract is signed with a private operator we are stuck with it!

In many cases health needs and policies change. It may be that at an election the public in a particular area want a say in how their health care services are delivered, such as in the electorate of Essendon, which is losing its public hospital, or the electorate of Narracan, where two public hospitals are being replaced with one privatised version. In the electorate of Bentleigh cutbacks have been made to the accident and emergency service at the Moorabbin hospital. Those are issues the public might want to have a say on at an election, but this legislation sets up a contractual system whereby the public effectively loses its right to have a say.

Once the 20-year contract is signed the view of the public is irrelevant. The future health care arrangements are defined by the terms of the contract and if the public wants to reinstate the accident and emergency centre at the Moorabbin hospital, for example, by making it an issue at an election it will not be possible unless it is included in the contract. The private operator can simply say that it has a contract and it is sticking to it. It is only if the private operator agrees to change the contract that the public will have a say in the health care services it wants. That is a fundamental change to the way we do things and it is anti-democratic. It means the government will be tying the hands of future governments by setting up 20-year contracts which will limit and define health services through five or six elections.

That situation is made even worse because under the privatised system the situation will not be adjusted until the next contract is agreed to, 20 years hence. These contracts will tie the hands of future governments for 20 years. The case is even worse with the Latrobe Regional Hospital where a private operator is being given a monopoly. It is not as though there is any real market or competition. If

you are a public patient living in Moe or Traralgon there is only one place you can go under the privatised system and that is the privately operated Latrobe Regional Hospital.

Arguments have been put about competition and the market, but I do not believe they apply to the public health care system. Even if they do that is not what we are getting from this government; we are getting private monopolies in health care, which is totally inappropriate. The legislation enables the minister to hand over an existing public hospital to a private operator, which is the proposal for the Latrobe Regional Hospital. On 2 October the president of the board of management of that hospital issued a memorandum to staff raising her concerns about the proposal to hand over the existing hospitals at Moe and Traralgon to a private operator. She says their concerns are:

... the total loss of community input into the management of LRH;

the lack of consultation with the existing board and the community in the process of appointment of transitional management and changes to the board's role and functions;

the possible changes to service-delivery levels across the two campuses under a private management arrangement;

public reaction to the proposed change in management of the hospital and the effect this may have on the future viability of the new LRH.

It comes down to a properly elected or appointed body being replaced by a private company that is answerable to no-one except its shareholders.

The Latrobe region has had it tough as a result of government actions and no other area has had it tougher with regard to health care. The government has run down the Latrobe Regional Hospital campuses at Moe and Traralgon as a precursor to privatisation. If you destroy an existing institution and make it difficult for people to participate a privatised replacement will not seem so bad. That is exactly what is happening, and if I were a citizen living around the Angliss or Maroondah hospitals I would be nervous. If the government treats those hospitals as it has treated the Latrobe Regional Hospital the people in the outer east areas of Melbourne will also get a raw deal on health.

The people of the Latrobe Valley have seen the number of government-paid staff slashed from 883 in 1992 to 540 in 1995, and the numbers are still reducing. That is a reduction of more than 300. The intensive care unit and more recently the high dependency unit have been lost. Service after service has been cut while the government spends money not on the hospital but on public relations. The government appears to be happy to spend an absolute poulitice on advertisements in which it extols the so-called virtues of privatisation while cutting back on basic health services!

The citizens of the Latrobe Valley are getting a raw deal. They are being forced into using a privatised hospital over which they have no say or power. The groups and the people who have complained have been treated with contempt. The government refuses to give them any sort of realistic information about the services they will get. Like me, the poor people of the Latrobe Valley are waiting for the speech by the honourable member for Malvern in which he will reveal all! We are waiting to hear — for the first time — how much it will cost the taxpayers, what the terms of the contract are and what specific services will be provided at the hospital.

The honourable member for Morwell — I know of no better local member more concerned about health care — does not know. He has not been told how many beds there will be in the region. He has been treated with the same contempt with which the government has treated the rest of the community.

The rest of the community was lied to by the former member for Narracan and the former minister. The former member for Narracan was a Speaker of the house and, although he was an esteemed Speaker, he was not much of a local member. He guaranteed in writing to the people in his electorate that their hospital would not be closed. The previous minister is now the much-regarded Minister for Koalas who was described by 3AW host Neil Mitchell as doing for koalas what she did for hospital trolleys. Look out, koalas!

Dr Napthine interjected.

Mr THWAITES — The minister chattering on the other side knows nothing about his portfolio. He just mentioned the ALP candidate Brendan Jenkins. The candidate for Narracan did better than just about any other candidate in the region and that was directly attributable to the fact that the electors were not satisfied with what they were getting with a privatised hospital. Just as the public and the

opposition were not told the truth about the hospital, the ALP candidate was never told what was in the contract or the tender — that is, apart from the expensive public relations gloss. Perhaps if the candidate had been informed he may have received the few extra votes he needed to win the seat.

The bill allows for transitional management agreements. It allows a minister to enter an agreement with a private hospital operator to take over the management of a specified public hospital. In those circumstances the existing board is sacked and the private company takes over. One interesting provision is that the public hospital may be closed at the expiry of the transitional management agreement. It may be that that provision is inserted to enable the government to avoid the normal procedures that apply when a hospital is to be closed. This may be a backdoor way not only of privatising hospitals but also of closing them.

My major concern with the transitional management agreements is twofold — firstly, there is the general philosophy that they allow the handing over of existing public hospitals to private operators but, more importantly, they have no time limit. That means that one of these agreements could be entered into for 5 or 10 years. There is nothing to stop the government handing over the operations of, say, the Angliss or Maroondah hospitals to a private company for 5 or 10 years simply on the basis that it intends privatising the Knox hospital at some time in the future.

There is a loophole in the bill because there is no real discipline over the private operator. The only way the government can intervene is if the health and safety of patients is at risk because of the operations of the private operator. Supposing, like the Onelink ticketing fiasco, a private hospital operator is not ready on time. Supposing the Knox hospital has a private operator who, instead of delivering in the year 2000, goes broke or creates delays and is unable to deliver until 2005 or 2010. Under this faulty bill the private operator would be running the Angliss or Maroondah hospitals for 5 or 10 years and there would be no way the minister could intervene and sack the private operator unless the minister could show that somehow the health of patients was at risk. The likelihood is that a case would be almost impossible to prove. In a sense the private operators would be there for 5 or 10 years without any proper public control.

That is yet another problem with the bill and it shows the danger of privatising health services. If a government agency or a bureaucracy is running a hospital and stuffs up, those responsible can be sacked. Likewise voters can say they believe the government's management is inappropriate, that it has stuffed up and therefore vote it out of office. That does not apply in the private sector. Once the contract is signed the private operator is able to enjoy the benefits of that contract for its full length, whether it be 20 or 30 years, so the public loses control over health facilities and in the long run the patients are the losers.

Although a provision in the bill applies the freedom of information and Ombudsman acts to private contractors, it is limited. It applies only to contractors who are providing services to public hospital patients. The safeguards of freedom of information and the Ombudsman do not apply unless the private hospital is actually providing services to public hospital patients. That means it is a fairly limited protection and the far preferable approach would be to apply the freedom of information and Ombudsman acts in a blanket way to those operations and not limit their application simply to the provision of services to public hospital patients.

The bill contains a number of other less controversial provisions. Part 6 contains amendments to the Health Services Act which enable board members of non-metropolitan hospitals to be paid for holding office. That is a similar provision to that which applies in metropolitan hospitals. Although it seems somewhat unclear as to which board members will be paid and which will not, the opposition has no objection. I should be concerned if there were any inequity so that certain board members receive pay from the government and others do not.

Mr Cameron interjected.

Mr THWAITES — The honourable member for Bendigo West says it could depend on whether the particular director has some sort of connection with an unnamed political party. All I can say is that a number of directors or board members of hospitals could have connections with that unnamed political party or with members of that party while other ticket-holders in other unnamed parties are no longer able to make that sort of contribution.

The bill also amends the Drugs, Poisons and Controlled Substances Act and enables the poisons code to be amended to ensure consistency with

commonwealth standards. It also updates the structure and functions of the Poisons Advisory Committee, and the opposition has no problem with that. The bill makes a number of amendments to the Pharmacists Act, the Cemeteries Act and minor amendments to the Mental Health Act.

In conclusion, I indicate that this bill establishes the framework for privatisation of public hospital services in Victoria. The New South Wales experience with the Port Macquarie hospital is that that privatised hospital has cost the taxpayer 30 per cent more than a comparative public hospital. That arrangement has been severely criticised by the New South Wales Auditor-General.

In the United States, where there is a high proportion of private involvement in hospital care, costs are the highest in the world, while some 40 million Americans effectively have little or no access to health care.

Privatisation of our hospitals will mean losing equity of access to high-quality health services; it will mean losing public control over hospital facilities; it will mean losing public control over health planning; and finally, it will mean greater health costs to the community.

For all those reasons the opposition opposes this legislation — it takes Victoria down the American path, it takes Victoria down the path of expensive health care, and it takes Victoria down the path where private profits are put before the interests of patients.

Mrs SHARDEY (Caulfield) — It gives me great pleasure to support the Health Acts (Further Amendment) Bill. I know how much the opposition was looking forward to hearing from the parliamentary secretary. I am sure he will address the house at a later time.

This bill addresses administrative and clerical shortcomings in a number of health acts. However, its most significant feature is the facilitation and involvement of the private sector in the provision and administration of public hospitals and health.

The bill follows the most comprehensive upgrading ever undertaken of Melbourne's public hospital system in the form of the Metropolitan Health Care Services Plan. The plan will lead to a more even distribution of health care facilities and improve the efficient allocation of resources across the state.

The bill makes a series of amendments, which I believe are vital to the future of Victoria's public hospital system. They particularly open the way for the private sector to play a responsible and important role in the provision of health services throughout the state and improve the efficiency and quality of services in the Victorian health system for the future.

This legislation reflects the development of and growth in partnerships between the health care networks, public hospitals and the private sector aimed at promoting efficiency and the enhancement of all medical services. The framework will reinforce the commitment of the government to the national competition policy, notably the principle of competitive neutrality in the provision of goods and services. The involvement of the private sector will lead to substantial public benefits through cost efficiency, improved services and greater financial responsibility.

The government has at every stage considered the need to safeguard the health and safety of patients in privately run public hospitals. To this end, a number of amendments have been made, which will maintain the public's faith in the future of Victoria's hospital and health system.

Firstly, the minister, the Secretary to the Department of Human Services and an appointed administrator will have free access to such hospitals and documents relating to the services being provided, thus requiring and ensuring full accountability.

Secondly, the minister will also be able to intervene in the hospital's management if it is deemed necessary for the protection of public hospital patients. I am sure we appreciate, although the opposition does not seem to appreciate, that this is a worthwhile amendment.

Thirdly, the minister can enter into contracts for the provision of private management services at public hospitals where, in the future, it is intended that services will be provided by a privately operated hospital. These contracts will facilitate the transition of hospital services into privately operated hands.

Hospitals subject to these transition agreements are also subject to ministerial intervention — and that is an important aspect. Once agreements have been reached, the board of management of the existing hospitals will no longer be necessary, as management will be provided by a private contractor.

I read with some amusement in yesterday's *Age* — and of course we have heard it today as well — the member for Albert Park's what I call somewhat bizarre interpretation of these arrangements, arrangements which probably to a rational individual would appear responsible and reasonable. Furthermore, the opposition continues its blinkered approach to the private sector.

This government has introduced the bill with a clear understanding that wholly publicly provided services are seldom the most efficient or effective method of providing health services. Perhaps I should also remind the opposition that when in government it entered into contracts with the St Vincent's and Werribee hospitals in a not-too-dissimilar fashion.

Indeed the private sector will, and does, play a significant role in delivering not only clinical services, but also managerial and administrative support for the benefit of all Victorians. It will further support the comprehensive network plans the government has committed \$900 million to. The provision of new hospitals, service providers and community care centres will ensure the maintenance of and improvement to metropolitan health care.

In my own electorate of Caulfield the government has made a commitment to retain and enhance the role of the Caulfield General Medical Centre as an aged care, rehabilitation and extended care hub for the inner east. This focus is very much in keeping with and recognises the needs of the Caulfield electorate, particularly the elderly people in my electorate, of whom there are many.

The amendments to the Health Services Act 1988 will allow board members of non-public hospitals to be paid. This is a discretionary power that seeks to recognise the important issues that non-metropolitan hospitals face and the need to recognise the skills board members need, which are necessary to develop the quality of hospital services all Victorians are entitled to expect.

Further, this bill will improve the regulation and monitoring of supported registered residential services through amendments, which will mean that stricter penalties will be applied to ensure the provision of appropriate health care and the financial responsibility of directors. These safeguards will ensure the highest levels of accountability and the maintenance of community trust in residential services.

This bill also makes a number of minor amendments to other acts which, in a responsible way, seek to simplify administrative issues.

The amendments to the Cancer Act 1958 merely allow the Anti-Cancer Council of Victoria to hold its general meeting in April on a calendar rather than a financial year basis.

The Drugs, Poisons and Controlled Substances Act 1981 will be modernised, as will the structure of the Poisons Advisory Committee, under further amendments. This will ensure that Victoria will maintain consistency with the commonwealth's standard on the scheduling of drugs and poisons, which are often subject to change.

The amendments to the Pharmacists Act 1974 and Cemeteries Act 1958 are essentially legal clarifications of definitions.

In summary, the Health Acts (Further Amendment) Bill makes way for a new era in public health to proceed. The benefits to the community of a competitive health sector will be delivered via increased and superior services and efficiency.

The government, through this legislation, has made substantial commitments to ensuring the accountability of public hospitals operated by the private sector, both now and in the future. It has committed itself to ensuring these benefits will be delivered.

Mr HAMILTON (Morwell) — This is an auspicious day for the Parliament. We wondered how long it would be before we saw one of these contracts between private operators and the public. It is great to see that the parliamentary secretary has given us that guarantee. We rejoice. I can assure the house that the community of the Latrobe Valley will rejoice because they have been trying to get a look at the contract. In fact, we would have liked to have seen the expression-of-interest document long before it was finalised and made public. This is a truly great day.

I would like to respond to some of the remarks made by the honourable member for Caulfield. I would not be so rude as to say she needs a new speech writer. However, what we heard in her presentation to the house was that the public hospital system in Melbourne has been reorganised, restructured or whatever other 're' one likes to use. The logical question, given this government's absolute ideology of privatising everything, is: is this fattening up the

calf for the feast so that the private sector can move in and take over the Melbourne hospital system?

One of the strongest arguments against the privatisation of essential services like public hospitals, power stations and prisons is that very clearly and simply privatisation is a way of public money being put into private pockets. If it thinks people cannot see through it, the government either assumes that the privateers are stupid or that the rest of the community is stupid. The private sector is not Father Christmas. Most of us stopped believing in him many years ago — although the thought should remain.

Private companies are going to be run for a profit. That is their duty to their shareholders. We all accept that. It is absolutely outrageous and unacceptable when a government takes taxpayers' money and uses it not to provide a service but to make some profit. We are told it will improve efficiency and allow better quality control. Surely those qualities are the responsibility of management. This government is saying, 'We throw our hands in the air. We cannot manage it. We have to get out because we cannot manage it'. If the government cannot control costs, if it cannot show financial responsibility, in the words of the honourable member for Caulfield, what is it doing in government? Is it fair to take taxpayers' money and put it in the privateers' pockets?

Mr Thwaites — It is the other way around: they are taking the privateers' money and putting it in their pockets.

Mr HAMILTON — The converse may well be true, as the shadow minister remarks. Government members are incessantly putting up this defence of the indefensible. I have heard the parliamentary secretary, the honourable member for Malvern, go through the litany of public relations bums that was presented to him. The sad thing is that the honourable member for Caulfield and the honourable member for Malvern seem to believe it. It is a sad commentary on those members when they start believing what the public relations people tell them. It is as dangerous as believing one's own publicity.

We talk about 1984, but what is happening in this wonderful new world? What is happening is that the community is being frozen out of areas where people have a legitimate and, I believe, absolute right to be involved. Not only is the community being frozen out with this absolutely ridiculous

proposal in my part of the world, but the government is getting out. The government is saying the consultant it employed to prepare the contract and deliver the signatures on the contract is more responsible than the government itself. The consultant knows more about it. This insane belief in the value of consultants is something of which we all ought to be wary, because there has never yet been a consultant who has remained in his position who has not given his employer — in this case the government — the answer the employer wanted. If consultants do not give the answer that is required, they are sacked.

Examples of that were referred to yesterday when we were dealing with the electricity industry. In that case a consultant came up with a report that said, 'Don't privatise the Gas and Fuel. There is no sense in it'. Did the government take notice of that consultant? No! The government sacked the consultant. It was a case of shoot the messenger.

I want to deal with the privatisation of the Latrobe Regional Hospital. I guess the first question one has to ask is whether it is going to retain that name once the privateers get on to it. There has been a litany of complaints as the hospital has been downgraded. My office — and I know for sure the office of my parliamentary colleague in another place, Peter Hall — has been flooded with complaints from people about the lack of service. We could go through the complaints chapter and verse, but I will give just a couple of examples.

A while ago one of my constituents who lives on a farm happened to fall into a large hole and damage his chest. It was a very serious chest injury. The local Traralgon hospital was rung but my constituent was told, 'Oh no, we can't take this. We don't have any intensive care. Our accident emergency is closed. Ring up Sale'. In the middle of the night this gentleman and his elderly wife had to get into their motor car and travel to Sale. They could not get an ambulance. This occurred at 2.00 a.m.

A woman in my electorate suffered an absolutely horrific hernia. The hernia was infected and it burst at night. She was taken to the local hospital, the hernia was treated and she was sent home some 2 hours later. Two hours after that the hernia burst again and she was again taken to the hospital. In fact, that happened four times within a 24-hour period; she was in and out of hospital. It was worse than the prostitute's pants. It was absolutely disgusting.

That is not an isolated complaint. That is the sort of thing that is going on day and night down in my part of the world. Last week a woman who lived 200 metres from the Moe campus of the hospital had a suspected heart attack. She rang the hospital and was told, 'We can't deal with you. Our intensive care unit is down at Warragul'. She is an elderly woman who lives 200 yards away from the hospital, she had a suspected heart attack and she could not even get into the hospital. What this government has done to the services of the Latrobe Regional Hospital is an absolute sacrilege.

An honourable member for Gippsland Province and the parliamentary secretary for health, the honourable member for Malvern, get up and say, 'It is not so bad. We have private hospitals. We have St Vincent's Hospital'. St Vincent's is a private hospital run by the Sisters of Charity. The Sisters of Charity were bidders for the contract for the Latrobe Regional Hospital. What happened? The Sisters of Charity did not get the contract. Why? That question needs to be asked because it needs to be answered. In fact, the Sisters of Charity were the frontrunners for the contract for the hospital in the Latrobe Valley; all the information pointed to that. It would have been some solace to an honourable member for Gippsland Province in the other place if the Sisters of Charity had won the contract, but they made a big mistake that proved to be fatal — they protested when the government said it would close St Vincent's Hospital and move it to the outer eastern suburbs of Melbourne. They not only protested but they took on the government and won, so they were punished. There was then a request for the other bidders to resubmit their bids.

Dr Napthine interjected.

Mr HAMILTON — The minister says, 'What rubbish!' The story will eventually come out because there is far too much information around for it to be concealed. We are told the Sisters of Charity did not lose the contract because they complained about St Vincent's. Let us get it out in the open and the story will be revealed regardless of how much one protests.

There is no doubt that the Latrobe Regional Hospital has been deliberately run-down. Recently the Australian Nursing Federation conducted an analysis of the budget provided to the Geelong Hospital compared with the budget of the Latrobe Regional Hospital. I think the expenditure was around about \$472 per patient at the Geelong Hospital compared with \$280 per patient at the

Latrobe hospital. Those figures do not lie. They reveal very clearly and starkly that the government has deliberately defunded the Latrobe Regional Hospital, and one must ask why.

An examination of the latest budget papers reveals that the funding for the Ballarat Base Hospital, the Bendigo Hospital and the Geelong Hospital continues to pour in for both capital works and recurrent expenditure, yet there has been an absolute abrogation of any responsibility whatsoever to the Latrobe Regional Hospital.

The government has run it down in the hope that the Latrobe Valley community will say, 'Well, we have nothing. Whatever we get in replacement has to be better'. Let me tell the house that that has not washed with my community. It remains as strongly opposed to the privatisation of its public hospital as it was from day one. It is opposed to the privatisation of its public hospital, which could be listed in the Latrobe Valley as one of the three Ps — power stations, prisons, and now the public hospital. The three Ps was a proscribed organisation when I was growing up, and it should still be proscribed.

One might ask why we do not even have a BOOT project in this case. The City Link is a BOOT project: the private sector will build, own, operate and transfer it back after the period of the contract. In this case we have a boo project; if members come down to the Latrobe Valley they will hear plenty of people supporting that, too. If they had been there last Thursday they would have heard the boos at the community protest. There will be no transfer in this case, so at the end not only will we have financed, built and run the hospital, but we will be giving it back to the private sector to do with it what it likes. One might ask why we would end up with that sort of contract were there not something highly suspicious and alarming about it.

We must not let the day pass without commenting on the crisis that currently exists. Tomorrow the Minister for Health in another place will receive a delegation of representatives of a whole range of Latrobe Valley unions, including power unions, to discuss what is an absolute crisis. We have no intensive care or high-dependency unit at the Moe hospital and accident emergency services are an absolute disgrace.

Just last week an accident emergency occurred in the Moe area but the patient could not be admitted to the hospital because there were no beds. The previous patient had been put in the hospital's

operating theatre. The operating theatre is now being filled up with accident emergency patients. Goodness knows what will happen if we want to use the operating theatre! Despite that, the disciples of the government are going down there and saying there is nothing wrong and everything is under control. If everything is under control why do we keep getting these reports — and the reports have been duly sent off to the minister — until at last the community becomes frustrated?

Last Thursday was a day of action in the Latrobe Valley when health workers, teachers and community workers took some time off work to protest. They lost pay to do it, and you do not do that unless you are concerned. The power unions said they would cut down the power in the state if this is not fixed within 14 days, hence the deputation to the minister tomorrow. Let me tell the house and the minister quite clearly that unless proper and adequate accident emergency, high-dependency and intensive-care services are installed at the Latrobe Regional Hospital there will be serious power reductions in Victoria.

Of course, such action will hurt the power workers because they will lose pay as a result of their strike action. Honourable members should note that in this case the power workers are taking action on behalf of the whole community. It is not only power workers who sustain injuries; there are road accidents, people have heart attacks and all sorts of illnesses, children are hurt at school and buses have accidents as well. That is why the community is taking action. That will not do the Latrobe Valley's reputation any good at all because it will be regarded as an area of industrial unrest, but the level of power restrictions being talked about will hurt every industry as well as public transport in Melbourne.

This is the first time since 1981 that that level of power restriction has been threatened. We have not even had a brownout in Victoria in the past 15 years. Therefore, this is not just a concern for the Minister for Health but also for the Premier and the Treasurer. There will be downsides to this sort of action and the Premier and the Treasurer should get into the picture and say, 'Fix it. Supply the sorts of services that are at least commensurate with those at Ballarat, Bendigo and Geelong'. Why should the Latrobe Valley community be singled out for this drastic cut in services? Why should it have to put up with the unavailability of absolutely essential services in the most heavily industrialised sector of the state?

I send a message to the Premier and the Treasurer: if they are interested in economic development in this state and attracting new industry to the Latrobe Valley, which has been decimated by restructure and reform — I use those words terribly loosely — they need to make sure this problem is fixed, not in February, March or in two years but next week. If it is not fixed there will be strife. I assure the house that the unions are committed and serious because the plight of the community is serious. No community can put up with the sort of decimation that has occurred in the Latrobe Valley in the past few years.

The honourable member for Albert Park referred to the downsizing of staff at the hospital and the loss of specialists willing to come down to the valley to work. You cannot expect specialists to come to the country if their support services and conditions are not commensurate with those they would expect in order to provide quality services.

One wonders what will attract specialists to the Latrobe Valley to the new privately owned hospital. With the threat of more jobs going, there is a climate of fear, a culture where people are frightened to protest because doing so may penalise them. We have been through this. Everybody in the Latrobe Valley knows exactly how that climate spreads like an infectious disease among all of the workers in any operation. When jobs and people's conditions are under threat, who stands up for them? Thank goodness we still have good trade unions in this state.

I conclude on a note that is best explained in terms of saying the community has been excommunicated. Traditionally, hospitals and health services have been at the forefront of communities all over the state, and most particularly in country Victoria. Every member from rural Victoria knows exactly what I mean. Hospital boards have been community-generated boards, and let's be honest — they have done a darned good job. Country hospitals throughout Victoria have done a wonderful job. It is all right saying hospital care has changed — we know it has changed. Hospitals send patients home quicker and sicker, that's how it has changed; into hospital now, out in 10 minutes. It's no wonder waiting lists include re-admissions of people who have been sent home too early, because the critical aspect of health, the care, has been left out. The almighty dollar has replaced the care. We have reached the stage where communities are excommunicated — their duty of care is lost because they have been expelled.

Let us remember the day when the community was excommunicated, when the government said to it, 'We don't want you, we don't need you, we don't care about you. All we care about is the almighty dollar'. When the balance sheets are examined, the real problem for the bean counters, for the accountants and the economists who seem to have charge of this world at the moment, is that they do not know how to count human costs. Let me assure you, Mr Acting Speaker, governments ought to know how to count human costs because it is humans who vote. Maybe the community can be persuaded by the PR machines, by the double-speak, the promotion, the television ads and the glossy brochures, but in the end it is the community that will decide on what has happened.

Four years ago the Latrobe Valley had two perfectly good and well-respected hospitals operating — one at Moe and one at Traralgon. In four years they have been deliberately destroyed by the most outrageous reduction of funds and services and attack on good hospitals, and the patients have suffered. Remember every patient has a relative, or at least I hope so because those without relatives are even worse off. A woman from the Latrobe Valley last week was sent home from the hospital in her nightie in the middle of the night. She was told to go and find a taxi or get someone to pick her up — so there are sadder stories than people lying on trolleys or people waiting on waiting lists. There are human tragedies happening in our hospital system.

It is terribly sad to reflect on that when we consider that Victoria was once in front of every other state in having a hospital system of which we were all proud. The taxpayers in Victoria did not complain because it cost \$2 more to have a patient in hospital. I have not heard a community anywhere in Victoria, even in Toorak, Brighton or Burwood, complain that they did not want to pay more taxes because our hospitals were costing too much — not that they would be asked by this government!

Communities by and large are prepared to pay for their health care. We do not want to end up like America, where, if you get knocked over on the street, they feel in your wallet and if you do not have a health insurance card, they leave you there. Do you want to end up like that? No, no-one does. The Americanisation of the Victorian health system will occur if the government continues down the path it is taking, because the Victorian community, the Australian community, has demonstrated since Medicare was first introduced in 1973 or 1974 that they care about a quality health system. They care

about having access to that system, and it should be the right of every Australian, every Victorian, to have a good health care system, regardless of how much they have in their pockets or how much they earn. It is a right as much as having clean water and clean air to breathe. It is a right of everyone, regardless of their economic circumstances. It is even more the right of those who are disadvantaged and those who do not have the wherewithal to provide alternatives.

The only good part of today was the promise by the parliamentary secretary that he would give us a look at the contract with the new operators of the Latrobe Regional Hospital. It is a joyous day, as I said before, and it is wonderful that the parliamentary secretary has put that on record. We welcome it and await it with open arms because this will be the first time in the history of this government that anything has been let out. The government has operated in secret. It has destroyed its accountability by saying it is someone else's problem, it will be the problem of the private operators to provide health services in the Latrobe Valley.

Mr Maclellan interjected.

Mr HAMILTON — I have never been to a private hospital, I have always been treated in a public hospital because in Victoria we have had a wonderful system of public hospitals.

Mr Maclellan — You have always exploited the taxpayers.

Mr HAMILTON — I pay my taxes willingly. I am very pleased that I have a job where I pay some taxes. I would not mind paying more taxes. I have no problem paying taxes and I am not selfish enough to think that if I do not need a hospital then I do not have to pay for it. I am happy to pay my taxes so everyone is able to go to hospital, everyone can have a good quality education system, everyone can have a decent public transport system, or anything else we pay taxes for, because the user-pays system is a selfish 'I'm all right Jack' position. Let us all care a little more about what happens to other people in the community. There is not one problem in the world with having to pay taxes. When we stop worrying about what we do for the rest of our community, we might as well stop altogether.

Mr Maclellan interjected.

Mr HAMILTON — I am sure the minister jests, because he would be as concerned about quality

health in this state as any other member of this Parliament. The day we forget about good quality health care, when we hand it over to the private sector and put public moneys into private pockets, that is the time we all start worrying.

Mr ANDRIGHETTO (Narracan) — I support the bill with a great deal of satisfaction because it concerns the people in my electorate, particularly the eastern end of Moe, more than any other bill that has passed through this place since I have been a member.

I was interested in the comments of the honourable member for Morwell. Unlike him I have private health insurance. I believe it is incumbent on those who can afford to pay for private health cover to take out that cover because it alleviates some of the stresses on public hospitals resulting from the mass exodus from the private health insurance system. The Moe hospital is well known to me; I have been associated with it for some 14 years.

Mr Hamilton interjected.

Mr ANDRIGHETTO — I listened to the honourable member for Morwell in silence even though there were times I felt the need to interject, but I believed it was proper to allow the debate to take its proper course.

The accident emergency services of the Moe hospital were excellent. The honourable member for Morwell may remember that the former Labor government recognised that both the Moe and Traralgon hospitals were unable to survive standing alone. The former Labor government merged the boards and the administration of those hospitals into one unit. From that day the service provided by both campuses has declined.

The chief executive of the Latrobe Regional Hospital is on the public record saying that the problem is not funding but attracting staff. It is well known even among the hospital staff that in trying to fix the problem the chief executive advertised in Melbourne, interstate and overseas for medical staff to come to the area.

Both of my children were born at the Moe hospital; my wife bypassed the West Gippsland Hospital to attend the Moe hospital for the birth of our children. We elected to go to that hospital because of the excellent obstetrics service provided by Dr Ian Hoffman, who is now at the Bendigo Hospital.

Mr Hamilton — How old are your children?

Mr ANDRIGHETTO — Six and eight years respectively. It was because of the excellent staff and service provided at that time that we chose to attend that hospital. The staff, as well as medical practitioners, should be praised for the excellent service they have continued to provide while enduring difficult circumstances. Good hospitals are not made by the amount of money thrown at them but by good management, conscientious and dedicated staff and excellent resources.

The West Gippsland Hospital, the hospital my wife drove past to get to the Moe hospital, has gone ahead in leaps and bounds as a result of good management. I put that progress down to the chief executive officer, Mr Greg Pullen, who took over the position several years ago, and the direction given by the board, particularly the chairman, Dr Rob Sinnett, who has taken a great deal of interest in and spent a considerable amount of his time ensuring the satisfactory running of the hospital. The community has got behind the hospital by raising millions of dollars resulting in refurbished operating theatres, surgical wards and the soon-to-be-renovated children's ward.

The community recognises that the West Gippsland Hospital, which is just up the road from the Moe hospital, will always be a mid-size hospital. It will never be a specialist hospital because it was not designed for that purpose. There is a drastic need for a specialist hospital in the Latrobe Valley. I am delighted that Australian Hospital Care has been given the contract to establish a state-of-the-art hospital — one of the best hospitals ever to be established in any area of the state. The Latrobe Valley will be on the same footing as other major regional areas such as Bendigo, Ballarat and Geelong. The constituents and community of the Latrobe Valley and Narracan will no longer have to travel to Melbourne to obtain specialist services. I asked the chief executive officer of the West Gippsland Hospital, Mr Greg Pullen, how a new hospital in the Latrobe Valley will affect his hospital and he said it would be the best thing to happen to the hospital. It will now have a hospital to which serious or complicated cases can be referred rather than sending patients to Melbourne which has the associated problems of relatives having to travel a considerable distance to visit loved ones. I refer to a letter published in the *Express* of 14 March:

It is important that the Latrobe Regional Hospital be amalgamated on one site for the simple reason that it is

impossible to provide equipment, consultants or medical staff to a satisfactory level at both campuses for the provision of emergency services.

It may well be possible to run simple operations or simple medical care at the split campuses, indeed any bush hospital can do this.

However, if residents of the valley expect the latest medical equipment and skills to be at their beck and call, then this can only be done at a single campus.

Currently Moe campus does not have a CT scanner or angiogram facilities. Traralgon does not have a heart imager ... or nuclear medicine ... Specialists at the hospital (both campuses) have twice unanimously supported a central hospital, in my memory. We all pay our taxes, we should have the best available.

That letter was written by Dr Anthony Sasse, codirector of the intensive care unit at the Latrobe Regional Hospital. The honourable member for Morwell said that four years ago we had two perfectly good hospitals, but the codirector of the intensive care unit says the contrary. He referred to several incidences when neither campus coped and said there was no conceivable way both hospitals could ever provide the level of service required in a reasonably remote area such as the Latrobe Valley.

As a result of the extensive advertising placed interstate and overseas by the current administration, to my knowledge not one place has been filled. Clearly, the medical practitioners do not want to go there because of the uncertain situation. That is why I support the legislation, particularly the enabling provision for the appointment of the new administration on behalf of the owner-builders of the hospital.

It is a new public hospital and it will be a public hospital in every sense of the word. It will be funded on the same basis as any other public hospital and it will be open to any member of the community who wishes to use it. It will not cost any person a cent to walk through the door and receive treatment. Let us not confuse the fact that it is privately owned, operated and built with the fact it will not cost any person in the Latrobe Valley region a single cent to use the facility. It will be operated along the same lines as any public hospital in the state.

It is incumbent upon the new management to ensure it provides the best of services — I am sure it will; it is an experienced manager in this field — because it is in its interest to do so. The better the services and

the facilities the more use will be made of them. As a result it will be a win-win-win situation: most importantly, a win for the community; a win for the government; and a win for the private providers!

The honourable member for Morwell spoke about a threat by the union movement that unless the accident and emergency services are restored immediately it will take it upon itself to punish all Victorians. That is well and good, but I do not hear any solutions to alleviate the current problem. Does the union movement have a magic wand to materialise dozens of medical staff? It is not a case of insufficient funding but of a reluctance by medical practitioners to work there.

It is important that a new management structure be put in place on 1 February when the new owners take over both campuses so the existing staff have certainty, can make plans and no longer feel insecure about their future. The burden of worry of what will happen to them and their families will be removed in the medium to long-term. That will provide the greatest turnaround we have seen during the past six years.

From 1 February we will see a marked improvement in staff morale and in the delivery of services under the new management because it will immediately be able to put in place measures that will be part of long-term planning. The staff will commence to act as a unified and cohesive team. Some are personal friends of mine and they are most dedicated people. We are fortunate to have the calibre of staff working at both campuses. They have been uncertain about their future, but this measure has alleviated their concern.

I have been approached by many constituents, especially from the eastern end of the electorate in Moe, who are relieved that a decision has been made because now they can see that the problems are being addressed and that solutions will be found in the not-too-distant future. When the new Latrobe Regional Hospital is finally commissioned I will be there with bells on because it will be a proud moment for me and it will also be a rewarding and fulfilling moment for my constituents, especially those in the Moe area. I commend the bill and I am sure the Parliamentary Secretary for Human Services, the honourable member for Malvern, will ensure that the contractual arrangements will be completed and that everything will be constructed on time.

Ms GARBUTT (Bundoora) — I oppose the bill. It is clearly another step along the path of privatisation, but this time it is our hospital services. This legislation takes us down the path of the health system in the United States of America, and what is happening there sends a shudder through me. Some 40 million Americans are without access to adequate public health services and that is not a situation I would like to see repeated here. America also has the highest health service costs in the world, and I do not believe that is the scenario the government should be looking at. However, the government's ideology appears to make it blind to the realities of what happens when the health system is privatised.

My particular concern is the impact on the residents of the Bundoora electorate, which was highlighted by the recent announcement that the Austin hospital campus would close and amalgamate, although I do not know whether 'amalgamate' is the correct term in this context. The Austin campus is to be closed and the Repatriation campus is to be the site of a new facility. However, I do not believe it will be the equivalent of a totally amalgamated facility because I do not believe all the services and beds will be shifted to the one site. That is not what we are being offered and that is not what we will get!

I shall talk about the process and the fears that have arisen, because the result of the bill may not be an amalgamated public hospital offering the services and beds currently offered by the Austin and Repatriation Medical Centre but a smaller, private hospital. I ask the minister to clarify that because the people in my community are concerned and have not received reassurances. All we have been told so far is a pack of lies. The government lied to us before the election when time after time and month after month it said the Austin campus would not close.

Although the government did not save the seat that was in danger — and my colleague from Ivanhoe is a personal witness to that — as soon as the election was out of the way the closure of the Austin hospital was announced. In 1994 before the government started hacking into things, the Austin and Repat hospitals between them had 750 beds. Now it is far fewer than that. From what we can gather the new facility will have only 400 to 500 beds, a 40 per cent cut. That is in the context of 1300 beds being closed by the government. That is part of the government's great contribution to the public health system of this state.

The amalgamated service provided by the Austin and the Repat is an absolute disgrace. Patients on

waiting lists are not able to get into the hospital for elective surgery. People are waiting for hours and hours and days on end to be attended to at the accident and emergency section, and of course we hear stories of how dirty the hospitals are. This is confirmed by the increasing infection and readmission rate generally around the state, and the Austin-Repat is certainly no exception.

I shall refer to figures in official government papers released under freedom of information in the past few months about the state of the hospitals that are supposed to be serving my community, my family and my neighbours. At the Austin in October when the figures were released the number of patients on waiting lists for elective surgery for more than six months was 1082. It is not so bad at other hospitals — for example, Ballarat has only 526 on the waiting list. The other hospital serving my electorate is the Preston and Northcote Community Hospital (PANCH) and the situation there is even worse with almost 1400 patients waiting for more than six months. Worst of all is Monash Medical Centre.

The other appalling indictment of the government is the number of people who wait on trolleys. Family and friends have spoken to me about this. They all know someone who has waited for hours on a trolley, which is not the most comfortable way to wait. Many of those concerned are elderly and in pain. However, if one is sick one has no choice. Throughout June 1995 some 220 people waited for more than 12 hours on hospital trolleys in the Austin-Repat. By February this year the number had risen to 485, or 16 per cent of all patients at the hospital. Despite the best efforts of the hospital, in July it was 368 patients or 12 per cent. Those figures are not acceptable. These people have turned up with urgent problems at the accident and emergency section and they expect to be attended to quickly. There is nothing quick about waiting 12 hours or more.

A friend I have known all my life is in her 70s and she spent all day on hospital trolleys at two different hospitals. The hospital comprises two campuses. She went to the Repat but when the emergency section was closed down at night she was transferred to the Austin. When the Repat opened the next morning she was transferred back again. She was a sick, old lady with gangrene in her leg. That situation is not acceptable to me or to my community.

We also hear stories about how dirty the hospitals are. The people to whom I speak who visit friends lucky enough to get into hospitals tell me stories

about how dirty the hospitals and the toilets are. People say that toilets are not cleaned often enough.

The government is now proposing that the Austin site will be closed and the hospital amalgamated with the Repat. We are fearful that in the process 40 per cent of the beds will be lost. It is bad enough to close down the Austin site where thousands of northern suburbs people have for years raised funds and donated funds for more beds, more equipment and more staff. Special appeals have been organised and people have put their hands deep into their pockets and donated because their community hospital would service the whole of the north-eastern suburbs. Now the hospital is closing and it does not matter how much money has been donated over the years, the people who have made those donations do not count and they are not consulted.

The Austin will be amalgamating with the Repat, but on the way most of the beds will disappear. What is more there is no guarantee about the level of services or whether the amalgamated hospital will remain a public hospital. The bill sends a message to me that we have a real battle on our hands to maintain our community hospitals. It says in neon lights that everything will be privatised. Not only will the hospital be moved, it will be smaller and private.

In June 1995 a business plan for the Austin and Repatriation Medical Centre was prepared by the consultants Ernst and Young recommending what should happen to the hospital. One of the major recommendations was the amalgamation of the Austin and the Repat. Finally the government stopped telling lies and announced that that would take place. I wonder what else in this report will come to be. It spells out the plans clearly and we have already seen stage 1 implemented. It predicts that bed numbers will drop to 316 acute in-patient beds by the year 2006. Eighteen months ago there were 750 beds. By 2001, only four years away, there will be only 400 beds. The report spells out in black and white what the government is on about.

One of the most outrageous proposals in the report is for patient hotels. No, I did not make a mistake. I did not mean to say hostels or hospitals; I said patient hotels. I shall quote from the report because this serious proposal takes some grasping. This is the government's vision for our health system:

The patient hotel is to provide accommodation suited to the needs of patients who require access to the

hospital facilities that are entirely self-caring and mobile. The hotel can accommodate patients during a treatment program when they cannot be expected to travel on a daily basis.

Instead of being admitted to hospitals and being treated for illnesses people are put into patient hotels. Perhaps they can have the whisky that was given to the Minister for Education today or even something to eat from McDonalds!

The report also proposes the privatisation of hospital services so that every service one can think of is contracted out to private tender. It refers not just to the obvious things such as cleaning or catering but to all of the medical services.

So we will have patient hotels and privatised services. That is what is recommended in this business plan — and it has never been denied. A government minister or a government member — not even the previous member for Ivanhoe, a government minister in whose electorate both these hospitals are located — has not told the community, 'We have rejected that; this is not the way we will go'. Well he went, this plan is still here, and we now have a bill that is setting about implementing it.

I would like the minister to reject the plan and clarify exactly what the fuzzy language about a merger really means. Does it mean we will get a private small hospital replacing our two large public hospitals that have served the community for many years?

Mr Thwaites — We will get a hotel as well, though.

Ms GARBUTT — Good; that's just what we need. When you are sick you can go to the hotel; that should kill you right off. That is the situation with the Austin-Repat. The other hospital people use in my electorate is PANCH, the Preston and Northcote Community Hospital. It had 'community' written into its name from the day it started, and has had public subscriptions and public support.

A new hospital is to be built at Epping. The trouble is that once again we are not exactly getting full replacement value, because the number of beds at Epping do not match and will not be anywhere near the number of beds at PANCH.

What we are seeing in the north-eastern suburbs is a contraction of services: we are missing out. If the vision of the government is for fewer and private

services, this bill seems to be moving us along that path very rapidly.

The other major concern of people in my electorate is the facilities for veterans. The veterans and their families have always gone to the Heidelberg Repatriation Hospital — and they still go to that campus. This government took money from the federal government —

Mr Thwaites — How much?

Ms GARBUTT — It took \$450 million from the federal government.

Mr Thwaites — Where is it?

Ms GARBUTT — Well, indeed, where is it? Where is it, Minister? What have you done with it? — because the vets going to the Repat hospital don't see it; they cannot find any sign of that money. The truth is that the Treasurer has pocketed the money and used it to boost his budget surplus. We now have a state with a huge surplus, while in my electorate we have run-down hospitals, hospitals facing further budget cuts and sick people waiting on trolleys for days and days, or waiting at home because they cannot get into hospital.

The new facility at the Austin-Repat will cost \$160 million. That is not even the money the government got for the transfer of Repatriation hospital services. That has all gone, presumably. That \$160 million is only for the capital works. What will be in it? Who will run it? And how can we get access to it? Do we have to pay one of the private medical firms to get in? Will we have to be covered with private health insurance before we can get into our own hospital?

There is a whole range of questions that the glossies the government is sending out from the health networks do not cover. We have had no decent information; there has been nothing except advertising propaganda assuring us that all will be well, asking 'Believe us, trust us'. But we know that when we front up to hospitals we cannot get in. That is the bottom line.

Our health services have declined and the plan the government has presented will cause further decline — and that is alarming the community. On behalf of the community, I invite the minister to clarify some of those concerns, because when I look at this bill all I see is a confirmation of the deterioration of our public health system.

Mr ROWE (Cranbourne) — It is a pleasure to support the Minister for Health in another place, and the minister at the table, the Minister for Youth and Community Services, who is representing the Minister for Health in the debate on this bill.

We have heard members speak about only one clause of this bill; but it is an omnibus bill and does many things other than enable privatisation. However, not wanting to change the tone of the debate, I am happy to continue the discussion about the ability of the private sector to provide health facilities to deliver the latest state-of-the-art technology to clients.

Unlike the member for Albert Park, who is the shadow spokesman on health, this government has always had a health policy and articulated that health policy to the community, and the community has judged that health policy on two occasions. On both occasions the community has overwhelmingly supported the direction that this government has taken with the delivery of health services to the community.

In my electorate we went from a 4 per cent margin to in excess of 9 per cent. What did the member for Albert Park contribute to the Labor Party campaign in the electorates in the south-east? Nothing, because he had no policy about the delivery of health services to the growth areas of Melbourne, areas which have traditionally been disregarded and ignored by the ALP and its line of spokespeople and previous ministers for health.

This government is committed to addressing the delivery and the spread of services from the inner city of Melbourne out to where the population is, where there are young families, like the families I represent, and where more than 60 per cent of the population is under the age of 40. They are the communities that need services to be delivered for their children.

Unless governments are able to attract private sector investment, they cannot afford to provide the basic infrastructure that is required for a hospital. And they not only have to provide the infrastructure but must also maintain it. We have only to look at the state of some of the older hospitals in Melbourne to see that they need millions of dollars for refurbishment, but they are not serving the majority of the community.

Fortunately in the south-east growth corridor we will see services delivered. We will see a day

hospital delivered to the people of Cranbourne in my electorate. The government has already purchased the old Cranbourne city offices, which will be developed into a complex, the likes of which have never been seen before. It will deliver the most urgently needed services to the young people in my electorate. It will deliver day surgery, health, child and maternal health services to young families, oncology and dialysis, and it will have visiting specialists. The best specialists in Victoria will now be able to practise in Cranbourne, because this government has had the vision to put up a plan for the next 20 years for the delivery of health services in Victoria.

We have not heard one positive thing from the member for Albert Park, because he has not yet developed a health policy for Victoria. I would not mind his harping, carping, whingeing and moaning if at least he came up with a practical alternative. But we have not seen one. Why not? — because he is totally bereft of any ideas of his own, totally without imagination and totally without direction — unless of course it is under the direction of the Health Services Union and the Trades Hall Council.

The ALP is totally bereft of ideas and totally disregarded by the people of Victoria as irrelevant and mindless. Not only will services be delivered to the people of Cranbourne, but also a hospital will be established in the City of Casey in the Berwick township. In the electorate of my colleague the member for Berwick, an up-to-100-bed public hospital will be provided — and yes, it will be provided by the private sector and contracted to the government. But it is a service that was never contemplated by the ALP; it is a service the government could not afford to provide the millions of dollars to build. But if the private sector provides it, the government contracts the private sector to provide the services to the community, and another growth suburb, such as Berwick and Pakenham, is serviced by a state-of-the-art medical facility.

The reason why I wanted to make this contribution today is that the honourable member for Albert Park often carps, harps, whinges and whines and he selectively quotes instances in New South Wales concerning disastrous private involvement in the health industry. A couple of Fridays ago I happened to be listening to the Couchman radio program and I heard the honourable member for Albert Park —

Mr Thwaites interjected.

Mr ROWE — I listened so I could find out what you are going to do next. The honourable member for Albert Park was citing the disastrous example — his words — of the Port Macquarie Base Hospital. The programs of 3LO must travel a long distance because the chief executive of the Port Macquarie Base Hospital got on the phone. It turns out that the honourable member for Albert Park was quoting an unnamed source within the New South Wales Labor health department.

Mr Thwaites — On a point of order, Mr Acting Speaker, the honourable member for Cranbourne is imputing that I would use unsourced material when in fact the source was the Minister for Health in New South Wales.

The ACTING SPEAKER (Mr Richardson) — Order! There is no point of order.

Mr ROWE — It shows how sensitive those opposite are about their sources. The chief executive officer of the hospital was able to point to the New South Wales Auditor-General's report, which said there was no additional cost to the system and the hospital was being run efficiently in line with all other public facilities of a similar nature in New South Wales.

The other point is that the Port Macquarie Base Hospital would not have been built and the people of the north-central coast of New South Wales would not have had an excellent health facility if the private sector had not provided the basic infrastructure because the New South Wales government could not afford to pay for it. The New South Wales government did not want to increase taxes on people who were already highly taxed.

If we allow private contractors to invest in the infrastructure and to contract to the state they have to be able to provide the services to attract the patients. For example, we have been talking about the Latrobe Valley and considering how we can have a private sector facility in the Latrobe Valley. They will be contracted to the government. If they do not provide the service they will not get the clientele; if they do not get the clientele they do not get the money; if they do not get the money they go broke.

Therefore, they have an incentive to provide the best possible state-of-the-art medical service to the people of the Latrobe Valley. There is no zoning as there is with schools. People are not told that once one gets to Pakenham one has to turn around and go

to the Latrobe Valley hospital. There is no guarantee that these private contractors will get X number of patients. It is an example of the private sector at work. They provide the product. If the product is what the consumer wants, the consumer will use that product.

We have seen the scare tactics of the member for Albert Park and his cronies. They talk about the community being concerned. They talk about examples that they come across by chasing ambulances and by having people refer to the unfortunate cases. There are very few unfortunate cases in the context of the total services provided by Victorian hospitals. Opposition members get the publicity because of the odd case that occurs where, unfortunately, mistakes are made in the system. A system of this size cannot operate without the odd mistake. Those mistakes are unfortunate, and we do not wish to see them happen. We would love to see a perfect society where mistakes did not happen.

I receive letters in my office but they are of no value as publicity because the newspapers, the radio stations and the television stations are just not interested in good news stories. People ring me up and say, 'Mr Rowe, the Dandenong hospital looked after my 70-year-old grandmother who had a broken hip with great care, compassion and tenderness. They treated her properly. She recovered fully. She is back at home'. We never see publicity about those cases, and they are in the majority, but we hear from the ambulance chasers. We have the prophet of doom and gloom, the grim reaper from Albert Park, going out and frightening the community with half-truths and, in some cases, fully untrue statements about our health care system.

The community is sick and tired of listening to these people. If the honourable member for Albert Park was prepared to go to any marginal seat rather than sitting in his safe little haven down at Albert Park he would find it very difficult to get re-elected. It is about time the ALP put people in this house who have credibility, rather than people who are prepared to go out and make innuendos, quote unnamed sources and tell half-truths in an attempt to frighten the community and whip up hysteria. The people of Victoria are a lot smarter than the ALP, and they do not listen.

In four years the people of Victoria have seen the coalition turn this state around from being a financial desert into a state that is talked about throughout Australia. Other governments would love to have our policies but do not have the

intestinal fortitude to introduce them. Take the likes of New South Wales and Queensland. Even though Queensland has a conservative government, New South Wales and Queensland do not have the intestinal fortitude to stand up to the unions and those people who have only self-interest in mind and to deliver the policies that their communities, their states and the country need.

I can do no more than support this bill. I support the health initiatives of this government. The government is delivering services to the growth corridor and to the young people I represent. I refer to the young people of Cranbourne, Berwick, Langwarrin, Carrum Downs, Pearcedale and Cardinia. Because they live beyond the tram tracks the ALP neglected them during its 13 years in government. This government now represents that area. I proudly represent the people of Cranbourne. I will proudly open the day hospital in Cranbourne, and I will be there when the honourable member for Berwick opens the Berwick hospital. I will be there to see that the services are delivered in the best possible way, using the most highly technical and advanced methods of treatment available in the world.

Those services will be delivered to the people of the south-east because of the vision of the former Minister for Health, the current Minister for Health, the Premier, the Treasurer and the rest of the cabinet. As we indicated to the people of Victoria, this government is prepared to deliver. We are prepared to put up policies. The honourable member for Albert Park can only inately interject; he does not come up with an alternative that will give the people of Victoria anything to compare. Those opposite cannot come up with policies because they are bereft of ideas.

Ms CAMPBELL (Pascoe Vale) — History will show that the Health Acts (Further Amendment) Bill, part 6 particularly, is the death warrant for access to universal high-quality public health services in Victoria.

The bill covers many aspects of health, but I shall concentrate particularly on part 6 and how it affects families. In this bill the government has abrogated its responsibility for the health of its citizens. The bill represents the first crack — and it will soon be a monumental canyon — in Victoria's health system.

Until now Victorians have been fortunate enough to have a public health system that has been readily accessible, affordable and timely for people

requiring operations, investigations, other surgical procedures and rehabilitation. Under that system the health of Victorians has never been used for profit. The community has regarded it as its responsibility to look after the health needs of individuals. Part 6 of the bill signals that one person's misfortune and ill health will mean profit for another. That is not acceptable to the Labor Party or to the people of Victoria.

The bill establishes a mechanism for the private sector to provide public health. The community is entitled to ask some questions, and I ask the minister to respond to some of them. Has there been any public consultation on this matter? When people in the Latrobe Valley voiced their opinion on a public hospital being changed to a for-profit organisation they voted very clearly against it in the last election. Public consultation has not occurred in Victoria, yet this bill represents a huge shift in the culture of health provision in the state.

Has there been an in-depth review by a parliamentary committee? No, there has been none. Has there been any academic study? Have we used the medical schools? Have we used public policy reviews? No, we have not. The government is very keen to set up inquiries into all sorts of issues. Has an inquiry been set up to examine whether this state wants or needs for-profit public hospitals? Of course, the answer to each of those questions is no.

Australians pride themselves on building an egalitarian society. Our basic and long-held belief is that we have mechanisms to provide just wages, shelter, education and health. The egalitarian society in Victoria has been under threat for the past four years, particularly in relation to wage justice. We have heard in the past week that the industrial relations system is being handed over to the federal government. What about shelter? What provision is made for shelter in our egalitarian society? Based on the way the present government operates the answer is very little. Honourable members have discussed education in this house. Very little is happening in Victoria to encourage an egalitarian view of access to education, and this bill signs the death warrant for non-profit public health in Victoria.

The bill clearly shows that access to universal health services is no longer a right in this state. We must examine the philosophy that drives the coalition government to push the idea of having for-profit public hospitals. When I was growing up people who were sick were called patients — they are now called consumers. When I was growing up there was

a respect for medical staff, their skills and talents and their commitment to their patients — in Victoria they have been replaced with unit managers.

The dedication of medical staff that all of us took for granted because we believed they were there primarily to look after our health is being replaced with questions. The first question asked is: will I receive treatment? Other questions also arise. Do I fall under the current criteria or into the pigeonholes the government has set? Will I receive timely health care? People have great doubt about that.

The shadow Minister for Health has clearly outlined to the house how long people have to wait for hospital beds and that they must wait on hospital trolleys and now even in car parks. The Victorian system does not provide timely care. The government is building a dollar-driven system rather than a system driven by health needs. It is building a health-for-profit economy, and the opposition totally opposes that.

Driving this bill is the belief that the market delivers individuals' needs more efficiently and capably than does the government. The architect of so much that is bad in the delivery of human services in Victoria can be traced as being Dr John Paterson. Other honourable members have also referred to him. I shall quote from a paper he wrote in which he talked about the delivery of human services being based on a supermarket. He asks us to imagine a customer walking around a supermarket:

The customer walks around with a trolley and picks from the shelves those 50 of the 14 000 separate product lines on offer that best fill their household needs, within their family budget.

The ACTING SPEAKER (Mr Perrin) — Order! The honourable member should identify the source of the quote.

Ms CAMPBELL — I am quoting from Dr John Paterson's paper entitled 'National Health Care Reform'. The hospital in the Latrobe Valley will not face any competition. The for-profit hospital that will be built in the Latrobe Valley will not allow the residents any other choice. The residents will have one choice if they wish to go to a public hospital — the for-profit hospital. The opposition believes that is appalling. Based on information supplied to Victorians by the shadow Minister for Health we know that will occur in other places as well. Therefore, we go from a philosophy that was common to so many Victorians in the 1970s and

early 1980s of hospitals being patient-focused and primarily designed to care for their health, to one of hospitals that are customer and consumer driven and headed by unit managers. That is not a system we want in Victoria, and there has been no debate on it whatsoever.

I refer to what has occurred in the United States of America where for-profit health is commonplace. More than 30 million uninsured Americans have almost no access to health care. Graphic illustrations of what happens — or what does not happen — to American citizens under its good health care system are provided in TV documentaries, dramas and serials. The US often looks to Australia for a panacea for its problems, and I cannot believe this government is going down the path the Americans are lamenting. It is disgusting! Families in the US who need urgent medical treatment have been bankrupted by the high cost involved. In the US you need either very comprehensive medical insurance or a huge bank account to provide health cover for your family. I can think of nothing worse than being a parent of a child who requires medical assistance, not having the money to insure and not having the money to pay for the health services required. Many parents and families in the US have to live with what are sometimes tragic consequences of their inability to buy health insurance or to have a very big bank account.

When preparing for the debate on this bill I came across the term 'wallet diagnosis'. I think it is an appalling term but it is a term quite often used in the US in the practice of many hospitals where patient insurance status, rather than health needs, determines the type of care given. Almost everybody in this house is a parent, and we all have parents if we do not have our own children, so to think we or other people in Australia may be in a situation where our loved ones are denied access to health care because they do not have the money, is a track we do not want to go down. And I believe this Parliament should not go down that track. If members of the government were serious in what they say so often about supporting families, their rhetoric would be matched by some of them crossing the floor when voting on the bill.

The *Scientific American* of November 1992 indicates that 14 per cent of the US gross domestic product is devoted to health care. By the end of the decade it is expected to rise to slightly more than 18 per cent. But does it provide a better system than Australia? The answer is no. Even given that input of money, the system is not providing a better service for the

people of America, and the reason is that in the US profit dominates the health system.

We are beginning to see fractures in the New Zealand health system because of its move towards for-profit public hospitals. That system of managed competition, as it is called in New Zealand, has led to the introduction of a range of new user charges in the health system. Again, I ask the question, who suffers? Who is disadvantaged by it? The vulnerable, the weak and the chronically ill are the ones who suffer.

In earlier debate today reference was made to the Port Macquarie hospital, and for the record I want to include in my comments the fact that even with the Liberal government saying to the people of New South Wales that that hospital would provide a better service, the facts do not match the rhetoric. The facts show that taxpayers are paying 30 per cent more than they should be for their health services at Port Macquarie.

Because we live not only in an economy but in a society many of the bills presented to Parliament should be judged by family impact statements. What economic and welfare support is given to families by this bill? The answer is none. What improvements will there be in health for families? The answer is none. What will be the improvement for mental health patients? The answer is obviously none. We can all imagine what will happen to people who front up with mental health problems to the for-profit public hospitals. If they are medically insured, the mind boggles. They could probably have very comfortable accommodation for quite a length of time! If they are not insured, they will be homeless, they will be sick and they will be destitute.

Mr Perton — What absolute nonsense!

Ms CAMPBELL — What are the other impacts on the family? The protection for vulnerable family members provided in this bill is —

The ACTING SPEAKER (Mr Perrin) — Order! The honourable member for Doncaster is interjecting out of his place, which means two sins. I suggest he stops interjecting and goes back to his place.

Mr Perton interjected.

Ms CAMPBELL — The bill does not give protection for vulnerable family members. There is no provision for the emotional and physical

wellbeing and the safety of sick, frail and troubled family members of all ages.

Mr Perton — Who wrote this speech for you?

The ACTING SPEAKER — Order! The honourable member for Doncaster is now testing the Chair's patience.

Ms CAMPBELL — Thank you, Mr Acting Speaker. When we assess the impact of this bill on families, we will find the experience for Victorian families will be what has occurred in the United States, New Zealand and around Port Macquarie. For-profit business providing public hospitals is disastrous and in some cases it is deathly. It is obscene that profit is being made out of illness, that it is being made out of people's misfortune. I will conclude with an extract from the *Australian* of 29 May 1996. The headlines state:

Hospital Beds 21st Century Luxury.

That is what will occur when Victoria goes down the path of making profit out of people's illness. The bill should not be supported by the house.

Mr DOYLE (Malvern) — It is rare that I make such a fleeting appearance and meet such enthusiastic welcome from my friends on the other side of the house.

Mr Perton — We are enthusiastic, too.

Mr DOYLE — I thank my colleagues for their spirited contributions. I am glad both sides of the house approach my contribution with such bipartisan support. It does warm my heart.

The ACTING SPEAKER — Order! The honourable member for Malvern without assistance from both sides.

Mr DOYLE — Thank you, Mr Acting Speaker. I am delighted to have the protection of the Chair in this fearsome matter. I wish to make a couple of points about the part of the debate I heard from my office which demonstrated the fundamental misapprehension about the nature of this bill.

Mr Perton — A deliberate misleading of this house.

Mr DOYLE — I thank the honourable member for his help. I presume he is speaking about what has gone before, rather than what is presently

happening. It is quite easy to slide off into a description of this as a privatisation bill. That is a misapprehension, although I understand that this is one of those issues on which there will be a philosophical divide between both sides of the house.

In all the excitement the opposition has forgotten what the government is trying to do: provide services for the people of Victoria. The baseline is: how do you provide health services for Victorians? The secondary question to the provision of services is the 'how' part. They should be services of quality to which people have access but which also provide efficient service provision for the state.

How do you go about the provision of services if we have a divide between both sides of the house? The opposition characterises the legislation as a privatisation bill. There is an understanding on this side of the house that certain services can be provided by the private sector. We have done so with roads, prisons, transport and electricity, and the opposition's federal colleagues did it with telecommunications.

It is true that when it comes to health we are dealing with a particular vulnerability and it is proper that we ask: what are the services and how should they be provided? We have been through that discussion. The difficulty arises not in how the services are provided, which is what the opposition wants to argue, but whether they are provided adequately. Is it appropriate that the existing Moe and Traralgon sites of the Latrobe Regional Hospital are inappropriately sized and configured for current and future health service delivery?

I suggest we have an argument about how services are provided rather than whether services are provided, and address the quality, access and efficiency questions. I am surprised that the opposition is arguing against privatisation and believes that it is a terrible thing. Apparently you cannot possibly have a decent private hospital. On that basis you could not have a Cabrini or an Epworth hospital. The privatisation of the health system, according to the opposition, means you cannot have quality, access and service delivery.

The basis on which the opposition argues that somehow the private sector cannot be equated with good health care delivery is not appropriate. Even so, I suggest this is not what the opposition is saying. This debate is about the differing philosophies on the provision of services. The government sees itself properly as the purchaser of

services. The opposition argues that the state must not only be the purchaser, but the provider of those services. The government does not believe that nexus is true. For example, the opposition is opposed to the 20 terrible new contracts that supposedly disenfranchise the people of Victoria.

What about St Vincent's Hospital? It is a privately operated hospital but none of the arguments raised by the opposition apply to St Vincent's. The Sisters of Charity, the operators of the hospital, have a 25-year agreement with the state. Is the opposition suggesting in some way that the arrangement of purchaser and provider between the state and St Vincent's provides a lesser service for the patients of that hospital? St Vincent's is a perfect example of the model of the purchaser and provider, the state and the privately owned operator working together.

The honourable member for Morwell is a member from country Victoria and he would know the arrangement with the Bush Nursing Association — private hospitals are contracted to provide services for the state. It is not right to say that the legislation takes the provision of hospital services into a brave new world that will disadvantage Victorians. To suggest it will not work is patently incorrect, as can be seen from the working model of St Vincent's. I am surprised by that line of argument, although I put it down to the ideological jumping of the traces we find when there is any suggestion that the private sector may do something as well as the public sector. I do not accept that.

The bill does a number of things, but the argument has centred on a single provision and, moreover, on a misapprehension of the application of this single provision. The amendments provide a framework for the involvement of the private sector in the provision of public hospital services. The amendments provide for the Minister for Health to enter agreements under which a person or a body is funded to provide health services to public hospital patients from a privately operated hospital and to provide management services in public hospitals where it is intended that the services provided by those hospitals will be provided in future by a privately operated hospital.

Although this is not specific for the Latrobe Regional Hospital, it will facilitate the development and operation of the new Latrobe Regional Hospital by the private sector and further facilitate the management of the existing Latrobe Regional Hospital by the consortium that will build and

operate the new hospital until the old one is decommissioned.

There seems to be some argument from the other side that this is a sinister provision because in some way the government is giving the consortium carte blanche to do what it likes. These transitional arrangements are no more than appropriate if we are to have a seamless transition from an old to a new system. That transition provision is absolutely necessary because at the end of the day although we are making multi-million dollar decisions the individual patient who walks through the front door must be thought about and protected, and the transitional arrangements will make sure there is a seamless transition from the one system to the other. That issue has been overlooked by the opposition.

I take up a number of the objections made by opposition members about the hospital system, which again have been misunderstood in their over-zealous reading of the amendment. I like talking about patients rather than privatisation because that is what we are doing this for.

Mr Hamilton interjected.

Mr DOYLE — I am surprised the honourable member is laughing at that suggestion. Does he think the government would do this if it were not for the patients?

Honourable members interjecting.

Mr DOYLE — In some bald-faced way the suggestion that the entire process is all about doing something for the mates is trivial, small-minded and ludicrous.

Mr Bracks interjected.

Mr DOYLE — Is the honourable member for Williamstown suggesting that this is what is going on in this case? The honourable member says he would not have a clue, and I am happy to have that on the record. Although we may not have this debate again, I am sure the opposition recognises that this is a policy direction which is inexorable in the provision of health services not just in this state or throughout Australia, but the world. This is a movement where governments say: what is our core business? The answer is: to govern and purchase services that are provided. What is the best way of doing that? In these cases the best way is to enter a partnership with private enterprise firms capable of building, owning and operating these institutions,

while at the same time the government's role is to govern and purchase the services.

We safeguard the access to and the quality and efficiency of the provision of those services through the contractual arrangements we make. That is the key to what we are doing. The public has a safeguard that services will be delivered in an appropriate way, just as it has under the agreement with St Vincent's Hospital, as it will in the agreement with the Latrobe Regional Hospital and as it will in any future arrangements. Any hospital commissioned in the future will provide for patients who elect to be treated free of charge as public patients and priority for treatment will be on a clinical basis only. That is exactly as things should be. That will safeguard the patients, in this case in the electorate of Morwell.

Of course we will retain the right to intervene in the management of privately operated hospitals, which are funded to treat public patients. That step-in provision is necessary to protect the health and safety of patients. I was astonished by the argument from the other side that that was somehow sinister. If that provision had not been included in the bill the opposition would have asked what the government would do in the case of a disaster or catastrophe where there was evidence that patients' needs were not being met. There must be a step-in provision; it is not only timely and appropriate but mandatory that such a provision be in the bill. It goes to the heart of the argument about who has final control over the services delivered. The answer quite properly is the government.

The opposition has argued that that should not be the case. It is easy for the honourable member for Albert Park to ask what will happen if the federal government dismantles Medicare; what if the whole thing falls apart; and what if I am hit by a bus tomorrow? The answer is that the government will ensure that the Medicare principles are adhered to — that is enshrined in the legislation and that is how the hospital will proceed. All sorts of possibilities about the future could be thrown up, but we have acted in good faith and will ensure that the hospital operates by those principles. If the opposition has the mind-set that that will not happen then I do not know whether it is the result of its own history or its way of looking at the world. However, that is not the way I look at it.

Mr Thwaites — On a point of order, Mr Acting Speaker, the honourable member is reading from a

document. He indicated earlier that he would table a contract.

Mr Finn interjected.

Mr Thwaites — It is funny!

The ACTING SPEAKER (Mr Perrin) — Order! The honourable member for Tullamarine is committing two sins: he is interjecting and, worse still, he is interjecting out of his place. I will deal with him if he continues.

Mr Thwaites — I ask that the member table the contract and the document he is reading from.

Dr Napthine — On the point of order, Mr Acting Speaker, this would be the most frivolous and ridiculous point of order I have heard in my eight years in this place. The honourable member for Albert Park should be ashamed of himself. If he had been listening and watching the honourable member for Malvern he would have seen that the honourable member was not reading and was referring occasionally to a piece of paper. I would say the piece of paper was being used more in terms of gesticulation rather than to quote from or refer to. The point of order should be ruled out of order.

Mr DOYLE — On the point of order, Mr Acting Speaker, I must defend myself. In the first place, when an honourable member raises a point of order I would expect him or her to do so with a straight face. Secondly, it offends me that the honourable member for Albert Park has seriously accused me of reading a speech. I argue, along with the minister, that wild gesticulations with a piece of paper do not constitute reading a speech, and I strongly reject any suggestion by the honourable member that I have read any part of my speech, and I will not do so in the future.

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

Mr DOYLE — Provision has been made for compliance with the Medicare principles. The opposition can be as cynical as it likes about that. It may suggest the world will end tomorrow, the sky will fall in or the Howard government may back away from those principles, but I do not resile from the federal government's commitment to the Medicare principles. I reiterate the point that the government will ensure that the hospital complies with the Medicare principles. To suggest in any way that somehow people will be cheated —

Mr Hamilton interjected.

The ACTING SPEAKER — Order! I am sure contribution of the honourable member for Morwell was respected by all sides of the house. I ask that he cease interjecting.

Mr DOYLE — Case-mix funding, the Medicare principles and fee-for-service payments have all been enshrined. To argue that that is not the case is entirely wrong.

After dealing with the opposition's objections to the bill we seem to be left with some resistance about the transitional provisions being sinister in that they supposedly provide the government with the ability to do something else with other hospitals, but that is patently not the case. The point was made about networks and whether the bill gives the government the right to do something else, and the answer is no. In arrangements where two campuses are moving to one consolidated campus any difficulty in a seamless transition is one for management. The provisions in the bill provide for that, as they should, and no more. The opposition objected to a step-in provision but at the same time argued that in some way the government had lost control and at the end of the day should have final control.

The last matter was the philosophical difference between the parties about whether the government should own the bricks and mortar called a public hospital. However, there has been no argument about the provision of services to people or a questioning of how quality services are provided in the most efficient way. That has not been tackled simply because the opposition's philosophical point of view will not let it accept the fact that you can build, own and operate a hospital, have government as a purchaser of services and provide a better service to the people of Victoria than if it were publicly owned. I accept there is a difference in the philosophy of privatisation, but I reject the comparison between what is in the bill and privatisation when a range of safeguards have been provided, including the step-in provision. At the end of the day that is what that provision is about.

Once again the opposition is out of step with the way services are provided not only in this and other states — including those governed by Labor — but also in other countries around the world governed by political parties of all colours. That is the way the service provision is moving. In this instance I say to the opposition: put aside your ideological blinkers and misapprehensions about privatisation and ask

whether we are providing services Victorians need. The answer is a resounding yes.

Does the honourable member for Morwell think the facility in the Latrobe Valley will be different from any other public hospital around the state? Does he think doctors, nurses and administrators will perform differently from those at St Vincent's Hospital, which has the same sort of arrangements in place? The answer is no. Will we have service provision at the highest level? The answer is yes.

Mr Hamilton interjected.

Mr DOYLE — The honourable member for Morwell does himself no credit. He really must understand that the government is saying to the people of the Latrobe Valley that they need a brand new facility built on a new site to replace the out-of-date facility. The government will do so and safeguard the quality of services.

The honourable member for Morwell should think about what a state government is meant to do. A state government should provide services. We agree that although health care is one of the highest priorities, it is probably a photo finish or a dead heat with education. At the end of the day the bill is about giving the minister the ability to enter into an agreement with a private provider to provide services to the people of the Latrobe Valley and to other areas in the future.

I spoke earlier about how that is the trend not only in Victoria or Australia but world wide. New facilities will be provided in other places in Victoria in the future, and I welcome that. This is all about the provision of services to people. Honourable members can argue and disagree on how it is done but they should at least agree on the end result. They might have philosophical differences about how it happens but at the end of the day they should at least celebrate with and congratulate the government on providing services to the people who need them in the Latrobe Valley. They should allow the government to go ahead with a brand new facility with all the safeguards available for proper health services in the future.

Mr CAMERON (Bendigo West) — I was surprised when the honourable member for Malvern got to his feet. He did not brandish the contract and he did not throw it on the table. Earlier this afternoon when the honourable member for Albert Park referred to the contract for the Latrobe Valley hospital in Gippsland the honourable member for

Malvern said the honourable member for Albert Park should read it and then it would be tabled. But as always we have not seen anything.

Mr Doyle — On a point of order, Mr Acting Speaker, I do not want to appear sensitive about something an honourable member says but he should at least get it right.

The ACTING SPEAKER (Mr Perrin) — Order! I want a point of order from the honourable member for Malvern. This is not an appropriate time to make a personal explanation.

Mr Thwaites interjected.

The ACTING SPEAKER — Order! The honourable member for Albert Park made an unparliamentary statement.

Mr Thwaites — I withdraw.

Mr Doyle — On a point of order, Mr Acting Speaker, an imputation was made about something I said earlier in the day which I reject on the ground of accuracy. The honourable member has misrepresented what I said and such a situation is covered by standing orders. I resent that and I suggest the way he rendered my comments was deliberately inaccurate and misleading.

The ACTING SPEAKER — Order! The honourable member for Bendigo West has made an imputation against the honourable member for Malvern — —

Mr Thwaites — On the same point of order, Mr Acting Speaker — —

The ACTING SPEAKER — Order! I am ruling on the point of order.

Mr Thwaites — I am seeking to speak on that point of order. I am entitled to speak on it.

The ACTING SPEAKER — Order! I have not called you to speak. I am ruling on the point of order.

Mr Thwaites — Mr Acting Speaker, I am standing to speak on the point of order.

The ACTING SPEAKER — Order! I ask the honourable member to sit down.

Mr Thwaites — We have two rules here.

The ACTING SPEAKER (Mr Perrin) — Order! I ask the house to come to order. I was in the process of requesting the honourable member for Bendigo West to retract what he said on the basis that the honourable member for Malvern found it offensive and outside standing orders. I ask the honourable member for Bendigo West to withdraw.

Mr Thwaites — Withdraw what?

The ACTING SPEAKER — Order! The imputation made against the honourable member for Malvern.

Mr CAMERON — What did I say?

The ACTING SPEAKER — Order! All you have to say is 'I withdraw'.

Mr Dollis — Withdraw what?

The ACTING SPEAKER — Order! The honourable member for Bendigo West heard the statement by the honourable member for Malvern.

Mr Dollis — On the point of order —

The ACTING SPEAKER — Order! The Deputy Leader of the Opposition will resume his seat. I am dealing with a point of order and honourable members cannot raise further points of order. I ruled that the honourable member for Malvern found the comments of the honourable member for Bendigo West offensive, and I asked him to withdraw.

Mr CAMERON — If I have made any imputation, I withdraw it.

Mr Thwaites — On a further point of order, Mr Acting Speaker, both Mr Speaker and Mr Deputy Speaker have made rulings about standing order 108 relating to imputations. The import of their rulings is that if members ask for withdrawals of every single comment they do not like, debate would come to a halt. In this circumstance no offensive remark was made about the honourable member for Malvern. The honourable member for Malvern was complaining about —

The ACTING SPEAKER — Order! What is your point of order?

Mr Thwaites — My point of order is that members on both sides of the house need to know how the rules of debate are to operate while you, Mr Acting Speaker, are in the chair. They need a

ruling so that they know whether there will be one ruling for the government side and one ruling for the opposition side. When I got up to speak on the point of order I was virtually told that my comments were frivolous. The honourable member for Malvern raised his concern because he did not like what was being said by the honourable member for Bendigo West, and he did not agree that what was said was true. It was not an offensive statement. There was no question of the honourable member for Malvern being called a liar or being criticised, it was simply that he did not like the fact that the honourable member for Bendigo West said that the minister said he should read the contract. There was nothing offensive in that and yet, you Mr Acting Speaker, have ruled in favour of the honourable member for Malvern simply because he cited standing order 108.

I ask you, Mr Acting Speaker, to advise the house whether every time members take offence at remarks made the comments must be withdrawn. If you do so it will be a change from the rulings made by Mr Deputy Speaker and previous Speakers. It will mean that we will not be able to have a decent debate in this house.

Mr Doyle — Further on the point of order, Mr Acting Speaker, we can deal with this calmly. I took offence at the remark and I wish to explain. If members calm down we can restore the debate to some level of dignity and appropriateness. The argument has raged about whether an imputation was made. I understand the argument of the honourable member for Albert Park and I agree that honourable members cannot raise objections every time they are called names in the rough and tumble of debate. I hope I am not such a fragile flower that I cannot wear that. It should always be taken in good heart, and I hope that continues. I was not trying to be frivolous or precious in raising the matter, nor am I asking that in some way Mr Deputy Speaker's ruling be overturned. However, just after the honourable member for Bendigo West rose to speak — I am paraphrasing so I apologise if I am not completely accurate — he referred to my saying, 'He said he would table it and show it to the honourable member for Albert Park'. The reason I took —

Mr Hulls interjected.

Mr Doyle — Let me calmly explain to the member for Niddrie why it is that I was upset at that. The reason I was upset was that I did not say that.

An honourable member interjected.

The ACTING SPEAKER (Mr Perrin) — Order! Well you raised the point of order.

Mr Doyle — The reason I took exception to it was that in his paraphrasing of what I said he attributed words to me that I believe in good heart and without malice that I did not say. I think it would be particularly — —

Mr Hulls interjected.

Mr Doyle — ‘So what’, says the member for Niddrie. The answer is this: if what the member for Bendigo West said was what I had said, then I had made a promise to do something. If we let those words stand as they were, then I had made a promise to do something. In fact, neither was that what I said, nor was it my intention, and in a way it was a kind of a joke that had got out of hand from earlier in the day. I regret it has come to that, but I could not allow that to stand on the record as an accurate reflection of what I had said, when in fact I did not say that. That is why I took exception to it.

Mr Dollis — On a point of order — —

The ACTING SPEAKER — Order! I will rule on the point of order. The honourable member for Albert Park raised with me the situation of a member asking for a withdrawal of comments, the withdrawal being requested by the Chair, and whether that would be a consistent result based on past Speaker’s rulings. That is how I understand the question that he has put to the Chair.

In the period of time that I have been in the house, through many Speakers, as far as I am aware the ruling has been that where a member asks for a withdrawal because of an imputation, that withdrawal always comes. That has been a consistent ruling of past Speakers. I know from time to time debate in this house has got to the point where on trivial occasions withdrawals have been requested, but that has been a consistent ruling by past Speakers, and I have upheld that where a member asks for a withdrawal, I ask for the member who has made the comment to withdraw it. I call the honourable member for Bendigo West.

Mr Dollis — On a further point of order — —

The ACTING SPEAKER — Order! I am not hearing any further points of order. The honourable member for Bendigo West’s time is being — —

Mr Dollis — On a further point of order, the rules allow for me to take a further point of order and you are not there to abuse the rules of this house. If you cannot handle the house, ask for the Speaker or the Deputy Speaker to take over!

The ACTING SPEAKER — Order! What is the point of order and what standing order is the honourable member basing it on?

Mr Dollis — It is a further point of order, Mr Acting Speaker.

The ACTING SPEAKER — Order! On what? If it is a new point of order, I will accept it.

Mr Dollis — Mr Acting Speaker, I will tell you what further point of order I will take, and I will change it now. Are you going to start displaying some impartiality in this Chair? Then I will raise my point of order — —

Honourable members interjecting.

The ACTING SPEAKER — Order! The honourable member will take his seat. There is no point of order. I call the honourable member for Bendigo West.

Mr CAMERON — Thank you, Mr Acting Speaker. The importance for the public to — —

Mr Dollis — You will destroy Parliament — —

Mr CAMERON — The importance for the public to see the contract for the private hospital that will be built in Gippsland — —

Dr Napthine — On a point of order, Mr Acting Speaker, far be it from me to jump to my feet on an issue like this, but the Deputy Leader of the Opposition has made a very serious allegation against the independence of the Chair and your own integrity.

I suggest that the deputy leader should apologise to the Chair for his comments that, ‘You will destroy Parliament in the way that you are operating the Chair’ — and that was a quote. If he apologises we can move on to the contribution by the honourable member for Bendigo West and we will not need to hear this any further. But I think it is inappropriate for someone of the standing of the Deputy Leader of the Opposition in Parliament to make such comments about the person occupying the Speaker’s chair.

The ACTING SPEAKER (Mr Perrin) — Order! The Deputy Leader of the Opposition on this point of order.

Mr Dollis — Mr Acting Speaker, are you requesting that I withdraw? First of all I want to know whether you took offence to the comments that were made, because suddenly the minister at the table has begun to interpret whether you have taken offence. If the Chair has taken offence, I will be more than happy to oblige, but not on the basis of the minister interpreting the current state of affairs in terms of the current Chair. If the Chair has taken offence, I would be more than happy to oblige, but not on the basis of a whimsical exercise by the minister at the table.

The ACTING SPEAKER — Order! Just to prove the Deputy Leader of the Opposition wrong, I indicate that I have been very tolerant of his comments to me and have not taken offence. In order to get the debate back to some semblance of order, I have allowed the comments, as I understand he was on his way and walking out of the chamber, in which case we could then get on with the debate and I would not be imposing upon the valuable time of the honourable member for Bendigo West. There is no point of order.

Mr CAMERON — The importance for the public to be able to see contracts for private hospitals is obvious. Where we have a public hospital system the public is entitled to know what makes up that system and where contracts are being entered into with private companies. Clearly the public has an interest in it.

The honourable member for Malvern tried to suggest that because of the St Vincent's Hospital arrangements, somehow the private hospital arrangement was totally in order. He overlooks some essentials. The fact is that St Vincent's is a community organisation and a charitable organisation and the profits remain within the health system. The difference with a private company is that the profits go to the shareholders rather than back into the health system.

In this country we have had the benefit of seeing what has occurred in the United States of America. There the health system is not people driven or health driven, but is profit driven. As a result, it has a health system that is far inferior to ours.

Certainly this is the time for this house and for this Parliament to draw a line in the sand and say, 'No more', to the privatisation in the health industry.

At the moment privatisation is occurring within the hospital environment; however, this plan will make privatisation occur across the entire board. In other words, the whole hospital system will be in private hands, and that represents an enormous sell-off of the health infrastructure that has been built up over many years, and very successfully, during the entire history of the state, going back to the colonisation of Victoria.

In my area of central Victoria the issue of privatisation of hospitals is of grave concern. Workers have been told on a number of previous occasions that they have no fears for their job security, yet they are now being told there is a possibility that they may not have their jobs because their functions may be contracted out. We are seeing an undermining of the health system with privatisation occurring within but now we will see it occurring outside.

The enormous changes to the health system that have occurred under the Kennett government have caused a great deal of disquiet in our community. I have been contacted by the Bendigo Carers Support Group, a group of carers who look after sick husbands or elderly parents and give support to each other with their enormous tasks. Many members of that group have close relatives in the hospital system, the nursing home system, or respite care, and they have detailed to me the problems they see in the health system and have asked that I draw the attention of this house to the matters.

I invite the Minister for Health to come to Bendigo and I will arrange for him to speak with that group so that he can understand the sorts of problems these people are talking about. They talk about things like patients having to wait a long time for a bed pan or, being on a bed pan, having to wait a long time for it to be removed. They also instance people calling for help and not getting it for some time. The group makes no complaint about the staff in our hospital system. Indeed, the staff work very hard under extremely difficult circumstances. However, this group says it has grave concerns because of the way the health system has been affected over the past few years.

Another matter raised by the group concerns a gentleman who was in care and who was showered only once a week; otherwise he had to wash himself.

He was in respite care. An advanced cancer was not noted. Obviously that was a result of being showered only once a week, and showering is part of the respite. But it is also an instance of the staff having to work a bit more quickly.

The group talks about other issues such as meals. Further examples include older people who are getting burnt because they do not have someone with them when they receive their meals. These are people with poor vision or people who are suffering from some form of dementia. Groups such as the Bendigo Carers Support Group comprise mainly — good-hearted and well-meaning — ladies. It is incumbent on the government to acknowledge their concerns and see what can be done. I hope the minister at the table will take up the matter with the Minister for Health.

There is an enormous division between the way we on this side of the house see privatisation and the way the government sees privatisation. We want a public health system that is strong. We had a strong public health system, and we do not want to see it undermined. We do not want the future planning of the health system to be carried out by other people, we want strong public involvement. The public health system has served us well in the past and it will continue to serve us well in the future. I urge honourable members not to support this bill because it takes us down the American path along which the Victorian public does not wish to go.

Mrs MADDIGAN (Essendon) — I have pleasure in following my colleague, the honourable member for Bendigo West. The Health Acts (Further Amendment) Bill is like many pieces of legislation introduced into this house by the current government in that it shows far more enthusiasm for the rush towards privatisation than it does for the recipients of services in this state.

Also like my colleague from Bendigo West, I have sat here all afternoon waiting for the honourable member for Malvern to produce the contract he was quite happy to talk about earlier this afternoon. The issue of the contract is a very clear indication that the concerns raised not only in this house but throughout the community about privatisation relate to the secrecy that now covers what used to be public services that used to be open to public scrutiny. That is what the public paid for.

The public used to think they had the right to know. It was when the honourable member for Albert Park raised this problem of secrecy about contracts that

the honourable member for Malvern suggested to the honourable member for Albert Park that he read the contract. So, quite reasonably, we have been waiting all afternoon to see that contract — and we sat through a fairly lengthy speech from the honourable member for Malvern — but we have yet to see it. I hope it will be produced in the future.

In this rush towards privatisation a number of hospitals are being harmed and some, such as the Latrobe hospital, have been seriously affected. When the honourable member for Albert Park and the honourable member for Morwell were discussing the Latrobe hospital I noticed a great number of similarities between the situations they were referring to and the situation of the Essendon hospital in my electorate.

I suppose it came as no surprise to the residents of Essendon, the City of Moonee Valley and surrounding areas to receive the Western Health Care Network annual report, which was tabled yesterday and which reveals the huge debts of the Royal Melbourne and Essendon hospitals. It might offer something of a guide to why this government is so keen to close Essendon hospital and to send services across to the Western Health Care Network.

The reasons the government put forward for the closure of the hospital are really quite bizarre. I shall refer to them briefly. Trying to discover the reasons why the government has chosen to close Essendon hospital is very difficult. Although the government has put out a number of gloriously coloured brochures — no doubt at great expense — there is very little substance to the reasons given for closing the Essendon hospital. In the government's view the telling factor is that 86 per cent of Essendon and Moonee Valley residents who go to hospital do not use the Essendon hospital. Therefore it is not a community hospital.

Of course, there is a very good reason why a number of Essendon residents do not use Essendon hospital: because this government moved most of the beds out of the hospital. Certainly no-one ever asked the residents of Essendon if they would like to have their surgical and other medical procedures available at the Essendon hospital. I am sure they would. But this government does not provide those services, so it is fairly hard for the residents of Essendon to be accused of not using their hospital when the government has steadily removed the beds.

In fact, the government started doing that fairly early on in its term of office — as early as 1994. That

was when the government closed the Essendon maternity hospital. That hospital had the best live-birth rate in the state. One might wonder why the government found it necessary to close it. The government followed that with a number of other closures, including another 100 beds and a couple of operating theatres. A number of facilities paid for by the residents of Essendon were removed from the Essendon campus to the Royal Melbourne Hospital.

This government says that Essendon is not a community hospital. I think that shows how little the government knows about Essendon hospital. It is fairly hard, I would have thought, to sustain the argument that the community has not been involved in the hospital. A Supreme Court judgment of 1989 made it quite clear that the Essendon community had financially supported the hospital. A number of residents were able to get some of the community funds back.

If we look at the history of this hospital, we see that in 1899 the community of Essendon said it wanted a hospital. They started fundraising well before the Second World War. After the Second World War an extensive fundraising program was undertaken and the Essendon hospital was built as a memorial to soldiers who died in that war. If that is not a community activity, I am not quite sure what it is supposed to be. To try to suggest that the Essendon hospital is not a community hospital is very odd indeed.

When the honourable member for Malvern was speaking I was very surprised to hear him interpret the Labor Party's philosophy on hospitals. He says we are too preoccupied with where the hospital services are provided rather than how the hospital services are provided. I would have thought the crucial point was where the hospital services are provided. If there are no hospital services there, the how becomes totally irrelevant. The honourable member for Malvern seemed somewhat confused. I understand that he was under a fair amount of pressure because we were all waiting for the missing contract he was so anxious to talk about earlier. This is a contract that not only the opposition but all of Melbourne would dearly love to see. The people of the Latrobe Valley would particularly like to see it, because they are the ones who will probably be disadvantaged by it.

At the moment the residents of Essendon are fairly upset because they have been told they do not have a community hospital and Essendon is not an appropriate location for a hospital. That came as

something of a surprise to the residents. The Western Health Care Network admits that the Essendon hospital is used by a very large number of people in the north and north-west. None of those people has ever asked for the Essendon hospital to be closed; nor have they ever suggested that they would prefer the services to be at Sunshine or Werribee. It is unfortunate that the hospital review that looked at hospital services took no account of the movements of people. It did not consider where they go, where they might like to go or where they might like to have their health services. The review was based precisely on demographic extensions for the future.

I have been surprised to hear from people as far away as Sunbury. They and people who live as close as Coburg and Brunswick have been ringing me to say they are distressed that Essendon hospital is to be closed, because they believe it is well suited to the area. The former Shire of Bulla is identified in the hospital's annual report as one of the fastest growing areas in the state. How are people from Bulla supposed to get to Werribee and Sunshine? Will they be expected to catch a train into the city and then a tram out again? That would take about an hour and a half each way. The suggestion that it is better to locate hospital services in Sunshine or Werribee or Parkville rather than Essendon shows a total misunderstanding of the whole hospital system and the needs of the populations in the north and north-western regions.

If you look at those regions, you find that many of the people who live there are fairly old, so often mobility can be a problem. The suggestion that older people can easily travel to Sunshine and Williamstown from places such as Coburg and Brunswick is really nonsense. The City of Moonee Valley, which is also extremely distressed about the closure of the hospital, has released some population figures which show that 17 per cent of the population of the city is over 60 years of age and 1000 of those people are over 85. It has one of the oldest populations in the metropolitan area. Those people will be severely disadvantaged by the decision to move hospital services even further away from them than they are now. So much for the 'how' which the member for Malvern was trying to suggest showed that the government was doing well. I have not met any residents who live between my area and Bulla who agree with the government on that at all.

The privatisation of Essendon hospital is mooted in the bill. I have been informed by the board of the

Western Health Care Network that when the hospital closes it will, after coping with the overflow from Sunshine and Werribee for a couple of years, eventually belong to the network. In its words, the board hopes to maximise the profit or return from it. It is interesting to note that there are more members of the board with Bachelor of Commerce degrees than with medical qualifications. That says something about the government's caring attitude to the provision of quality medical services — in the western region, anyway.

As I said, the Essendon hospital is being transferred to the Western Health Care Network, despite the fact that a large amount of the money needed to build and maintain the hospital and buy the medical equipment was raised not only by local residents but also by a range of corporate sponsors in the Essendon area. I have been surprised by the number of people who have come to see me to express their concern about the fate of the amount of money they gave to the hospital over a number of years. In many cases they were not huge donations at all.

Some people have told me that during the Depression they took part in the penny parade up Puckle Street, when people gave pennies to try to build a community hospital. They have also told me about the numerous fetes and fundraising activities that were held in Queens Park over many years. Finally, in the early 1970s the residents of Essendon were asked to raise \$500 000, which was to be matched by the then Liberal government, and in a short time they raised well over \$600 000. It is clear that the Essendon community has made a strong financial commitment to that hospital. To be told that when it is no longer required to cope with the overflow from Sunshine and Werribee the hospital will be given to the Western Health Care Network to enable the board to maximise the network's profits is certainly not the response the local people thought they would get from a supposedly caring government that claims to be providing excellent health facilities in the local area.

It is a great shame that Essendon has been treated in this way by the government. Tomorrow night a public meeting will be held in Moonee Ponds. It is expected that it will be attended by a large number of residents and other interested people, including I might add, medical staff, who wish to discuss the future of the hospital and what other action they can take in the next couple of years to help retain a health facility in the area.

Already the lack of access to information that the member for Albert Park referred to earlier has shown itself to be a part of the privatisation process. When I attended a briefing at Essendon hospital on the day its closure was announced I met two members of staff. One was a fairly senior staff member who undertook the review. Both of them spoke in glowing terms about the community consultation process that was undertaken in Essendon at the beginning of the year. That came as something of a surprise to me. I was not the local member at the time but I certainly had not been consulted.

The Chief Commissioner of the City of Moonee Valley was there, and he had not been consulted. Mr Jack Gilbertson, the former president of the fundraising group, who had been involved with the Essendon hospital for many years and who had made a substantial personal donation, had never been consulted. When we asked, 'Can you tell us how the consultation process went?', the two staff members said, 'We don't know. We weren't employed here then; we came afterwards'. No-one can tell us what the community consultation process involved. None of the doctors who work from the Essendon hospital has been involved in the consultation process. No-one in the community has been consulted. With the further moves to privatise hospitals, all Victorian residents can expect the same thing to happen to them.

The clauses which refer to transitional management cause me real concern. I refer to proposed sections 53 and 69B, under which the minister may, for as long as he likes, enter into transitional management agreements that allow the private sector to use a hospital, even though it is still being used for public purposes. Nowhere in the legislation does it say that the private part of a hospital has to be the main part, so a small privatised section could control the whole hospital. I know the residents are very concerned that Mayne Nickless, which already owns a floor of the Royal Melbourne Hospital, has had discussions with Essendon hospital about leasing more beds for private practice.

The proposed removal of an inner suburban hospital which has served not only the local community but the wider community is of great concern to the people of Essendon. It is quite wrong given the need for quality health services in the area. The residents of Essendon have certainly not given up, nor have the residents of Moonee Valley, Bulla or Hume. We will certainly be working to try to provide a better local health facility and to keep the community's

investment in an operating hospital. We want to encourage the government to come on board and to do something really useful for the local population.

Mr LANGDON (Ivanhoe) — I oppose the bill, as does the rest of the opposition. I believe I am in a unique position. The previous member for Ivanhoe, a Liberal minister, said I was elected on a scare campaign over the future of the Austin hospital. Clearly the Health Acts (Further Amendment) Bill proves it was no scare campaign — it was reality. When asked on radio about the future of the Austin hospital, the former member for Ivanhoe said it would not close. Clearly he knew the bill would soon be introduced and that the Austin hospital was to be privatised. I oppose any privatisation of the Austin hospital on behalf of the residents of Ivanhoe, who are staunchly against it. A public meeting held yesterday, which more than 150 people attended, was testimony to the fact that local people are staunchly opposed to the privatisation of the Austin campus.

In the process of being informed about what is to happen to the Austin hospital site, local residents have received many pieces of information, which I am more than pleased to present to the house. One is from the North Eastern Health Care Network, which explains what is happening with the merger. It says absolutely nothing about what is to happen to the hospital campus. Another brochure, 'A Healthier Future — A plan for metropolitan health care services: what is happening to Melbourne's hospitals?', is silent on the future of the Austin hospital site. A bigger brochure, 'A plan for metropolitan health care services: highlights' is also completely silent on what is happening to the hospital site. We then received a glossier and bigger report on the plan for metropolitan health care services. If anyone can point out a statement in any of those reports about the future of the Austin hospital site, I will be more than pleased to read it. No such statement appears.

I recall the words of the member for Bundoora, who quoted from a document we all received from Ernst and Young entitled *Hospital of the Future: Business Plan for the Austin and Repatriation Medical Centre*. That document, which we received before the election, is very interesting. Page 17 states:

E Patient hotel

The patient hotel is to provide accommodation suited to the needs of patients who require access to hospital facilities but are entirely self-caring and mobile. The hotel —

not the hospital —

can accommodate patients during a treatment program (intermittent therapy, investigation, rehabilitation) when they cannot be expected to travel on a daily basis.

The hotel should be owned and operated by private sector parties, and ideally operate at no direct cost to the Austin Repat. Medical Centre.

That spells out what the government's plans for the Austin hospital campus have been all along, but the government remains silent on it. It has accused me of running a scare campaign, but the truth has now become evident, and this bill pays tribute to that fact. There has been a litany of lies, and the voters of Ivanhoe had the wisdom to see the government and the lies for what they were and chose me as their new member.

Dr Napthine interjected.

Mr LANGDON — It is not a bad mistake. They knew the previous member was lying, and that has become evident. One does not get a 6 per cent swing in the vote these days without knowing what one is talking about. The electors of Ivanhoe certainly understood the concerns.

I am concerned that the government remains silent on everything. How will health care in the area be affected by this merger and the future privatisation provided for in the bill? The government is silent on that. How many beds will there be when the services are merged onto one site? Again, neither the government nor the bill says anything about that. What about treating patients at the hospital? Again the government says nothing. What is happening to the Austin? Again it says nothing. Will veterans be ensured continued priority health care or will the diminishing quality of health care that veterans have been subjected to in recent years continue? How much will the government spend on ensuring services to the local area are improved? The government remains totally silent on all those issues. I have not seen any document or report or heard any comments from the government that clarify any of those points. I challenge any member to go through the documents and find answers to the questions I am raising.

It is clearly evident that the bill is designed to privatise hospitals, and one that is targeted is clearly the Austin campus. The Ivanhoe electors do not want that. They voted a government minister out of

HEALTH ACTS (FURTHER AMENDMENT) BILL

Wednesday, 13 November 1996

ASSEMBLY

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Parliament to ensure that that would not occur, and I will continually represent those electors.

Mr Finn interjected.

Mr LANGDON — I should be more than pleased to fight the next election on the issue of the Austin hospital at any time and on any date the Premier chooses to call an election. The Austin is, or was, a quality hospital that the voters of Ivanhoe hold dear to their hearts. Many concerns have been raised with me about the history of the auxiliaries and people donating money to the hospital. People are asking what will happen to those bequests. Indeed — Mrs Austin — after whom the hospital is named — requested that the land and the facilities be used for a public hospital. The bill seems to indicate that that will no longer be the case.

The government needs to give assurances that the Austin hospital will remain open and in public hands and that it will be a hospital of the future. The public funds that have been raised for the Austin hospital through donations and other means throughout the entire north-eastern region must remain in public hands. Along with my opposition colleagues I will oppose the bill on the ground that the bill allows open gamut for the privatisation of hospitals. That is something I am staunchly against, as are my electors, and I will oppose it to the last breath.

I am in the unique position of having been elected to represent the constituents of Ivanhoe to cover issues like those affecting the Austin hospital and to make certain the government honours the commitments given by the previous member for Ivanhoe — many have been broken already — including the commitment that the Austin hospital would not close. As I said earlier, that was clearly a political answer. The former member obviously knew this bill would come before Parliament and that he could answer by saying the hospital would remain open without mentioning that it could be sold to the private sector.

I have not come across anyone in my electorate who wants the Austin hospital closed or sold to the private sector. My constituents want it to remain in government hands as a public hospital. It is for those reasons and the reasons outlined by many other opposition speakers that I oppose the bill.

Sitting suspended 6.26 p.m. until 8.03 p.m.

Dr NAPTHINE (Minister for Youth and Community Services) — I acknowledge the contributions of the honourable members for Albert Park, Bundoora, Bendigo West, Essendon, Morwell, Pascoe Vale and Ivanhoe, and the more enlightened contributions of the honourable members for Caulfield, Cranbourne, Narracan and Malvern.

Recently when I checked the television guide I understood that *Jurassic Park* was to be screened on television next Sunday night, but the house has had a preview of that fiction today from the opposition — the economic and health management dinosaurs have been out in full force, led by the honourable member for Albert Park and followed by a myriad of speakers from the opposition back benches.

The argument put by the opposition is that there is a fundamental incompatibility between profit and health services. They say anything to do with privatisation or a profit motive in running a health service is fundamentally incompatible with providing a good quality health service. That is inconsistent with the facts, with the history of health services across Australia and the world and with the opposition's own position when in government.

You have only to look at the operation of private doctors throughout Australia to see that they provide high quality health services and are in the profession not only to provide good quality medical care but also to make a personal profit. A whole range of other professionals — be they chiropractors, osteopaths, physiotherapists or dentists — are in there where there is a compatible relationship between providing a good quality health service and profit.

As the honourable member for Malvern made clear, in Victoria we have a proud record of private hospitals that have been operating for more than 100 years; they have provided high quality health care.

I remind the house of hospitals such as Epworth, Cabrini and The Avenue — which is a private, for-profit hospital which was appropriate for the then Prime Minister, Bob Hawke, and his then wife, Hazel, to enter for surgery because of the quality of service it provides. They didn't seem to find it incompatible to go to a hospital that is run for profit and provides good quality care!

Mr Thwaites interjected.

Dr NAPHTHINE — The honourable member for Albert Park fails to understand there is no fundamental incompatibility between quality care and private ownership for profit.

Mr Thwaites interjected.

Dr NAPHTHINE — Your colleagues did and you said it! The honourable member for Albert Park is leading me in my contribution well: he is suggesting that that is okay because it is servicing people who can well afford private health care, but the idea of private hospitals being involved in providing public hospital patients with care is anathema to him; it is incompatible.

Mr Thwaites interjected.

Dr NAPHTHINE — That's not correct. If the honourable member had been listening he would know I was moving to that aspect. Their views are against private-for-profit hospitals delivering public service.

Mr Thwaites interjected.

Dr NAPHTHINE — Yes, correct. For many years in the Victorian health system we have had private hospitals delivering public health services. The examples include St Vincent's Private Hospital, which has provided a public medical service for more than 100 years; the Mercy Hospital for Women in East Melbourne — a private hospital delivering public medical services; and more recently, the Victorian bush nursing hospitals around country Victoria which have been contracted as private hospitals to deliver public services. They are all examples of private hospitals delivering public services.

Mr Thwaites interjected.

Dr NAPHTHINE — Again the honourable member leads me to the point: he said, 'What about addressing the real argument?'. The real argument is about what the Labor Party did when in government. It contracted a private hospital — the Mercy hospital — to deliver public hospital services in the Werribee area. It closed the public hospital in Werribee and contracted a private hospital to deliver those services. That is exactly what it did when in government!

The Labor government was also well down the track of negotiating the deal with St Vincent's Private Hospital for the 25-year agreement to deliver public

hospital services associated with the redevelopment of that service. When the Labor Party was in government its philosophy was to involve the private sector in the delivery of public hospital services. Now in opposition it says there is a fundamental incompatibility between private hospitals delivering public hospital services. That is philosophically wrong and inconsistent with its own stand when in government. If the opposition ever got back into government it would be acting in this way because that has been done everywhere else in the Western world.

Many opposition speakers were concerned that we were heading down the American health system track. That is an irrelevant argument. The fundamental difference between the Australian and the American systems is not at the state but at the federal level regarding universal coverage and access based on need, which are the Medicare principles and which the coalition government has endorsed. That is an important component of the delivery of the system.

The opposition also stated that the Americans looked to the Australian health care system with some degree of envy. I take that as credit due to the current health minister and the previous health minister, who maintained a very good health system. It also reflects what the Americans saw as one of the great strengths of our health system more than a decade ago — the public-private mix of 70 per cent of Australians with private health insurance. After ten years of federal Labor government the figure has dropped to 35 per cent, and that has undermined some of the strengths in the health system in Victoria and Australia.

The Labor Party members in their contributions concentrated on one particular aspect of this legislation, the transitional management agreements. I advise the house and members of the opposition that these amendments merely make transparent the existing power in the act. The powers in this bill already exist in the 1988 Health Services Act, which was introduced into Parliament by the Labor Party.

An honourable member interjected.

Dr NAPHTHINE — The interjection raises a very interesting point: why are you wasting your time? When you enter into an agreement with the private operators they seek in a legislative way to make explicit what is sometimes implicit in the legislation, and that has happened in terms of prisons, in terms of the road tolls —

Mr Thwaites — It is not there in the earlier legislation.

Dr NAPTHINE — I am advised and assured by all the experts that there is an existing power under the Health Services Act for the minister to enter into these arrangements. The legislation also makes minor changes to the Cancer Act; the Drugs, Poisons and Controlled Substances Act, particularly to modernise the structure and functions of the Poisons Advisory Committee; the Cemeteries Act; the Pharmacists Act, to allow friendly societies that operate pharmacies to use the term 'pharmacy'; and the Mental Health Act.

The other area of relevance to the house is the amendment in the bill to the Health Services Act to allow payment of board members of public hospitals outside the metropolitan networks. I am pleased to note that the member for Albert Park had no objection to this provision. It is an opportune time for me on behalf of the government and the community of Victoria to place on record the great appreciation of the government and the community for the work of the many people who voluntarily serve on boards of management of hospitals right across Victoria, whether they be the Warrnambool and District Base Hospital, the Hamilton Base Hospital or the Portland and District Hospital. Increasingly, those people have been asked to take on much more complex and difficult tasks requiring an increased amount of time and a higher degree of attention to detail. The hospitals in this state have a history of good quality board members. To attract and maintain them, given the extra demands, it may be appropriate, particularly for some of the larger hospitals, to make some sort of payment to the board members. This provision will allow that to happen.

The final point I wish to comment on relating to some of the legislative changes is the Latrobe Regional Hospital. The people of the Latrobe Valley can be very thankful that this hospital is going ahead because through this process they will be delivered the most modern, up-to-date and efficient hospital in regional Victoria. They will have access not only to a range of services that exist now but to an increased range of services that will be provided in the future.

Some of the points raised by the opposition suggesting there had not been adequate community consultation or involvement in this process are absolute rubbish. Indeed, if the local community was genuinely as aggrieved and concerned as the comments of the honourable members for Albert

Park and Morwell would lead us to believe, one would suggest it would have been made known at a publicly advertised meeting held in December 1995 at Traralgon which I attended representing the Minister for Health, but the supposed ground swell within the community was certainly not evident there. Somewhere between 60 and 70 people attended the meeting, including other leading people involved in this project, and about 10 or 15 of them were from the department. There was a contingent from the Save our Hospital group.

That concern was also not evident in the federal election result for the seat of McMillan, which was actually won by the Liberal candidate against an incumbent Labor candidate. In the state seat of Narracan the Labor candidate ran very hard on the hospital issue — he even had the champagne on ice six months prior to the election to celebrate his victory — but he did not deliver. The honourable member for Narracan, who is here with us today, certainly showed what good representation and local work can deliver in terms of this issue.

The evaluation criteria for the selection of the consortium to run the hospital are publicly available and the concern people have about the hospital being more expensive than a government-run hospital is again absolutely wrong. It has been made apparent that the benchmark for this project is what it would cost the government to build, own and operate the hospital. If the consortium had not come in below that benchmark its bid would not be considered and the government would itself proceed with work on the hospital. The fact that we are proceeding with a private operator clearly indicates that it has come in under the government's benchmark costs, so it will be cheaper to operate the hospital with the private sector.

At the same time, as I have said, there will be a better quality and range of services, and the people of the Latrobe Valley will have the same public access to the hospital as they would have to any other public hospital in this state. There will be better services, better facilities and the same access. It is quite clear that this process will deliver better health services and outcomes for the people of the Latrobe Valley, and I am sure they will applaud this great initiative.

The DEPUTY SPEAKER — Order! I am of the opinion that the second reading of this bill is required to be carried by an absolute majority. As there is not an absolute majority present, I ask the Clerk to ring the bells.

Bells rung.

Read third time.

Members having assembled in chamber:

Remaining stages

House divided on motion:

Passed remaining stages.

Ayes, 47

Andrighetto, Mr (<i>Teller</i>)	Maughan, Mr
Ashley, Mr	Naphthine, Dr
Burke, Ms	Paterson, Mr
Clark, Mr	Perrin, Mr
Cooper, Mr	Pescott, Mr
Dean, Dr	Peulich, Mrs
Dixon, Mr (<i>Teller</i>)	Phillips, Mr
Doyle, Mr	Plowman, Mr A.F.
Elliott, Mrs	Reynolds, Mr
Finn, Mr	Richardson, Mr
Gude, Mr	Rowe, Mr
Henderson, Mrs	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	Tehan, Mrs
Lupton, Mr	Thompson, Mr
McArthur, Mr	Traynor, Mr
McCall, Ms	Treasure, Mr
McGill, Mrs	Wade, Mrs
McLellan, Mr	Mr Wells, Mr
McNamara, Mr	

Noes, 28

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

Motion agreed to by absolute majority.

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

Third reading

Motion agreed to by absolute majority.

CHILDREN'S SERVICES BILL

Returned from Council with message relating to amendments.

Ordered to be considered next day.

DISTINGUISHED VISITOR

The DEPUTY SPEAKER — Order! I welcome to the public gallery a former member of the Legislative Assembly, Mr Adam Kempton.

CHIROPRACTORS REGISTRATION BILL

Second reading

Debate resumed from 17 October; motion of Dr NAPHTHINE (Minister for Youth and Community Services).

The DEPUTY SPEAKER — Order! Before calling the honourable member for Albert Park, I remind the house that this bill is required to be passed by an absolute majority of the members of the Legislative Assembly.

Mr THWAITES (Albert Park) — I join you, Mr Deputy Speaker, in welcoming a former member of this place, Mr Kempton, who would never have been defeated except that he came up against such a significant opponent. I am sure he has made good use of the intervening years and has contributed to the community in a public-spirited way. I understand he is a commissioner of the City of Manningham. At university I knew him as an honest person and a good friend. I am sure he is still an honest person, and he has told me he takes a broad approach to many social issues.

The Chiropractors Registration Bill needs to be considered in the light of the Osteopaths Registration Bill. The government is often criticised for not consulting and many people say it does not listen, but in this case it clearly consulted and listened intently to the 130-odd Victorian osteopaths. Chiropractors and osteopaths are currently registered under the same registration board, but because the 130 registered osteopaths wanted to be

registered separately from the 670 chiropractors they wanted a separate board. Some groups in the community find it very difficult to get the ear of the government or the Minister for Health, yet it appears the osteopaths were fortunate to get the ear of the government on a good day.

The Parliamentary Secretary, Human Services, is prepared to consult and listen. I understand the Department of Human Services had commenced drafting legislation to establish a conjoint board for both chiropractors and osteopaths, but the parliamentary secretary, who is keen on consulting, stopped the department from following that wicked course and ordered it to split the osteopaths and chiropractors. Of course, I am sure that action had nothing to do with the various individuals involved in the lobbying, especially a Mr Phillip Tehan, who is a major lobbyist for the osteopaths. I am sure the parliamentary secretary was doing what he is always doing — consulting widely. I am sure the personal relationship between Mr Phillip Tehan and the then Minister for Health was entirely coincidental. No-one would suggest the fact that Mr Tehan is the former minister's cousin had anything to do with government's ordering the department to set aside the legislative program it had adopted and set up a separate board for the 130 Victorian osteopaths.

The government's action in abolishing the proposal for a conjoint board of chiropractors and osteopaths demonstrates that the 120 000 people who marched in the streets in protest at the implementation of the Employee Relations Act had an influence on the government, because although it took four years to sink in the government has eventually responded and this week agreed with the marchers by effectively abolishing that act. I look forward to the future with some confidence because the government is adopting a new consultative attitude that will, for a change, take account of some of the minority groups in the community, whether or not they are relatives of the minister. I know the former Minister for Health has a lot of relatives, because I have spoken to some of them.

Mr Doyle interjected.

Mr THWAITES — By an amazing feat of prophesy the minister's parliamentary secretary has predicted the very person. I do not want to name names, but the aforementioned Mr Kennedy — referred to by interjection — is a relative of the former Minister for Health. I am not sure of the precise views he has of the minister or whether this

would be an appropriate place to express them. I do not know Mr Kennedy personally, but he was on the *Four Corners* program on TV one night making some general comments about the state of the Victorian health system. I am sure the former Minister for Health would have taken those critical comments in the general spirit of public debate, and I am sure at a family gathering she would have been very keen to engage in an interesting public debate about the state of our health system. Be that as it may, that relates to a different area of the health sector and a different relative.

Mrs Peulich — And a different minister, if you haven't caught up with it.

Mr THWAITES — And a different minister! Tonight, of course, we are talking about osteopaths and chiropractors. I do not want to pre-empt the debate or to bore the house by repeating myself when we come to the osteopaths legislation, which of course is in similar terms to the chiropractors legislation. With the indulgence of the house I seek to deal with the two bills together to save some time.

The main issue in relation to this legislation relates to restrictions on spinal manipulation by chiropractors. A number of chiropractors have argued that to adequately protect the public the act should go further than simply restricting that use of title and should stop any untrained person from conducting spinal manipulation. Practice is restricted in New South Wales and Tasmania, and I understand the Queensland government is considering introducing such restrictions. The government has determined not to restrict spinal manipulation and the opposition is prepared to accept the government's determination in that regard. The government has taken that decision because there is no firm evidence that any Victorians are suffering harm as a result of spinal manipulation, so unless there is solid evidence for that there is no good reason to incorporate such a regulation in the act.

Mr Doyle interjected.

Mr THWAITES — The parliamentary secretary says that the board will look at that matter as it goes along, and I take his advice on that. There are significant difficulties in defining what constitutes spinal manipulation. I would have thought it was fairly clear: I guess it is what you do if you go to a chiropractor, an osteopath or a masseur, and I don't think I have ever been to any of them!

The final matter raises concerns for my electorate. There are groups whose livelihoods would be affected by such restrictions, and certainly that would include masseurs. As the parliamentary secretary and the minister at the table indicate, that would affect a number of people in my electorate, although I am not sure whether it is the spine that is the subject of the major part of the manipulation. Nevertheless that is an issue on which the opposition will not quibble.

The make-up of the board has been changed, and I have to say it has been improved. That is because there is going to be an additional lay person on the board to deal with community concerns, which is an advance. The board will now have much the same sort of make-up as the Medical Board of Victoria, the Nurses Board of Victoria and the other boards, and that is a mix of practitioners, a lawyer and lay persons. The opposition believes that is a reasonable mix. Concerns have been raised that it has not been prescribed that a doctor should be on the board where previously there was one, although a doctor could be one of the two community representatives. That is something that should be considered by the government when it appoints the members to the board.

Training is a serious issue. Osteopaths and chiropractors take a number of core subjects. Concerns have been expressed that by having separate boards they will be responsible for overseeing essentially the same core subjects. I hope that will not lead to any conflict, although the history of chiropractors and osteopaths leads one to have some concern that there may be conflict over core subjects in the future.

At a time when we are trying to keep down costs and fees the increase in the fees that osteopaths will now have to pay to have a separate board is of some concern. My understanding is that the fee will rise from \$350 to \$600, and that will be necessary to finance the move to have a separate board.

While the osteopathic profession has generally agreed with the move, my concern is that if any level of taxation is increased the taxes may end up being passed on to the consumer. In this case, although the rise is not huge it may well be passed on to the consumer essentially to subsidise a separate board. At a time when we are talking about reducing red tape and regulation it seems rather odd to be setting up a separate board for 130-odd people and incurring additional costs as a result.

The final point, which is of some importance, relates to advertising. The legislation frees up advertising for chiropractors and osteopaths. The board will have less control over advertising than it formerly had. There used to be a regulation-making power that gave the board much greater control over advertising. However, the removal of that control is consistent with the general move to deregulate advertising in the health and other professions. Overall that advertising will be governed by the general requirement that the advertising not be misleading, which is the sort of requirement found in the Trade Practices Act.

As a community we have become more mature and perhaps more discerning. I hope that in a mature way people will be able to sort out the truth in advertising to ensure that they are not misled by advertisements from people purporting to be chiropractors or osteopaths. The community needs to maintain a watching brief over this area to ensure that in the future vulnerable groups are not misled by advertising of the snake-oil type.

If you look through history, instances have occurred when people purporting to be doctors, chiropractors or other health providers have misled people about the extent to which they are able to cure their health problems. I hope that will not be a problem, but the board and the government need to keep an eye on it.

I reiterate the fact that the opposition is amazed by the legislation because the government has been so consultative and because the parliamentary secretary has been able to turn the department from its previous course and get it to introduce legislation that is clearly more in line with the thinking of the particular interest groups involved. If anyone wants to influence government action perhaps they should contact the osteopaths association!

Mr DOYLE (Malvern) — I welcome the contribution made by the honourable member for Albert Park and the support of the opposition for the Chiropractors Registration Bill. I agree that matters will be expedited if the contributions are limited to two.

I am amazed the honourable member for Albert Park is amazed that the government consulted widely and took into account the professional development of osteopaths, chiropractors or anyone else. One of the reasons the government believed a board for each profession was the appropriate way to go — even though the two professions had previously been well served by a single board —

was commonsense. I cannot remember the exact figures, but I believe there are approximately 700 chiropractors and 130 osteopaths and to have a correct proportional representation of the two groups on a board would mean osteopaths would have only one member and chiropractors one or probably two members. It was felt that proportional representation on a board the size that previously existed offered some difficulties when the professions wished to diverge in their development. Given the professional representation it would not be possible to achieve numbers that accurately reflected a balance of both professions. In addition, I do not have a crystal ball in which to see the future of the two professions.

The honourable member for Albert Park asked whether a medical practitioner should be on the board. It is interesting to look at how the two professions may develop, but I suggest the osteopaths seem to be concerned with soft tissue manipulation and see themselves working with a medical model. They are happy to work with the medical profession while the chiropractors, having had a somewhat chequered history with the medical profession, see themselves as separate from it and are happy to be so. In this area alone there is a divergence of professional destinations.

I take up the point made by the honourable member for Albert Park about spinal manipulation. He was right when he said there was concern about whether there should be some restrictions on that practice under the national competition policy. The difficulty is defining what is spinal manipulation. Should a Reiki practitioner or a local footy club masseur be included in that group. A range of allied professions that may fall into a group that carries out spinal manipulation, which makes definition and restriction problematical to say the least. However, the more telling factor is, despite lengthy consultations with both groups, no evidence was produced to demonstrate that harm would be caused if the practice of spinal manipulation was not restricted in that way.

As I said to the honourable member for Albert Park when he raised the point, when discussions were held with the boards I said I was happy for the boards to put that up as a watching brief. Indeed, if they were to bring forward documented evidence beyond that of an anecdotal nature of a danger to the public from spinal manipulation I would be prepared to look at the issue again. I am happy to make that commitment, so far as I am able. Given there was no public health risk demonstrated it was

believed restricted practice of spinal manipulation would be counterproductive and too regulatory.

The professions will be represented on their respective boards, which will also include lay persons and a legal practitioner. It is interesting to note that osteopaths have said that a medical practitioner may be an appropriate person to sit on its board. That is a determination for the profession and we welcome that. I do not believe chiropractors will proceed down that path, and that also seems appropriate. It is interesting that, as the honourable member for Albert Park said, even at board level a medical practitioner may be appropriate for one profession.

The honourable member for Albert Park made a point about training. It may be that both boards will include an educationalist, perhaps someone who is involved in the training of the respective professions or someone from a tertiary institution. The professions may consider including that in their constitutions. The honourable member said that during training core subjects are taken by both professions and he made the point it would be a great pity if separate boards meant some sort of division on those core subjects. So far as ease of teaching is concerned it would be inappropriate if tertiary institutions offered two separate courses to the two professions when there is so much overlap. That will work so long as the professions are positioned as they are at present in their development. If osteopaths move down the medical track and chiropractors move down a different track it may be that the core subjects should be provided separately because of the different demands of the training and education needs of each professions. I am confident that at present the educational needs can be met by the tertiary providers.

The honourable member for Albert Park said the small number of osteopaths may mean it is necessary to increase fees and he warned against the rise being passed on to the public. We agree and we have a commitment from the osteopaths that they understand a self-funded board will mean higher contributions from the profession. They are happy about that and gave it their overwhelming support in the polling and direct questioning of the profession. If an increase in fees were passed on to the public an offset is contained in the hearing provisions.

An informal hearing process is provided in both bills to deal expeditiously with a number of complaints from the public against practitioners of either

profession and to guard against matters proceeding to expensive litigation previously heard in the Supreme Court. The provision of a structured informal hearing process will prevent unnecessary, vexatious and expensive litigation. It also provides that the Administrative Appeals Tribunal will be the judicial body to which appeals will be made, which will help contain costs.

Although a small number of complaints were made against individual practitioners under the current board, on occasion such cases have been run in the Supreme Court at considerable cost to the board. That will now be obviated through an informal hearing process and an appeal process to the AAT, which will reduce potential costs and will offset fee increases.

I am not one for frills, bells and whistles in annual general reports. Both boards will consider the form of the reports to be provided to the public, the minister and Parliament, and if each wishes to go down a modest, austere track in the presentation of their respective annual reports that would help contain costs and may offset any necessity to pass on costs to the public. I certainly hope both of them will proceed down that track. I will certainly be watching to make sure the fees are not passed on to the general public.

The honourable member for Albert Park mentioned advertising. I agree with him that the Hilmer reforms have had a significant effect on advertising. I recognise his concerns but I believe the provisions for advertising are adequate and give us the ability to judge what is appropriate or inappropriate advertising. Although the former should be promoted, the latter should be discouraged actively through penalties.

The last point he made is a particularly good one. He said in a different time and with a different bill we could look at the strictures of national competition policy and demand that it apply to professional registration. But in this case the last thing we want would be to have any shonk or charlatan in the community holding him or herself out to be a registered chiropractor or osteopath and, through that misrepresentation, have the potential to do huge harm to consumers.

That is why we said that in line with the national competition policy in deregulating these professions we would protect the title of registered chiropractor and registered osteopath so that other people could not hold themselves to offer those services. There are

substantial penalties in the bill for people who hold themselves to be registered practitioners when they are merely shonks or charlatans. I agree that it is crucial we protect the public from those predators, and the protection of title provided for in both bills will do that.

It is a great shame that the general public only sees this place in conflict. They see us bashing our heads together and disagreeing about a number of issues whether in health, transport, the economy or whatever. In many cases bills and regulations brought into the house are debated in good spirit with agreement on both sides because both sides understand the measure is a step forward in our service to the public. I wish the media were a little more forthcoming in publicising these sorts of debates where there is agreement on both sides and both the public and the professions are the beneficiaries. Perhaps that is not great news, but at the end of the day it represents much of the business of Parliament.

I welcome the contribution of the honourable member for Albert Park and I thank the opposition for its support of the chiropractors and osteopaths registration bills. I look forward to both bills servicing the needs of their professions and certainly the members of the public whom they serve.

Dr NAPHTHINE (Minister for Youth and Community Services) — It is with pleasure that I echo the words of the honourable members for Albert Park and Malvern on the work that has gone into producing the Chiropractors Registration Bill and the Osteopaths Registration Bill.

Both speakers endorsed the fundamental tenets of the legislation and alluded to the fact that the two bills represent the legislation that made up the 1978 act. At the time the act was quite significant because it provided for registration for the first time for both these professions. There was some controversy about whether the professions were worthy of registration and what might happen in the future, but the chiropractors and osteopaths have shown themselves to be reputable health professions. They have governed their own affairs with a great degree of professionalism and have provided high quality health services to their customers.

It is interesting that each of these professions is now to have its own bill and registration board. That reflects the reality of the situation. In 1978 they were put together as a compromise because osteopaths comprised such a small profession that they were

not viable as a stand-alone professional unit. Although there was some reluctance to combine because of the different philosophies and approaches of chiropractors and osteopaths, they decided that for their mutual benefit and so that they were registered and recognised as professions they would accept coverage by one registration act.

Now, almost 20 years down the track, we recognise the different philosophies and approaches of these two quite distinct and separate health professions. When we understand that they are distinct and separate health professions it is easy to understand why there should be two separate pieces of legislation and two registration boards.

I am pleased the honourable member for Albert Park alluded to the extensive consultative process that has been undergone. It is typical of the work done by this government, the previous and current health ministers and the previous and current parliamentary secretaries.

A discussion paper on this legislation issued in August 1995 called for broad community debate and discussion on chiropractors and osteopaths. There was a significant degree of interest. Let me pay a personal tribute to Anne Louise Carlton, the officer in the Department of Human Services responsible for that process. She did an excellent job in promoting that discussion and debate and helping the government come to its decisions.

The legislation is fundamental. Although there are two separate pieces of legislation, the structure of the boards and the disciplinary processes within the professions are based to a great extent on the model bills and acts that have been used for other health professionals, as exemplified by the medical practitioners and nurses acts, both of which were passed under the first Kennett government. It is pleasing to note that when the Nurses Act was originally passed by Parliament there was a degree of debate and concern about how the nurses registration board would operate, how the disciplinary procedures would operate and whether natural justice would apply. There was also concern when medical practitioners were brought into line with that model of legislation.

I am pleased to say the runs are now on the board. The evidence is quite clear that those acts are good models of health professional legislation. It is to the credit of everyone involved and to the government that the models are not only well established for nurses and doctors but are now being used for

chiropractors and osteopaths. Optometrists will follow in legislation to be debated next week and we will move on to other professions. It is a significant step forward.

In conclusion, the honourable members for Albert Park and Malvern have made good contributions to the debate in a bipartisan way. I believe the chiropractors legislation will stand the profession in good stead, but more importantly it will provide adequate protection for members of the public so that they can be confident that when they deal with chiropractors in Victoria they are dealing with a health profession that is adequately monitored and supervised by the Chiropractors Registration Board.

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. As there are fewer than 45 members in the chamber, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

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.

OSTEOPATHS REGISTRATION BILL

Second reading

Debate resumed from 17 October; motion of Dr NAPHTHINE (Minister for Youth and Community Services).

The DEPUTY SPEAKER — Order! Before calling the honourable member for Albert Park I remind honourable members that this bill is required to be passed by an absolute majority of the Legislative Assembly.

Mr THWAITES (Albert Park) — I think I said it all in my previous speech. For those reasons, I indicate that the opposition does not oppose the legislation.

Dr NAPTHINE (Minister for Youth and Community Services) — The honourable member for Albert Park is to be congratulated on his magnificent contribution to this bill. In summing up the previous bill I spoke about the Osteopaths Registration Bill. This is a very significant step forward for this profession, and it is supported by both sides of the house. We wish the profession well in its continued good service to the people of Victoria.

The DEPUTY SPEAKER — Order! The question is that the second reading of this bill is required to be passed by an absolute majority. As there is not an absolute majority present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

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.

MISCELLANEOUS ACTS (FURTHER OMNIBUS AMENDMENTS) BILL

Second reading

Debate resumed from 12 November; motion of Mrs WADE (Attorney-General); and Mr HULLS's amendment:

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 a gambling code of conduct incorporating appropriate advertising and industry standards applies under Victorian gambling legislation which also would include

conditions relating to the extension of credit to non-Australian premium players proposed by amendments in part 5 of the bill to the Casino Control Act 1991.'

Mr HAERMEYER (Yan Yean) — I support the reasoned amendment moved by the honourable member for Niddrie, which is that the bill be withdrawn until such time as there is a workable gambling code or gaming code in this state, which there is not at the moment.

I also indicate that when this bill goes to the upper house amendments will be moved that will seek to remove clauses 64 and 65 from the bill. The opposition has severe concerns about those particular clauses, because it is a continuation of the tendency of this government to politicise the Victoria Police Force and to concentrate control over the hiring and firing and careers of police officers in the hands of one person.

An honourable member interjected.

Mr HAERMEYER — Exactly, Fitzgerald! The government recently moved amendments to the Public Sector Administration Act and the Police Regulation Act that gave the Chief Commissioner of Police the power to hire and fire any assistant commissioner. That is a very dangerous step to take, and it follows the path that exists in Queensland. Without reflecting in any way on the current chief commissioner, by passing this legislation we will be saying that the chief commissioner, whoever that person may be, has complete, total and utter power over the career of any police officer in the Victoria Police Force, including assistant commissioners.

Previously police command had a collective decision-making structure which meant that each member of the police command — the police commissioner, the two deputies and the assistant commissioners — sat around the table, each deriving his authority independently from anybody else at that table. In that way they were able to act, vote and speak without fear or favour and without the belief that in some way they had put the chief commissioner offside and their position might in some way be compromised. We have now created a situation where if he — or, should the case arise, even she — abuses the power vested in the position of chief commissioner, members of police command may feel obligated, intimidated or whatever in the discharge of their duties.

Indeed, the Fitzgerald commission report into corruption in Queensland is worthy of mention here. We all know that the Premier sees the former Premier of Queensland, Bjelke-Petersen, as a great role model. I wonder whether the Premier also sees the former commissioner of the Queensland police, Terry Lewis, as a role model for Victorian police. We are aping the structures, processes and powers that were vested in the office of the former Queensland commissioner of police, Terry Lewis. We are basically creating a situation in which the sort of corruption that existed in the Queensland police force may occur within the Victoria Police Force.

If we had a chief commissioner who had complete, total and utter control and power over the careers of other police officers, including police command, we would have a situation where every police officer would fear that individual. In such a situation there would be no diffusion of power or responsibility within the force, and if the chief commissioner chose to abuse the powers vested in his or her office the Queensland situation would arise. The Fitzgerald report identified the concentration of power in the office of the commissioner of police as the real essence of the power that Terry Lewis was able to use to so thoroughly corrupt the Queensland police force.

The government is proposing to put in place here something that is very dangerous. It has already gone down this path in relation to permanent appointments. In its usual slap-dash way the government overlooked a few things and forgot about the appointment of acting assistant commissioners in instances where the office might be vacant because of suspension, sickness or accident. The government is trying to bring this legislation into line with the amendments it made previously to the method of appointment of the chief commissioner.

Prior to the government's coming to office, assistant commissioners had to be Governor in Council appointees. That meant that they were able to discharge their duties as assistant commissioners without the fear of doing something that might displease the chief commissioner. Their authority was derived quite independently from anyone else in police command. That that is no longer the case is a sad reflection on the government. The Victoria Police has always been the most respected force in Australia, and this action reflects the high level of politicisation the government is seeking to inflict upon it.

I hark back to the process by which the chief commissioner was appointed. The opposition received leaked minutes of a cabinet meeting at which a minister remarked that the current chief commissioner was someone with whom the government thought it could do business. Opposition members recall that when the position was first declared vacant the government made it quite clear that it would not accept as chief commissioner Mr John Frame, who is probably one of the most highly respected police officers in this country, if not in the world. Because the Labor government had looked favourably on Mr Frame, the government decided that perhaps he was not of the right ideological ilk.

So the government advertised for a chief commissioner. Although the current chief commissioner was not even among the acceptances — he was not to be seen — when the government was not happy with the responses it had received it sent the honourable member for Glen Waverley, together with Chief Superintendent Kevin Holiday, who is a card-carrying member of the Liberal Party, to Queensland to find somebody with whom the government could work.

Mr Thwaites — What party?

Mr HAERMAYER — The Liberal Party — the biggest misnomer I have ever heard of. After the second round of acceptances for the position of chief commissioner, the current incumbent was found to have applied for the job, yet his nomination was not there when the position was first advertised. The process by which the government went about that matter was indecent.

I have respect for the chief commissioner and do not wish to reflect upon him in any way. However, the government went about the process of appointing a chief commissioner in an unheard of and absolutely despicable way. The only other government that would have dared to do something like that was the Bjelke-Petersen government. Only two governments in the history of this country can compete with the Kennett government in the area of impropriety and corruption: the Bjelke-Petersen government in Queensland and the Tommy Bent government that was in power in Victoria at the turn of the century. Those are the sorts of standards that apply in this state.

Mr McNamara — On a point of order, Mr Acting Speaker, the accusations being made by the member for Yan Yean are outrageous. To suggest that there

was any impropriety in the way the current chief commissioner was appointed is outrageous. He was effectively the deputy commissioner of the Queensland police force, came highly recommended and was appointed on merit.

The ACTING SPEAKER (Mr Cunningham) — Order! If the Deputy Premier wishes to make a personal explanation he can do it by substantive motion. I do not uphold the point of order.

Mr HAERMEYER — I understand that the Minister for Agriculture and Resources is feeling some frustration at having been moved out of the police portfolio.

Mr Thwaites — They were happy, though! They were happy to see him go!

Mr HAERMEYER — Extremely happy. I can understand that he was somewhat annoyed at being moved out of that portfolio and that he cannot wait to have another go at it.

As I said, without wishing to reflect on the current chief commissioner, the process the government employed in recruiting and appointing him was indecent. It has in some ways dangerously compromised the role of Chief Commissioner of Police. The government is continuing to follow the same course with legislation such as this by seeking to place in the hands of one person in the Victoria Police Force the total and absolute power to hire and fire. We have all heard the adage about absolute power and absolute corruption. The current Chief Commissioner of Police is a decent and honest man.

Mrs Peulich interjected.

Mr HAERMEYER — Obviously you have not been listening. Given the concentration of that sort of power in the hands of one man, eventually someone will come along who will abuse it. With the police command we had a built-in system of checks and balances. Every member of police command was a check on every other member. No-one had to fear for his or her job or position. The filling of each position was a Governor in Council appointment and did not rely on what anybody around the table at police command thought of anyone else

The government is creating a situation in which the assistant commissioners will have to worry about whether what they say when they are sitting around the table might offend the chief commissioner or a deputy commissioner. That is not the way a police

force should be run. The government should have far more confidence in the capacity of our assistant commissioners to make decent and honourable decisions. The opposition is strongly opposed to that particular aspect of the legislation.

I allude to the changes the government is making to the Casino Control Act concerning credit betting facilities at Crown Casino. The government is seeking to establish in Victoria something which exists nowhere else in Australia and for which there is little precedent anywhere else in the world — that is, credit betting. The government may say it is intended only for the high rollers, the people who come in from overseas. Once you have established the principle, you have your foot in the door, and sooner or later anyone with a credit card will be able to go into Crown Casino and bet his or her shirt or socks on gaming activities — all to make Ron and Lloyd even richer!

When will we put a stop to the Dutch auctions that go on, with each state trying to underbid the others and compromising decent social principles simply to attract investors or high rollers? This part of the bill is another step along that path. It is the thin end of the wedge and will lead to the establishment of credit betting for the broader community. It is a dangerous path to go down.

The most indicative aspect of the legislation is that it shows how this state is run and by whom. If you drew a flow chart showing how power is structured in Victoria, you would have Crown Casino with Ron and Lloyd at the top, and then you would have the Premier. We all know that Ron and Lloyd are the real rulers of this state and that the Premier is in effect only the butler. This is what this part of the bill is all about — giving Crown Casino what it wants. It is about a government that is ripping resources away from schools and closing hospital beds, the effects of which are weighing heavily on the community. It is about a government that tells people it has to do those things in the public interest, yet when Crown Casino comes along and says, 'Jump!', the government asks, 'How high?'. This government is owned lock, stock and barrel by Crown Casino. They all jump when Ron and Lloyd come in here.

Mr Ryan — The authority as well?

Mr HAERMEYER — This government is owned lock, stock and barrel by Crown Casino. Whatever Crown Casino wants, Crown Casino gets. This provision was not referred to in the original tender

for the casino. Did ITT Sheraton have any idea that credit betting would be allowed when it put in a bid for the casino? Absolutely not. Crown Casino seems to have been aware of the things it might be allowed to do and the changes that might be made to the casino structure before the tenders closed. I am not sure that ITT Sheraton had the same advantage. The whole process by which the Crown consortium came to run the casino was improper and unfair, and this is just another example.

We know who runs the government and calls the tune in this state. It ain't the Premier and it ain't Parliament. It is the Crown Casino consortium.

Mr MILDENHALL (Footscray) — I will relate my remarks to part 23 of the bill, which concerns the amendments to the Teaching Service Act 1981.

The first purpose of this part is to allow inquiries to be made into the suitability of either a person who has applied to be employed as a teacher or an existing teacher, with reference to matters that may have occurred before 1982. The second purpose is to broaden the range of matters that may be inquired into. The Teaching Service Act limits any inquiries into the suitability of teachers to events that occurred after 1982. One might have reasonably thought that we would not need to go back more than 14 years. As a matter of commonsense, how far back do you go when looking into a person's history?

Do we need to go back more than 14 years to examine a person's suitability to be a teacher now? It is certainly acknowledged that the date represents an artificial barrier. It is the date of commencement of the Teaching Service Act 1981, and there is nothing special about it when determining whether to go back to 1982 or draw the line at a more recent date.

The department informs me it has received quite serious allegations against two teachers regarding the sexual assault of children before 1982 and that the amendment to the act will allow a formal inquiry to proceed. It may be reasonable to ask whether police have been involved and why an inquiry should be conducted under the Teaching Service Act. The department has pointed out that different standards of proof are required for criminal charges the police might prosecute compared with an inquiry into the suitability of a person to become a teacher. When allegations of this magnitude are involved and an inquiry process exists that allows for the formal representation and protection of the rights of all parties, on reflection, it could be

regarded as unusual but reasonable that the department seek to amend the legislation along the lines proposed in the bill.

It is of more concern that the amendment allows for an inquiry to be conducted into a wider range of matters. Currently an inquiry can include the fitness, capacity and efficiency of an officer to discharge his or her duties. That relates to the capacity or fitness of a person to work as a teacher. However, that provision will be significantly broadened by the inclusion of proposed section 45(1A), which states:

... consideration is not limited to his or her physical fitness but may also be given to any other relevant matters including his or her character and any conduct in which he or she has engaged (whether before or after becoming an officer and whether before or after the commencement of section 93 ...

The department argues that the existing provision that deals with fitness, capacity and efficiency can be interpreted as physical fitness rather than fitness for a purpose, as it were. I am not absolutely convinced by that rationale. It is more precise, relevant and just to make a judgment on the suitability of a person to perform a particular job. It is of some concern that the government has proposed that:

... consideration ... may also be given to any other relevant matters including his or her character and any conduct in which he or she has engaged ...

It disconnects the inquiry from the purpose. The legislation should be very specific in saying an inquiry will be carried out into a person's suitability to perform a particular job. The bill should not provide for an inquiry into any and every part of a person's conduct or character. I do not think that is a reasonable proposition, particularly when the inquiry process, although it has some formalities, does not offer institutionalised protection for all the parties involved. I therefore have some concerns about the form in which the amendment is proposed.

Of course, the government's response would be, 'Trust us, we have the interests of the students, teachers and schools at heart'. Honourable members should reflect on the government's extraordinary humanity on matters relating to education personnel and its overwhelming regard for the welfare of students and teachers as manifested in some recent actions. It is prepared to prevent the advertising of senior teaching positions and delay the implementation of full staffing flexibility to intimidate schools into closing.

In order to meet its maladministration and financial bungling on a grand scale, it is prepared to lay off another 600 teachers, who the minister has incorrectly said do not do one iota of work. But the minister refuses to roll over the contracts of teachers employed for short terms. The curriculum balance allowance for schools to enable the short-term coverage of teachers in specialist areas is being wound back and ended and that will cause great inconvenience across the state. The government is prepared to threaten principals by using clauses in their contracts to force school amalgamations. What a record of humanity, sensitivity and clear public purpose in the administration of education personnel! That gives one great confidence in the government's bona fides in this area!

If I were a bit more suspicious than I am, I would be a bit concerned about the possible uses to which provisions like proposed section 45(1A) could be put. It allows for the conduct of inquiries into a person's character or any matters relating to conduct in which he or she has engaged. That is not to deny the importance of the rationale offered by the department, but, if the minister is to be believed, the department has not had a sensational record of accuracy or quality of recent times. To have the comparison of the number of schools in Victoria and New South Wales out by some 1000 is a blunder of extraordinary magnitude.

If the minister is saying, 'Trust me', that worries me; if the department is saying, 'Trust us', that worries me; and if the government is saying, 'Here we have extraordinary powers but we will use them wisely', I do not think experience would give me the confidence to give the government the benefit of the doubt.

I should have thought that the original form of words would be preferred. I would be interested to debate that aspect, but we will not get much debate in this place about that.

Amendments to the Teaching Service Act are included in part 23 of a bill that deals with everything from credit betting through to structuring the personnel procedures of the police force. Clearly the bill was not designed to be exposed to debate. It is omnibus in nature with everything on board: it has been raced through the house and, had it not been for the efficiency of speakers in debates earlier today, this omnibus bill would not have seen the light of day before 4.00 p.m. tomorrow.

As I said, the original form of words or even some form of words that could relate the purpose of the matters to be inquired into would have been preferred. Perhaps something could have been added to the original measure along the lines of 'including inquiries into matters such as those involving illegal acts with children' or 'behaviour deleterious to the welfare of children'. Something like that would have given us a greater confidence that people's rights would be protected.

Mr Cole interjected.

Mr MILDENHALL — Exactly! Perhaps the honourable member for Melbourne, with his great experience, might want to debate this matter. It appears we will get no consideration of it from the government.

Those amendments have a purpose with which I would not quibble: I certainly would not want to create any impression in this place that the opposition would be soft on any inquiries into paedophilia in the teaching service. That is far from the truth.

I wish to ensure that in drafting and passing legislation which is broad enough to cover matters dealt with by the department we do not open up a broader set of powers that could be used for purposes for which they were not intended — perhaps for purposes that members on either side of the house could regret. It could allow for political matters to be inquired into or for persons to participate in industrial activities. It could be another way of dealing with education personnel now threatened by the use of teaching service order no. 140. History has shown the government will not hesitate to intimidate its work force into toeing a political line to implement its will.

Mrs Peulich interjected.

Mr MILDENHALL — I take up the interjection of the honourable member for Bentleigh. I have been reliably informed by a number of schools targeted by the government that senior managers of the Department of Education have been involved in the issuing of threats, coercion and intimidation of school communities via direct contact with principals and by messages to school communities in an attempt to force the government's will. In some areas like Carrum the school representatives have said, 'We will not close; we have a great school'. In reply the department has said, 'We work for this government; it holds that seat by only 0.8 per cent —

we will go light on them'. But out in the western suburbs the thumbscrews are being applied.

The combination of the massive cuts to the disadvantaged schools program and the intimidation, threats of loss of access to capital works funds, personal penalties and a whole range of other measures have been brought to bear to intimidate schools into doing the government's will.

I would hate to think that the amendments to the Teaching Service Act as contained in this bill would be used for that purpose, but recent experience has taught me to be extremely suspicious.

The opposition has a range of views on a range of provisions in this bill which should not have been introduced in this form. Some of the significant measures should have been dealt with separately; certainly amendments to the Teaching Service Act should have been debated separately. Because of the breadth of powers in the legislation and because of the climate in which the legislation has been introduced — amid the current chaos and distress in the education system and the resultant community divisions — it is inappropriate that those amendments should have been included in an omnibus bill.

Because of the overall purpose of the bill the opposition does not oppose particular provisions,

but I should have thought the minister ought to re-examine the use of words; he should re-examine the breadth of matters that can be inquired into. He should relate the provision to the purpose for which inquiries are conducted and for which a person is to be employed. I should have thought that to be an entirely reasonable request.

Mr A. F. PLOWMAN (Benambra) — I wish to speak on the amendments to the Agricultural and Veterinary Chemicals (Control of Use) Act as contained in part 2 of this omnibus bill. That part of the bill refers to the testing of livestock. It refers to the requirements for the testing of livestock and agricultural produce based principally on the fact that Victoria has advantages — —

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER — Order! The time appointed by sessional orders for me to interrupt business has arrived. The house stands adjourned until next day.

House adjourned 10.01 p.m.

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The SPEAKER (Hon. S. J. Plowman) took the chair at 10.04 a.m. and read the prayer.

MOTOR CAR TRADERS (AMENDMENT) BILL

Statement under section 85 of Constitution Act

Mrs WADE (Attorney-General) — I give notice that, pursuant to section 85 of the Constitution Act 1975, I intend to make a statement of the reasons why I propose in committee to insert a new clause into the Motor Car Traders (Amendment) Bill to alter or vary that section.

PETITIONS

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

Eastmont Primary School

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

The humble petition of the Eastmont Primary School community and the undersigned citizens of the state of Victoria sheweth that the proposed policy of 'Increasing Educational Opportunities Through School Restructure' could result in the closure of Eastmont Primary School.

Your petitioners therefore pray that the undersigned citizens of the state of Victoria impress on you the importance of Eastmont Primary School and request that Eastmont Primary School be resourced adequately to enable Eastmont Primary School to remain open and continue to offer quality education to our local community.

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

By Mr Richardson (331 signatures)

Wellington water levy

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

We the undersigned citizens of Yallourn North and Latrobe Valley shire do hereby oppose the introduction of a water levy, the impost of the Wellington shire which our state government has refused to fund, to clear the waterways.

Your petitioners therefore pray that this impost be withdrawn.

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

By Mr Hamilton (270 signatures)

Laid on table.

PAPERS

Laid on table by Clerk:

Auditor-General — Special Report No. 45 — Building Better Cities: A joint government approach to urban development — Ordered to be printed

Casino (Management Agreement) Act 1993 — Authorised variations to Drawings of the Melbourne Casino Complex pursuant to section 16(2) (19 papers)

Recycling and Resource Recovery Council — Report for the year 1995-96

WITNESS PROTECTION (AMENDMENT) BILL

The SPEAKER — Order! I am of the opinion that the second reading of the bill requires to be passed by an absolute majority of the members of the Legislative Assembly.

Second reading

Debate resumed from 31 October; motion of Mr W. D. McGRATH (Minister for Police and Emergency Services).

Mr HAERMAYER (Yan Yean) — The opposition supports the bill. Witness protection legislation is vital to the effective operation of the criminal justice system, not only in this state but throughout the commonwealth. The Witness Protection Act, which is innovative legislation, was introduced by the former Labor government. Victoria was the first state in Australia to have witness protection legislation; however, to be effective it must be organised nationally.

The Victorian witness protection legislation derived from a report of the federal parliamentary Joint Committee on the National Crime Authority entitled *Witness Protection*. I acknowledge the trailblazing chairman of that committee, Mr Peter Cleeland, who for many years did some important work to establish the principles of witness protection in this country.

It is increasingly important to have complementary witness protection legislation in all states and the commonwealth. The types of witnesses who require protection will often move from location to location and from state to state, but, more importantly, the alteration of documents and records to establish new identities requires complementary arrangements with the commonwealth and other states. These arrangements require jurisdictional cooperation.

The legislation will enable the witness protection arrangements to continue and ensure that the complementary arrangements that exist between the commonwealth, Victoria and New South Wales continue. I understand the other states do not yet have witness protection schemes, but one hopes they will ultimately come on board. They have not yet realised the necessity for this sort of legislation, and perhaps that is understandable given the obvious concentration of organised crime in the two largest states and the commonwealth jurisdiction.

Victoria has 6 to 10 new witness protection cases every year and between 40 to 50 witnesses are currently under protection. It is important that protection is offered because the information that law enforcement authorities receive from informants often solves a number of serious crimes.

The witness protection arrangements are particularly relevant for crimes involving drugs, illegal gambling, illegal pornography and organised prostitution. The Stewart royal commission into organised crime recognised it was unlikely that people associated with crimes of the type I have mentioned will be involved in making a formal complaint because often they have committed offences by virtue of their participation in these activities. The Stewart royal commission argued that the failure of law enforcement authorities in this country to come to terms with organised crime related directly to the absence of information from informants. Organised crime is qualitatively different from other crime, and Mr Justice Stewart recommended that authorities cultivate minor crime figures involved in organised crime activities and

encourage them to act as witnesses against the principals of organised crime.

If authorities cultivate people to act as informants against powerful criminal figures who often go to great lengths to protect their operation and themselves from prosecution, they must ensure the informants are adequately protected against reprisals and intimidation, and they must be given some immunity from prosecution.

The history of reprisals and intimidation against Crown witnesses in this country is not as colourful as in the United States, but Australia has had some serious and notable incidents of intimidation and reprisal, such as the murders of Douglas and Isabel Wilson. The report of the commonwealth parliamentary joint committee on the National Crime Authority entitled *Witness Protection* referred to the Wilson case. It states:

On 28 May 1978 Duncan Robb, a heroin addict and dealer, was arrested for possession of heroin and gave information to Customs and Narcotics Bureau officers naming Douglas Wilson and Clark as his suppliers. He was granted bail on 29 May and according to the Stewart royal commission on 2 June Clark and two associates picked him up and took him to Ku-ring-gai Chase National Park where Clark assaulted him with a baseball bat, breaking a left elbow and a bone in his left hand. Douglas and Isabel Wilson, heroin addicts and, according to the Stewart royal commission, distributors for the syndicate, were arrested along with Clark in Brisbane on 9 June, 1978. On 12 June the Wilsons were interviewed for three and a half hours by officers of the Queensland drug squad and the Federal Narcotics Bureau. They provided details of the syndicate's methods of heroin importation and distribution as well as information on the murder of Lewis and the assault on Robb. In April 1979 Clark arranged through Robert Trimboli to have the Wilsons killed because he had discovered they were informers and Gianfranco Tizzoni once again hired Bazley to carry out the murders. Their bodies were found, poorly concealed at a beach at Rye on Port Phillip Bay, in May 1979 but it was not until April 1986 that Bazley was convicted of their murders.

This extract from the report is an illustration of the heavy-handed approach organised crime is capable of to silence people who may give evidence against the principals of these crimes. Informants are often participants in the organisation or in the activities of crime. They are often minor criminals, minions if you like, in the overall picture, but are people who can give valuable evidence and cast light on the

WITNESS PROTECTION (AMENDMENT) BILL

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activities of senior criminal figures within the crime organisation.

The murders of Douglas and Isabel Wilson sent a signal to informants or people prepared to act as informants or witnesses that they could not be protected from organised crime figures — that if you give evidence against them they will get you. Such incidents make it hard for law enforcement agencies seeking to prosecute organised crime to obtain the information they require to pursue their investigations or to get witnesses to give evidence.

It is vital to ensure that our witness protection scheme is effective, that it works, and that people who are prepared to come forward to give evidence against organised crime by providing information to law enforcement agencies feel confident that if they are afforded protection under the scheme they will be able to get on with their lives without being identified and found, only to go down the same path as the likes of Douglas and Isabel Wilson.

The joint federal parliamentary committee report on witness protection to which I referred earlier is peppered with examples of intimidation, murder, physical assaults and threats against witnesses in organised crime cases. The histories I have detailed give organised crime figures a powerful psychological edge in their efforts to repress people who may be prepared to give evidence against them. They have been able to engender an atmosphere of fear and trepidation among those people.

The witness protection legislation goes a long way towards providing some feeling of comfort to witnesses and assisting the law enforcement agencies in tracking down the perpetrators of organised crime and securing prosecutions. But if informers live in fear of their lives or the physical wellbeing of themselves and their families they will not provide that sort of evidence. That is why this legislation is vital.

Our society has an obligation, through the effectiveness of our law enforcement authorities, to protect witnesses who come forward because of a formal obligation. We must ensure that we prevent the return of organised crime groups so that they do not resort to violence and intimidation against witnesses.

The opposition supports the legislation. Its purpose is to establish the complementarity or reciprocity that exists between the witness protection arrangements in the commonwealth, Victoria and

New South Wales. It also removes the sunset provision that was previously included in the act to allow time to see how it worked. However, it is now considered that the act needs to be permanently entrenched and that the sunset provision should be removed.

The bill also defines some of the procedures in regard to the rights and obligations of the Chief Commissioner of Police and other people involved in the witness protection process. Previously these procedures were informal. It is important that we have a clear code enshrined in legislation that affords all those involved in the system the protection they require, including the law enforcement agencies that are seeking to provide witness protection.

The legislation clarifies the power of the Victoria Police to enter into witness protection arrangements with other authorities and commonwealth law enforcement agencies. This is important because organised crime does not recognise state boundaries. Witnesses and informants are not necessarily confined to one state: sometimes it is necessary to relocate witnesses and informants to another state as part of witness protection arrangements.

The bill also seeks to provide added protection for the security of information in witness protection. I understand the arrangements that are being put in place now do not relate directly to anything that has occurred in Victoria, but there have been breaches of security of witness protection information in other states. This bill seeks to pre-empt that sort of breach occurring in Victoria.

The bill also provides for the restoration of former identity. There is a technical difficulty under the existing arrangements in terms of a participant in a witness protection scheme having his or her former identity restored after having been given a new identity. The bill clarifies that process.

It is rather curious that the bill provides for changes to be made to the Registry of Births, Deaths and Marriages. An anomaly in the legislation as it stands at the moment permits somebody who obtains a new identity under the Witness Protection Act to commit the act of bigamy. That was an unforeseen and unintended consequence of the previous legislation. The legislation provides that people who wish to marry and become appropriately registered under their new names must show that they were not married to somebody else under their previous identity. That loophole needed to be tidied up.

An area of concern I have about the witness protection arrangements in Victoria is the extent to which they do not protect other whistleblowers and informants. I am concerned that people may be informing in situations where no charges have been laid and may be informants against elements within police forces, law enforcement agencies or governments. The sort of intimidation that is exercised there is usually not of the type seen in the case of Douglas and Isabel Wilson. Heavy pressure and intimidation are brought to bear in employment and other areas against whistleblowers. If we are serious about tracking down corruption within government agencies we need to afford protection to witnesses, informants and whistleblowers — whatever you like to call them — in those areas as well.

I hark back to incidents I have raised previously in this house regarding Mr Tony Rossi of Daylesford. Mr Rossi was providing information to the police Internal Investigations Department (IID) about the corrupt activities of former Sergeant David Beardsley, the officer in charge of the Daylesford police station. Mr Beardsley has now left the force although some disciplinary charges are outstanding against him. He was able to exploit a loophole in the existing arrangements by taking sick leave when the disciplinary charges had been laid and he then resigned from the force with his pension intact and without the disciplinary charges being heard.

Mr Rossi made allegations relating to extortion, intimidation and bribery. The evidence was on a tape affixed to Mr Rossi by the police Internal Investigations Department. It is not clear why criminal charges were not laid against Mr Beardsley because all the evidence in his own words was on the tape. However, Mr Rossi came under heavy pressure from other police in the region. He was severely harassed because he had cooperated with the IID in its investigation of allegations against Mr Beardsley. I asked the police force about the sort of protection that could be provided for Mr Rossi in relocating him and his wife who wished to move to another state because she felt extremely intimidated by shots fired at their house and a raid on their house when contraband was found. However, a recent court hearing revealed that the contraband had been planted. Because of the harassment against Mr Rossi I asked for some protection — not even a new identity — to enable him to be relocated and provided with accommodation out of the reach of the people in the Daylesford area. I was told that witness protection could not be provided at any

level to Mr Rossi because he was not giving evidence in a court case.

It is sensible to ensure that people in this situation are afforded protection. These people came under a lot of pressure and Mr Rossi's wife was in fear of her life as a result of repeated harassment and shots being fired at their house. Such incidents do not encourage people to give evidence against corrupt police officers. This situation underscores the need for witness protection arrangements.

Another incident occurred last year when a former armed robber, John Kovacs, was found hanging in the airshaft of an underground railway tunnel just down from Parliament House. Mr Kovacs was providing evidence about drug offences and corrupt activities on the part of police officers to the Internal Investigations Department. Mr Kovacs had indicated to other people, with whom he was sharing a cell, that he was in fear for his life because of what he knew and because of the fear some police might have about the evidence he could provide. Lo and behold, Mr Kovacs was found hanging on the end of a chain with his hands chained in front of him. I have difficulty with the coroner's conclusion that he had probably committed suicide. I do not wish to make allegations, but it appears he was a person who had serious evidence who had been got at! I am extremely concerned about that.

I would like to see the extent of the witness protection arrangements broadened to cover people assisting the police IID, people providing advice to the Ombudsman, or simply people providing information to the media or to members of Parliament about what they believe to be improper or corrupt activities within the police force, government agencies or the prison service. It is important that we are able to obtain this sort of information because it is vital that the rotten eggs are cleared out. Every government and large organisation has them. We must ensure that people who have evidence about corrupt activities in society, including about those who hold responsible positions in government or law enforcement agencies, are protected and can feel confident they can come forward with the information without fear of losing their jobs, being harassed or having bullets fired at their houses or being physically assaulted or murdered. It is vital that serious consideration is given to extending the legislation.

Prior to the last election the Labor Party committed itself to enshrining the protection of whistleblowers in legislation. The Witness Protection Act may be an

appropriate place for that provision or it may require separate legislation. We need legislation along these lines. Whistleblowers need protection. The current legislation provides great comfort to people in responsible positions in the public sector who may not be doing the right thing and who may be behaving illegally, corruptly or improperly.

I cannot understate the importance of moving down the path of providing protection for whistleblowers in the same way we provide protection for those who speak out against organised crime and other criminal activities. Although to some extent the degree and magnitude of the offence may be different the principle is much the same.

The opposition supports the bill, but it asks the government to take on board the concerns that have been expressed about the inadequacy of protection for people we describe as whistleblowers and the concern it has that this sort of legislation is too narrowly focused to provide the broader protection necessary in all areas of society. The opposition gladly supports the legislation.

Mr TRAYNOR (Ballarat East) — I thank the honourable member for Yan Yean for his comments and thank the opposition for supporting the bill. It is sad that Australia needs a witness protection program. Years ago witnesses had nothing to fear apart from the testing of their memories or powers of observation by the rigorous cross-examination of defence counsel. Sadly, in this day and age nobody is immune from the fear, harassment and intimidation, which sometimes includes threats of violence or death.

The honourable member for Yan Yean made a very good point when he referred to organised crime in the context of the witness protection program. Law enforcement agencies in Australia spend approximately \$330 million a year tracking down criminals and 80 per cent of prosecuted cases would involve drug offences. Although the witness protection program can be used to protect witnesses in any type of criminal prosecution, it is most valuable in cases involving organised drug cartels.

Drug cartels in Australia are highly organised and have complex hierarchies in which police officers, lawyers, accountants, doctors, bankers, criminals and distributors play major roles. Drugs are a billion dollar industry, and when playing for such high stakes criminal elements will do anything in their power to achieve their aims, including silencing a witness by ending a human life.

As honourable members know, I was a policeman for 27 years, and in that time gained a deal of experience of witness protection schemes. I will now refer to some of the major players in the crime scene, particularly police officers and lawyers. It might be said that what I am about to say is irrelevant to witness protection because there are corrupt officials throughout the system, but in my experience the average witness in cases involving the prosecution of police officers or judges is terrified at the prospect of giving evidence against people with obvious high status and connections.

In each of the incidents I am about to quote, the underlying and glaring aspect is that the witnesses were under a witness protection program. Roger Rogerson, the disgraced New South Wales former detective, at one time had nine witnesses under protection. If there had been no witness protection program operating in South Australia, Barry Moyse, the former chief inspector in charge of the South Australian drug squad, who was involved in the distribution of cannabis resin, would not have been convicted and sentenced to 13 years in prison.

Former Detective Sergeant William Harris was involved in the importation of marijuana at Tullamarine airport but because of his status in the Victoria Police Force people were fearful of giving evidence against him. Murray Riley, a former New South Wales policeman and Olympic rowing medallist, was involved in the importation of marijuana with Assistant Commissioner Merve Wood. Roger Rogerson was involved in conspiring to have Christopher Dale Flannery murder Michael Drury, who was in charge of the New South Wales drug squad. Many of these people would not have been convicted if there had been no witness protection system.

Rex Jackson, a former New South Wales corrective services minister, who was involved in organised crime, was convicted and sentenced to a term in gaol. Murray Farquhar, a former New South Wales Chief Stipendiary Magistrate, and Detective Sergeant Paul Higgins of the Victoria Police, were also involved in crime, and Higgins was sentenced to eight years in prison. Nick Paltos, who is recognised as a top-line surgeon in New South Wales, and Ross Karp, a solicitor, were involved in the importation of 4.8 tonnes of cannabis resin as part of a \$40 million industry. Rockets were fired through the windows of the home of Doug Kelly, the officer in charge of the Omega task force in New South Wales, and his car was set alight. Without the existence of witness protection programs the people

I have referred to would not have been convicted and sentenced to prison.

The purpose of the bill is to facilitate a national witness protection scheme. In 1991 Victoria's witness protection program allowed the then Chief Commissioner of Police to make arrangements to protect witnesses and their families. Part of the charter was the ability to provide transport for property, to provide accommodation, to change identities of witnesses by altering birth and marriage certificates, educational and trade qualifications and driver licences to protect people who give evidence against organised crime figures.

The bill is a commonsense measure, and I thank the honourable member for Yan Yean and other honourable members for supporting it.

Mr HAMILTON (Morwell) — I support the comments of the honourable members for Yan Yean and Ballarat East on a very serious bill that deals with what in my experience is an important issue for the community. There is no doubt that people generally feel intimidated by the thought of giving evidence in relation to any offence, whether it be a road accident or some serious criminal activity. There is a tendency to turn a blind eye and not want to be involved as a witness. All honourable members should support legislation that will encourage people to take a more serious and responsible view of their obligations in society in general.

The bill provides witnesses with some security and a guarantee that they will be protected. I know of a number of instances concerning allegations about improper practices by police where the police officers involved have joined together in the so-called thin blue line and witnesses have been persecuted. Although allegations against police can be referred to the Deputy Ombudsman (Police Complaints), that system is not likely to work as well as it should because, as has been demonstrated by evidence given before the New South Wales police corruption inquiry, police tend to protect each other. I can understand that. If the police culture has developed in such a way that they feel they are under attack, the natural tribal reaction — which I think would be the best way to describe it — is to join together. That is not in the interests of the public, nor is it in the interests of the police force or the reputation of the police.

If people are prepared to go to court to be witnesses in trials — when there are tests of the truth of allegations and evidence — the system must stop

recriminations against those people and make sure they are properly protected.

This bill facilitates the provision of a range of fresh documents: tax file numbers, driver licences, educational and trade qualifications, and so on. Under the current act, witnesses sign a memorandum of understanding with the Chief Commissioner of Police, which sets out their rights and obligations. That process will work, because the Victorian police force has a pretty good reputation for having chief commissioners who are honourable and conscientious officers. That clearly has not been the case in other states.

We must always be concerned that the sorts of problems that have occurred in other states do not occur in Victoria, because nothing destroys a society quicker than its police officers, whose duty it is to protect society and to enforce law and order, losing their reputation for being honest, decent people with integrity. It is absolutely critical that this state keeps a watchdog, an ever watchful eye, to make sure that the highest calibre of people — and I include the current police commissioner in that category — ensure that the members of the force are absolutely honest, absolutely straight and do not in any way band together to intimidate people who are likely to be witnesses. Only by building that sort of confidence into our police force will one police officer not blindly protect the improper or illegal actions of another police officer simply because, as they may say, 'We have to stick together'. The culture of mateship must never be superimposed on the culture of honesty and integrity.

This bill has not only legal importance but also symbolic importance. It is telling the Victorian public that if they do their civic duty by giving evidence it will ensure that a proper system is in place to protect them. It is that symbolism, that message, that this government and this Parliament are giving to the people of Victoria that makes this an extremely important bill. I want to ensure that my comments on the importance of the bill, on its symbolism and on the message it is sending out to the community, are clearly supported by both sides of the house. If we do not have bipartisan support for this sort of action — a message to every law enforcement officer and every member of the judiciary that we will not tolerate in any way people being unable or feeling unable to give evidence — we will have lost something. The vast majority of police officers in Victoria will see this bill as very important, because it not only protects the reputation of the force in general but also protects

the reputation of each individual in the force. When police officers and members of the judiciary see the genuine respect for integrity and genuine desire by Parliament to make sure that witnesses are given proper and adequate protection, that is a good message because it will only enhance their confidence in doing their jobs, which are very important to civilisation.

We all worry about what is happening to civilisation when money, rather than principles, seems to be the ruler and everything seems to have a dollar price. We can never put a dollar amount on the honesty and integrity of the police and the judiciary: no amount of money should be able to buy their honesty or their integrity. The public must have every confidence that witnesses will not be bought out, that big money will not come in and swamp them, and that honesty and integrity — the basis, the essentials, of life in this country and this state — are the things that we value most highly. They are very precious; more precious than any amount of money, any amount of shares, or whatever. They are the sorts of things this bill recognises, and we must ensure that the bill is well broadcast and well protected so that the community can receive only benefits from it.

Mr E. R. SMITH (Glen Waverley) — I am particularly pleased to be able to speak on this bill because I was a member of the Legal and Constitutional Committee which, back in the early 1990s, looked at this sensitive subject of witness protection and eventually came up with a unanimous report.

To give an idea of the constitution of the committee, I will go through the wide spectrum of members and where they came from. People on the committee included: the chairman, the Honourable David Evans, a National Party member; and the Honourable Joan Coxsedg, who would be well known to just about every member of the Victorian community for her civil libertarian views and who, like her close friend and colleague Jean McLean, gave us a tremendous insight into what would normally be views politically opposed to us. The committee was able to benefit from the input of people like Joan and Jean.

An honourable member interjected.

Mr E. R. SMITH — Yes, that is right. As the member for Morwell rightly says, this is part of the strength of the inter-party committee system of the Parliament.

We also had the legal experience of the honourable member for Doncaster, Victor Perton, and the experience of a former postal worker from Geelong, Mr Hayden Shell; and Mr Bunna Walsh, who would be well known to a lot of people. That wide spectrum of people discussed the matter for a long time.

One of the things we came up with was that the evidence would have to be given in camera. That is not normally in the spirit of parliamentary committees, the hearings of which are all open and to which not many people come along to hear the deliberations. Things are out in the open — a bit like the running of the Parliament itself. But the great value of this committee is that we all decided —

Mr Hamilton interjected.

Mr E. R. SMITH — Well we rarely see them. But when we do see them, they are very welcome.

In order to get people to speak freely the Legal and Constitutional Committee decided to hear evidence in camera because there were issues the members of the committee were all extremely concerned about. I remember the committee being given a run-down on the witness protection program by a police witness who was running the program at that stage and who has since been promoted to the senior ranks of the Victoria Police Force.

The main advantage of hearing evidence in camera was that it provided a means of getting people, many of them criminals, to come forward. They were the type of people who would sometimes turn Queen's evidence against their former associates. Of course, we heard from law-abiding outsiders who were witnesses in the normal run of things, but in most cases the witnesses were members of the criminal fraternity. We also heard about the problems that members of the police force had when, after establishing a new identity for a person, he or she could expose that identity and so blow the whole program apart.

Deciding which direction to take required a great deal of understanding. I remember at one stage we went to the Registry of Births, Deaths and Marriages. We were surprised to learn that it was fairly easy for a person to change his or her identity. We spotted many little things, which we brought to the attention of the authorities so they could be tightened up. I hasten to add that at no stage did we find any incompetence. At all stages the various

political ideologies of the members of the committee were being steered in the right direction.

The bill is an extension of the commonwealth legislation; previously the various laws crisscrossed. When the commonwealth legislation was introduced the current protection was not available. The biggest breakthrough in the bill is the provision allowing taxation records to be altered. We know that the taxation laws are strictly administered and that all of our rights are protected, so when changes to the taxation laws are involved, many safeguards must be put into the legislation to ensure that people do not escape paying taxation or otherwise take advantage of the changes.

As I said, one of the biggest worries the police have involves giving a person who has a criminal background a new identity, including a new driver's licence. Such a change requires giving the person a new name and recording it at the Registry of Births, Deaths and Marriages, and changing the names of any children, including those who are currently at school. It also involves trying to get the person a new job as well as giving him or her some continuity, so that a very inquisitive employer can trace the person's history right back, if that is needed, even to extent of tracing subtle things like motor vehicle registrations. We had to look carefully at how those things could be done and the problems the police would have if a person decided to quit the program. I gather there has been such a person. The police kept her in protective custody for some time during a very big trial in Victoria, but at the end of the trial she chose not to proceed with the program.

One of the reasons the bill has been introduced is the cost of the program. Holding a person in a hotel room and paying police officers to stay with him or her is an enormous drain on taxpayers' funds. I forget the figure the then Chief Commissioner of Police, Mr Kel Glare, gave us, but it amounted to an enormous sum of money per case, per year. I must maintain the confidentiality of the cases, but the disclosure of that information would give the criminal world an idea of just how far we are penetrating its activities.

If a member of the criminal fraternity is prepared to go to court, give evidence, and then mysteriously disappear into the ether, and if he or she has small children and a bad background to start with, the protection program is extraordinarily hard to administer. One of the requirements of the program, which was spoken about by the members of the opposition, is ensuring the incorruptibility and

competence of the police. Whenever a person's identity is changed, the matter has to go right to the top. The Chief Commissioner of Police and his deputy have to be aware of it as do a number of others, including people at the crime level and junior officers. All of them, particularly the chief commissioner, have to be convinced that it is right, because it is something that does not happen every day of the week. The bottom line is that it is a tool to enable the police to record convictions against people involved in any form of crime, but usually organised crime. We must ensure it stays that way and that there are only a few occasions when the protection program is used.

The bill provides severe penalties for those who expose the workings of the program. Provision is made for a matter to be discussed and investigated only by people who are involved in it — that is, the Ombudsman, the Deputy Ombudsman, and senior police officers. That will ensure it is all in house and that the system will not be abused. The cost to the system of changing names and identities is tremendous. You have to be able to trust people in government departments not to expose the program by saying, for example, 'Did you know that John Brown is about to change his name?', especially if John Brown is well known in the criminal community. In that way, word gets around more quickly than it would if you made an announcement on radio!

Members of the committee had great concerns about the witness protection program. However, the report was unanimous. I am sure that when the bill is debated in the upper house the Honourable Jean McLean will have something to say on that. The members of the committee put out a report that refers to all sorts of risks, some of which have been enunciated by the honourable members for Yan Yean, Ballarat West and Morwell. They are concerns we have not only as members of Parliament but as members of the community. In the long run it boils down to an assessment by the senior police officer administering the program as to whether, by changing the identity of a person, the police will not only get the conviction they want but be able to give the person the protection he or she requires.

If you imagine, as the members of the committee did, how you would do it yourself, one of the obvious things you could do would be to get out of the state, go somewhere else and start a new life. Imagine how difficult that would be. Usually the people involved in the program come from the lower socioeconomic groups. If a person were to go

to Western Australia, the Northern Territory or somewhere else that is as far away as possible, you can imagine how difficult it would be for him or her to get started again. If he or she had children, they would have to be kept quiet. You can hear a child telling someone, 'My dad gave evidence in a big murder case in Melbourne'.

Introducing a bill that mirrors commonwealth legislation is a forward step. Parliament has a responsibility to ensure that the program works properly. The Minister for Police and Emergency Services, who is in daily contact with the police, has a responsibility to ensure that the people who are involved in the program are top people and the most trustworthy. This morning I spoke to a few former members of the police force who are members of this chamber. In most cases they did not have anything to do during their police careers with the changing of witness names. If you worked in a place as far away as Mildura, you would have little opportunity to become involved in this sort of thing. I am sure that if the member for Ballarat West had been involved in such a case he would not tell us. Only very trustworthy members of the police force will know about these cases.

There are no great changes to the current provisions in the act; rather, the bill adds to them, particularly in relation to tax file numbers, drivers licences and educational qualifications. It was important not to go overboard by making some of the qualifications too high. In many cases commonsense would show that a particular person would never have been able to attain the newly granted qualifications. The qualification must be of a level that the person would, in normal circumstances, achieve in his or her own right, because changing a person's name does not change that person's potential ability. The complexity of these measures leaves the mind boggling at times. It was an amazing feat that we were able to eventually produce the report which, because of its nature, is very small.

A great deal of assistance was given by His Honour Mr Justice Vincent, who is well known to both this government and the previous government and has been called upon on many occasions for advice. He has given invaluable assistance not only in this area but in the area of prison reform and the parole system. He is a forthcoming individual who retains the legal confidentiality required in many of the cases in which he takes part while calling on those experiences to give both sides of Parliament the value of his experience. At the back of the Legal and Constitutional Committee's report is a learned but

easy-to-read report from Mr Justice Vincent. He was one of the few people the committee was prepared to nominate for the job of adviser to the committee.

I cannot stress enough the importance of the integrity and competence of the Chief Commissioner of Police or his immediate subordinates so they can enter into arrangements with commonwealth or state authorities for proceeding with the witness protection program. At times the chief commissioner or his immediate adviser will deem that a person is not appropriate for the program. That decision usually means less credence is placed on the evidence given by that particular person, if the police can entice him or her into court at all. Often the worst that can happen is for the police to introduce somebody they know will be a bad witness.

Honourable members may have seen in the media only yesterday the court case in Canberra where the credibility of witnesses was called into question, and I am talking generally here and not on the morals of any particular case. It is a difficult situation for those deciding whether to proceed with a particular witness, and it often requires a great deal of experience.

If witnesses or potential witnesses believe they have grounds for complaint — and many times the complaints are of a trivial nature such as whether they have been fed the right food or given the right advice — the bill enables them to talk to the Deputy Ombudsman. Training people for those positions takes many years; you do not just put people with little experience into a job such as Deputy Ombudsman. It is similar to the position of a clerk of Parliament. Both sides implicitly trust him and know the advice given — and its ready availability — is a privilege but something to which we feel we are entitled. We receive that advice in the same way members of the community receive advice from the Ombudsman. We must ensure that the quality of the advice given to the Ombudsman is such that it enables him to do his job properly.

Making it an offence to reveal information is indeed a great deterrent, and the threat of a penal term must always accompany that deterrent. Those types of provisions help to mould this very sensitive issue into a worthy piece of legislation of which both sides of Parliament can be proud. Of course, as with all legislation where some areas are not working properly, we can come back to Parliament and address them in a sensible and sane debate, like we have had today, to rectify any anomalies.

Witness protection requires the full confidence of the community, and of Parliament. Even a hint of misuse — probably not even corruption but rather just incompetence — should be stomped on from a very high level to ensure that the recommendations of the Legal and Constitutional Committee are properly implemented. The changes, recommended unanimously, go right to the heart of our democratic system and of the administration of government. I am quite sure the Minister for Police and Emergency Services and others closely associated with the bill would call on any people who think they might have better ways of making this area work to come forward, because we still have time to negotiate with the commonwealth.

The changes will enable Victoria to lead the way in an area that encompasses one of the great tools of the policing authorities in our democracy. Where we have the ability to examine and utilise bills in the manner we have, we will provide Victorians with the best possible legislation. I support the bill and wish it a speedy passage.

Mrs HENDERSON (Minister for Housing) — I acknowledge the contributions made by the honourable members for Yan Yean, Ballarat East, Morwell and Glen Waverley. Their support and the way they have outlined the bill have made a great difference to the debate. It is important and serious legislation, and I acknowledge the work they have done. I also thank the opposition for its support. I acknowledge the great leadership provided by the Minister for Police and Emergency Services in bringing this important bill before the house. As the honourable member for Ballarat East said in his very good and concise contribution, this is about commonsense. It is a very serious matter, and I commend the bill to the house.

The ACTING SPEAKER (Mr Seitz) — Order! As there is not the required number of 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 second time; by leave, proceeded to third reading.

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

CO-OPERATIVES BILL

Second reading

Debate resumed from 31 October; motion of Mrs WADE (Attorney-General).

Mr PANDAZOPOULOS (Dandenong) — I am pleased to say that the opposition supports this bill because it is a good and commonsense measure. I thank officers of the Office of Fair Trading for their assistance in providing information on the legislation; I also thank the Cooperatives Federation of Victoria Ltd for the valuable information it supplied to the opposition.

The opposition has a close philosophical affinity with cooperatives. The Labor Party has always believed in the benefits of cooperative enterprise. Cooperatives have had a long, proud and strong history throughout Europe. Particularly in the early years, many of their principles were similar to those of the labour movement in which the Labour Party in Britain and the Australian Labor Party have their origins.

Cooperativism is one of the many philosophical strands which make up the Australian Labor Party and many other social and democratic parties throughout the world. A former member of this Parliament, Race Mathews, has long been a vigorous enthusiast for cooperatives. He has made numerous interesting speeches on the subject, particularly about the Spanish Mondragon cooperatives.

The ALP's mother party, the British Labour Party, lists the cooperative movement as one of its affiliate organisations. Cooperatives at the local levels are eligible to become members of local constituency labour parties in Britain. That demonstrates the working relationship and cooperation that exist between the British Labour Party and the cooperative movement in Britain. A British cooperative political party is part of the cooperative movement there. It has an agreement with the British Labour Party to ensure proper consultation on matters of mutual political interest. Obviously, the cooperative movement and the Labor Party are similar organisations because their values and principles are very much the same.

The opposition is satisfied that the bill provides a strong foundation for spreading the values and principles of cooperation. As contained in part 1 of the bill they relate to self-help, self-responsibility, democracy, equality, equity and solidarity. These are values the Labor Party also calls its own. The opposition fully supports the principles of cooperation as outlined in the bill. They are: voluntary and open membership free of discrimination on the grounds of gender, class, race, politics or religion; democratic control by membership; economic participation by members; autonomy and independence; education, training and information; cooperation among cooperatives, and concern for the community. Who can argue against those principles?

The benefits of the cooperative movement in the agricultural sector and the non-profit sector — or, as defined in the bill, trading cooperatives and non-trading cooperatives — have been seen across the state, in organisations such as the Egg Industry Cooperative, which since deregulation is working well in my electorate; the Tobacco Cooperative of Victoria; the Peagrowers Cooperative; or other cooperatives, whether they be cooperative rental housing programs or child-care cooperatives, Aboriginal cooperatives or other examples in the cooperative movement growth areas that I will speak about later.

It is good that the bill actually provides for the promotion of cooperation. It encourages the formation of new cooperatives and a strengthening of cooperatives that now exist. In Victoria 1026 cooperatives are already registered, and 47 new cooperatives were registered in the last financial year, so there has been about a 5 per cent increase in the number of Victorian cooperatives. That number is likely to increase in the future.

I am pleased that a prime objective of the bill is to promote cooperative enterprises. You find there is much potential for improvement when you talk to the Cooperatives Federation of Victoria and examine some of the former anomalies and difficulties, such as the cost barriers and extra costs placed on cooperatives. Their removal will mean a higher level of work and efficiency, which means cooperatives can become more viable and profitable.

At present a number of factors often work to force people who were endeavouring to set up cooperatives to form companies instead. At times the barriers have been so difficult to overcome, particularly when cooperatives wanted to trade

interstate, that they had no alternative but to form company structures. Part of that problem was due to the inability of cooperatives to act as natural persons. Now, with the same legal standing of companies, cooperatives will be able to trade on an equal footing — that is, on their own. Having the ability to be seen by law as natural persons will be of great benefit to cooperatives.

Incorporated bodies can now join cooperatives, allowing them to expand more easily. Many agricultural producers have formed themselves into incorporated bodies, but now they will be able to join cooperatives, which certainly will improve their levels of efficiency and viability. Cooperatives will now be able to trade interstate easily, and interstate cooperatives will be able to trade in Victoria.

It is pleasing to know that the Victorian legislation will be the basis for more consistent national legislation — the rest of Australia is looking at Victoria. The Victorian government is pioneering the way with this legislation, and it will certainly be of benefit to the whole of Australia. During the briefing on this bill I asked if there were any particular cases where the barriers had led to increased costs and difficulties for companies. Two companies — Australian Cooperative Foods and Queensland United Foods — had to spend \$1 million in consultancy fees seeking advice on what was involved in a merger.

It seems silly that companies have to pay that level of expenditure to merge in a changing marketplace. That is the reality — the marketplace is changing. It is much more competitive and we need to make sure cooperatives can survive in that changing environment. Part of the changing environment is the need for cooperatives to be able to trade interstate, to become larger and merge, and to offer their services in other states. Also, cooperatives from other countries need to be able to offer their services in Victoria and Australia.

Lawyers will have the benefit of a coherent and single piece of legislation that clarifies the legal requirements of incorporation as a cooperative, simplifying the advice and lowering the cost to cooperatives. As I mentioned earlier, the previous complicated law relating to cooperatives often led lawyers to recommend the formation of companies instead.

The management structure of cooperatives and the duties of managers, directors and employees have been modernised to conform with contemporary

corporate law. It puts cooperatives on an equal footing with other corporations in that regard. A good feature of the bill is that it provides protection from the market. The essential features of cooperatives will be protected from many of the predatory aspects of the commercial world.

The bill sets out a particular structure, which ensures cooperatives will continue to operate on the basis of one member, one vote. When one looks at the principles of democracy — equality, equity and so on — one realises that the principle of one member, one vote must be enshrined in legislation. The bill ensures that only active members and members with substantial stakes in a cooperative will have voting rights, and that is important. People or companies considering taking over a cooperative will not be able to acquire the votes of non-active members, who have been referred to as dry shareholders, in effect trying to use those dry shareholders as an opportunity to take over a company. In many cases non-participants will have to relinquish membership after a maximum of three years. For instance, in a fishing cooperative only fishermen who contribute a certain amount of catch to the cooperative, or make a certain financial outlay — in other words, they are operating viably — are the ones with voting rights in the decision making. The non-acting cooperative members who want to remain part of the cooperative are encouraged to think about their futures to try to make themselves viable and participate, otherwise it is much harder for the cooperatives to survive.

While cooperatives will be able to be acquired by companies and other cooperatives, that will be only with the consent of a substantial majority of active members. That fits in with the previous provisions where non-acting members have less of an interest in what goes on in that particular cooperative. Therefore, the viability of a cooperative should not be threatened by a number of non-active members or participants. That provision will certainly assist unfair takeovers or takeovers that are not in the interest of those people who are active in making the industry viable.

Independent directors can get on to the boards of cooperatives. This is a very important provision because it will ensure that people with commercial expertise, who are able to offer the best commercial direction, can participate at the board level — but only on a board with a ratio of one independent member to three normal members. That is a good balance. It will also ensure that the boards and cooperatives will have the opportunity of enjoying

their experience. This experience could lead to boards of cooperatives taking up many opportunities, enabling them to grow. Cooperatives will now be able to increase the number of board members. The current limit is seven, and in many circumstances that will assist in maintaining a wider diversity of people on a board.

In terms of the regulatory provisions, the registrar will have sufficient powers to ensure that cooperatives are run in the best interests of their members and with the strictest financial probity. If we are to put together a legislative environment where cooperatives can compare themselves to their competitors in other companies, to operate in comparable ways, obviously the regulatory environment of supervision is important. We support the powers that the registrar has been given.

There are a number of future prospects for cooperatives. One of the key benefits of the new legislation is that it will make it easier for consumer cooperatives to be formed. In the changing marketplace, with a great deal of privatisation at federal and state levels, consumers would certainly be looking at forming cooperatives as vehicles to address some of the imbalances that occur in the community as a result of such things as privatisation. For example, the Cooperative Federation of Victoria set up an electrical cooperative task force to assess the prospects of the formation of cooperatives of consumers to aggregate their purchasing power to extract the best price for electricity from privatised electricity companies.

About a year ago on the Mornington Peninsula, where United Energy acts as a retail electricity distributor, there was local press coverage about the need to form cooperatives to enable the bulk purchasing of electricity for the mutual benefit of the cooperative members. In the supposed competitive environment of privatised electricity distribution, being able to achieve economies of scale by bulk purchasing in a cooperative arrangement provides numerous and great opportunities for electricity retail consumers.

Electricity cooperatives can be found in 50 countries. They have been very strong in the United States, particularly in rural areas, where they have been able to redress many of the inequities caused by the deregulated electricity supply market. The electricity cooperatives in the US originated during the recession of the 1930s when deliberate decisions were made to provide some infrastructure in rural communities for jobs. This has led to a very strong

electricity cooperative movement in the United States.

There are other areas in which the formation of cooperatives may create opportunities, such as with the privatisation of timber plantations where individual tree growers may be able to form cooperatives to enable them to better deal with purchasers of timber and so on. There are opportunities in irrigation areas. One of the areas of disadvantage at the moment concerns communities around the Murray River where there is mutual interest in covering the different states because they are all reliant on irrigation around the Murray. The cooperatives in that region have had many barriers and disincentives placed in the way of their being able to act effectively.

An area for growth in the future would be cooperative rental housing, because changes are taking place in commonwealth-state housing relationships. The change involves less direct provision from government and more at the community level. Therefore there has been a growth in cooperative rental housing in the state.

I have worked with some cooperatives in my electorate. In particular, I have assisted a Sri Lankan group to obtain funding for a cooperative rental housing program for needy people in their community and to manage and upgrade those assets over time. All of these changes are leading to a growth in the number of cooperatives.

However, it is disappointing that recent federal budget cuts have threatened a number of cooperatives, especially when some non-trading community cooperatives have relied on government support to provide targeted assistance. An article entitled 'Budget threat to co-ops' in the winter 1996 edition of the *Victorian Co-operative News* states:

Over 70 Victorian cooperatives face an uncertain future following the federal government's 1996 budget ...

The Aboriginal and Torres Strait Islander Commission has been forced to terminate a number of programs for most of Victoria's 29 Aboriginal cooperatives following a budget cut of \$470 million over four years. While the state government is doing the right thing in supporting cooperatives, the federal government is taking away financial support for the organisations that most need it. The article also states:

A number of Victoria's 67 community-based child-care cooperatives face closure following the loss of their operational subsidy after the federal budget.

It is disappointing that the federal government appears to be less supportive of cooperatives than the state government.

The opposition will always work with the government on good pieces of legislation. I hope the bill will have the effect of expanding cooperatives in Victoria, getting rid of barriers to their continued viability and giving them the encouragement they need to compete in a changing environment. The opposition is pleased to support the bill.

Mr CARLI (Coburg) — I support the bill. In the early 1980s I was an active member of the cooperative movement and worked for a small business worker cooperative. During that time I learned about not only small business, the payment of wages and the sale of products but also about democratic decision making in a competitive environment. I have spent considerable time studying both the cooperation movement and cooperatives in a number of countries. In Italy I worked for a number of months with the Italian Cooperative League in the city of Bologna.

I have a great deal of interest in cooperation, and 10 years ago I was critical of the cooperative act that impeded the growth of cooperatives in Victoria. It is important that cooperation legislation defines and protects cooperatives. The bill specifically sets out the international principles of cooperatives, principles that have been with us for more than 100 years, have been clarified over time and were recently ratified in Manchester. It is also important that the legislation not only promotes cooperation but identifies the fundamental principles behind it.

In my travels I was interested to note the ways different governments recognised, maintained and assisted emerging cooperation, as well as their attempts — I will not use terms such as 'subsidisation', which they do not use — to facilitate cooperation. An interesting example of that is the 1946 Italian constitution, which not only recognises cooperation but includes a statement calling for the government to recognise and facilitate its emergence throughout the economy. It is important that we have facilitating legislation that stresses the importance and sets out the basic principles of cooperation.

The 1981 Co-operation Act has been criticised because of the constraints it places on the development of the cooperative movement. For example, it fails to cover all Victorian co-ops. There are many organisations that are cooperative in nature but have preferred to incorporate and register themselves under the association act or other legislation because the cooperative act has been too difficult to work with. The old act is too specific and prescriptive and, as I said before, it lacks any direct expression of support for the seven cooperative principles.

This bill reduces the number and types of cooperatives from four to two — trading and non-trading. The bill provides for the formation of non-trading cooperatives and makes it easier to run non-trading organisations, which include community advancement societies such as my local creche. It is a classic child-care co-op, of which there are many in the state.

The bill also recognises the importance of active members as against dry members. Active members are those who are involved in making important decisions and in protecting the integrity of trading co-ops from predatory private companies. The bill is model legislation which will be considered for use Australia-wide. It will make life easier for consumer co-ops — and there are enormous opportunities for them at the moment.

Victoria has more than 1000 co-ops, the majority of which are community advancement societies. They can be child-care co-ops built around school communities, housing or rental co-ops or Aboriginal co-ops. In the main they are about trading for goods, not about making returns on investment. They are also important in promoting community spirit.

There are very few food and worker co-ops in Victoria, and one of the features of the Australian cooperation movement is its lack of those types of co-ops. However, there are many in other countries, including Canada and Israel and countries in Western Europe, Eastern Europe and South America. The main types of co-ops in Victoria are trading and producer co-ops, a number of which are large, capital intensive and generally based in rural areas.

It is important to point out the differences between public and private companies and cooperatives. By nature cooperation is based on mutuality and democracy — that is, it is about capital assisting the activities of co-ops. It is not about capital employing

labour but about labour employing capital, and that is the fundamental difference. Depending on the type, cooperatives are established fundamentally to promote the common needs of producers, consumers or workers. All members — this is one of the basic elements of cooperation — have equal voting rights regardless of the capital they have put in or their status in the organisation. Cooperatives are fundamentally democratic structures.

In many countries trade unions, the labour movement as a whole and cooperatives have had close relationships. The labour movement has a history of being involved in co-ops in Victoria, and one of the current examples is credit cooperatives. But the labour movement in this country has not shown the same interest in the general cooperative movement as labour movements in other countries.

In many countries the labour movement has seen its role in three areas: through political parties; economically, through cooperatives; and to negotiate with management through trade unions. The labour movement in Australia does not have the same emphasis on economic power. In the Coburg electorate that I represent, the stonemasons cooperative was formed in the middle of the 19th century to tender for the right to build Pentridge Prison. It was supported by the stonemasons union and, in fact, won the tender to build the prison.

In Victoria and throughout Australia cooperatives were established by the labour movement in response to industrial conflict. In the 1920s in Wonthaggi the strikes on the coalfields led to a cooperative being formed to assist striking workers, and it continued to exist for some time afterwards. The cooperative developed through the cooperation and mutuality of working people and trade unions.

In 1961 striking miners on the New South Wales coalfields established their own colliery as a result of major strikes on the coalfields. There are many examples of trade union interest and relationship with cooperatives, especially in Victoria with the credit unions, which have the strongest membership and capital resources, although they are not part of the bill.

In many countries the link between cooperatives and the labour movement is strong. In the United Kingdom the cooperative movement is an affiliate of the Labour Party. It is involved in the party's conferences and shares a mutual interest on a number of issues.

Cooperatives are perceived as a third economic sector — there is the public sector, the private sector and the cooperative sector. In Victoria the cooperative movement is undeveloped other than in a few areas, and it is important that the bill recognises that the cooperative movement sees its role as nurturing cooperation among people. One of the basic principles of cooperatives, as reflected in the bill, is to assist the development of future cooperatives and the cooperation of cooperatives. More work can be done by farming organisations, the trade union movement, government and community groups to foster more democratic and participatory forms of social ownership.

The modern cooperative movement was born as a result of the worst excesses of industrial capitalism in the early 19th century. It developed at a time when businesses failed and people were ruined, and if you were unemployed you starved. If people tried to organise politically or develop trade unions they were brutalised and suppressed. A liberal thinker, Robert Owen, established the first model cooperative, the New Lanark mill, where workers enjoyed certain rights they otherwise would not have. The cooperative was developed on ethical concepts of mutual support. Strong philosophical traditions developed around it that were very important in modernising Great Britain and in reforms that occurred in the latter part of the 19th century.

A number of worker conditions that are considered fundamental to modern workplaces on this side of the house were put in place at that time: fair wages, job security, restricted hours of work, and training and education for workers and their families.

When one considers the influences of cooperatives on the reforms of Great Britain, particularly in the latter part of the 19th century, one recognises that the influence of the cooperative movement had a far greater effect on society than the number of cooperatives. In the latter part of the 19th century the early cooperative movement pioneered concepts that are fundamental to society, even though some are now under threat. The philosophies and concepts behind Robert Owen's movement spread far and wide and were supported by numerous different ideological and philosophical traditions — for example, Christian traditions such as Quakers, Methodists and Catholics, and socialist, Country Party and liberal traditions. In the United Kingdom the liberal tradition was about sustaining and building on cooperation. Different traditions saw cooperatives as a way of either changing capitalism

or ameliorating the worst effects of 19th century capitalism. These traditions had a fundamental belief in justice for working people and a right to fair wages and good education — basic conditions of work.

About 10 years ago I spent some considerable time working with the cooperative movement at La Lega in Bologna and I toured countries with strong cooperative movements such as France, Belgium, Denmark and Mondragon in northern Spain to see how they worked and understand their relationship with the state. The Italian movement comprises 10 per cent of the national economic output, and in areas around Bologna it is more than 10 per cent of economic output. Many of the products exported from Italy, particularly agricultural goods, tools and tool-making equipment, come from cooperatives — for example, almost all the parmesan cheese is exported by the cooperative movement. During my time there I noted the enormous cooperation between the cooperatives both nationally and internationally.

The legislation will allow cooperatives to trade and exist within Australian and international settings, which is a good thing. In Europe the movement sees itself as an international movement. It is active in the production of rural produce, in construction and cultural activities, and is an essential element of most people's lives. The cooperative movement has assisted economic development and influenced modern management techniques that are now taken for granted. The areas of Europe with strong cooperative movements that I visited had a far higher percentage of the national export output than non-cooperative areas. Their workplaces enjoyed low absenteeism and high productivity. When I spoke to workers I was told by them that they believed it was their property; that they were involved in the process and had a personal commitment to the cooperative. They were committed to the outcome. In the Basque region of Mondragon, a small town surrounded by other small towns, 89 thriving independent cooperatives employing 18 000 employees are associated with manufacturing, cultural activities and banking. That region has the highest concentration of cooperatives in the world. The cooperatives are based on Basque nationalism philosophy and a tradition of cooperation and land ownership that developed during the defeat of the Basque nationalists and Republicans by the Franco forces during the Spanish Civil War.

The cooperatives were started by a Basque priest who fought against Franco and who, seeing the plight of his people, decided to build cooperation; it was Basque nationalism and Catholicism, but it was a very powerful movement.

In Denmark the tradition is very much linked to the Danish Labor Party and was built around the Danish bacon industry. In the 19th century when the British market for Danish bacon opened it was the cooperatives that got in first. Traditionally the farmers vote Labor in Denmark, and that is because of the relationship between the cooperative movement, Danish bacon and the Danish Labor Party.

We in Victoria have interesting traditions, but they are quite different. The National Party in Victoria has a relationship with rural trading and producer co-ops as part of its collectivist tradition, and it is an important tradition.

The act has done many things. It has taken into account the criticisms of the past 10 years when people looked around and asked what was happening in terms of cooperation and where it was going. The act may have been suitable in its day, because although it is a 1981 act its antecedents go back to the 1950s and it was built around the reality of that time. The act affords us the possibility of building cooperation as part of a tradition. I hope we can return to the previous traditions of cooperation in Victoria — the Catholic, Christian and trade union traditions — and that in this time of globalisation, when times are tough and there is high unemployment, deregulation of certain rights and conditions in industrial relation reforms, and cuts from the federal government, we can reconsider co-ops.

A response to issues like privatisation and subcontracting must be about cooperation. If the public sector gets dismantled, instead of seeing it as simply lining the pockets of the private sector we have to start seeing the emergence of a greater public and civic-minded third economic sector.

Considerable thought has been given to electricity co-ops. While they would not be like the American co-ops, which are often producers of electricity — and I use Moreland in my electorate as an example — there is no reason why we, having had traditional ownership of our electricity supply, cannot again become major players in electricity distribution and use. There is enough of the tradition of collaboration and cooperation to do that. We need

to examine other areas where co-ops can work. If there is a trade union tradition in Victoria it is in the area of subcontracting. That goes back up to the Second World War when the trade unions were involved in establishing co-ops.

In terms of where I fit politically, my natural tendency is to believe that this third sector is one of the critical sectors if we are to achieve social justice in our society. I am not necessarily a believer in bigger and greater government; I am a believer in greater civic participation and participation in the economic sphere. Whether we call it a stakeholder society or look at it in the cooperative way, ultimately we want a society in which people have a greater say and role in their economy and share in its benefits. There are obviously different models for that. Cooperatives are not the only one. I recently bought some plumbing supplies — for my new studio out the back here! I can't remember the name of the firm I dealt with, but it was Mr Someone and staff. It was not a cooperative inasmuch as the staff do not have one vote along with the owner, but nevertheless it is another form of social ownership and participation.

My tendency is to say I want the seven principles. I believe we should go for cooperation, but I accept that there are other models of social ownership that are important and interesting. I want to touch on those seven principles because they need to be stated and because there can be no cooperative movement if we do not include the principles. Not to have stated them in the previous act was an enormous omission. It is worth going through the seven principles briefly and judging our future as a society and economy within them.

The first principle is that of voluntary and open membership. The intent is that if you are setting up a consumer co-op it should be open to people who want to use the service. There is a non-discriminatory approach to it: you cannot discriminate on people's membership of a cooperative; it has to be based on people's desire to use the service and be part of it. In the case of worker co-ops it is the people working in the organisation that decide who may join. I was involved in an interesting debate in an Italian co-op where the blue-collar workers were the shareholders and there had been an increase in the number of white-collar workers within the enterprise. The debate was about whether the blue-collar workers should allow the white-collar workers to be members. It was won on the basis of principle no. 1: that there should be open membership. No matter

whether workers are employed in the office or on the shop floor they should be members. However, there was considerable opposition to that view from some of the blue-colour workers. The management is elected by the membership, but it is basically a democratic structure.

What is interesting about international studies of cooperation is that while we often think of democracy as being time-consuming and wasteful, co-ops are actually more productive. Whatever you consume in a democratic process you gain in terms of a greater, more productive, more inclusive workplace. The economic participation of shareholding and equality of voting are also important. It does not matter what your capital is, you have the same vote: that is fundamental. It is very different from many other forms of social ownership. If you have put in X and someone has put in Y you have basically got one vote, one value.

Principle no. 4 is about autonomy and independence. Ultimately co-ops are autonomous and they are about mutuality of membership. While there are federations of cooperatives — with a commitment to cooperate between co-ops — ultimately it is a democratic and autonomous entity and should be recognised as that.

Principle no. 5 covers education and training and is fundamental. It was the basis of Robert Owen's very first cooperative: the working-class people in his mill were going to be educated. That idea has been elaborated on and improved upon, but it is still there as a tenet — a basic element.

Principle no. 6 is cooperation among co-ops. The lack of that cooperation was a weakness of the old act. If the legislation does not allow for trade and international movement of co-ops working throughout Australia, it ain't working very well. We have enormous potential. The Japanese cooperative movement is enormously powerful in rural Japan. Co-ops are very powerful in Canada, particularly in rural Canada; they are also enormously powerful in Europe and parts of the Middle East. There is a cooperative sector that can trade and that has an emphasis on fair and equitable trade between its member parts on not only a national but also an international basis.

In Europe I saw examples of European trade as well as of a commitment by European cooperatives to assist, for example, cooperatives in Mozambique, Angola and southern Africa. That is important. Not only is that a demonstration of the solidarity of

co-ops and oppressed people of the world, but it is also about trade and using the capacity to trade to assist Third World countries to develop their economies. If we are going to have a capitalist order, let us have an ethical capitalist order, which is one emphasis of the cooperative movement.

Principle no. 7 is of concern for the community. The biggest supermarket chain in Italy is a cooperative; the biggest supermarket chain in Switzerland is a cooperative. One of the most important aspects of those supermarkets is that they are about community development. If there is a problem with pollution, they will have discussions and make a video about pollution. If there is a problem with nutrition, they will be there in the front line talking about nutrition. We have similar examples in other countries, but those two countries are the dominant examples of a particular supermarket chain. I would like to see our supermarkets make a similar commitment to community education and development.

In the past I have advocated a revision of the legislation to remove the impediments. This legislation provides the opportunity to develop cooperation.

In a certain sense cooperation comes to the fore in difficult times. These characteristics were part of the surge of cooperatives that resulted after the decline of Fascism and Nazism. That was certainly true of cooperatives in Denmark, Italy and Spain where there was a political struggle, and the ramifications of those struggles led to solidarity and cooperation. A number of cooperatives existed in European countries that were made up of left-wing workers, but during the 1950s they were sacked in purges resulting from the red scare. Those people went on and set up their own cooperatives, some of which are now major producers and concerns in a number of European economies.

During periods of adversity — this is a period of adversity — when there are government cutbacks, globalisation and industrial relations disputes, responses are motivated at the grassroots level when people resist changes that are detrimental to them. This situation applies equally to rural Victoria and to rural Australia, which have had a tough time competing on the world market. Cooperatives are one means of response. Good examples exist of rural cooperatives that are major players on the world stage.

I hope this bill will stimulate cooperatives to enter a new period of development, which is one element of the principles of a cooperative. It is up to the movement to recognise its role and find its supporters within key organisations in society that have an emphasis on mutuality, reciprocity and other elements of cooperation. They may come from different ideological traditions and be politically opposed, yet they can see that cooperation is a way of tackling the distortions or the worst elements of the market to allow for a response from ordinary people.

Although political ideologies may be different, the belief in cooperation is the same. If a movement is to go forward it must identify a commonality of interest and allow political differences to be put aside. In that way we will see a renewed interest in cooperation and collaboration in our society.

I commend the bill. It has taken some time to get to this place. It may be important legislation in renewing Australia's interest in cooperation in the economy and in civic life.

Dr DEAN (Berwick) — It is indeed apt that the house is debating the Co-operatives Bill in an atmosphere of cooperation. It is always a delight to speak in the house about cooperation, rare though those times may be.

I shall go one step further in breaking the mould to point out that although the honourable member for Dandenong and I have had our battles in the past, it might surprise members to know that we have had many times of cooperation. Given that the member's electorate is next to mine we sometimes work together for the public good. I congratulate the honourable member on his contribution. I also listened with great interest to the contribution by the honourable member for Coburg because it showed his intimate knowledge of cooperatives as a result of his background.

Both honourable members raised the vital role cooperatives play in our community. Although we may not share the same philosophical view about the role of cooperatives, we agree cooperatives do play an important part in the commercial and social activities of this country and many others. It is for that reason the legislation had to be introduced.

Unfortunately, as the world has changed cooperatives have not been able to operate in a way that would guarantee their future survival. Members on both sides of the house want cooperatives to

survive and grow. There was a need for flexibility in cooperatives to enable them to do various things such as raise money and obtain members, which they were increasingly not able to do. Competitively they were losing out to other types of institutions.

It is interesting to note the new spirit moving through this country. In a speech I gave earlier this week on the Births, Deaths and Marriages Registration Bill I said it was clear that federalism was changing, and one of the changes is that states are realising it is no longer possible in this new modern age of technology to operate as separate entities. It is clear the states realise their boundaries mean less and less to people living in one state or another. They can communicate by technological link-up using the telephone, fax or computer. This new wind blowing through federalism has meant that states now realise that legislation which has borne their respective characteristics must now be uniform with that in other states.

Whether it be births, deaths or marriages, cooperatives or friendly societies, the Attorneys-General are coming together and saying, either through template legislation, similar core legislation or identical legislation, that we should all have the same laws and obligations. That does not mean central government is the go — I would argue against central government until the cows come home — but cooperation between the states is an essential part of federalism if it is to remain alive and well and play its part and enable Australia to fulfil its role in the world. The bill provides for cooperatives to survive in the present climate and to prosper, which will enable Australia to operate better as an entity.

Some people who have listened to the debate may ask: why is there a need for cooperatives and what do cooperatives do? We have corporations, cooperatives, friendly societies, credit unions and so on. Why are they not all corporations? Why do we need these different structures with mountains of legislation and effort to separate the entities? The answer is: it is simply because they all fulfil entirely different roles.

To emphasise the difference I will draw a distinction between corporations and cooperatives and it will become clear why we have put so much effort into ensuring those entities remain and prosper. A corporation, in sharp distinction from a cooperative, is run by a board of directors. The directors make all the decisions about the prosperity of the company and the members of the company — or

shareholders — are not active participants in the decision making. They provide the capital for the company and they allow the directors to run the company and one hopes to make large profits so they get a return on their capital investment. That is the extent of the interest of shareholders and it is an appropriate way for that entity to operate in our business community. Capital is raised through shareholders, whose sole interest is the investment of their money, and the company goes about its business of making a profit by providing services.

Compare that with what happens in a cooperative. The members of a cooperative are actively interested in and have ownership of the entire process, including the assets and any decisions that are made. They are interested on a day-to-day basis in what is happening because they are all in it to help each other. Members of a cooperative, as the name implies, cooperate with each other for the common good. Cooperatives can be as large as the Murray Goulburn or Bonlac cooperatives or as small as many housing cooperatives, and whether they involve farmers or people who want to get cheaper housing finance, each has a common aim. Cooperatives are made up of people who are involved in separate businesses or activities and who combine so they can help each other.

An examination of the distinctions between corporations and cooperatives shows it would be crazy to say that people who wanted to act in cooperation had to be a company, because they would then have to devolve all power to make decisions independently to a group of directors and would be able to have a say only once a year at an annual general meeting, and at such meetings usually only major shareholders have a say anyway. That demonstrates the importance of cooperatives. After going through the same process in respect of credit unions and friendly societies one sees that those bodies also have very separate requirements.

Another major difference is that cooperatives do not exist to make profit but to allow people to cooperate in a common aim. It is appropriate that profits be made and that those profits are distributed to the members, but it is the trading enterprise in which those members are engaged that is the prime goal, not the profit. Anyone who looks at the objects of the bill will see that spelt out very clearly.

Mr Steggall interjected.

Dr DEAN — There is nothing against the making of profit, and many members of cooperatives are

very happy to receive a return in the mail for their hard labours. However, the purpose of the body is cooperation, not just to get a return on the investment of money.

So what are the problems? Why not leave things as they are? As I pointed out earlier, one of problems is that because the acts governing cooperatives are different in each state, if a cooperative wishes to raise money or recruit members in another state it must comply with the legislation of that state. In the past there were such extraordinary differences in the legislation applying in the various states that before a Victorian cooperative could recruit a person who lived in New South Wales it had to become a cooperative in New South Wales. In addition, at times the statutory requirements were actually opposed to each other and it was impossible to fulfil both requirements. Therefore, in trying to get members cooperatives were likely to get in a real bind and possibly end up with no members at all from other states.

Under the existing situation it has also been difficult for cooperatives to raise money in another state. That had to be done under the Corporations Law, because by raising money under that regime cooperatives were not operating under a particular act in a particular state and therefore were not exempted from corporations law. The need to do that obviated some of the advantages enjoyed by cooperatives when raising money. The requirements on corporations wishing to raise money are very vigorous. Because directors wishing to raise money are dealing with what are in effect disinterested shareholders a whole series of disclosure requirements, prospectus requirements and so forth have to be complied with. That ought not to be necessary when cooperatives are attempting to raise money, particularly from their own members in other states. Those requirements have been a great barrier to cooperatives operating and trading between states.

A further problem is that because cooperatives are becoming more and more like credit unions, and credit unions are becoming more and more like banks, at some stage we have to define how we will control these various institutions. Credit unions operate under stricter and more rigorous controls and must be registered under the financial institutions code, because many people can be hurt very badly if there are no such controls in place. All honourable members, and particularly those who live in Geelong, will be familiar with that scenario. Because it is important that the various types of

institutions are kept in their correct boxes and that cooperatives do not sneak into the credit union mould it was necessary to draw a few lines and divisions on that score.

In 1990 the state agriculture ministers demonstrated the importance of cooperatives to agriculture by approaching their respective Attorneys-General and requesting implementation of a national scheme. The Attorneys got together with the commonwealth and worked long and hard over a six-year period — it has taken five years to get to this stage — to ensure there was cooperation. The people who have participated in the process — Attorneys-General, department heads and industry representatives — are to be congratulated for their long, hard efforts.

A couple of aspects of the bill are brand new. The first is the difference between trading and non-trading cooperatives. This is a new concept and it is quite important that the bill draws that distinction. Non-trading cooperatives should not be required to adhere to the level of disclosure required of trading cooperatives.

Finally, the bill introduces a long overdue active membership requirement. It is extremely important that non-active members be required to leave cooperatives at some stage. The new legislation requires the active membership requirements to be inserted in the rules of cooperatives. Cooperatives can determine their own active membership requirements as part of their rules, but once that is done members who are not active will not be permitted to remain as members. This provision will provide protection against people not keeping a watch on what is happening in cooperatives of which they are members or making them vulnerable to takeover.

Mr Steggall — Do you sell your shares?

Dr DEAN — Yes, you sell your shares to other members. Honourable members should remember that voting rights go with membership, not with shares, and that is another difference between cooperatives and companies. The bill also contains provisions concerning notice on takeover among members, winding up of business, transfer of business, reconstruction and official management. Those provisions are relevant because it is just as important to handle a cooperative when it is finishing its life as it when it is beginning.

I commend the Victorian Attorney-General and all the Attorneys-General who worked long and hard on this bill.

Mr SEITZ (Keilor) — The need for this change is long overdue. I campaigned under the previous government for changes in this area and I appreciate the changes that have taken place in this area of law to bring it into line with modern practice. The cooperative system originated in Germany with rural cooperative financial societies and was developed further in England. It was used in the early days in Australia, and it is still being used today as an effective means of helping particularly primary producers establish themselves and also other individuals who do not have the funds or the wherewithal on their own to process and market produce and to negotiate, whether it be on the Australian or world markets. So it has many advantages.

Suburban people are mainly familiar with the community advancement societies, which were part of the act as it existed in the past. It offered legal protection for community organisations that were registered under the cooperatives; it meant they did not incur the expenses of legal eagles by registering as non-profit-making companies. Since then legislation has been introduced for cooperative associations and incorporations — the Associations Incorporation (Amendment) Act 1983. It is a relatively economic way for community groups to benefit from the legal protection that is required these days — for example, if you are a volunteer on a committee and an accident happens, you are personally liable for that accident and can be sued; it is important that you have that legal protection.

The people I was involved with in the early 1960s and 1970s have registered mainly under the Co-operative Housing Societies Act for community child care, community centres, and neighbourhood houses. They have all used that system but have found that that legislation had too many requirements. By having it delineated and explained, they have found that the trading provisions of the cooperatives legislation will have advantages for community organisations by making it easier for people who are not actively participating to drop out, so long as ledgers and records of people will not have to continue over many years; it has been part of the rules of child-care cooperatives that the parents of the children had to become members. People move on and may no longer attend, but because of shareholder issues they would still be on the books and required to be notified for annual

general meetings and so on, which results in extra expense and burden with the successive changes of committees.

There was also confusion about the titles used because they were seen as directors. In some people's minds they were like directors of boards who were being paid for their services, rather than volunteers who were managing them. That is in the community field.

In finance, particularly in the house finance lending process, groups would get together to form community cooperatives in their own districts, towns and areas. The amendments proposed today, when the new act is proclaimed by the Governor, will clarify many of those situations.

I urge the Attorney-General to develop a community education process for the various volunteers in the community organisations who rarely look at the act — they look at their own constitution and follow it through, and if things run smoothly nobody ever goes back to the letter of the law to look at the requirements. I urge the Attorney-General to embark on a process to notify the cooperative community groups, particularly when committees change — in many cases every annual general meeting — of the new requirements resulting from the amendments, including their obligations, the regulations under the new act and the new forms that will be required so that in years to come they will not be embarrassed when there is a dispute and somebody on a committee says, 'You did not follow the letter of the law', and some old secretary says, 'We have always done it like that; we did not know there have been changes'. Having raised those issues, I welcome and wish the bill a speedy passage through the house.

Mrs WADE (Attorney-General) — I thank the honourable members for Dandenong, Coburg, Berwick and Keilor for their personal contributions to this debate. It was an absolute pleasure to listen to them. I was particularly pleased that opposition speakers indicated their support for this bill. A number of opposition speakers emphasised the strong belief of the Australian Labor Party in the cooperatives movement, and the conjunction between those beliefs.

The member for Dandenong referred to the Honourable Race Mathews's interest in and support for the cooperatives movement, and I well remember sitting in this Parliament and listening to his speeches on this subject.

A number of speakers pointed out the advantages to cooperatives of this bill in comparison with the provisions of the present legislation. They referred to the removal of barriers that are placed on cooperatives, which will mean that cooperatives will be more viable and more profitable. They also referred to the removal of difficulties in the way of Victorian cooperatives operating interstate and interstate cooperatives operating in Victoria.

They mentioned that under the bill incorporated persons may be members of cooperatives, and that this will be a real advantage, particularly for agricultural cooperatives. They also referred to the difficulties in the past for cooperative mergers and that these mergers will be able to go ahead more easily under the provisions of the bill.

Members pointed out that Victoria is pioneering this legislation for the whole of Australia, and that is one of the great advantages of this bill. The adoption of this legislation nationwide is being done in a somewhat novel fashion. Core consistent provisions have been identified and other states have agreed that these provisions will replace existing provisions in their legislation.

It was initially thought that these core consistent provisions would form only a relatively small part of the bill, but now — I think perhaps inspired by the cooperative principles that are set out in the bill — the level of cooperation between the states is so great that the greater part of the bill will now be adopted Australia-wide by way of the core consistent provisions agreement.

Overall this bill is a great triumph. I congratulate the officers of the Office of Fair Trading and Business Affairs who were responsible for preparing the instructions for this legislation and negotiating with the other states. I would also like to thank my ministerial colleagues in other states for their support of and encouragement for this legislation. I would also like to congratulate the cooperative movement for its assistance and patience. Cooperatives have been waiting for this legislation for a very long time.

Opposition members have indicated the Labor Party's support for cooperatives, and if my memory serves me right the previous Labor government had two attempts at introducing new legislation for cooperatives. I remember the Honourable Race Mathews speaking on those occasions. I well remember, as shadow Attorney-General, being briefed in detail by members of cooperatives,

particularly by Tony Gill, the secretary of the Cooperative Federation of Victoria, on the various provisions of the bills.

Unfortunately, each time the former Labor government introduced a bill it seemed to run into some philosophical difficulties within the parliamentary party and, as a result, on each occasion the bill was dropped. I am pleased I seem to have succeeded in doing what the former Labor government failed to do — that is, I have obtained the parliamentary Labor Party's full and united support for the legislation.

Victoria has also succeeded in obtaining Australia-wide support for the bill. I am advised that for six years New South Wales tried to obtain support for its legislation but failed to do so. New South Wales has now kindly agreed to adopt the core consistent provisions which have been negotiated Australia-wide and which are contained in the bill.

Cooperatives are an important part of our economy, and they are a particularly important part of the agricultural sector. I refer to an article that was published in the *Australian Financial Review* on Monday, 11 November. It refers to some comments by Professor Bob Fagan about food cooperatives:

Bob Fagan, professor of human geography at Macquarie University, believes the exports of Australian food co-ops in recent years has far outshone local proprietary and transnational companies.

In a recent study of Australia's top 30 food processors, he found three cooperatives — Bonlac, Murray Goulburn and Australian Ricegrowers — had the highest export orientation in their sales ...

He also found they were far ahead of other food exporters.

Cooperatives not just in Victoria but throughout Australia are waiting for this legislation to go through and to be adopted subsequently in the other states. Some very exciting projects are awaiting the passage of the legislation.

This may not be the best publicised of the reforms made in the Justice portfolio over the past four years, but I believe it is one of the most important.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

LORD MAYOR'S CHARITABLE FUND BILL

Second reading

Debate resumed from 31 October; motion of Dr NAPHTHINE (Minister for Youth and Community Services).

Mr THWAITES (Albert Park) — As the Minister for Youth and Community Services said in his second-reading speech, the Lord Mayor's fund has raised substantial amounts of money for hospitals and charities in the metropolitan area. The minister said also, and I have to agree with him, that although the Lord Mayor's fund might be well known few people would be aware that it was incorporated by an act of Parliament. I have to confess I am one of those who was not aware that the fund had been established by a separate act.

The Lord Mayor's Fund Act, which is quite old, having been passed in 1930, established a managing council of some 50 or so members. The act also contains guidelines relating to voting procedures and the distribution of the fund. In his second-reading speech the minister stated that the council is made up of a number of representatives of various hospitals, charities and other community groups, which are listed in the schedule to the act. The minister also pointed out that with the passing of time the schedule has become hopelessly out of date:

The schedule is now hopelessly out of date because of amalgamations, closures, and changes of names of the bodies concerned which have taken place over the years.

Clearly, given the way the government is closing hospitals and amalgamating councils, if it were not for the flexible language in which it is expressed, the situation could arise in which this bill would soon be hopelessly out of date!

Last year the Lord Mayor's fund had an income of more than \$1 million, which was an increase of some \$362 000 on the income it generated in 1995. Significant contributors to the fund include the Lady Mayoress's committee. Last year its contribution included raising \$102 000 through the staging of several major events. The most significant was the

'Marvellous Melbourne — Working Towards 2000' dinner dance, which was held at the Grand Hyatt Hotel and which raised more than \$82 000.

Ms Campbell interjected.

Mr THWAITES — Unfortunately, I did not get an invitation to that function, but I am sure a marvellous time was had by all who attended! If the honourable member for Werribee had been invited, I am sure she would have been the belle of the ball, just as she was at the Werribee Cup. I understand the people of Werribee are still talking about that and are waiting expectantly for next year when, I am advised, the honourable member will attend not only the Werribee Cup but Oaks Day, along with some members of the opposition frontbench. I might say in passing that Oaks Day was enjoyed by both the Leader of the Opposition and the shadow Attorney-General, who found it a very rewarding day.

It is interesting to note that the schedule to the Lord Mayor's Fund Act lists the various council members, including representatives of the municipalities of Blackburn, Mitcham, Box Hill, Braybrook, Brighton, Broadmeadows, Brunswick, Camberwell, Caulfield, Chelsea, Coburg, Collingwood, Dandenong, Doncaster and Templestowe and Eltham — Essendon gets a mention — and a number of others.

Mr Maclellan interjected.

Mr THWAITES — As the Minister for Planning and Local Government says, all those municipalities must now be described as 'late' — and in most cases they are also much lamented. Among them I see the City of South Melbourne. The loss of that city is much lamented by the citizens of South Melbourne. Many of them look back with a great deal of fondness not only at the council itself but at the representation they received from the councillors of that city. They included an uncle of the current Premier, who from my understanding was well regarded. He is probably a late but lamented councillor, also!

I also recollect that in the 1980s there was concern that the South Melbourne council might be forced by the former government to amalgamate with other councils. But the then Leader of the Opposition — the current Premier — met with representatives of the council, who advised him of the family connection. The Leader of the Opposition was then able to assure the council that the opposition

absolutely opposed the forced amalgamation of councils.

Mr Thompson — Mr Deputy Speaker, on a point of order on the question of relevance, I am not sure what opportunity the honourable member for Albert Park has had to prepare for his contribution, but we have heard an account of the fulfilling day at the races enjoyed by the honourable member for Werribee and now we are hearing some wide-ranging comments on local government. The bill in question is the Lord Mayor's Charitable Fund Bill. I ask that the honourable member be brought back to the important work that is undertaken by that entity.

Mr THWAITES — On the point of order, Mr Deputy Speaker, I will explain the relevance of my remarks. The reason for introducing the bill is to update the schedule to the old act. The second-reading speech states that the schedule is now hopelessly out of date because of the amalgamations of various bodies, including councils. The argument I am making very much addresses the point of introducing the bill, which is that it is needed because of the forced council amalgamations — and because of those amalgamations, the structure of the existing council is out of date.

The DEPUTY SPEAKER — Order! The Chair was listening intently to the honourable member for Albert Park when the honourable member for Sandringham rose to his feet. It was perhaps a slightly premature point of order because the Chair was observing the passing reference to the issue of forced amalgamations, or whatever one may choose to call them. Providing it was a passing reference the Chair does not uphold the point of order. However, if the honourable member for Albert Park continues down that path the Chair would be more amenable to upholding a point of order along those lines.

Mr THWAITES — Some of the other organisations which have been closed thereby necessitating the introduction of this legislation are, of course, hospitals. A number of them which previously provided wonderful service to the people of Melbourne have now been closed, and as a result this legislation is important. There is no hospital in that category more important than the Essendon hospital, which I understand was built as a memorial to the citizens who died in the Second World War. I can think of no more worthy beneficiary of the Lord Mayor's fund than such a hospital. However, as a result of the government's

cuts to the hospital system that hospital is now to be closed.

I have a copy of the 73rd annual report of the Lord Mayor's fund, which lists distributions to hospitals. Those grants totalled \$217 000 last year. Right at the top of the list is a donation for a Dinamap portable monitor to the Mordialloc-Cheltenham Community Hospital.

Mr Maclellan — Portable! It's still portable.

Mr THWAITES — As the much-lamented Minister for Planning and Local Government indicates, the monitor is portable which is, I suppose, of some benefit to the hospital system because it will be needed in another hospital and will presumably be moved there. The hospital at Mordialloc is another hospital being closed by the government.

As I look down the list I see a donation to Dental Health Services Victoria. That service provides a first-class dental service to Victorians and is now suffering the effects of massive federal government cuts. The Liberal government in Canberra is demonstrating the same lack of concern for the health of Victorians as the Liberal-National coalition in this state. Unfortunately the concern for people's health so well demonstrated by the Lord Mayor's fund is not demonstrated in any way by this government, and that is why there are so many cuts to health funding and so many problems.

Another beneficiary of the fund last year was the Royal Victorian Eye and Ear Hospital with the donation of an indirect laser delivery system. That hospital is also on the government's hit list yet it provides world-class eye and ear services to the citizens of Victoria. Unfortunately, the hospital is to be broken up. The expertise for which that hospital is famous will be dispersed and the result will be a lesser service for Victorians.

St Vincent's Hospital was the beneficiary of a grant from the fund. The government's decision to close that hospital has been reversed, and for that we are very glad. I look forward, as I am sure all Victorians do, to a very healthy future for St Vincent's Hospital. The only dark cloud hanging over it is the fact that the government may seek to do by stealth what it could not do openly — that is, strangle the hospital by a total withdrawal of funds.

I see also the Williamstown Hospital was the beneficiary of a grant and received a Haustead 825

patient transport trolley. I'd be very concerned if I were that hospital because anything that is portable, of course, is an indication to that hospital that it could be next on the list. Trolleys are an example par excellence.

The Minister for Planning and Local Government, who is at the table, was somewhat prophetic some months ago in this house when I raised the problem of people being forced to lie on trolleys for long periods. The minister, who is nothing if not creative, said he had the solution — remove the wheels. The minister was joking at the time, but obviously the leading executives of our hospitals read *Hansard* assiduously because that is exactly what has happened — that is, some hospitals are following the advice of the Minister for Planning and Local government and removing the wheels from the trolleys and claiming that patients have proper hospital beds.

The next step will be the Minister for Education providing a free tumbler of whisky as the anaesthetic for patients on trolleys which have had the wheels removed.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! We are approaching lunch and that could be the reason for the volume in the house. However, I wish to hear only the honourable member for Albert Park.

Mr THWAITES — In the time I have remaining I propose to read from the annual report the list of donors of \$200 or more to the Lord Mayor's fund. I believe those people should receive some recognition from this place: the Collier Charitable Fund, \$226 000; and the Lady Mayoress's committee, which I referred to before, \$102 586. The chairman of that committee, Mrs Judy Watson, made a magnificent contribution to the Lord Mayor's fund over the last year. The funds from that committee were used to assist breast cancer research at the Peter MacCallum Cancer Institute through the addition of a Biomek 2000 machine, which is an important advancement in the treatment of breast cancer. That was a very major and important contribution.

The Herald and Weekly Times donated \$20 000 to the fund and a major contribution was received from the Helen Schutt Trust and a number of estates. Looking through the list of contributors I see there is a good mix of ordinary citizens, companies and trusts.

Mr Maclellan — What about trade union organisations?

Mr THWAITES — I am looking to see if there are any employer groups, but, of course, that is an interesting question.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.03 p.m.

ABSENCE OF MINISTERS

The SPEAKER — Order! Before calling questions without notice I announce that I have received advice that the ministers for transport, police and emergency services, and tertiary education and training will be absent from question time as they are interstate on government business. The ministers for planning and local government, agriculture and resources, and education will answer questions for the ministers concerned.

QUESTIONS WITHOUT NOTICE

Crime compensation: Premier's comments

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to paragraph 7 of the Premier's statement of claim in his defamation writ against Channel 9 in which he said that he had been 'greatly injured in his character, credit and reputation' and that he had 'suffered loss and damage as a result'. How did extensive renovations to the Premier's house help the Premier overcome his pain and suffering, particularly in the light of his comments today that a victim of crime should not be able to purchase a red coat to help her overcome her pain and suffering?

The SPEAKER — Order! I cannot accept the question; I cannot see what it has to do with the Premier's ministerial responsibility as Premier. If the Leader of the Opposition wishes to rephrase his question, I will hear another question.

Mr BRUMBY — On your ruling, Mr Speaker, taxpayers —

The SPEAKER — Order! On a point of order?

Mr BRUMBY — I put to you, Mr Speaker, that this is a matter of government administration and that taxpayers' money was used to initiate the action

against Channel 9. The state government, of which the Premier is head, has responsibility for defamation laws in this state and hence for laws relating to compensation for crime.

My question related to the issue of defamation, to loss and suffering, and to laws relating to crimes compensation. I put to you, Sir, that the question is in order and that the parallel with the Premier's receipt of \$400 000 for his pain and suffering is entirely appropriate when he attacked a woman today —

The SPEAKER — Order! I ask the Leader of the Opposition to repeat his question: I will listen again. If it is the same as the first question, I will not accept it.

Mr BRUMBY — I refer the Premier to paragraph 7 of the Premier's writ — we have a copy; it is a public document — in his defamation action against Channel 9 in which he said he had been 'greatly injured in his character, credit and reputation' and that he had 'suffered loss and damage as a result'.

How do expensive renovations to the Premier's house assist him to overcome his pain and suffering, particularly in light of his comments today that a victim of crime should not be able to purchase a red coat to help her overcome her pain and suffering?

The SPEAKER — Order! Before ruling on the question I ask the Premier to indicate whether the writ was publicly funded or funded privately by the Premier.

Mr Kennett — Privately; the Leader of the Opposition is wrong yet again!

The SPEAKER — Order! Therefore I cannot accept the question.

Bledisloe Cup

Mr A. F. PLOWMAN (Benambra) — I refer the Premier to comments made today in the New South Wales Parliament by sports minister, Gabrielle Harrison, that the Melbourne Major Events Company Ltd paid the Australian Rugby Football Union Ltd \$500 000 to stage the second of the three-match Bledisloe Cup series at the Melbourne Cricket Ground in July next year. Will the Premier tell the house about the veracity of the claim?

The SPEAKER — Order! I ask the honourable member for Benambra to explain how this matter comes within the administration of the Premier.

Mr A. F. PLOWMAN — My explanation of the question is that it comes under the administration of the Premier as part of his responsibility for major events carried out by the state.

The SPEAKER — Order! I accept the question.

Mr KENNETT (Premier) — The honourable member is correct: the Major Events Company is part of my administration. Today in the New South Wales Parliament when under attack from the opposition the sports minister, Gabrielle Harrison, implied that the reason New South Wales is not going to act as host for the second match of the three-match series Bledisloe Cup is that she was not prepared to accede to the demand of the ARU for a payment of \$500 000: neither has the Major Events Company nor the government paid the ARU or offered it one dollar.

The reason we are so successful in attracting major events to Victoria is that it is not always associated with money. There were two reasons the ARU was seeking to come to Melbourne: the first was to extend the influence of its game to Australia generally in the same way as the AFL has been taking its code to other states.

The second reason is the financial consideration. By holding the game at the MCG they are able to sell approximately 55 000 additional tickets over the capacity of the grounds in Sydney or in Queensland. Our Major Events Company runs on a budget of approximately \$750 00 as opposed to that of the committee in South Australia, which is around \$7 million, and that of Western Australia, which is around the same figure.

Our Major Events Company has been successful in this state over a period of time because of the leadership of Mr Ronald Walker. He has travelled the world consistently at his own expense without drawing one dollar of government money, public money, for air fares and other costs.

It should also be recognised that in terms of major events, Victoria now has a range of activities that not only add to the economic value of and return to the state but substantially add to the pride and the confidence of Victorians as they participate in these events. The Australian Open at the beginning of the year attracts more than 300 000 people; the grand

prix, more than 400 000; AFL football, millions a year, with almost 100 000 for the grand final; the spring racing carnival, more than 250 000; and the Melbourne International Festival, more than 100 000 and closer to 250 000. And with the motorcycle grand prix coming next year — which was lost by the previous Labor government — and now the Bledisloe Cup coming here without there being one dollar of cost to the people of Victoria, I can only say that the comments by Ms Harrison today were the epitome of jealousy.

It is true that I have a good working relationship with my Premier colleague, Bob Carr, who is increasingly spending more time in Melbourne attending these major events, having been down here for the grand final — and I think he spent three or four days here for the Melbourne International Festival, as he did last year. I extend to him and my Premier colleague in Queensland an invitation to attend the Bledisloe Cup match when staged here on 26 July.

I place on record my thanks — and thanks, I believe, on behalf of the majority of Victorians — to Mr Ron Walker, Campbell Rose and the Major Events Company for what they are doing for Melbourne and Victoria in making sure this state continues to lead the way.

Crime compensation: Premier's comments

Mr BRUMBY (Leader of the Opposition) — I refer the Premier, the only Premier in any state in Australia to take away victims' rights, to his comments on radio 3AW this morning when he said Joan, a victim of crime, was not entitled to buy a red coat out of her compensation for pain and suffering. Will the Premier explain to the house why it is acceptable for a politician to receive a huge defamation settlement for suffering loss and damage, yet not acceptable for a victim of crime and physical abuse to buy a red coat from a payment she received for pain and suffering?

Mr KENNETT (Premier) — I am glad to see the '\$400 000' has now been downgraded to 'huge' and by the end of question time it might have almost disappeared or disappeared altogether.

Mr Brumby interjected.

Mr KENNETT — Who would believe you? To respond casually to the Leader of the Opposition on the difference in the first and second points he raised, I say one is private money and the other is

public money, and there is a very large difference between private money and how that is actually expended and public money. Also — —

Honourable members interjecting.

The SPEAKER — Order!

Mrs Wilson interjected.

Mr KENNETT — What is it, do you want a red coat?

Mrs Wilson — I have a red coat.

Mr KENNETT — Let us look at the issue for the moment because the Leader of the Opposition has raised it. He quoted words I used on radio this morning and, as always, he was inaccurate. I said this morning that when you have responsibility for expending public money, you have to ensure you do everything you can to make sure that money is allocated towards the needs of the people concerned in this state. In this case we are talking about victims of crime. In the past, as was illustrated on radio this morning, people who have received lump sum payments for being either victims of crime or witnesses to crimes, are disadvantaged because their family members have on many occasions gone and spent that money on things other than medical treatment or psychologists to ensure they are returned to a healthy condition as soon as possible. The lady who called — —

Mr Brumby interjected.

The SPEAKER — Order! The Leader of the Opposition has asked his question.

Mr KENNETT — The lady who phoned 3AW this morning has been a victim of crime and we can all sympathise with her for being a victim, but if you listened to her comments today you would understand that she is still a victim of crime in terms of the way she feels and relates to that particular episode. She indicated — —

Mr Brumby interjected.

Mr KENNETT — You asked the question, do you want to listen? She indicated that she had always wanted to buy a red coat well before the act of the crime, and she thought that it was appropriate if she spent that money on a red coat, and then — —

Honourable members interjecting.

The SPEAKER — Order! If the barrage of interjections from my left does not stop I will call the next question.

Mr KENNETT — Secondly, Joan indicated that she wanted to use part of that compensation to pay off or make a payment on her daughter's or granddaughter's car.

An honourable member interjected.

Mr KENNETT — That is right, under the law at the time when she received the payment she was entitled to spend that as she saw fit, and we accept that. But we on this side of the house, as custodians of the public money, believe we have a responsibility to make sure that if people ask the public to reimburse them in recognition that they are victims of crime, we should make sure that that money goes towards addressing their physical condition in terms — —

Ms Gillett interjected.

The SPEAKER — Order! I ask the Premier to take his seat. I call on the honourable member for Sandringham.

Electricity industry: reforms

Mr THOMPSON (Sandringham) — Will the Treasurer advise the house of a recent survey undertaken by the Australian Chamber of Manufactures which reveals a large reduction in power bills for Victorian businesses resulting from the government's recent electricity reforms?

Mr STOCKDALE (Treasurer) — Unlike the misdirected question from the Leader of the Opposition, the honourable member has asked about something that is of enduring significance for the people of Victoria. Today Victoria has had two pieces of evidence about the success of the electricity reforms that the present government is implementing. The first is significant because one of the major objectives of the electricity reforms was to introduce competition and customer choice to ensure that as people gained the right to choose their suppliers — —

Mr Baker — Except in the western suburbs!

The SPEAKER — Order!

Mr STOCKDALE — Long after the honourable member has been forgotten — —

The SPEAKER — Order! I have spoken repeatedly to the honourable member for Sunshine, and I do not want to have to do so again.

Mr STOCKDALE — One of the principal objectives was to ensure that as customers gained the right to choose their suppliers, their choices would drive out to them the benefits of the reforms the government was undertaking. Another principal objective was to reclaim for Victoria a comparative advantage in low-cost energy as a basis for competitive activities, most particularly those that are sensitive to electricity prices, such as rural industries and manufacturing. Today, the Australian Chamber of Manufactures — —

Mr Loney interjected.

Mr STOCKDALE — The honourable member for Geelong North does not like this because he has been spreading rubbish and misinformation.

Mr Loney — You know!

The SPEAKER — Order! The honourable member for Geelong North normally behaves himself, so I ask him to maintain his normal decorum.

Mr STOCKDALE — Perhaps he had lunch with the honourable member for Sunshine, Mr Speaker!

Today the Australian Chamber of Manufactures has published the results of a survey of its members who have now entered the competitive market. It is very good news for Victoria. From July 1996, approximately 2000 customers with annual loads in excess of 750 megawatt hours became eligible to enter the contestable electricity market, joining another 500 with loads greater than 1 megawatt, who had already entered the contestable market in July 1995.

The survey found that 78 per cent of the more than 300 members of the chamber had successfully negotiated discounts of up to 39 per cent, with an average discount on prices of 10.4 per cent. More than 93 per cent of the firms indicated that better priced deals than they had previously experienced were their chief reasons for selecting their suppliers. So they made their decisions on their suppliers on the basis of better pricing deals. That indicates that choice really puts suppliers under pressure. About 78 per cent reported that they had negotiated lower electricity prices than their previous rates, and no

less than 33 per cent reported that the service provided by their selected retailers had improved.

The survey shows that those customers who are able to exercise choice in a competitive market are enjoying the benefits that are being driven out to industry, strengthening our manufacturing effort, increasing our export competitiveness and feeding through, ultimately, in better prices for a whole range of goods and services for general consumers.

Secondly, in collaboration with the government the industry has established the Office of the Electricity Ombudsman. She has today delivered her second report, which indicates that the community is making greater use than ever before of those accountability mechanisms. There has been a significant increase in the number of inquiries to the ombudsman's office

Honourable members interjecting.

The SPEAKER — Order! The Treasurer has been speaking for more than 5 minutes. I ask him to round off his answer.

Mr STOCKDALE — Notwithstanding the fact that people are making a greater number of references to the Ombudsman's office, the complaint ratio has fallen significantly — down from 54 per cent of inquiries last year to just 25 per cent this year. The Electricity Ombudsman also reports that she has been able to successfully negotiate significant benefits for a number of customers in the context of the competitive market.

These two reports are welcome news indeed. They show not only that the industry is improving its effectiveness but that those benefits are being driven out to the community at large in the form of better prices and service for consumers.

Crime compensation: Children's Protection Society

Mr BRUMBY (Leader of the Opposition) — My question is to the Premier, the only Premier in Australia who is taking away victims' rights. Does the Premier agree with the statement of the Children's Protection Society that if pain and suffering payments under crimes compensation did not exist abused children would not be able to gain any compensation whatsoever?

Mr KENNETT (Premier) — I am not aware of the comment just referred to by the Leader of the

Opposition, but let me tell him again that if a child is abused or disadvantaged or is suffering or needs psychological help, he or she will get help under this particular change.

Mr Brumby interjected.

The SPEAKER — Order! The Leader of the Opposition has asked his question. He may not like the answer, but he should have the courtesy to listen to it without interjecting.

Mr KENNETT — I cannot help members of the Labor Party; they have to start trying to help themselves. The reality is that under the current system only approximately 8000 of the 31 000 victims of crime receive compensation. Our system will ensure that all victims of crime will have easy access — —

Honourable members interjecting.

Mr KENNETT — I should not be surprised at the honourable member for Albert Park getting upset; he obviously got his instructions from elsewhere.

These changes have been carefully thought through. They are designed to ensure that those in need get looked after; and ultimately, they are designed to ensure that victims of crime get greater access to help. There is a real difference between that side of the house and this. That side has always wasted money. There has never been in government any sense — —

Honourable members interjecting.

The SPEAKER — Order! Members, particularly those on my left, should remember that I abandoned question time several weeks ago. If this sort of behaviour continues I will leave the chair again. I would have thought members would regard question time as a very important time to raise matters in Parliament and seek responses. But if members continue this barrage of interjections, the Chair will be left with the option of either having a Parliament that is completely out of control or leaving the chair while members come to their senses. I warn members of both sides that I shall leave the chair again unless their behaviour at question time improves.

Mr KENNETT — The changes are part of our continual reassessment of the way the government of the day re-evaluates programs, including their effectiveness and their reach — in this case, to the

victims — to ensure that people get access to money for the things that will help return them to as good a state of health as can possibly be achieved after they have been either victims of or witnesses to crimes.

There is no excuse for the opposition's opposing a change that is designed to in this case reach out to almost four times the number of people who now have access to it. The fact that they — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Niddrie should cease interjecting.

Mr KENNETT — We on this side have put in place programs which the public increasingly supports and understands and which are designed in the interests of not only the victims of crimes and those associated with the victims and witnesses but also administering the public purse. Those on the other side have never worried about the administration of the public purse in real terms — and I have to say that at times one questions whether they worry about the victims or those who administer the system.

Forest industry

Ms McCALL (Frankston) — Will the Minister for Agriculture and Resources outline to the house the recent initiatives taken to encourage the growth of the private forest industry in Victoria?

Mr McNAMARA (Minister for Agriculture and Resources) — The national forest policy statement signed by the former Minister for Natural Resources, the Honourable Geoff Coleman, on behalf of the government in 1992 established a number of major objectives regarding plantation forestry, including the target of increasing plantation forests in Australia threefold. As part of the national strategy Victoria has already started to increase the area under plantation from 250 000 hectares to 750 000 hectares. The government has provided supportive legislation to enable the separation of the tree asset from the land so there is greater surety for those who wish to invest in plantation forestry.

Victoria currently harvests about 3 million cubic metres of timber a year, mostly in sawlogs, but the estimated shortfall in the next 15 years in South-East Asia will be 64 million cubic metres. Clearly that timber cannot be supplied solely by Victoria, but it gives an indication of the huge potential of the crop.

The government has established a 15-member task force comprising people from the forest industry, farmers, private investors and forestry experts who will drive and encourage investment in plantation timber. The government will also issue an investment brochure to make the broader community aware of the opportunities available in farm forestry.

A draft industry plan will be considered by the government in March next year. The development of that plan will involve key players in the forest industry. The plan will create a vision and goals and identify some of the environmental, social and economic benefits of farm forestry. It will make it clear that there are huge opportunities in this area for people who want to invest in the crop.

The government is extremely enthusiastic about the potential of forestry, and the message it is trying to get through to farmers around Victoria is that they should think about forestry as a long-term crop. The interest in growing eucalyptus as a wood pulp material is world wide. Huge plantations of eucalyptus are being developed in countries such as Chile and in other parts of the world.

Victoria has a huge area of land suitable for farm forestry. It has some 6.2 million hectares of cleared land with rainfall in excess of 600 millimetres — land that is suitable for irrigation and use for farm forestry.

The state and federal governments will each contribute \$5 million towards the development of private farm forestry. During the next four years it is hoped the funding will ensure projects take off and create economic and environmental benefits for Australia.

LORD MAYOR'S CHARITABLE FUND BILL

Second reading

Debate resumed.

Mr THWAITES (Albert Park) — Prior to the suspension of the sitting I referred to some of the donors to and beneficiaries of the Lord Mayor's fund. The annual report of the fund indicates that the Maroondah Hospital received a drying cabinet for anaesthetic equipment. The concern one would have regarding future donations from the fund with the closure of hospitals applies also to hospitals

being privatised. People will be less likely to donate money in the future to privatised hospitals.

One of the successes of our hospital system over many years has been the way members of the community have donated funds and time to help hospitals. The privatisation of the hospital system will threaten that process because people will not give money to a private profit-making organisation.

The Lord Mayor's fund donated a patient trolley to the Box Hill Hospital, which is in need of patient trolleys because so many people are stuck on them for long periods. Most hospitals throughout Melbourne could do with more patient trolleys, but more than that they need more beds. We do not have enough beds in hospitals — that is why people are stuck for up to three days on hospital trolleys.

The donations also included a grant to PANCH which, like the Austin campus of the Austin and Repatriation Medical Centre, will be closed shortly. It will mean that people in the north-east corridor will have less access to hospitals.

Mr Hamilton interjected.

Mr THWAITES — The honourable member for Morwell asks whether the trolleys will go somewhere else. There will not even be places for trolleys. People living in the north-east corridor will have to drive to hospitals located elsewhere, while some people will completely miss out on health care.

Despite the good works of the Lord Mayor's fund many people will not receive hospital services because of the government's privatisation policy. The beneficiaries of the fund are largely hospitals. The point I am making is that if you close or privatise hospitals you undermine the very purpose for which the fund was established. There are many worthy people and charities who continue to donate —

Honourable members interjecting.

The SPEAKER — Order! I ask members who have pagers or mobile telephones to turn them off while in the chamber. They are disturbing members, including the member on his feet. My direction applies to all members in the chamber, and includes the media.

Mr THWAITES — The beneficiaries of the Lord Mayor's fund also include the Royal Women's Hospital, St George's Hospital and the Repatriation

Hospital. Those hospitals also have clouds over their futures. The Repatriation hospital and the Austin hospital will be merged onto one campus: the main problem there is the cut in bed numbers. St George's Hospital will be merged out of existence, which will mean that the people in the east of Melbourne will have access to fewer health services than they currently do.

There is a real concern that although the Lord Mayor's fund is doing very good works and donating money and machinery to hospitals, those good works will be undermined by the closure of beds and the privatisation of hospitals. This legislation, important as it is, will itself be undermined if the government continues down that path.

Prior to the suspension of the sitting I indicated that I would read the list of the donors. With the passing of time I have changed my course. I will not go through the whole list but simply say that it includes a wide cross-section of people, companies and organisations from all over Melbourne. A number of the donors are employees of the Melbourne City Council.

The unlamented Minister for Planning and Local Government, who was at the table, made a snide suggestion that it is only employers who donate to these funds.

Mr Hamilton — Shame!

Mr THWAITES — It is just the sort of attitude the minister and many of his colleagues would have: that it is only employers who care or make any proper contribution. If one looks at the report one sees there is a photograph of a City of Melbourne employee donor, Katrina McKenzie, who is watching as the director of perinatal medicine at the Royal Women's Hospital demonstrates the Corbett FTZ-960 PCR donated by the fund. That is a good example of an employee contributing to the fund, which of course is benefiting patients.

The opposition supports the legislation. It replaces legislation that has performed its role well over many years, but this is updated legislation that will enable the fund to operate in a more flexible way in the future.

In conclusion I point out that the fund, like all funds, will not be of much use if our hospitals are closed or privatised.

Mr DIXON (Dromana) — It is my pleasure to contribute to the debate on the Lord Mayor's Charitable Fund Bill in a relevant and positive way. We in Melbourne have a long history of making contributions to charity, going right back to the Hospital Sunday Appeal in the 1800s, and that tradition continues to this day. After the First World War Sir John Swanson, the Lord Mayor of Melbourne at the time, proposed a more centralised charity for hospitals and humanitarian causes. The Lord Mayor's fund for metropolitan hospitals and charities was initiated in 1923 and incorporated in an act of Parliament in 1930.

The mission statement of the annual report of the fund encapsulates what that organisation is about. The fund's mission is:

To improve the quality of life through the development of community philanthropy supporting hospitals and charities serving the Melbourne metropolitan area.

This fund touches the lives of 8000 people per day through the funding of various organisations. These organisations cover drug addiction, cancer detection, aged care, family, youth and children's services, shelters for the homeless, heart attack victims, the blind, the disabled, and women's health.

The fund also teams up with business, welfare and government organisations to contribute money to solve some of the tough humanitarian problems that are part of Melbourne's life. The human care agencies receive a lot of financial support to enable them to fund the high cost of service delivery and medical and diagnostic equipment. They have also instituted a new joint venture grant scheme which will be a dollar-for-dollar project with business, and they will have an annual project of the year grant which will donate up to \$100 000 to a nominated cause.

The fund also contributes to job training, which is a relevant need in our society now but perhaps was not so important back in 1923. The fund is non-sectarian and non-political. One of the attractive things about the fund is that 100 per cent of the donations given to it go straight back into charity. A separate endowment fund administers the fund so people can be 100 per cent sure of their donations going to a very worthwhile cause.

Over its 70 years of existence the fund has proved to be sound, with an honest financial administration record. As Melbourne has expanded since the 1920s so the fund has spread throughout the suburbs of

Melbourne. Since 1923 it has donated more than \$33.3 million to hospitals and charities. Donors come from many walks of life, as the honourable member for Albert Park mentioned: business organisations, trusts, service clubs and private individuals have donated money to it. In 1995-96 these donors contributed nearly \$700 000 to the fund, and the recipients have enjoyed the fruits of those donations.

In the last financial year more than \$217 000 was donated to 26 hospitals, including the Western Hospital, the Royal Women's Hospital, the Dandenong Hospital and the Alfred Hospital, covering all of Melbourne. It is relevant to my electorate that the Mornington Peninsula Hospital received funding for a hysteroflater. I do not know what that is, but it was very expensive and very well received by the hospital. The Mount Eliza Centre received an ECG machine and an emergency trolley.

General distributions to the charities in the last financial year totalled more than \$300 000; these have touched 114 health and human care organisations, with grants ranging between \$2000 and \$15 000. Of particular interest to me is the fact that four organisations in my electorate were recipients. They are the Villa Maria Society, which has established a hostel on the Rosebud foreshore and does great work with the blind and multiply handicapped people; the Mission to the Streets and Lanes, which does marvellous work in some of the poorer areas of Melbourne, especially in my electorate; the Good Shepherd Youth and Family Services; and the Portsea camp, which used to be known as the Lord Mayor's camp. The camp is no longer funded by the fund but is a separate organisation. However, it still receives some funding and support from the Lord Mayor's fund.

In specific distributions over the last year more than \$20 000 has been given to 94 hospitals, health and human care organisations. These grants have ranged from \$1000 up to \$100 000. Some of the recipients of the grants include the Monash Medical Centre, the Peter MacCallum Cancer Institute, the Mercy Hospital for Women and the Salvation Army.

One might ask: if the organisation is doing such marvellous work why change it? The answer is that the legislation enacted in 1930 is no longer relevant. As we all know, the world has changed a lot in more than 60 years. Many of the provisions in the act are archaic. They inhibit the fund's setting off in new directions and becoming more flexible so that it can help more organisations.

The fund's representatives sought the rewriting of the legislation. Currently, they are developing a strategic plan for the 21st century. The redrafting of the bill has come at an opportune time in the history of the organisation. Another reason for the bill is that the Scrutiny of Acts and Regulations Committee identified the act as one that was sorely in need of updating.

The bill repeals the Lord Mayor's Fund Act 1930 and reconstitutes the fund under its new title, the Lord Mayor's Charitable Fund. Although it has the same mission its charter will be far more flexible, which is reflected in the restructuring of the governing body. It will be changed from a governing council comprising 52 members who represent the majority of the hospitals and charities that are the recipients of donations. That body is unwieldy and difficult to manage.

The new governing board will include the current Lord Mayor of Melbourne, who will be president, and not more than 20 other members. They will represent a balance of the recipients and donors to the fund. Four members will be able to be coopted for one year by the board, which reflects the flexibility of the charter. If a major project is being tackled during one year the board will have the ability to bring in an expert or a representative from the group that is receiving the funding.

The day-to-day affairs of the fund will be administered by an executive committee. The other changes in the legislation are basic machinery provisions that will enable the fund to run more efficiently.

The bill will not change the principles of the fund that have been proven for almost 70 years as meeting the needs of the community. The new legislation will enhance the fund and the great work it does by making it more flexible and modern, especially as the organisation and the community prepares for the 21st century.

It is important that the government supports agencies like this. The community cannot rely solely on the government to contribute to every single humanitarian cause. The community wants to help itself and an organisation such as this is a good example of the community getting together to help its members. I commend the bill to the house.

Mrs MADDIGAN (Essendon) — I support the bill, as does the opposition. The proposed legislation tightens the administration of the moneys received

by the fund. As members have said, the fund has existed since 1923 to provide funding for hospitals and charities. The idea for the fund was based upon the King Edward Hospital Fund, which was begun in England as early as 1907. The Lord Mayor's fund began in 1923 in Victoria and was formalised in the 1930 act. The basic reason for its enactment was to prevent collectors for hospitals and charities all knocking on the door at the same time. By providing a centralised campaign it was thought it would be less stressful for residents. Funds were then donated to a number of hospitals and charities.

During the debate on the original bill a number of charities were mentioned that are still listed as receiving moneys from the fund. An examination of the financial reports of the Lord Mayor's fund reveals how difficult things are now, and when combined with the cuts to funds for charities it has made it difficult for hospitals and charities to survive.

The 72nd annual report of Lord Mayor's fund which provides a financial statement to 30 June 1995 states:

Fundraising remains highly competitive throughout the charitable sector, with reduced government funding in some cases forcing charities to intensify their fundraising efforts. More recently, as hospitals and charities have become so stretched for funds, they have had to look a lot further for funds.

The contributions received by the Lord Mayor's fund follow an interesting pattern. The actual contributions in 1990 — not including accrued interest — totalled \$586 000, which increased to \$770 000 in 1993. However, since then it has been steadily decreasing. It causes one to wonder why that might be.

One suggestion is that when the late and not lamented commissioners were put in place the people were not keen to contribute to the fund as they were when we had a Lord Mayor of Melbourne. It has also been suggested that the reduction in contributions to the fund can be tied to the increased number of gaming machines in Victoria.

The hospitals receiving funds were listed earlier by the honourable members for Albert Park and Dromana. I noted that in 1991 the Essendon hospital received a grant from the fund. I presume the money was donated by the community so perhaps the money not used for equipment will go back to the fund when the hospital is closed. It would be an

interesting legal case to endeavour to seek those funds because the Lord Mayor's fund specifically provided the funds for the purposes of hospitals and charities. Who would those funds belong to? Should the funds be repaid to the Lord Mayor's fund?

The honourable member for Dromana spoke about the many millions of dollars that have been donated to various hospitals and charities. The donations to the fund have decreased substantially from \$1 million in 1990 to \$919 000 in 1995, and they decreased further to \$801 000 in 1996.

The report for last year said that the decreased donations combined with the many cuts to individual charities and hospitals by the state government had made life very difficult for them.

One charity that was mentioned during debate on the original bill and is still receiving funding — it proves it is an enduring and worthwhile charity — is the Salvation Army. All honourable members are aware of the great work done by the Salvation Army. It suggested that the decrease in funding is a direct response to gambling. The Age of 20 May reports:

The explosion of gambling in Victoria and more events to lure people from their homes were blamed for yesterday's lower than expected tally in the Salvation Army's annual Red Shield Appeal.

It is interesting that in 1995 the Salvation Army collected \$2.4 million. This year its target was \$2.6 million but it received only \$1.865 million. In the same article a Salvation Army spokesman, John Dalziel, is reported as saying donations had fallen since a high point in 1994. That drop is linked fairly directly with the increase in poker machines in Victoria.

Mr A. F. Plowman — That was Australia-wide.

Mrs MADDIGAN — I am quoting what was said by Mr Dalziel. Perhaps the honourable member for Benambra should speak to Mr Dalziel. Mr Dalziel is also reported as saying that people have less cash to spare, partly because of the increase in gambling in Victoria.

Another charitable organisation that received funding as early as 1930 is the Society of St Vincent de Paul, and people who live in the western suburbs are well aware of the great work done by the society over many years. In an article published in the Age of 23 February this year the society's state president,

Mr John O'Brien, is quoted as saying that the society had to choose between, on the one hand, relying more on fundraising and, on the other hand, reducing its welfare services. When organisations such as the Society of St Vincent de Paul received larger donations from the Hospitals and Charities and Lord Mayor's funds they had more time to spend on their welfare activities. Those organisations are now forced to spend more of their time on fundraising, which is obviously not what they were either set up to do or desire to do. The article continues:

Between 1994 and 1995, the demand for assistance rose 13 per cent, or \$1 million, to \$7.78 million, forcing the society to draw on depleted cash reserves.

The article reports Mr O'Brien as saying that demand could rise further as the full impact of gambling becomes evident. Unfortunately, things are getting worse. The article goes on to state:

The annual report showed 44 per cent of demand for help came from the unemployed, with a further 30 per cent from people on single-parent incomes.

Mr O'Brien said demand was unlikely to decline until employment fell.

That is a serious issue for the state given the most recently published figures, which show that Victoria has an unemployment rate that is above the national average at well over 9 per cent. That is bad news for charities when the demands on them are so great as a result of the withdrawal of state government funding.

The Royal Victorian Institute for the Blind is another of the charitable institutions mentioned in the 1930 report. An article on this issue published in the *Age* of 7 June this year states:

The introduction of gaming machines in Victoria has proved a boon to hotels and clubs. But charities are facing a financial crisis because one of their main sources of revenue — bingo games, raffles and lucky envelopes — have been unable to compete with the poker machines for the punter's dollar.

Charities such as the Royal Victorian Institute for the Blind have suffered significant revenue losses since gaming machines were introduced in 1992, according to research released yesterday by the Victorian Casino and Gaming Authority.

Honourable members interjecting.

Mrs MADDIGAN — Honourable members opposite are yelling, but if they had been listening and were prepared to cast their minds back, they would recall that when gaming machines were first introduced they were subject to strict legal requirements on who could install them — they were restricted to charities and non-profit organisations. Since that time they have spread to hotels and other venues, which is part of the reason for the significant increase in hardship suffered by some people in the community. The increase in the number of gaming machines has been quite substantial and has caused significant problems for charitable organisations.

The organisations mentioned in the press reports I have referred to were highly regarded when the first bill was introduced in 1930, yet 66 years later they are struggling because of decreases in not only the revenue they receive from the state government but in the donations through the Lord Mayor's Charitable Fund. This development must be of great concern for the future, and those organisations are expressing that concern.

In the past the government has made a number of statements concerning proposed changes to the laws affecting charitable institutions, and I am surprised some of these proposed changes have not been included in legislation currently before the house. In an article published in the *Herald Sun* of 23 August 1996, the Premier is reported as saying that he intended to amend the Fundraising Appeals Act in this sessional period and that the amendments would:

Compel collectors to display whether they are paid or volunteers.

Improve public access to organisation records and tighten record-keeping requirements.

Substantially raise penalties for flawed accounting and resisting audits.

The Premier is also reported as saying that the bill was expected to be adopted nationwide and would help to stamp out scams, that he was appalled and that the legislation would be introduced in the spring sessional period. That amending legislation has not appeared so far. Perhaps the Premier will give notice of the bill this afternoon.

A number of people involved in charities have expressed real concerns about the abilities of Victorian charities to raise money as compared with

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those in other states. Legal restrictions in force in Victoria mean that much of the money that would normally be donated to charities here is going to other states, and to Queensland in particular. An article published in the *Herald Sun* of 26 April suggests that Victorian charities are losing up to \$19 million a year in potential funds to interstate-based raffles. The article states:

Local charities have found it impossible to compete with many Queensland-based art union schemes, which aim at mail customers.

The money is raised for charity, but local aid organisations are frustrated that Victorians are shelling out their cash for the benefit of Queenslanders.

Manager of fundraising for the Brotherhood of St Laurence, Ms Barbara Elliot, said industry sources estimated that \$19 million was flowing into art union coffers from Victorians at the height of the recession.

She said local charities were hamstrung by restrictive laws in Victoria.

I understand a number of charities have spoken to government members in an attempt to have the Victorian law changed to ensure that money donated to charities stays in Victoria. Perhaps the Lord Mayor's Charitable Fund would have more money to distribute if the law were changed.

Charities in Victoria face a number of problems in raising money, and those problems are yet to be addressed by the government. It is a shame that the government did not take this opportunity to include in the legislation provisions addressing the general problems that charities experience in raising funds.

The honourable member for Albert Park mentioned the many hospitals which receive money through the fund and which are now closing. Essendon Hospital, which received its last donation from the fund in 1991, is a case in point. That brings me to the problem of what will happen to donations made to hospitals by members of the public, particularly donations made through funds that are set up especially for those organisations. I would like to know whether the government has done any work in examining the legal situation concerning moneys donated to a fund with specific objectives when changes are made that make those objectives no longer relevant. I will now go through the specific objectives of the Lord Mayor's Charitable Fund. The objectives are, firstly:

To provide financial support to appropriate hospitals and charitable organisations which address community health and welfare needs.

Secondly:

To promote the rights of every private and corporate citizen to participate in philanthropy and to enjoy the satisfaction of joining a collective force for community betterment.

Thirdly:

To stimulate community conscience in the matter of health and welfare needs as a means by which the generosity of donors can be collectively directed through a permanent endowment benefiting the Melbourne metropolitan area.

Fourthly:

To provide excellence in service to donors, beneficiary organisations and the community at large.

And fifthly:

To be a major force in the philanthropic life of Melbourne.

They are clear objectives. The fund has always been clear in its missions and objectives. Since 1923 it has invested in more than 140 public hospitals and charities throughout Melbourne and the metropolitan area. Unfortunately a lot of those no longer exist, so there is a definite legal point there.

The Lord Mayor's fund will probably gather increases in funds in the next couple of years. I suppose it is a significant factor that now there is an elected council back in the City of Melbourne — and last year the Lady Mayoress's committee raised \$100 000, which was the first time for some time that was possible. With an elected council people feel more inclined, including corporate donors, to make donations to such charities. We hope in the future there will be greater contributions.

I congratulate the Lord Mayor's fund for the way it was organised in the previous year by the current Lord Mayor. The annual reports for 1995 and 1996 reveal a real move in the Lord Mayor's fund to try to maximise its opportunities. As the 1996 annual report outlines, it has become involved with the United Way movement, which I understand is a major organisation that helps fundraisers, and it

sounds as though it is now on a fairly professional footing.

I endorse the provisions of the Lord Mayor's Charitable Fund Bill, because decreasing the size of the fund down to the Lord Mayor and 20 members sounds a far more effective and efficient way of operating the fund.

I am somewhat intrigued by some of the provisions in the bill. I am not sure whether some of these were in the previous amendments or the previous bill, but if you look at clause 11(b)(iii) you will see that it says:

4 members may be elected by the board in an election in which any donor of at least \$200 to the fund during the year up to the calling of the election is entitled to nominate a candidate ...

I am not sure that that sounds like a united franchise, but no doubt there is a good reason for that, and the minister will explain to us later.

I strongly endorse the work of the Lord Mayor's fund. It has been operating since 1923 based on an idea from England. It has maintained itself and contributed greatly to this state, not only to the work of the metropolitan hospitals but also to a very wide range of charities. I congratulate the current Lord Mayor and I hope the Lord Mayor's fund increases its contributions to charitable hospitals even more in the future.

Mr THOMPSON (Sandringham) — I am pleased to make a brief contribution to this debate. I do so as a consequence of my background of serving on the Redundant Legislation Subcommittee of the Scrutiny of Acts and Regulations Committee. Part of the operational focus of the redundant legislation subcommittee was to identify those acts or parts of acts which are redundant or where the language may be unclear or ambiguous.

In this particular case, some work had been undertaken by the City of Melbourne during the 1980s. But in more recent times we received a letter from the Law Institute of Victoria, which indicated that the Lord Mayor's Fund Act 1930 had archaic language and was not suitable for its intended purposes. A couple of years ago Kevan Gosper, the chief of the City of Melbourne at the time, said the enactment of new legislation would provide greater efficiency and assist the operation of the work of the Lord Mayor's fund.

When the original act was brought in in 1930 the Attorney-General of the day explained the context of its introduction as being the result of a range of fundraising endeavours after the First World War, which had led to an overlap and a diffusion of activity. It was thought that the coordination through a central fund with representatives from a wide range of Melbourne organisations, including civic organisations, community organisations and businesses, would assist in the better development of the work of the committee. At one point there had been indiscriminate fundraising activity.

The role of individuals cannot be underestimated. One of the honourable member for Caulfield's predecessors, Mr Luxton, was Lord Mayor at one point in time, and the operation of this particular act had been instigated by Sir John Swanson, who played an influential role in its being developed. The fund was originally modelled on the King Edward Hospital Fund in the United Kingdom. In addition to receiving our language and law literature from Great Britain, there are other ideas that continue to pass to this country — not just from Great Britain these days, but from other countries as well, with a transfer of ideas.

I mentioned earlier the role of volunteers. In the case of the Lord Mayor's fund many individuals have voluntarily contributed their time to the work of the fund. The objects of the act are principally to oversee the raising of expenditure and its disbursement across a range of worthwhile organisations and causes.

In the past many people have assisted in the work of the fund. There is a lady by the name of Joan Lupson, whose husband, Ken, was formerly a POW in Ambon, and who raised her family and developed a family business. In her retirement she wanted to contribute something back to the community. She was actively involved in a number of fundraising endeavours with the fund. The Victorian community has been the recipient of many similar efforts by many people over the past 66 years or more.

In addition to the funds being disbursed across a wide range of hospitals, which has already been mentioned in the debate, I am pleased to outline a number of donations that have been made in the past six years or so to the Sandringham Hospital, which have enabled important work to be undertaken in a local hospital. The hospital is now part of the Southern Health Care Network and is serving a wider area of the Victorian community.

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In 1991, money was received from the fund towards a foetal heart monitor. In 1992, funding was provided for a urethroscope and accessories. In 1994, a grant was made towards an Atom V-850 infant incubator. In 1995, approximately \$9000 was provided for an arthroscopic power shaver, and in 1996, the fund provided monies toward the Sandringham Hospital to enable it to acquire an orbital saw to be used in orthopaedic work, which is one aspect of the expanded activities of the Sandringham Hospital.

The chief executive officer of the Sandringham Hospital at the time, Mr David Hobby, had noted that some wonderful support had been given to the Sandringham Hospital through the excellent work of the Lord Mayor's fund.

In concluding I would like to finish where I started — that was, with the words of Kevan Gosper, who referred to the updating of an act where the language was archaic, that there were certain organisations associated with it which are now defunct, and that the new act will help the improved efficiency and operation of the Lord Mayor's fund. I am very pleased to support the bill.

Dr NAPTHINE (Minister for Youth and Community Services) — On behalf of the Minister for Health and on behalf of the Lord Mayor, I welcome the support from all sides of the house for this bill. I thank the members for Albert Park, Essendon, Dromana and Sandringham for their contributions to this debate, and for their support with their various contributions to the work of the Lord Mayor's Charitable Fund over many years. It was outlined that in various parts of the state people had indicated that the fund had been helpful for hospitals in their areas and for other charitable purposes.

The current act, the Lord Mayor's Fund Act, was introduced in 1930, so it is 66 years old. The structure and functions outlined in the 1930 act are not appropriate for the 1990s, or indeed, the 21st century.

The legislation will streamline the council's structure. The old board of more than 50 members will be replaced by a new board consisting of the Lord Mayor and up to 20 members. It will broaden the uses to which the fund can be put in the general community interest. This is an updating of the fund, and the bill will make a positive contribution to its better administration.

The fund now will be a more secure and sound facility to which businesses, employees and the broad community can contribute donations with absolute confidence, knowing that they will be fully and properly used for charitable and other community organisations, including not only hospitals but a broad range of other services.

The bill needs the support of members on both sides, and I commend it to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

MISCELLANEOUS ACTS (FURTHER OMNIBUS AMENDMENTS) BILL

Second reading

Debate resumed from 12 November; motion of Mrs WADE (Attorney-General); and Mr HULLS's amendment:

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 a gambling code of conduct incorporating appropriate advertising and industry standards applies under Victorian gambling legislation, which also would include conditions relating to the extension of credit to non-Australian premium players proposed by amendments in part 5 of the bill to the Casino Control Act 1991'.

Dr NAPTHINE (Minister for Youth and Community Services) — I acknowledge the contributions to the debate made by the honourable members for Niddrie, Yan Yean, Footscray, Gippsland South, and Benambra. Because the bill covers a variety of pieces of legislation the debate has been wide-ranging, but members have covered most of the issues.

The honourable member for Niddrie used the opportunity to make his usual cowardly attack on the casino and all the people associated with it, but those comments were more than adequately dealt with by the honourable member for Gippsland South.

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I heard the contribution of the honourable member for Yan Yean while I was sitting in my office. It was a disgraceful and appalling attack on the integrity of the Chief Commissioner of Police. I advise the house that the amendment to which he referred will simply apply consistency in that it will allow the Chief Commissioner of Police to appoint acting assistant police commissioners. The measure reflects good management practice and is consistent with the levels of delegation provided throughout the public sector.

Other clauses make amendments to the Agriculture and Veterinary Chemicals (Control of Use) Act, which were adequately dealt with by the honourable member for Benambra. They will allow Victoria to continue to be proud of its clean and green credentials as a producer of fine agricultural products across a wide range of industries. We will be able to sell those products in Australian and worldwide markets, particularly the growing markets in South-East Asia, with absolute confidence. These significant additional measures will ensure that our products are free from chemical and other residues that may be detrimental to their marketing, and they are supported by the agricultural industries represented by the Victorian Farmers Federation.

The honourable member for Benambra, who has a great understanding of agriculture, said that Victoria has a significant marketing advantage because it is known throughout the world as a great place to produce high-quality agricultural products that are not only of good quality in themselves but also free from some of the problems that affect agricultural products in other parts of the world. It is a significant step forward.

The bill deals with a range of acts. The individual amendments are minor, but together they make a reasonable piece of legislation. This an efficient way for Parliament to deal with matters such as those. I commend the bill to the house.

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

Andrighetto, Mr
Ashley, Mr
Burke, Ms (*Teller*)
Clark, Mr
Coleman, Mr
Cooper, Mr
Dean, Dr

Ayes, 55

McNamara, Mr
Maughan, Mr
Napthine, Dr
Paterson, Mr
Perrin, Mr
Pertion, Mr
Pescott, Mr

Dixon, Mr
Doyle, Mr
Elder, Mr
Elliott, Mrs
Finn, Mr
Gude, Mr
Henderson, Mrs
Jasper, Mr
Jenkins, Mr
John, Mr
Kennett, Mr
Kilgour, Mr
Lean, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McCall, Ms
McGill, Mrs (*Teller*)
McGrath, Mr J.F.
McLellan, Mr
MacLellan, Mr

Peulich, Mrs
Phillips, Mr
Plowman, Mr A.F.
Reynolds, Mr
Richardson, Mr
Rowe, Mr
Ryan, Mr
Savage, Mr
Shardey, Mrs
Smith, Mr E.R.
Smith, Mr I.W.
Spry, Mr
Steggall, Mr
Stockdale, Mr
Tehan, Mrs
Thompson, Mr
Traynor, Mr
Treasure, Mr
Wade, Mrs
Wells, Mr

Noes, 27

Andrianopoulos, Mr
Baker, Mr
Batchelor, Mr
Bracks, Mr
Brumby, Mr
Campbell, Ms (*Teller*)
Carli, Mr
Cole, Mr
Cunningham, Mr
Dollis, Mr
Garbutt, Ms

Hulls, Mr
Kosky, Ms
Langdon, Mr
Leighton, Mr
Lim, Mr
Loney, Mr
Maddigan, Mrs (*Teller*)
Mildenhall, Mr
Pandazopoulos, Mr
Seitz, Mr
Sheehan, Mr

Gillett, Ms
Haermeyer, Mr
Hamilton, Mr

Thwaites, Mr
Wilson, Mrs

Amendment negatived.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

ARTS INSTITUTIONS (AMENDMENT) BILL

Second reading

Mr KENNETT (Premier) — I move:

That this bill be now read a second time.

The purpose of the bill is to amend the Libraries Act 1988, the Museums Act 1983 and the National Gallery of Victoria Act 1966 to provide for improved management and governance of the State Library of Victoria, the Museum of Victoria and the National Gallery of Victoria, and in particular, to give them power to employ staff directly. It will also amend the Ministry for the Arts Act 1972 to remove the limitation on membership numbers of the Victorian Council of the Arts and the Public Records Act 1973 to provide that records of privatised public bodies, created while they were public bodies, remain as public records.

Through Arts 21 and Agenda 21 the government has embarked on the largest program of cultural public works in decades. The new Museum of Victoria at Carlton Gardens will be Australia's premier museum, embracing best practice in research and exhibition display, and providing a range of exciting and enjoyable experiences for visitors.

A redeveloped National Gallery of Victoria will provide for enlarged exhibition and storage areas and will be designed to welcome visitors into the heart of the gallery. It will build on the recent rapid growth in attendances related to the implementation from 1 July this year of the government's policy commitment to provide free entry to the permanent collection.

The redeveloped State Library of Victoria will meet the future needs of library users in the electronic information age and re-establish it as a leader of the library network in Australia. It will continue to be an outstanding cultural venue for a range of exhibitions and programs relating to our rich heritage. In each case the aim is to make the institution pre-eminent in Australia by the start of the next millennium.

A critical precondition to the successful delivery of these goals is the reform of the governance role and powers of the councils of these institutions. This reform should provide for appropriate organisational structures including greater council authority within a public sector framework.

The bill empowers the councils to employ their own staff under their own acts rather than under the Public Sector Management Act 1992. Existing staff at the institutions will transfer to the employment of the institutions on terms and conditions determined by the minister to be no less favourable in aggregate than those currently applying to them under the

Public Sector Management Act. Existing staff who are members of the State Superannuation Scheme can remain members of the scheme under their new employment conditions.

Over time the councils will be able to enter into enterprise agreements with their staff specific to their own needs rather than endeavouring to fit in with the global requirements of the public service as a whole. This will give the councils the ability to establish employment arrangements relevant to their respective industry sectors and supportive of the overall future directions of the institutions. This is consistent with arrangements that have been in place for some years at the Geelong and Victorian art centres.

The bill also updates other powers in the acts of the three institutions, including committee and delegation provisions, borrowing and investment powers, conflicts of interest disclosures, power for board resolutions without meetings, minimum number of meetings and qualifications for board membership.

The Museums Advisory Board and the Libraries Board of Victoria, advisory boards to the Minister for the Arts on museum and library matters, are abolished by the bill. As a consequence, the functions of the councils of the Museum of Victoria and the State Library of Victoria are amended to incorporate relevant advisory functions. In addition, the functions of the councils of the three institutions are redefined in relation to the state collections and amended to provide each council with a statewide leadership role. To reflect the broadening of the roles of the councils of the Museum of Victoria and the State Library of Victoria, they will be renamed the Museums Board of Victoria and the Library Board of Victoria respectively.

The government believes there is enormous potential for the expansion and development of Victoria's museum and library services across the state, and the importance of the leadership roles to be undertaken by the new boards cannot be over emphasised. The functions of the Museums Board of Victoria will be broadened to enable it to provide leadership to the state's museums and to advise the minister on matters relating to museums and the coordination of museum services. Likewise, the Library Board of Victoria will exercise leadership and promote high standards in the provision of library and information services, and provide advice and information to the minister on any matter concerning libraries and information organisations.

ACCIDENT COMPENSATION (FURTHER AMENDMENT) BILL

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It would be remiss of me to overlook the contributions made by the retiring advisory boards. The Museums Advisory Board has provided valuable advice to the Minister for the Arts concerning the development of museums in Victoria and to those wishing to operate and maintain museums throughout the state.

It developed guidelines for the establishment and operation of the state's museums and more recently, in conjunction with the industry association, Museums Australia, initiated the museum accreditation program to more effectively develop and recognise excellence in all areas of museum practice. The Museums Advisory Board was responsible for the allocation of funding support for regional museums and project grants to over 400 museums statewide. These have provided for the improved care, presentation and documentation of the state's rich movable cultural heritage. Through its outreach programs it has visited all areas of the state and provided valuable advice and information to local communities concerning the operation of museums and cultural heritage venues.

The Libraries Board of Victoria has served Victoria well. It has provided sound guidance for libraries, particularly through *Policy Directions for Library Services in Victoria*, the first document of its kind produced in Australia. The Libraries Board has been responsible for several major reports to government, most significantly its reviews of the funding of municipal public and print-handicapped libraries. Its most recent projects have been a further review of government funding of public libraries following municipal restructuring and development of a draft library policy for Victoria.

The Museums Advisory Board and the Libraries Board of Victoria have had significant achievements, and the government is grateful for the many long hours of work undertaken on a voluntary basis by the members of the boards over the past years.

There are three other important initiatives contained in the bill. The bill removes the limit on the number of members (12) constituting the Victorian Council of the Arts, the key arts advisory group to the Minister for the Arts, to enable the appointment of an expanded council in the future. To simplify arrangements, the bill provides for the Governor in Council to fix remuneration and travelling and personal expenses for the members of the boards of the three institutions and the Victorian Council of the Arts.

Finally, the bill amends the Public Records Act 1973 to provide that records of former public bodies, irrespective of whether those records are currently in the custody of the Public Record Office or a privatised body, remain as public records unless expressly excluded by an act or regulation. The bill will not, however, bring records created by a private company within the act's ambit or prevent the transfer of records to a privatised company when the government determines that this is necessary. These amendments are similar to those legislated by the commonwealth with regard to the Australian archives.

The government, through its Agenda 21 and Arts 21 strategies, is revitalising the cultural infrastructure of Victoria. The work of the boards appointed by the government to be responsible for the state's cultural institutions is therefore vitally important in this development. As they take greater responsibility for their operations, they can be assured of the government's continued support and its commitment to the development of high quality, well resourced and managed cultural facilities which operate in the pursuit of excellence to ensure that Victoria continues to be the state for the arts.

I commend the bill to the house.

Debate adjourned on motion of Mrs MADDIGAN (Essendon).

Debate adjourned until Thursday, 28 November.

ACCIDENT COMPENSATION (FURTHER AMENDMENT) BILL

Second reading

Mr STOCKDALE (Treasurer) — Mr Speaker, by agreement between the parties I seek to move by leave:

That the second-reading speech be incorporated in *Hansard*.

Mr Batchelor — Leave refused.

Mr STOCKDALE — We have just agreed: he asked me to do it! Mr Speaker, I bow to the will of the house, and move:

That this bill be now read a second time.

The Workcover scheme has been an outstanding success since it was established by the government in 1992. At the end of the 1995-96 financial year:

the scheme was fully funded, following the elimination of the \$2100 million deficit inherited from Workcare;

the reduction in premium from 3 per cent under Workcare to 1.8 per cent under Workcover has generated an annual saving for Victorian employers of over \$500 million and is the lowest premium of all the states, giving Victoria a substantial competitive advantage;

the average level of weekly benefits had risen by over \$50 per week; and

the number of claims reported are down by 40 per cent and continue to decline.

Assessed in both financial and social terms, the record of the Workcover scheme is outstanding. The Workcover system in Victoria is now widely recognised as the best workers compensation system in Australia. However, the history of workers compensation is such that there can be no room for complacency. These schemes by their very nature require almost constant adaptation to meet emerging needs, counter threats as they arise and seize opportunity for improvement.

Despite Workcover's success the scheme is not yet fully mature and the financial position is still finely balanced in terms of assets and liabilities. The government, therefore, must continue to be ever vigilant to protect the hard-won gains that have been made. This bill represents a further step in the government's commitment to maintaining Victoria's leadership position.

This bill makes the following significant changes to Workcover.

First, to further improve prevention and return-to-work outcomes within the system by providing greater access for suitably qualified employers to self-insure and for employers more generally to be able to self-manage their workers compensation responsibilities.

Second, to ensure that the assessment of impairment for the purposes of determining whether a serious injury exists is conducted in accordance with the best available medical methods as they evolve and excludes any consequential or secondary

psychological or psychiatric injuries, impairments or symptoms.

Third, to ensure that amounts of compensation under the table of maims over \$5000 and any related amounts of compensation for pain and suffering are paid in instalments over a period of five years rather than as a single lump sum.

Fourth, to deal with the torts that are being perpetrated by a number of companies who contact workers offering to lodge a hearing loss claim for a fee.

Fifth, to enable the authority, self-insurers and authorised insurers to more effectively coordinate the provision of medical and like services received by a worker to ensure a better outcome for the worker.

Sixth, to provide that the maximum compensable cost level for medical and like services may be set by order of the Governor in Council, on the recommendation of the Victorian Workcover Authority.

The bill will also make a number of technical and other amendments to the Workcover legislation.

Self-insurance/self-management

One of the fundamental tenets of Workcover has been that the workplace parties themselves must take responsibility for injury prevention and return-to-work outcomes.

In keeping with this thrust the bill incorporates a number of measures which will enable workplaces to take greater responsibility for improving injury prevention and return-to-work outcomes in the manner that is most appropriate for their particular circumstances.

The opportunities for access to self-insurance are increased by removing the inflexible capital threshold and minimum employee requirements and substituting requirements for an applicant for self-insurance to meet financial strength and viability criteria as prescribed.

Self-insurance makes employers more directly accountable for their Workcover performance and requires higher standards in workplace safety and injury management programs. There are both social and financial advantages for the scheme in encouraging employers to take more responsibility

for injury prevention and return to work and this bill establishes a means for more employers and their workers to take on this responsibility.

The bill also enables employers who may not wish to, or who cannot, self-insure to take responsibility for the management of their claims by empowering authorised insurers to enter into arrangements with eligible employers under which employers may exercise decision-making powers in respect of the management of claims on behalf of their authorised insurer. The power to enter into such arrangements will be exercised in accordance with any guidelines issued by the Victorian Workcover Authority.

Permitting employers to be directly accountable for claims management and the associated administrative costs provides additional incentives to not only prevent injuries but to reduce costs by providing for the early and sustained return to work of injured workers.

Insurers will be held accountable for the performance of employers with whom they enter into these arrangements and the authority may withdraw the power to enter into arrangements at its discretion.

Unauthorised use of information

Complementing the provisions for self-insurance and self-management, the bill strengthens the confidentiality requirements of the Accident Compensation Act 1985 by increasing to \$10 000 the maximum penalty for unauthorised use of information.

Serious injury assessments

Currently, the Accident Compensation Act 1985 requires that the assessment of the impairment of a worker for the purpose of determining if he or she has a serious injury and in respect of certain injuries in the table of maims must be made according to the second edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment or a subsequent prescribed edition of those guides.

The bill broadens this provision to enable regulations to be made prescribing the methods to be used for these assessments without being necessarily restricted to an edition of the American Medical Association's guides. The bill further enables the minister of the day to issue operational guidelines as to the use of the guides currently in

use or any prescribed methods. This will create the necessary flexibility for impairment assessments to be tailored to local needs incorporating the latest advice of our own internationally regarded medical experts.

Application of the guides or other methods of impairment assessment requires a practitioner to have high levels of knowledge and skills. This bill introduces a requirement that an impairment assessment required to be made in accordance with the guides or prescribed methods will be recognised only if the practitioner making the assessment has successfully completed a training course in the application of the guides or methods where such a course has been approved by the minister.

The number of workers being classified as having a 'serious injury' has steadily risen due to the assessment of psychological or psychiatric impairments consequential upon an initial physical injury. To ensure that the classification of serious injury remains within the bounds originally envisaged by the government, the bill provides that, in assessing a degree of impairment in accordance with the American Medical Association's guides or the prescribed methods, regard must not be had to any psychiatric or psychological injury, impairment or symptoms arising as a consequence of, or secondary to, a physical injury.

This amendment will not affect situations where the psychological or psychiatric impairment does not arise as a consequence of, or secondary to, a physical injury — for example, in the case of a bank teller who is the subject of a bank robbery and is traumatised by the actual event.

The government intends that the amendments relating to impairment assessments take immediate effect and, accordingly, the bill provides that they will commence with effect from today.

Also, because these measures require amendments to section 135A of the Accident Compensation Act 1985, it is necessary for the bill to amend section 63 of the Accident Compensation (WorkCover) Act 1992 and the Constitution Act 1975. However, as this involves a direct amendment to the Constitution Act, a statement for the purposes of section 85(5) of that act is not required.

In line with the government's desire to maintain consistency between the Transport Accident Act and the Accident Compensation Act, the bill amends the Transport Accident Act to provide that, in

determining a degree of impairment of a person for the purposes of that act, regard must not be had to any psychiatric or psychological injury, impairment or symptoms arising as a consequence of, or secondary to, a physical injury.

These amendments also will take effect, as set out in the bill, from today.

Lump sum payments for maims and pain and suffering to be paid by instalment

The availability of lump sum compensation, while attractive to workers and providing their legal representatives with fruitful grounds for recovering costs, can also have a deleterious effect on workers' welfare. There is a tendency for the worker to pursue lump sum compensation as an end in itself rather than to focus on recovery, rehabilitation and return to work, until after the lump sum has been finalised. The effect of this can be to frustrate the worker's adjustment with a consequent adverse effect on relationships with family, friends and workmates. It also affects the worker's longer term financial position by inhibiting him or her from quickly re-establishing earning capacity, which is generally more financially advantageous than holding out for compensation. In a number of unfortunate cases workers have also demonstrated an inability to manage a lump sum payment.

The bill requires that any amount of compensation for maims under section 98 of the act over \$5000 and any amounts of compensation for pain and suffering under section 98A of the act must be paid in equal monthly instalments over a five-year period. An adjustment will be built into the calculation of the amount of the instalments having regard to prevailing interest rates to ensure that the value of the worker's entitlement is maintained by these changes.

Hearing loss claims

The activity of a number of organisations associated with the lodgments of hearing loss claims under the Accident Compensation Act 1985 are well known to Parliament. These companies prey on the elderly and those who have difficulty with English offering to lodge a claim for hearing loss for a fee.

This bill introduces provisions similar to those adopted by the New South Wales Parliament late last year, which will provide penalties for companies and individuals who come within the definition of an agent for the purposes of the provisions and who

engage in prohibited conduct as defined in the provisions in relation to hearing loss claims or any other claim that may be subsequently declared by regulation to be covered by these provisions.

Coordinated care

The bill makes provision for a worker to be required to submit a coordinated care program for the purpose of coordinating and managing the provision of compensable medical and like services to the worker. The circumstances in which it is intended that a worker may be required to submit a coordinated care program include:

- where a worker has not recovered sufficiently to return to work within the normal recovery period and current treatment is considered inappropriate or ineffective;

- where there has been an inappropriate use of opioid analgesics;

- where there are additional treatment complications caused by non-compensable factors, such as drug addiction, mental disorders or acquired brain impairment;

- where treatment has involved an excessive number of services by one or more practitioners; and

- where there is evidence of 'doctor shopping'.

The new provisions will ensure that the program is prepared by a medical practitioner of the worker's choice or, failing that, one appointed by the authority, authorised insurer or self-insurer. A coordinated care program submitted by the worker can be refused only following a review by an independent medical practitioner who must consult with the practitioner who prepared the initial program for the worker.

However, because of the novelty of this measure and the need to ensure that it is used as intended for the benefit of the workers concerned, the government has decided that the operation of the measure should initially be limited to a period ending on 31 December 1998. During this period, the use and effectiveness of the measure will be evaluated and, if it is determined that it should continue beyond that period, a further amendment to the act will be proposed to permit that to occur.

Compensable medical and like services

This bill provides that the maximum amounts of compensable costs of medical and like services may be set by order of the Governor in Council made on the recommendation of the Victorian Workcover Authority. However, the bill provides that any such maximum level cannot be less than any fee for the relevant kind of service specified in a table within the meaning of the commonwealth Health Insurance Act 1973. This will permit the reasonable costs for these services to be limited to an insurable amount that reflects market realities while encouraging competition among providers in the provision of medical and like services.

The Administrative Appeals Tribunal and the courts will continue to have a role in resolving disputes about the reasonableness of the service or the level of cost up to the maximum amount. The Transport Accident Act will be similarly amended to maintain consistency.

Other provisions

A number of other provisions have been introduced to enhance return-to-work incentives, including:

- a provision enabling a worker to obtain compensable occupational rehabilitation services from an approved provider of the worker's choice if those services are not offered or provided by the employer, authorised insurer, self-insurer or the authority. This will assist earlier intervention and access to occupational rehabilitation services following injury;

- a provision that will allow workers to be placed in a work transition program arranged by the authority as a precursor to employment with a new employer without affecting their current level of weekly payments;

- the introduction of occupational rehabilitation and return-to-work requirements and the notional earnings test for workers classified as seriously injured to ensure that workers who are seriously injured and can return to work are treated in the same way as other injured workers.

Technical amendments

The bill also makes a number of other amendments to the Accident Compensation Act 1985 and Accident Compensation (WorkCover Insurance)

Act 1993, and the Accident Compensation (Occupational Health and Safety) Act 1996.

I commend the bill to the house.

Debate adjourned on motion of Mr BRACKS (Williamstown).

Mr STOCKDALE (Treasurer) — I move:

That the debate be adjourned for two weeks.

Mr BRACKS (Williamstown) — I move:

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

I have moved the amendment because this major bill requires extensive consultation, which cannot be undertaken in two weeks. It effects major changes which will affect injured workers who currently receive benefits or who may receive benefits in the future. The opposition must consult a range of groups, including the Australian Medical Association, because the changes affect the assessment of medical claims. The opposition must also consult particular unions, the trade union movement as a whole, injured workers and their representative organisations, and employer groups. That sort of consultation cannot possibly be completed in the two weeks set down by the government.

The bill will significantly affect the entitlements of injured workers, which are already constrained under Workcover. Injured workers will also face further difficulties because of the reduced assess to cover, which will also cause further hardship for their families.

The opposition seeks an extension of the adjournment period because it needs time to consider the bill. The second-reading speech refers specifically to the changes to Workcover eligibility and to the provision which prevents any consequential or secondary psychological or psychiatric injuries, impairments or symptoms being taken into account in assessments of whether injured workers are eligible for Workcover benefits. Those significant changes will affect a large number of people and organisations and are of particular concern to the Labor Party, which in government initiated the former Workcare scheme.

Reform in this area is dear to the hearts of opposition members, which is why we would like

time to consider the options before us. We understand that the bill has been introduced because of financial problems with the scheme, but the state has a range of options available to it to combat those problems.

Mr Stockdale interjected.

Mr BRACKS — If there are no financial problems, why does the Treasurer want to knock off the benefits of those who are already eligible to receive compensation under the scheme? If he is not concerned about the financial implications, why restrict injured workers' access to the scheme? The reality is that the scheme has financial problems. The bill is clearly being driven by cost considerations, and the opposition would like the time to assess the range of options available to it.

I seek the support of the house in extending the adjournment period. This matter does not need to be rushed into. The debate should be held over for two months so that the opposition can consult with the AMA, unions, employers and all those who will be affected.

Mr STOCKDALE (Treasurer) — The government does not accept the amendment for the sound reasons canvassed on the first page of the second-reading speech. The scheme is performing well, but, as I said in the second-reading speech, schemes of this kind are inherently open to adverse trends and from time to time action is required to adapt them to the behaviour of all the parties involved. The urgent need for action is reflected in the fact that the two measures are designed to operate from today. Obviously, it would be inequitable and impracticable to delay —

Mr Batchelor — The whole thing is inequitable.

Mr STOCKDALE — How would the honourable member for Thomastown know? When his lot was in office the scheme lost \$2.5 billion and provided inadequate protection to workers.

Obviously, it would be impracticable and undesirable to have a lengthy delay between the announcement of those provisions and the date on which they come into force. The effect of the honourable member's motion would be to defer consideration of the legislation until at least the autumn session next year. The government is not prepared to accept that. In reality, the opposition will have three weeks to consult given the time set down for the remaining sitting weeks of the session.

The bill will not come back before the house until sometime during the third week from now.

Mr Bracks interjected.

Mr STOCKDALE — It will be adjourned for two weeks.

Mr Bracks interjected.

Mr STOCKDALE — The debate will be held in the third week. The bill contains urgent matters. The scheme is certainly not in the sort of financial crisis suggested by the honourable member for Williamstown, but it is interesting to note the example chosen by the honourable member.

The honourable member for Williamstown uses as justification for his amendment the proposed amendment relating to the compounding of psychological overlay. I stress the fact that the bill does not remove an entitlement to obtain compensation for psychiatric and other related injuries. What it does is restrict the practice that has grown up in recent years of compounding a physical injury with a psychological overlay. It will allow workers to found a claim for psychiatric injury. It does not take away the right to compensation founded in psychiatric injury.

I contrast that with the position of the Labor Party when the Workcare legislation was originally introduced in 1985. I had the misfortune of being the opposition spokesman on that matter and I remember that the then Premier, the Honourable John Cain, vociferously argued that there should be no right to compensation founded in psychiatric injury. He said it would be the root of all evil and that it must be struck out because otherwise the lawyers would abuse the system. This bill has a narrow ambit — one designed to deal with a present significant, unintended consequence of the scheme where the provision is being abused. Notwithstanding that, it does not go as far as the Labor Party sought to go in 1985.

The government is being asked to defer action on this matter until 1997, but it is not prepared to accept the amendment for the reasons I have given. The time available provides adequate opportunity for consultation. The bill is limited in scope. It proposes six substantial amendments and a number of minor technical amendments.

I question the bona fides of the Labor Party in seeking to defer consideration of the bill until the

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autumn session next year. It is obviously driven by its longstanding and close association with the industrial wing of the Labor movement rather than the merits and timing of the debate.

The government believes adequate time is available for consultation. The people with whom the Labor Party wants to consult, if it follows its usual practices, are aware of the provisions of the bill, how they will work in practice and the issues with which they deal. They are in a good position to respond promptly, and there is no reason to accept the amendment that would defer action on these matters until next year.

Mr MICALLEF (Springvale) — I support the amendment moved by the honourable member for Williamstown to increase the consultation period by a further six weeks. I have had a gutful of the government ramming through Parliament imprecise amendments that have serious social and economic consequences and brutalise many members of the community.

The debate on the bill will probably resume on a Thursday afternoon or even later in the night and will be guillotined. When the principal act was introduced and passed the opposition did not even have the opportunity of debating the amendments. It is a disgrace that debate on major legislation is guillotined.

The Treasurer understands the implications of the bill. I was a member of the Workcare committee in 1988 that comprised the Minister for Education, the Minister for Finance and the Treasurer and I know that these issues are fundamental to the community. The opposition has a range of people and groups to consult, not just trade unions. It must consult with ethnic communities, welfare organisations, the medical profession and community groups, all of whom have to pick up the consequences of people being knocked off benefits or having benefits denied them.

The significant changes that redefine definitions will deny benefits to workers who have been injured in their workplaces. As I said, I have had a gutful of the government treating workers and other vulnerable people disgracefully.

Mrs Peulich interjected.

Mr MICALLEF — You ought to be ashamed of yourself. You are a pack of thugs and you know it.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The honourable members for Bentleigh and Monbulk are out of their places and out of order. Interjections across the table are disorderly. The honourable member for Springvale should be entitled to make his contribution without a barrage of interjections.

Mr MICALLEF — This is an important piece of legislation. The opposition needs adequate time to properly consult with the community because the legislation has the potential to affect a number of people. If the Treasurer really believes the scheme is running well, he can afford to delay debate for an additional six weeks. What is wrong with giving people the opportunity of consulting so they understand the workings of the bill? The opposition should be given that opportunity because the principal act and further amendments were rammed through Parliament in a disgraceful way.

The Treasurer referred to the former Labor government's position on psychiatric and emotional injuries. I remind him that during that time injuries such as repetitive strain injury were characterised by many people as psychological rather than physical injuries. It is often difficult to delineate between a physical and an emotional component of an injury and a lot was written during that period about compensation neurosis. It is ridiculous for the government to say that people will have the opportunity of understanding the implications of these amendments after two weeks consultation.

It is about time the government listened to people rather than saying, 'You will do as we say; we are the leaders'. Unfortunately, other people — welfare organisations, churches and trade unions — have to pick up the pieces resulting from actions of the government. You have been a disgrace. The government says the scheme is travelling well, but at the eleventh hour it introduces a provision that is supposedly designed to help its economic viability. These measures will hit workers by reducing their rights. They will also hit other people who are generally the most vulnerable in the community.

Mrs Peulich interjected.

Mr MICALLEF — You ought to be ashamed of yourself. You come from a non-English background and you know that the majority of people who will be affected by these provisions are migrant women who are working in factories and who have no-one to support them.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The Chair understands that as it is 4.20 p.m. on Thursday some people may be tired, but that is no excuse for the behaviour now starting to develop in the chamber. Earlier today Mr Speaker referred to the expected standards of behaviour in this place. The community expects better from its elected members of Parliament. I ask honourable members to show restraint while the honourable member for Springvale concludes his remarks.

Mr MICALLES — The provisions will substantially reduce benefits to a section of the community that may have serious injuries or have borderline injuries from workplace accidents that make it impossible for them to live comfortably.

The financial performance of Workcover needs to be looked at properly so that we can assess the real reasons behind these proposed amendments. It is important that we have the opportunity to be properly briefed by a whole range of groups so that we fully understand the intent of the legislation as well as the economic ramifications and the overall performance of Workcover in areas such as the assessment of medical claims.

This is a complex issue for those who have been involved in determining formulae for assessment of injuries for medical benefits and compensation purposes. It is not an easy issue; it is very complex. If you are going to change the formula there must be consultation at one end with people who are suffering from those injuries and at the other with those who administer the system and the medical experts who determine the severity and complexity of the injuries and so on.

I ask that the government do the right thing for once in its life and give the community an opportunity to know what the bill is all about, to understand its ramifications and make sure that we have a full and proper debate rather than rushing the bill through at the eleventh hour or midnight on the last sitting day of Parliament for this year.

This is a disgrace. If you are serious, Treasurer, in saying that some of these amendments need to be introduced straightaway, why didn't you introduce the bill at the beginning of this session? Why did you wait until the second-last week of Parliament to introduce it? I rest my case.

Mr A. F. PLOWMAN (Benambra) — I believe neither of the opposition spokesmen has spoken on the issue at all. They debated the issue but they have not given good cause why the debate should be extended. An adjournment of two weeks was suggested by the Treasurer. The suggestion that the debate needs to be adjourned for four weeks has not been satisfactorily explained by either of the opposition spokesmen.

Mr LEIGHTON (Preston) — I am opposed to a two-week adjournment. I support the amendment moved by the honourable member for Williamstown that debate on this bill be adjourned for two months for two reasons: firstly, because of the content of the bill, and I will return to that shortly; and secondly, because of the other business that will be before the house in our last sitting week.

The adjournment moved by the Treasurer means that the bill will be debated in the first week of December, which is the final sitting week for the year. During the four-year term of this government the pattern has become one of either having a backlog of legislation to deal with or of introducing, debating and passing a large amount of legislation through both houses in the last few weeks of any particular sitting.

These bills comprise some of the more important legislation. The government denies the community any input into the proposed legislation and the opposition the opportunity to consult with interest groups.

In Parliament's final sitting week in early December something like 15 bills will be debated. The notice paper contains 15 bills to be second-read by ministers this afternoon. Debate on all those bills will be adjourned for a fortnight so that in the final week of sitting we will have 15 bills to debate. Some of them are major bills such as the one dealing with the transfer of the state's industrial relations functions to the commonwealth and the bill now before the house, the Accident Compensation (Further Amendment) Bill.

To deal with 15 bills in the final sitting week is ridiculous. My rough calculation — all going well and without other interruptions — is that we can anticipate having approximately 16 hours in that sitting week to debate legislation, which works out at one hour per bill! That makes a nonsense of any real consideration by this house of the legislation before it. One hour per bill means that on this bill we will be lucky if we hear a contribution from the

opposition spokesperson and a reply from the government, and that will be the end of the debate. The opposition will not have the opportunity to take the bill into committee to draw responses from the minister or to consider possible amendments.

If we average out the time evenly among the bills we can expect one hour of debate on this bill in the final week. That should be compared with what occurred with a previous accident compensation bill introduced by the former Labor government. On that occasion the Leader of the House, the then member for Hawthorn, was able to speak for 5 hours! Yet we will be lucky if the entire opposition gets more than an hour to debate the bill. Of course there is a big difference, because the Liberal and National parties would never allow legislation to be whipped through the Parliament in the space of a fortnight. If that system had been tried in this house the then opposition, now the government, would simply retaliate by holding up the legislation in the upper house. For session after session the coalition was in a position to insist not only that there was an adequate period of adjournment in the Assembly but also that sufficient time was allowed for as many of its members as wanted to debate the bill.

A further point worth commenting on is that when the Labor Party was in government and wanted to guillotine debate it had to go through a process that ran a couple of hours. This government simply gets up and moves a motion concerning the business of the house. In the first week in December the Leader of the House will stand up on Tuesday afternoon and read out the names of those 15 bills; he will then move that they all be dealt with by 4 o'clock on Thursday afternoon, one hour per bill for debate, which is unsatisfactory.

The opposition wants debate on the accident compensation legislation to be put off until the next sitting of Parliament, when there will be an opportunity for individual members to debate it. Some of the government backbenchers may laugh, but what they do not appreciate is that over a period their individual rights as parliamentarians are being eroded. They have no opportunity to participate in these debates, and the passage of legislation becomes simply a decision of the executive government rather than full debate by both houses of Parliament.

I do not support a two-week adjournment because of the amount of business that the Parliament will have to deal with in its final sitting week. It is open to the government to extend the sittings of the Parliament

by another week so that we can deal with half of the bills one week and the other half the following week. The government wants to shut down the Parliament as quickly as possible. The number of sitting days and weeks has been reduced under this government. A normal sitting lasts for up to 10 sitting weeks. This government is now down to seven weeks, and on some occasions after it has set a program of seven sitting weeks a week will then be dropped off at the end. It is possible even at this stage for the government to agree to extend the sitting by a week.

Another reason for a longer adjournment is the content of the Accident Compensation (Further Amendment) Bill. Workers compensation is one of the most important bread-and-butter issues that a state government has responsibility for.

The government has dealt harshly with workers' rights. The approach of the government has been to whip this sort of legislation through in a couple of weeks to ensure there can be no community examination of or protest about it. The Treasurer said there were six substantive areas in the bill, and that is certainly the case. Those areas include things such as a further move to self-insurance by employers.

The DEPUTY SPEAKER — Order! I remind the honourable member for Preston that this is not an opportunity to debate the content of the bill. The debate is principally about time. Although the honourable member can make a passing reference to the content of the bill, this is not an opportunity for him to engage in a detailed debate on its content.

Mr LEIGHTON — Mr Deputy Speaker, I have no intention of debating the merit or lack of merit of the bill. However, I believe I am entitled to record important areas in the bill which I consider deserve a longer period of consideration than two weeks.

The bill provides for a further move to self-insurance by employers. That is an important matter and more time should be available for the opposition to scrutinise those provisions. The second area concerns impairment. Impairment is one of the most controversial areas of workers compensation and has caused governments of both political persuasions much anguish. An adjournment of two weeks will not allow sufficient time for a proper consideration of that matter.

I also take issue with the comments of the Treasurer concerning psychiatric injuries. When parliaments rush through legislation concerning psychiatric

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issues without having a full understanding of the psychiatric aspects involved they can get themselves into terrible trouble. That is what happened in the Northern Territory with the euthanasia bill. This is a complex and sensitive area and it deserves more time than two weeks.

The third area provides for payments to be made over five years rather than in a lump sum. I should have thought in fairness to injured workers that a great deal of community consultation and debate would be necessary on that matter.

The fourth area concerns hearing loss claims, and may be a welcome move given some of the problems experienced by residents of the Preston, Pascoe Vale and Coburg areas. Injured workers in those areas have been fleeced by bogus operators who promised them compensation for hearing loss. I do not know whether the bill resolves that problem satisfactorily and I would like an opportunity to test it. I would particularly like to consult some of the individual workers involved and their representatives, and two weeks is not sufficient time in which to do that.

The fifth area enables the authority, self-insurers and authorised insurers to more effectively coordinate the provision of medical and like services. I do not know what that means and cannot comment on it further, except to say that I would like more time to scrutinise it.

The sixth area provides that the maximum compensable cost level for medical and like services may be set aside on an order of the Governor in Council. If that is a move away from a requirement for legislation it requires serious consideration. If the effect is to hand over a legislative responsibility to the executive government it should be considered in a calm and deliberative fashion and not rushed through in two weeks.

In conclusion, the adjournment proposed is not acceptable. However, the government's action is hardly surprising given the approach it has taken over the past four years of introducing a heap of legislation, particularly big-ticket items, at the last moment and providing the house with limited time to consider it. It should be within the control of this house to decide which items of legislation will be debated in the final week of this sitting and which will be held over until the autumn sessional period. I believe this bill should be held over. I support the amendment moved by the honourable member for Williamstown.

Mr CARLI (Coburg) — On the matter of time, Mr Deputy Speaker, I support the amendment moved by the honourable member for Williamstown. No issue is more important to the Labor side of politics than the entitlement of workers to compensation. I consider it to be vitally important that I have an opportunity to consult with my constituents, supporters and others in the community on the proposals contained in the bill.

I believe the business of the house could have been better planned. The government must know how important this bill is to opposition members. The opposition should not be faced at the end of the sessional period with having to consider more than 15 bills in the space of a week. The time allowed gives opposition members no opportunity of discussing the important matters contained in the bills with their supporters and constituents and provides little opportunity for a proper debate in Parliament.

Workers compensation is an issue of fundamental importance to Labor members and it is essential that there be an opportunity to have a reasoned debate on the issue in the community as well as in Parliament so that we can ensure that things are done properly. If the Treasurer's motion is agreed to there will be insufficient time to have that discussion and the legislation will be rammed through without proper scrutiny.

The government could have introduced the bill earlier in the sessional period, which would have allowed the opposition sufficient time for consultation and would have allowed a reasoned debate on the issues involved. The way the government has organised the business of the house smacks of the guillotine being applied to an important bill that will affect the working people of Victoria, the people Labor represents. The government is again using its majority in a most disgraceful way and is affecting the interests of workers.

I support the amendment moved by the honourable member for Williamstown. The issues contained in the legislation should be discussed in the community and debated fully in this chamber. The government should not introduce 15 or more bills in the period leading up to Christmas and push them through in a week. A longer period than two weeks is necessary for this bill to be considered properly so that we end up getting the process right. For those reasons I support the amendment moved by the honourable member for Williamstown.

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

*Ayes, 53**

Andrighetto, Mr	McNamara, Mr
Ashley, Mr	Maughan, Mr
Burke, Ms	Napthine, Dr
Clark, Mr	Paterson, Mr
Coleman, Mr	Perrin, Mr
Cooper, Mr	Perton, Mr
Dean, Dr	Pescott, Mr
Dixon, Mr	Peulich, Mrs
Doyle, Mr	Phillips, Mr (<i>Teller</i>)
Elder, Mr	Plowman, Mr A.F.
Elliott, Mrs	Reynolds, Mr
Finn, Mr	Richardson, Mr
Gude, Mr	Rowe, Mr
Henderson, Mrs	Ryan, Mr
Jasper, Mr	Savage, Mr
Jenkins, Mr	Shardey, Mrs
John, Mr	Smith, Mr E.R.
Kennett, Mr	Smith, Mr I.W.
Kilgour, Mr	Spry, Mr
Lean, Mr (<i>Teller</i>)	Steggall, Mr
Leigh, Mr	Stockdale, Mr
Lupton, Mr	Tehan, Mrs
McArthur, Mr	Thompson, Mr
McCall, Ms	Traynor, Mr
McGill, Mrs	Treasure, Mr
McLellan, Mr	Wade, Mrs
MacLellan, Mr	Wells, Mr

Noes, 27

Andrianopoulos, Mr	Hulls, Mr
Baker, Mr	Kosky, Ms
Batchelor, Mr	Langdon, Mr
Bracks, Mr	Leighton, Mr
Brumby, Mr	Lim, Mr (<i>Teller</i>)
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 (<i>Teller</i>)	Thwaites, Mr
Haermeyer, Mr	Wilson, Mrs
Hamilton, Mr	

* [*Later corrected to 54*]

Amendment negatived.

Motion agreed to and debate adjourned until Thursday, 28 November.

The DEPUTY SPEAKER — Order! While the house is assembled and before we go on to the next item of business I wish to advise the house that dinner will be served from 6.30 this evening. The house will not break for dinner; we will continue the business of the house until conclusion. But for those who wish to partake of dinner, it will be available from 6.30.

Mr Micallef — On a point of order, Mr Deputy Speaker, I wish to draw to your attention an incident that happened to me outside Parliament House some 30 minutes ago, which I think impeded my rights as a member of Parliament.

I was outside at a press conference, and during the conduct of that press conference I received a message to come into the house. I was prevented from coming into the house by protective services officers at the time on the basis of a so-called demonstration outside the house.

It is a very important issue. I was told by the protective services officers that they were closing the house under instructions from the Serjeant-at-Arms — who is fleeing from the house now.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The honourable member for Springvale is raising an important issue. I consider it inappropriate to make reference to someone leaving the house, given the demands on the Serjeant-at-Arms, who has to come in and out of this place in the course of doing his business. The honourable member for Springvale, concluding his point of order

Honourable members interjecting.

Mr Micallef — I've got all day and all night! As I was saying, my rights as a member of Parliament were impeded. I received a message that I was required in the house but was prevented from entering by the protective services officers. I understand that order was given by the Serjeant-at-Arms. I find that incredible because as a member of Parliament I needed to be in the house once the division had been called. I was directed to enter the house from the rear, from the servants' entrance. I find that inappropriate.

From time to time I have had some difficulties with security in this place. I have even had to sort things out with the police at various times, and the former

member for Doncaster has been principled enough to come with me to those discussions. I have been told that I have only to show my gold pass to be allowed to get through — —

The SPEAKER — Order! I have heard sufficient on the point of order to respond to it. The Deputy Speaker was perfectly correct in saying that the honourable member for Springvale should have had the good sense to see me in my chambers to discuss this matter. The honourable member has not given all the facts to the house. I am informed that there was a demonstration on the front steps, that the demonstrators at one point decided to run for the door of Parliament House, and that the door was therefore shut to protect other members of Parliament from potential violence from those demonstrators. The member for Springvale happened to be outside. Whether he was with them or not, I do not know; that is not material.

The fact is that the member for Springvale was locked out because the Serjeant-at-Arms and the protective services officers did exactly what was needed to protect all members of Parliament from potential violence. The honourable member for Springvale should have accepted that and gone around to what he should not have described as the servants' entrance, because that is putting down the staff of Parliament. All members use that entrance, too. The Serjeant-at-Arms and the protective services people did exactly what was needed to protect the interests of members of Parliament.

Mr Dollis — Mr Speaker — —

The SPEAKER — Order! I have ruled on that point of order; I will not hear any more on it.

Mr Dollis — On a simple point of clarification, Mr Speaker, to ensure that we understand and that the matter does not come before the house again, I ask for your assistance. I wonder whether some instructions could be given to both staff and members concerning what they are to do in situations like the one that arose before.

Honourable members interjecting.

Mr Dollis — Certain loudmouths in this place make it impossible to get some commonsense, because they are obviously not interested in the matter. I am asking, Mr Speaker, whether you will issue some instructions at an appropriate time so that we all understand what we are expected to do in case there is an emergency and the doors are shut.

The SPEAKER — Order! Clearly, in circumstances like that the protective services officers must take whatever action they see fit at the time. They cannot wait until they have instructions from me. My instruction then would be very clear: use your initiative to protect members of Parliament. That is what they did today, and I think they did that properly and appropriately. That would always be my instruction to them.

CINEMEDIA CORPORATION BILL

Second reading

Mr STOCKDALE (Minister for Multimedia) — I move:

That this bill be now read a second time.

The Cinemedia Corporation Bill repeals the Film Victoria Act 1981 and the State Film Centre of Victoria Council Act 1983. Consistent with the policy statement *Victoria, State for the Arts*, released in March this year, the Cinemedia Corporation Bill will amalgamate Film Victoria and the State Film Centre of Victoria to form the Cinemedia Corporation. The Cinemedia Corporation will be the legal successor of its constituent organisations.

It is the aim of this amalgamation to bring together the two film cultural institutions to ensure their continuing relevance into the next century and, together, to meet the challenges posed by the convergence of technologies.

The Cinemedia Corporation will:

- promote the development of the film and multimedia industries in Victoria;

- provide financial and other assistance to the film and multimedia industries in Victoria;

- assist the development and commercial exploitation of programs and services for the film and multimedia industries as well as the development of productions and programs in respect of government departments and public statutory authorities;

- promote and participate in arrangements and agreements for financing film and multimedia content production;

- develop and maintain a collection of films and sound recordings and multimedia content; and

promote public education and discourse with reference to film and multimedia content.

The bill establishes the Cinemedia Corporation, setting out its functions and powers — which are consistent with those currently available to its constituent organisations. The bill establishes appropriate governance provisions and sets out appropriate terms and conditions for directors.

The bill will enable the Cinemedia Corporation to employ its own staff. Current staff will be transferred to the corporation. This will allow the organisation to be appropriately staffed and facilitate the formation of a strong organisational identity. However, staff will retain a right of return. Terms, conditions and benefits for all current staff will be retained. No staff will be disadvantaged by this move.

The Cinemedia Corporation Bill will provide the framework for the development and support of the film and multimedia production industry in Victoria into the next century. It will also provide the appropriate structure for the advancement of an understanding of screen culture for all Victorians.

I commend the bill to the house.

Debate adjourned on motion of Mr CARLI (Coburg).

Debate adjourned until Thursday, 28 November.

SUPERANNUATION ACTS (FURTHER AMENDMENT) BILL

Second reading

Mr STOCKDALE (Treasurer) — I move:

That this bill be now read a second time.

The purposes of the bill are to continue the government's program to rationalise the operation of public sector superannuation schemes and to clarify the operation of the Equal Opportunity Act 1995 in relation to early retirement schemes.

The number of separate schemes will be reduced. Actuarial reviews conducted every three years will be standardised to a common date for the larger defined benefit schemes. Major features of superannuation schemes currently in subordinate legislation will be incorporated into the relevant principal legislation. Agreements with the Insurance

and Superannuation Commission about the early release of benefits and the Australian Services Union about temporary benefits in the Local Authorities Superannuation Fund are being implemented. The definition of 'retrenchment' is being standardised across all major public sector defined benefit schemes.

With the sale of the port of Geelong, the number of employees remaining in the Port of Geelong Authority Superannuation Fund had fallen to fewer than six. Moreover, those employees are employed by new public sector employers. The bill will close this accumulation scheme and the remaining members of the fund can transfer their account balances to another accumulation scheme of their choice or, if they make no election, their account balances will be transferred to the public sector accumulation scheme used by their new employer.

The number of beneficiaries of the coal mines pensions scheme has fallen below 80 and the majority have indicated that they would like to commute their small pensions. Most of these pensions are about \$16 per fortnight. The bill enables commutation to occur and, if any pensioners do not accept the offer, the administration of the scheme will be taken over by the board of another major public sector superannuation scheme. I place on record the government's appreciation for the work done by the members of the Coal Mines Pensions Tribunal who will go out of office under the provisions of this bill.

With the decline in the number of separate, defined benefit schemes, the government wishes to enhance its liability management program. That will be assisted by standardising the dates for the three-yearly reviews by an actuary of the liabilities in each major scheme. The bill makes amendments so that the next triennial review of the Emergency Services Superannuation Scheme and the schemes within the State Superannuation Fund occur on 30 June 1997. The bill also provides that all of the reports of a triennial review must be sent to the Minister for Finance within six months of the date of the review and for the minister to table those reports in Parliament.

Victoria has signed an agreement with the commonwealth government which exempts specified public sector superannuation schemes from regulation by the Insurance and Superannuation Commission. As part of the program to meet our obligations under that agreement the major features of superannuation

prescribed in regulations are being inserted into the relevant principal legislation. Many provisions of the bill cover the incorporation of seven sets of regulations under the Emergency Services Superannuation Act 1986 and two sets of regulations under the Hospitals Superannuation Act 1988.

Following the exemption of specified public sector superannuation schemes the Insurance and Superannuation Commission decided that it would no longer be appropriate for the commission to approve the early release of benefits from the schemes. The bill provides for the board of each exempt superannuation scheme to take over that function from 1 January 1997 using specified standards set by the Governor in Council. The intention is that the standards will be as close as practicable to those used by the commission in dealing with applications for members of a regulated superannuation fund.

The defined benefit scheme within the Local Authorities Superannuation Fund has no provision to pay a temporary benefit to a contributor in cases where the person has suffered a major injury and where it is not clear whether the person's condition will improve sufficiently for them to return to work. Following an agreement with the Australian Services Union a temporary benefit is being introduced for a maximum period of two years during which the board must monitor the person's condition, assess continuing eligibility and make decisions on the type of benefit to be paid during and at the end of the limited period.

There are two separate types of definition of 'retrenchment' used in the governing rules of Victoria's major public sector defined benefit schemes. One of these definitions requires the employer to certify to the superannuation scheme that the employee has been retrenched before a retrenchment benefit can be paid by the administrators of the superannuation scheme. The definition in section 3(1) of the State Superannuation Act 1988 is an example of this type of definition.

The other type of definition requires the board of the superannuation scheme to form a view on whether a retrenchment has occurred using criteria specified in the definition. Before that view is reached there is no requirement to consult with the employer or for the employer to certify that a retrenchment has occurred. Under the second definition, the retrenchment benefit can be paid if a person leaves the employer in anticipation of retrenchment or the function is transferred to a private sector employer

and the employee accepts a job with that new employer.

The second type of definition is in the Hospitals Superannuation Act 1988, the Local Authorities Superannuation Act 1988 and the Emergency Services Superannuation Regulations 1987. That type of definition is inconsistent with the Commonwealth government's retirements incomes policy as a benefit can be paid when an employee changes employment as a result of outsourcing or privatisation of a public sector activity. That is in contrast to the purpose of the commonwealth's policy that superannuation is for use during retirement from the full-time work force or can be accessed earlier in the case of death or disability.

The government has decided to standardise the definition of retrenchment in all major public sector defined benefit schemes along the lines of the current definition in the State Superannuation Act 1988. The bill contains provisions to achieve that purpose.

There are some miscellaneous amendments in the bill. Some affect the Parliamentary Contributory Superannuation Fund. The bill clarifies the intention to fully fund the accrued liabilities of the scheme and, once that objective is achieved, to maintain between each three-yearly review its fully funded status.

The government has also decided to clarify its intention in relation to the operation of the Equal Opportunity Act 1995, in particular its impact on voluntary early retirement schemes. Public sector employers have, over the past several years, been authorised to offer voluntary early retirement payments to employees to facilitate restructuring of the public sector to achieve more efficient service delivery.

These early retirement schemes involve the offer of different payments to employees depending on whether they are eligible to access retirement benefits from their superannuation fund. The earliest age for access to this benefit is usually 55 years for employees in the public sector. The underlying policy is that it is reasonable to provide a greater incentive to forego future employment to employees who do not have access to superannuation retirement benefits than it is to employees who have access to these benefits.

It was never the government's intention that the Equal Opportunity Act 1995 should impede the

ability of employers in either the public or private sectors to offer voluntary early retirement payments on this basis. This amendment clarifies and confirms the underlying operation of the Equal Opportunity Act 1995 by providing certainty in that act in this area.

Legislation governing all public sector superannuation schemes has been reviewed in terms of the government's competition policy. Section 16(5) of the State Superannuation Act 1988, which exempts the income of the State Superannuation Fund from any taxation under any act of the Parliament of Victoria, is the only provision which requires a change. To be consistent with the government's competition policy, section 16(5) is to be removed. The amendment is to apply from 1 January 1997. The amendment provides the opportunity to make it clear that no public sector superannuation scheme will be exempt from state duties or taxes.

The bill removes an ambiguity in the revised state superannuation scheme about the calculation of a child's pension where a pensioner dies and also makes provision for certain employees of the Department of Natural Resources and Environment to transfer from the Emergency Services Superannuation Scheme to the new scheme in the State Superannuation Fund if they cease to hold one of the designated fire prevention positions in that department.

This bill continues the government's commitment to improve the management of superannuation arrangements in the public sector.

I commend the bill to the house.

Debate adjourned on motion of Mr BRACKS (Williamstown).

Mr STOCKDALE (Treasurer) — I move:

That the debate be adjourned for two weeks.

Mr BRACKS (Williamstown) — I move:

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

I reluctantly move for an extension of the debate adjournment period so that the bill may be discussed more fully. I commend both the former and present ministers for finance on the way they have sought to discuss the contents of the bill, to

conclude arrangements and to get agreement about superannuation matters. They and their representatives have consulted with the work force, unions, retirees and other interested parties; but in this case the minister has not been successful in concluding negotiations with the ambulance officers, firefighters and police.

Mr McNamara interjected.

Mr BRACKS — That is a moot point; there are still concerns about the police. I have copies of letters to the minister from representatives of ambulance officers, firefighters and the Victorian Trades Hall Council; all indicate that to date there is insufficient agreement on all aspects of this bill.

As government members know, the government has correctly sought to obtain agreement on these sensitive matters; therefore, I reluctantly seek an extension of time so that that agreement can be reached.

I understand that as late as last night, about six matters concerning superannuation for Victorian emergency services workers were still outstanding; five of the six have now been resolved, for which I commend the Minister for Finance in the other place.

Late yesterday I had discussions with the minister to ensure there would be no opposition to the bill. I regret that the sixth and final matter has not been resolved. I seek an extension of time to ensure proper negotiations lead to agreement; then the bill can be debated and pass through here without any conflict or scare campaigns which can be easily misconstrued when it comes to the superannuation rights of workers.

I ask the government to agree to extend the period of the adjournment of the debate for two months, which effectively would mean this legislation would lie over until next year.

I understand the pressure on the government because of the commonwealth requirement that some of these matters be concluded by the end of November; however, I understand that pressure has been relaxed and the commonwealth will accept a later date for the finalisation of the matters. That would allow discussion on emergency services superannuation matters to be conducted properly.

The final matter that requires some sensitive handling is that of retrenchment. The opposition is concerned about what retrenchment triggers by way

of payments under the appropriate superannuation scheme for workers deemed under the rules of the superannuation legislation to have been retrenched.

Significant benefits or entitlements apply in the event of retrenchments, but no agreement has been reached on this important aspect of the bill. I ask for more time so negotiations on that matter may conclude and the bill can pass through this place with the total support of the opposition.

Certain retrenchment matters have been satisfactorily and amicably resolved following discussions with the departmental officer, Allan Griffin, for whom I have enormous respect: he is an excellent negotiator on such matters.

I hope the opposition can be granted more time so that we do not have to return here in two weeks and oppose that part of the bill because of the failure of the government to allow time to satisfactorily conclude consultations with the relevant employees.

Mr THWAITES (Albert Park) — I support the amendment moved by the honourable member for Williamstown to seek an appropriate adjournment period so this bill can lie over to allow the negotiations referred to by the honourable member to continue and be concluded and so we do not have to return here later to further amend the legislation.

Superannuation is a critical right of the people. The loss of superannuation rights can have a most damaging effect on a person's future. It would be most unfortunate if, for the sake of the short time the bill stays here for consideration, the future of Victorians is put at risk — which is the danger we face if this legislation is forced through before negotiations are properly conducted and before the bugs are ironed out.

The bill is long and complex; it contains 79 clauses and runs to 137 pages. Given that complexity, it is even more important that adequate time be given to properly consider certain provisions and to ensure negotiations are properly concluded.

Without that agreement there is every likelihood that the problems that have occurred with other legislation will occur with this bill — that is, legislation is rammed through this house at the end of the session and later has to be returned and further amended. That is not in the interests of Parliament, of good government or of the workers who are the beneficiaries of the superannuation schemes.

The issue of retrenchment was touched on by the honourable member for Williamstown. Unless there is a proper analysis of the retrenchment issue we could find that individuals are made redundant and lose their proper rights. That would not be desirable for emergency services employees or for the government. Emergency services officers — ambulance, fire and police — are among the most important workers in the service of this state. We owe them a lot. When there is a fire the fire officers save our properties and when we are injured or sick the ambulance officers come out and save our lives. We owe much to the police who ensure the safety and security of our homes and families. We would be letting them down if Parliament allowed them to lose the rights they deserve for the sake of the government's desire to ram this legislation through and finish quickly before Christmas.

Given the complexity of the legislation and the importance of the topics it covers, it is incumbent on the house to ensure adequate time is available to conclude negotiations. As the honourable member for Williamstown said, the time requirements set by the commonwealth can be fulfilled. There is no necessity for the legislation to be rammed through. It is in our interests for the government to give adequate time for negotiations to be completed.

I conclude by stating, as the shadow Minister for Health, my personal appreciation for the superb service to this community that ambulance officers provide. It is absolutely beholden on this house to ensure that anything that takes away existing rights of ambulance officers is not done without the fullest consultation and the closest scrutiny, and that consultation and scrutiny cannot be achieved in a short two-week period.

Mr STOCKDALE (Treasurer) — The government is not prepared to agree to effectively adjourn debate on the bill until the autumn session. The arguments mounted by the opposition members actually conduce to supporting the government's proposition rather than the opposition's. Certainly it is necessary to have some flexibility, and while the government would never concede that it would legislate in this area only by agreement, the government has sought a high degree of consensus. I think that has been recognised by honourable members. Even without pumping my mock sincerity up to the level achieved by the honourable member for Albert Park —

Mr Thwaites — Speak for yourself!

SUPERANNUATION ACTS (FURTHER AMENDMENT) BILL

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Mr STOCKDALE — I admire the polished performance, I do not seek to achieve the same effect. It is necessary to maintain some flexibility in dealing with this matter. For two key reasons it is important that the government adheres to the present deadline: one is the need to keep all parties focused on the need to quickly resolve any outstanding issues, if it is possible to resolve them; the second is it is important that the government retains the flexibility not to bring the bill back on if it is thought desirable to facilitate further discussion.

On the other hand, if we were to accept the opposition's amendment, the bill would carry over to the following session without the government having the flexibility of conducting any negotiations without a very leisurely timetable, which could, as the honourable member for Williamstown suggested, involve some problems with the commonwealth regulatory authorities.

I appreciate the extent to which the members have complimented the way the minister is handling the bill, and I certainly concur in that, but it is important that we adhere to this program. I think it is highly unlikely this will be the case, but if it became necessary to change the program there can be discussion about the timing of the resumption of the debate. The government believes it will be appropriate to proceed. A two-week adjournment means it will come on in the third week from now. The government would be very surprised if it is not in a position to proceed by that time. Even if agreement has not been obtained, we would expect that the shape of the bill could be well and truly determined by that time.

I accept what the honourable members have put as being a legitimate expression of opinion from their side, but I think it actually conduces towards passing the original motion rather than the amendment.

The DEPUTY SPEAKER — Order! The question before the Chair is that the debate be adjourned for two weeks. The honourable member for Williamstown moved an amendment to remove the words 'two weeks' and insert the words 'two months'. The question now before the Chair is that the words proposed to be omitted stand part of the motion. Those who support the amendment of the honourable member for Williamstown should vote no.

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

Andrighetto, Mr
Ashley, Mr
Burke, Ms
Clark, Mr
Coleman, Mr
Cooper, Mr
Dean, Dr
Dixon, Mr (*Teller*)
Doyle, Mr
Elder, Mr
Elliott, Mrs
Finn, Mr
Gude, Mr
Henderson, Mrs
Jasper, Mr
Jenkins, Mr
John, Mr
Kennett, Mr
Kilgour, Mr
Lean, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McCall, Ms
McGill, Mrs
McLellan, Mr

Ayes, 52

MacLellan, Mr
McNamara, Mr
Maughan, Mr
Naphthine, Dr
Pateron, Mr
Perrin, Mr
Perton, Mr
Pescott, Mr
Peulich, Mrs
Phillips, Mr
Plowman, Mr A.F.
Reynolds, Mr
Richardson, Mr
Rowe, Mr
Ryan, Mr
Shardey, Mrs (*Teller*)
Smith, Mr E.R.
Smith, Mr I.W.
Spry, Mr
Steggall, Mr
Stockdale, Mr
Tehan, Mrs
Thompson, Mr
Traynor, Mr
Treasure, Mr
Wells, Mr

Noes, 27

Andrianopoulos, Mr
Baker, Mr
Batchelor, Mr
Bracks, Mr
Brumby, Mr
Campbell, Ms (*Teller*)
Carli, Mr (*Teller*)
Cunningham, Mr
Dollis, Mr
Garbutt, Ms
Gillett, Ms
Haermeyer, Mr
Hamilton, Mr
Hulls, Mr

Kosky, Ms
Langdon, Mr
Leighton, Mr
Lim, Mr
Loney, Mr
Maddigan, Mrs
Micallef, Mr
Mildenhall, Mr
Pandazopoulos, Mr
Savage, Mr
Seitz, Mr
Thwaites, Mr
Wilson, Mrs

Amendment negatived.

Motion agreed to and debate adjourned until Thursday, 28 November.

MAGISTRATES' COURT (AMENDMENT) BILL

Second reading

Mr GUDE (Minister for Education) — On behalf of the Attorney-General, I move:

That this bill be now read a second time.

In 1985 the former government introduced legislation which created the penalty enforcement by registration of infringement notice (PERIN) system as part of its objective to progressively improve the administration of justice in Victoria. It was heralded by the then Attorney-General as a 'simplified procedure for the enforcement of unpaid infringement notices' involving 'a central computerised court' and was intended to apply to a variety of breaches of the law in this state. The reforms introduced new technology to the Magistrates Court system to provide for the efficient disposition of uncontested matters in those circumstances where infringement notices had been issued. In 1989 legislation was introduced which transferred the responsibility for the collection of some fines from the police force to the Sheriff's Office. It was predicted that this reform would result in 75 per cent of PERIN fines being successfully collected under the new system.

Since 1993 the Department of Justice has implemented a series of measures designed to enhance both the efficacy and the efficiency of fines collection and enforcement by the Sheriff. For example, members may recall that in 1994 reforms were made authorising the Sheriff to seize property as an alternative to imprisonment. Administration has been improved and fine collection has significantly increased. There has been a well-publicised and successful program of blitzes on fine evaders conducted by the Sheriff in the municipalities of Melbourne, Shepparton, Wodonga, Bendigo, Port Phillip, Stonnington and Yarra over the last two years.

Recently, out of an abundance of caution, the procedures for the imposition and collection of fines and associated costs have been subjected to an extensive legislative compliance audit as a preparatory step before a complete re-engineering of the fines collection and enforcement process. This audit has revealed a number of significant and serious defects with the PERIN system dating back to 1989. Urgent action is required to address these defects to remove any doubt as to the legality and

efficacy of the issue of infringement notices and the exercise of the Sheriff's powers to enforce the collection of fines and associated costs.

In 1989 the Magistrates' Court Act was passed, containing provisions regulating the PERIN system. The audit disclosed that the PERIN system does not apply to offences for which infringement notices or penalty notices within the meaning of schedule 7 of the act could be issued. Section 99 of the act provides that the PERIN system may be used against a person for a prescribed offence. However, offences were not prescribed for the purposes of this section.

This deficiency is not the only problem detected in the audit of the Sheriff's Office. There are a number of other significant irregularities and doubts relating to the re-issuing of warrants and the imposition of Sheriff's fees. For example, on 1 September 1990, by virtue of section 58(2) of the act, all warrants to imprison for the non-payment of fines and warrants to detain in a youth training centre for the non-payment of fines were given a limited life of five years from their date of issue.

It appears that the Sheriff continued to act as though the issued warrants still had their previously unlimited lives. The leave of the Magistrates Court, pursuant to section 58(3) of the act, was not sought to issue fresh warrants in place of those that had become null and void. On 1 September 1991, as part of the implementation of a new computerised system, all outstanding warrants for non-payment of fines were recalled, cancelled and ostensibly re-issued. It now appears that the re-issue may not have been effective as the power to re-issue following the recall and cancellation of warrants is of doubtful validity. Arguably, those warrants ceased to have effect.

In late 1994 a Supreme Court judge raised doubts about some aspects of the administration of the legislation passed by the former government. As a result, all penalty enforcement warrants issued prior to that date were recalled and ostensibly re-issued in paper form to remove any doubt as to the efficacy of their initial issue electronically rather than in paper form.

These events can be contrasted with reforms introduced by this government in 1994 giving the Sheriff greater power to collect outstanding fines. These reforms, contained in the Magistrates' Court (Amendment) Act 1994, applied to both existing and future infringement penalties and required the Sheriff to recall and cancel existing penalty

enforcement warrants. However, unlike the legislation passed by the former government, this act expressly authorised the issuing of fresh warrants.

While the registrar of the PERIN system and the Sheriff acted in good faith at all times, it is possible that warrants have been re-issued without authority and that the Sheriff has acted from time to time since 1990 on expired warrants. The re-issue of warrants leaves in doubt the validity of outstanding warrants for non-payment of fines and outstanding penalty enforcement warrants. Since 1986, in the case of some civil warrants, and 1989, in the case of some criminal warrants, it has been the practice of the Sheriff to include execution costs in the warrants issued to bailiffs and for those costs to be collected when the amounts outstanding under the warrants were paid prior to execution. Again, this practice may not be authorised by the legislation.

Finally, the Sheriff adopted the practice of allowing fine defaulters who could not pay the full amount owing on the warrants to enter into time-to-pay arrangements rather than imprisoning them or seizing their assets. There is no legislative basis for that practice.

The deficiencies in the legislation and its administration are serious. It is almost unbelievable that there has been no legal challenge based on any of these issues given that deficiencies date back to 1989. But unfortunately, that is the situation. It was not until the Department of Justice initiated the legislative compliance audit that any of these issues were identified.

There are approximately 2.5 million infringement notices issued each year. Approximately 300 000 of these become warrants. The great majority of people — over 90 per cent — pay their fines prior to warrants being issued. A further few per cent (approximately) pay prior to warrants being executed. A small number do not pay, and warrants are executed against them.

The audit has disclosed that as a result of legislative or administrative deficiencies orders and warrants may have been invalid. There would be enormous administrative difficulties and considerable expense involved in reassessing all orders and warrants in individual cases. There would also be an element of unfairness as validity would be based on matters extraneous to the people concerned.

It would be similarly administratively difficult and enormously expensive to reverse the situation

regarding the payment of fees so far as the past is concerned. However, for the future the government has decided to review the quantum of these costs and make them more equitable. In the future, different levels of fees will be prescribed to reflect the costs of the different stages of fine enforcement. When the bill comes into operation and until the new fees are prescribed under the act, execution fees will no longer be payable by those people who pay their fines prior to the execution of a warrant.

In summary the bill will:

- authorise the reissue of warrants in the future and validate past reissues;

- limit the life of non-executed and future warrants to five years regardless of whether they are reissued;

- place beyond doubt the validity of the electronic issue of warrants;

- validate any execution of any warrant to which subsection 58(2) of the act applied and which had purported to be reissued;

- authorise arrangements made by the Sheriff in the past to allow fine defaulters to enter into time to pay arrangements;

- introduce a fee structure to reflect separately the cost of different stages of the fine enforcement process; and

- ensure that no proceedings may be brought in relation to actions regularised by the bill.

Clause 12 is included to satisfy the requirements of section 85 of the Constitution Act 1975 in respect of the changes to the jurisdiction of the Supreme Court effected by clause 11. The reason why it is necessary to vary or alter the jurisdiction is that it is necessary to ensure that those things or matters which are deemed to be valid or lawful or to have been validly or lawfully done by reason of the operation of this act — once it commences — are not subject to challenge through the courts.

The provisions of the bill reflect a reasonable approach to the circumstances I have outlined. The mechanism established by the PERIN system in 1985 and the subsequent reissue of warrants and collection of fees by the Sheriff may have been faulty, but the outcome was consistent with the need to uphold and enforce the law against those who are

not prepared to obey the law and was uniform in its operation over all those who have incurred fines during this period.

These considerations have weighed heavily with the government in deciding to introduce this legislation which, in these exceptional circumstances, contains some provisions retrospective in application.

I commend the bill to the house.

Debate adjourned on motion of Mr HULLS (Niddrie).

Debate adjourned until Thursday, 28 November.

PLANNING AND ENVIRONMENT (PLANNING SCHEMES) BILL

Second reading

Mr MACLELLAN (Minister for Planning and Local Government) — I move:

That this bill be now read a second time.

The broad purpose of the bill is to facilitate major reforms to the structure and content of planning schemes. Honourable members are aware of the determination of the government to reform the planning system. The slow, complex and unresponsive system that the government inherited has already been reinvigorated by a series of measures.

These measures have included:

amendments to the Planning and Environment Act in 1993 and 1995 to streamline and improve various planning procedures;

amendments to schemes to facilitate appropriate development in many areas of Victoria;

re-establishing a partnership with a reformed local government;

giving clearer strategic direction; and

the introduction of a number of standard zones and standard land use definitions.

The annual August statements by the Minister for Planning and Local Government have regularly documented what has been achieved and what is to be tackled in the next phase of the reform agenda. In

the 1996 statement, improvement to the structure and content of planning schemes was identified as the next reform of the planning system.

There will be three main changes. The first will be the schemes focus on, and relationship to, key strategic directions.

At the state level, a state planning policy framework is being prepared to help guide the preparation of local planning policy and guide planning decision making at all levels.

At the local level, a local planning policy framework will be prepared for each municipal district. It will include a municipal strategic statement and key local planning policies. The strategic statement will set out a broad vision for the municipality and show its long-term directions for land use and development.

The new schemes will therefore identify the key state and local strategies and policies, show how they are linked and how they can be implemented by other provisions in the scheme about the use or development of land.

The second main change will be the use of consistent planning tools in schemes. There is no justification for retaining different and complex provisions in each scheme for the same issue. Basic planning tools will be consistent across the state. For example, there will be:

consistent zones for particular land uses, such as residential, business, industrial and rural;

consistent special area controls, commonly known as 'overlays', such as those for heritage and floodway;

consistent land use definitions; and

consistent provisions for car parking, advertising signs and a variety of other planning matters.

The third main change will be a rigorous monitoring and review of the effectiveness of the changes to the planning system foreshadowed by this bill. This will be done annually by the Department of Infrastructure. Improvements, as required, will be regularly carried out.

There will be two key benefits of these changes. First, schemes will have a much stronger strategic focus. Any controls in the scheme over the use or

development of land will be soundly based and be linked to intended policy outcomes.

Second, schemes will be easier to use and understand, and they will create greater certainty and confidence. This will have obvious benefits to establishing new business in the state.

The new statewide standard provisions — to be known as the Victoria Planning Provisions — and the new municipal strategic statement will be the two main building blocks of the new schemes. The Victoria Planning Provisions will contain the state planning policy framework and standard provisions dealing with a wide range of planning issues I have already mentioned. They will be a reference book giving municipal councils the tools they need to prepare a new scheme.

A draft of the Victoria Planning Provisions has been prepared by the Department of Infrastructure. Three copies of this draft have been placed on the table of the library for viewing by members.

When members inspect this document, they will see:

- a state planning policy framework;

- a small number of zones — for example, 5 residential, 5 business, 3 industrial and 3 rural zones;

- 19 overlays for issues as diverse as heritage, airport environs, rural floodway and salinity management; and

- provisions for specific matters such as car parking, home occupations, and bed and breakfast accommodation.

A new proposed overlay that I wish to specifically refer to is the one dealing with land earmarked for public acquisition. At the moment in schemes land can be 'reserved' for a public purpose. This creates the preconditions for an owner or occupier of land to claim compensation under part 5 of the Planning and Environment Act 1987, in accordance with the Land Acquisition and Compensation Act 1986.

I want to make it clear that the new overlay is only intended to change the way the land to be acquired for a public purpose is identified. It is not intended to change any rights in relation to compensation.

The other main building block for a new scheme is the municipal strategic statement. Municipal

councils will be able to select the tools they need from the Victoria Planning Provisions to help them implement the strategic statement. For example, if a strategic statement refers to the need to conserve heritage values in a residential area, the municipal council could include that area in an appropriate residential zone and heritage overlay.

The reforms have been carefully planned. They have been developed during 1996 with a pilot group of five municipal councils — the City of Ballarat, the Shire of Alpine, the City of Port Phillip, the Shire of Mornington Peninsula and the City of Brimbank. These councils are to be commended for enthusiastically participating in helping to develop the reforms. The results show that councils can effectively move to this new system and that real improvement is made when they focus on the state and local policy framework.

The bill

The bill facilitates the reforms by introducing the required statutory framework. When this act is in operation the machinery to prepare, introduce and administer the new schemes will be in place. This work will formally begin immediately after assent of the act as each municipal council prepares the new scheme, including the municipal strategic statement, using the tools in the Victoria Planning Provisions.

Each municipal council has already been asked to prepare a new scheme by mid-1997. Each scheme will be fully tested by the normal processes of notice, the opportunity for affected people to make submissions, and consideration by independent panels before it is approved. With each municipal council working with the Department of Infrastructure, new schemes will be approved and in operation progressively over the next 12 to 18 months.

I now turn to the key provisions of the bill.

The Victoria Planning Provisions

Clause 5 inserts a new part 1A in the principal act (the Planning and Environment Act 1987) to make provision for the preparation, approval, availability and amendment of the Victoria Planning Provisions. They will be prepared and approved promptly after assent to the act so that they formally exist for use by municipal councils in preparing schemes.

Proposed sections 4B to 4I will ensure that an amendment to the Victoria Planning Provisions will

follow the usual process for an amendment to a scheme. Proposed section 4J allows an amendment to the Victoria Planning Provisions to include amendments to specific schemes. This is important because future changes to a particular clause in the Victoria Planning Provisions may need to flow on immediately to those schemes in which the clause is included. Prompt introduction of consequential changes to schemes will ensure the ongoing consistency of the provisions wherever they are used.

The new structure of schemes

Clause 7 substitutes section 7 of the principal act to introduce provisions for the new structure of schemes. The new section requires a scheme to consist of either state standard provisions or local provisions. A state standard provision can only be one drawn from the Victoria Planning Provisions. Proposed new section 7(5) allows the minister to direct the inclusion of specified state standard provisions such as the proposed consistent land use definitions.

A local provision is one that applies just to the area of the scheme, such as a municipal strategic statement and a scheme map showing to which land the selected state standard provisions apply.

Clause 8 also relates to the new structure of schemes. The proposed substituted subsections of the principal act make it clear that a planning authority may prepare amendments to the local provisions of a scheme at any time. However, to ensure ongoing consistency of the state standard provisions in all schemes, proposed subsection (6) provides that a planning authority may not prepare an amendment which amends those provisions. It may, however, prepare an amendment to include or exclude those provisions in a scheme.

If a planning authority or any other person seeks a change to a state standard provision it must either ask the minister to prepare the necessary consequential amendment to the Victoria Planning Provisions or seek the minister's authority to do so itself under proposed section 4B.

Clause 12 is also consequential on the new structure of schemes. For the reasons outlined above, a planning authority will not be able to change an amendment when it is adopted to make changes to a state standard provision.

To make sure that submitters do not hold up decisions on amendments by making submissions

about the need for changes to state standard provisions clause 12 makes changes to sections 21, 22, 23 and 25 of the principal act so that planning authorities and panels reject such submissions. There will be an important role for panels, nevertheless, in testing and refining the Victoria Planning Provisions. Clause 13 inserts a new section 25A in the principal act and gives panels a clear role to recommend to the minister desirable changes to the Victoria Planning Provisions.

Municipal strategic statements

Clause 6 amends section 6 of the principal act principally to make clear that a scheme must contain a municipal strategic statement if the scheme affects a municipal district.

Clause 11 inserts a new section 12A in the principal act to state what the statement must seek to achieve, what it must contain and how it must be reviewed once it is approved as part of the new scheme.

Combined permit and amendment process

A feature of many schemes in recent years is the popularity of what are called site-specific amendments to schemes. These usually change the scheme to facilitate a particular development proposal. They have been popular because their approval is usually able to authorise the development without the need for further planning approvals involving public consultation.

While this has been to the obvious benefit of the developer, it has also benefited the public by enabling people to know clearly the detailed nature of proposals when making submissions. It has also benefited the relevant authorities by enabling them to set conditions and requirements at an early stage.

Their popularity has been a double-edged sword. Unfortunately, many schemes now have many pages devoted to site-specific provisions. This has been to the overall detriment of the clarity and ease of interpreting the schemes. New schemes will not have these site-specific provisions because their core provisions — the state standard provisions — will be limited to those in the Victoria Planning Provisions. However, the bill includes a new process aimed at ensuring the advantages of site-specific amendments are nevertheless maintained.

Clause 14 of the bill introduces a new division 5 into part 4 of the principal act so that a planning authority, if requested to do so by a person, may

simultaneously prepare and give notice of a proposed amendment to a scheme and give notice of an application for a permit. These notices must, under proposed section 96C, be accompanied by a draft of the proposed permit. This enables affected people to make submissions about the general change to the scheme, the specific application and the draft permit. In accordance with the usual scheme amendment process, if the authority does not accept a submission from an affected person a panel must be appointed and the person given an opportunity to be heard by it. The panel's report must be considered by the planning authority before it decides whether or not to adopt the amendment and recommend to the minister that a permit be granted.

It is inappropriate that an applicant and the submitters have a right to appeal against the minister's decision on the permit to the Administrative Appeals Tribunal because they have had an opportunity to make submissions to the planning authority and the panel. Proposed section 96M ensures the minister's decision is final.

In general, the grounds on which a permit could be cancelled or amended will apply to a permit granted by the minister under the proposed division. So the new process will retain the benefits of the current site-specific amendment process, will contribute to the wider benefits of the new schemes and will also have appropriate mechanisms to ensure public consultation and involvement in decisions.

Transitional provisions

Part 3 of the bill makes a number of transitional provisions. Clause 18 requires a council to prepare a new scheme as soon as possible after commencement of this act. It requires the normal procedures for the preparation of an amendment to a scheme to apply to the new scheme.

To ensure that councils move as quickly as is reasonably possible through the process the minister is able under clause 20 to set a date by which the new scheme must be submitted for approval. If a council fails to do so by that date, clause 20 enables the minister to prepare and approve that scheme. A council must pay to the Crown the costs incurred by the minister in preparing the scheme, as determined by the Governor in Council.

Clause 23 relates to the new structure of schemes and the intention that they will not contain detailed site-specific provisions. The site-specific provisions

in current schemes represent rights to use and develop land. Some of these rights, especially those where the right has not yet been taken up, need to be preserved in some form.

The clause will facilitate the transfer of those rights to a permit. This will take place on approval of the scheme or within three months afterwards. Notice must be given by the planning authority to the holder of those rights before this transfer takes place.

The notice requirements of section 52 of the principal act and of proposed section 96C will not apply to these permits. A person who may be affected cannot therefore bring an action to cancel or amend the permit on grounds of a defect in notice under division 3 of part 4 of the principal act. This is appropriate as it is important that the rights can be transferred without further challenge.

Clause 24 provides that an existing scheme will be revoked when the relevant new scheme is in operation. All matters of a continuing nature are to be taken to have been done under the new scheme. Proposed amendments to existing schemes will not, however, continue, and the Department of Infrastructure and the relevant planning authority will manage the finalisation of outstanding amendments before approval of the scheme.

Clauses 25 and 26 ensure that applications for permits to responsible authorities and appeals to the Administrative Appeals Tribunal are able to be determined even though the scheme under which they were made or lodged has been revoked. Decisions on these matters must be made in accordance with the provisions of the new scheme.

Statement for the purposes of section 85 of the Constitution Act 1975

I wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons why clause 16(2) and clause 27 alter or vary section 85 of that act in relation to the jurisdiction of the Supreme Court.

Clause 16(2) — Proposed section 201D(2)

Clause 16(2) inserts two new subsections in section 201D of the principal act. The first of the new subsections is subsection (2) of section 201D. It provides that it is the intention of sections 4F and 4J of the Planning and Environment Act 1987 to alter or vary section 85 of the Constitution Act 1975.

Proposed section 4F applies section 39 of the Planning and Environment Act 1987 to amendments to the Victoria Planning Provisions as if the amendment was an amendment to a planning scheme.

Similarly, proposed section 4J applies section 39 of the Planning and Environment Act 1987 to an amendment to a planning scheme made by an amendment to the Victoria Planning Provisions. The application of section 39 in each case allows for any defects in procedure, before approval of the amendment, to be the subject of proceedings before the Administrative Appeals Tribunal.

The application of section 39 also allows for the specific application of subsections (7) and (8) of section 39. Section 39(7) currently provides that an approved planning scheme amendment is not made invalid by any failure to comply with certain specified provisions of the act. Section 39(8) provides that a person cannot bring an action other than by the process prescribed in section 39 itself.

Subsections (7) and (8) of section 39 already contain a restriction on the jurisdiction of the Supreme Court, for the purposes of section 85 of the Constitution Act 1975. Given that the amendment procedures for the proposed Victoria Planning Provisions are essentially the same as those for planning schemes, section 201D(2) does no more than extend this restriction on jurisdiction to the Victoria Planning Provisions in the same way as it already applies to planning schemes.

A similar extension of the restriction in jurisdiction in section 39(7) is needed to ensure that when an amendment to the Victoria Planning Provisions is approved there is certainty in the operation of the Victoria Planning Provisions as amended. It is also needed to ensure that when an amendment to a planning scheme included in an amendment to the Victoria Planning Provisions is approved there is certainty in the operation of the planning scheme as amended. This certainty is required because a planning scheme forms the basis for the assessment of major development and investment opportunities, for protection of resources and the environment, and for enforcement action to prevent any unlawful use or development of land.

The action that a person may bring under section 39(8) requires referral of the matter to the Administrative Appeals Tribunal for determination. Parliament has already vested jurisdiction in the Administrative Appeals Tribunal as the appropriate

forum to deal with planning matters and has, correspondingly, already limited the jurisdiction of the Supreme Court in relation to planning scheme amendments and permit appeals. The primary reason for this is to allow for relevant planning matters to be decided quickly and inexpensively by a specialist tribunal.

Clause 16(2) — proposed section 201D(3)

The second of the new sub-sections is sub-section (3) of section 201D. It provides that it is the intention of sections 96M(2) and (4) to alter or vary section 85 of the Constitution Act 1975 to the extent that it applies to any appeal to which section 66A of the Planning Appeals Act 1980 applies. Sections 96M(2) and (4) apply sections 81 and 85(1)(f) and most of division 3 of part 4 of the Planning and Environment Act 1987 to permits issued under the new combined amendment and permit process. Sections 81, 85 and division 3 of part 4 of the Planning and Environment Act 1987 provide rights of appeal to the Administrative Appeals Tribunal.

The jurisdiction of the Supreme Court is already restricted in relation to planning appeals by reason of section 66A of the Planning Appeals Act 1980. Proposed section 201D(3) does no more than extend this restriction to the new combined amendment and permit process. In relation to the listed provisions, this will allow permits issued under the combined process to be treated in the same way as permits issued under other existing processes. The reason why the Supreme Court is not to have jurisdiction in relation to the listed provisions in proposed section 201D(3) is as follows.

Parliament has already vested jurisdiction in the Administrative Appeals Tribunal as the appropriate forum to deal with planning matters and has, correspondingly, already limited the jurisdiction of the Supreme Court in relation to planning scheme amendments and permit appeals. The primary reason for this is to allow for relevant planning matters to be decided quickly and inexpensively by a specialist tribunal. As indicated, proposed section 201D(3) does no more than extend the existing limitation on jurisdiction to the new combined amendment and permit provisions introduced by the bill.

Clause 27

Clause 27 provides that it is intended to vary or alter section 85 of the Constitution Act 1975 to the extent necessary to prevent the Supreme Court entertaining

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actions of the kind described in clause 22(2). Clause 22(2) provides that a new planning scheme prepared and approved in accordance with the bill must not be called into question in any proceeding in any court or tribunal. The reasons for excluding the court's jurisdiction are as follows.

First, it is essential that there be no gap in planning controls during the transition from the existing planning schemes to the new schemes proposed by the bill. A successful challenge to a new scheme would leave such a gap and thus have serious ramifications for existing use rights and for general planning controls affecting the use and development of land. Prohibited uses could suddenly become lawful if a gap in planning controls existed, even if the gap was only for a short time. Other protective measures, such as controls on the demolition of heritage assets or removal of native vegetation, could become unenforceable. These potential outcomes must be avoided.

Secondly, any challenge to the new schemes, even if ultimately successful, would create serious uncertainty in the development industry. Challenges to the validity of planning schemes occurred in 1988 after new schemes were introduced by the Planning and Environment Act 1987. Several schemes were challenged, largely by those motivated by commercial advantage, and validating legislation was required in the following sittings of the Parliament. The limitation of jurisdiction in clause 27 will avoid a repeat of those events.

Thirdly, the new schemes are to be based on a series of state standard provisions to be introduced through the Victoria Planning Provisions. A challenge to one scheme would therefore most likely have an adverse consequence on all other planning schemes in the state. Fourthly, in considering the limitation on the ability to challenge a new scheme, it is important to note that many parts of new schemes will simply reflect existing scheme provisions, albeit in a new structure. Many parts of the new schemes will have been in the public domain for some time and have been subject to extensive consultation. Examples of this are a number of the statewide zones and statewide land use definitions.

The new schemes will be prepared by municipal councils and follow the ordinary amendment process. There will be public exhibition, the opportunity for hearings of submissions by a panel, and proceedings will be able to be instituted to consider any defects in procedure before approval of

a scheme. Either house of Parliament also retains the power to revoke a new scheme, under section 38 of the Planning and Environment Act 1987.

Most importantly, the limitation of jurisdiction relates only to the initial approval of a new scheme, so as to give each new scheme a sound foundation in law. This is essential to the extent that the new planning schemes will form the basis for the assessment of major development and investment opportunities, for protection of resources and the environment, and for enforcement action to prevent any unlawful use or development of land. Once a new scheme is in place, any subsequent amendment of the scheme will be subject to the usual provisions of the Planning and Environment Act 1987.

Conclusion

In conclusion, the bill enables municipal councils to take the lead in making very significant changes to improve the system of planning schemes in this state. These improvements will all be within a very clear government framework, to ensure that the whole Victorian community can reap the benefits. As a result the next two years will be ones of intense activity. The minister will be keeping a very close eye on progress and, as may be required, will be making the necessary fine-tuning as experience with the new arrangements develops.

I commend the bill to the house.

Debate adjourned on motion of Ms GARBUTT (Bundoora).

Debate adjourned until Thursday, 28 November.

DIVISION LIST

The DEPUTY SPEAKER — Order! I have to inform the house that in the division on the Accident Compensation (Further Amendment) Bill on the question that the words proposed to be omitted stand part of the motion, it was reported to the house that the number for the ayes was 53. Following a recount it has been found that the number should be 54. The Clerk will make the necessary correction to the division list.

PARLIAMENT HOUSE COMPLETION AUTHORITY (AMENDMENT) BILL

Second reading

Mr MACLELLAN (Minister for Planning and Local Government) — I move:

That this bill be now read a second time.

The establishment of the Parliament House Completion Authority won bipartisan support earlier this year. The Parliament building represents both our history and our future, and the completion project recognises the vision of our predecessors who embarked on the construction of a building of this scale. For many years members of successive Parliaments have recognised that although the public areas of the building are magnificent the present incomplete building does not provide adequate working facilities for either parliamentary staff or for members. In completing this building it is important that the Parliament of today live up to the vision of its predecessors. The Parliament building is part of our heritage, both in its traditions and as an historic building. The Parliament House Completion Authority has undertaken to complete the building in the spirit of the original design, including, where appropriate, the use of building materials of the same appearance and quality.

The white sandstone used in 1892 to construct the principal Spring Street facade came from the Heatherlie quarry in the Stawell district, and would be a most suitable source of stone for the completion project. The disused quarry now falls within the area of the Grampians National Park, declared in 1984, and is no longer accessible for quarrying activities. In recommending the creation of the Grampians National Park, the Land Conservation Council also recommended that extraction of building stone from the Heatherlie quarry be permitted. That recommendation was accepted by the government of the day. It is therefore proposed to confer on the Parliament House Completion Authority the power to access the quarry for the purposes of the completion project. Any quarrying activities undertaken by the authority would be in accordance with the Extractive Industries Development Act 1993.

The authority is currently conducting a study to determine whether high-quality white sandstone can be obtained from an alternative source. Should suitable alternative stone not be available, the authority will need the power conferred by this bill to start quarrying at Heatherlie in early 1997 to meet

the project schedule. Honourable members should also be aware that the Heatherlie quarry lies within the area of a native title claim registered on 30 August 1996 by the Gunditjmarara people and others. This bill accommodates the processes required under the Native Title Act 1993.

I am sure that honourable members and the general public will support the authority's objective of completing Victoria's most important historic building in the spirit of the original design.

I commend the bill to the house.

Debate adjourned on motion of Ms GARBUTT (Bundoora).

Debate adjourned until Thursday, 28 November.

CASINO (MANAGEMENT AGREEMENT) (AMENDMENT) BILL

Second reading

Mr MACLELLAN (Minister for Planning and Local Government) — I move:

That this bill be now read a second time.

The Casino (Management Agreement) Act was passed in 1993. The act ratified the management agreement between the state and the Melbourne casino operator. Section 15 of the Casino Control Act 1991 provides that the management agreement may be varied by the parties, but the variation has no effect unless it is ratified by the Parliament.

The purpose of this bill is to ratify the fourth deed of variation to the management agreement for the Melbourne Casino Complex. The management agreement has been varied three times and each deed of variation has been ratified by Parliament — in December 1994, December 1995 and July 1996.

The fourth deed of variation provides for a number of minor changes relating to the design of the Queensbridge Square and the Clarendon Street Plaza, both of which are part of the Melbourne Casino Complex. All of the relevant authorities recommended endorsement of the proposed changes, and the government has acted on their advice.

The deed provides for a financial benefit to the state. The variations have been approved by the government on the basis that the cost savings from

the changes to the design, being the sum of \$469 750, will be paid to the state by Crown Limited.

I commend the bill to the house.

Debate adjourned on motion of Mr MICALLEF (Springvale).

Debate adjourned until Thursday, 28 November.

MELBOURNE CONVENTION AND EXHIBITION TRUST BILL

Second reading

Mr REYNOLDS (Minister for Sport) — I move:

That this bill be now read a second time.

Conventions and exhibitions are an increasingly important segment of the tourism industry, and also carry significant trade and industry development benefits. The Bureau of Tourism Research has estimated the annual value of the meetings, incentives, conventions and exhibitions market at \$3 billion. Since the successful opening of the Melbourne Exhibition Centre, Melbourne's share of future exhibition bookings, based on data from the International Congress and Convention Association, has been estimated at 30.7 per cent, compared to 22.7 per cent for Sydney.

When this government announced its intention, as part of the Agenda 21 program to construct the Melbourne Exhibition Centre, it also stated that its aim was to achieve joint management of first-class convention and exhibition facilities.

The bill therefore puts in place a structure to ensure the integrated management of convention and exhibition facilities and services, which is critical to ensuring Melbourne's competitive position in these industries is further strengthened. This will be achieved by the establishment of a Convention and Exhibition Trust, which will have the necessary powers to support the development of these important industry sectors.

The bill will repeal the Melbourne Exhibition Centre Act 1994 and provide for land currently vested in the Melbourne Exhibition Centre Trust to be vested in the new trust. It also provides that the new trust is the successor to the Melbourne Exhibition Centre Trust in any existing agreement or arrangement. The new trust will have the power to operate within the cities of Melbourne and Port Phillip. This will

empower the trust to operate and manage events and acquire land and property within central Melbourne, with the approval of the minister. For example, expansion options may result in land being purchased for use by the trust for car parking, meeting rooms or other facilities.

Property may be vested in the trust and the trust may enter into lease or licence arrangements — for example, for car parking or other related activities. The trust may simply want to have the right to carry out activities related to the staging of conventions and exhibitions such as activities on the Yarra where the current facilities exist. The aim is to create a trust which has the flexibility, subject of course to ministerial direction, to do whatever is necessary to ensure the convention and exhibition industry flourishes in Melbourne. Given the wider responsibilities of the new trust, its membership will be increased from a maximum of five to a maximum of seven members.

The bill confers the general power of control and direction of the trust in the minister and a specific power in the minister to direct the trust to use such amount of its funds, as determined by the minister, for the promotion of Victoria as a place for conventions and exhibitions or for any other purposes the minister may determine. The trust will be required to submit an annual report to Parliament and to provide the responsible minister with an annual corporate plan which will detail its programs and priorities for the coming three years.

I believe the measures outlined in this bill will accelerate Melbourne's development as a competitive centre for international and nationally significant conventions and exhibitions.

I commend the bill to the house.

Debate adjourned on motion of Mr PANDAZOPOULOS (Dandenong).

Debate adjourned until Thursday, 28 November.

PIPELINES (AMENDMENT) BILL

Second reading

Mr McNAMARA (Minister for Agriculture and Resources) — I move:

That this bill be now read a second time.

The purpose of the bill is to amend the Pipelines Act 1967 so that it accords with the commonwealth Native Title Act 1993 by treating the acquisition of private and native title land and interests in the same way for the purpose of acquiring a pipeline easement.

The Pipelines Act 1967 currently treats private land and native title rights and interests differently. A pipeline permittee is able to compulsorily acquire private land for an easement to construct a pipeline. For Crown land there is no compulsory acquisition clause. However, on Crown land the Governor in Council may grant an easement or other authority to construct a pipeline. Therefore as private land and native title land and interests are not treated the same way, the Pipelines Act does not conform with the Native Title Act. Native title can exist over only Crown land, but at this stage we do not know where native title exists, the nature of the native title or who holds native title.

The bill will provide for a consistent method of acquisition of private land and any native title interests necessary to establish an easement to construct a pipeline. The bill provides authority for the government to compulsorily acquire private land and native title interests required for the purpose of an easement for a pipeline, with the rights being vested in the permittee. The compensation provisions of the Victorian Land Acquisition and Compensation Act apply to the vesting in the permittee as if it were an acquisition under that act. The permittee will be required to indemnify the government from any action with respect to matters relating to the compulsory acquisition. The permittee is also responsible for all payments associated with the compulsory acquisition. This includes any compensation arising from the right-to-negotiate process.

This bill adopts the right-to-negotiate process as provided for in the Native Title Act. The right to negotiate is a process whereby the pipeline permittee, the native title claimants and the Victorian government would negotiate an outcome agreeable to all parties. If an agreement is unable to be reached, the Native Title Act provides for a system of arbitration. This proposed amendment does not presume acknowledgment or recognition of any native title unless and until a claim has been determined pursuant to the Native Title Act or the Victorian government is satisfied that such a claim could be determined.

This bill adopts as far as possible the provisions of the New South Wales Pipelines Act, which has also been amended in order to conform with the Native Title Act. This bill is essential to enable compliance with the right-to-negotiate provisions of the Native Title Act before any pipelines can be constructed in future over Crown land. The bill will ensure also that the interests of Victoria's indigenous people are protected as well as the interests of pipeline developers.

I commend the bill to the house.

Debate adjourned on motion of Mr LONEY (Geelong North).

Mr McNAMARA (Minister for Agriculture and Resources) — I move:

That the debate be adjourned until Thursday, 28 November.

Mr LONEY (Geelong North) — On the question of time, the opposition is pleased to cooperate with the government, including the two weeks adjournment, given that the bill is important in a number of ways. There are some competing interests in the bill, and in assuring the minister of our cooperation, I seek some cooperation in return in the course of the two weeks. There is obviously a need to put in place some legislation to ensure that the eastern gas pipeline project can be carried out expeditiously. There are also possible competing interests involved in determining how that lines up with native title, which the bill also addresses.

Both those important issues require a good deal of scrutiny to ensure that the intent of the legislation is correctly reflected in the drafting. A certain amount of consultation with the affected communities is required to ensure that the legislation meets their expectations. The opposition also would like the opportunity to satisfy itself on those matters.

I seek from the minister an indication that the opposition will be given an early briefing on the bill. After our consultation with the affected communities, perhaps he can provide a further briefing prior to the legislation coming back before the house. I also ask for an opportunity to speak to the minister during the couple of weeks the bill is on the table if we find that the affected communities foresee problems because of the way the bill is drafted.

As I said, we are pleased to cooperate with the government to ensure that the legislation is passed this session, but we would like some cooperation in return so that we can be sure the interests of all parties are protected.

Mr McNAMARA (Minister for Agriculture and Resources)(*By leave*) — I thank the opposition for its cooperation and the approach it is taking to the bill. Certainly, I will be more than happy to facilitate a detailed briefing on the legislation for members of the opposition. If they would like that to commence tomorrow, I will organise staff from my office to do so. This is an important issue. As I said, we appreciate the approach the opposition has taken to the bill. It is vital for the interests of all Victorians that we establish the pipeline linking the gas fields of Victoria with pipelines in the other states — in particular, New South Wales and the Sydney market. We will ensure that the opposition is briefed adequately, and we will be happy to respond to any questions.

Motion agreed to and debate adjourned until Thursday, 28 November.

FISHERIES (AMENDMENT) BILL

Second reading

Mr McNAMARA (Minister for Agriculture and Resources) — I move:

That this bill be now read a second time.

Prior to the election earlier this year, the government made a commitment to close down commercial dredging for scallops in Port Phillip Bay. The judgment made was that this was in the best interests of the bay as a whole and its varied users. Provision has therefore been made in this bill to give effect to that decision. All Port Phillip Bay scallop licences and the Port Phillip Bay component of other Victorian scallop licences will be cancelled and the fishery closed on a day to be determined, but no later than 31 December 1997. Licence holders will receive a payment for the cancellation of the licence of an amount to be determined by the Treasurer and the Minister for Agriculture and Resources.

In order to ensure the smooth implementation of the government's decision and to give licensees an opportunity to raise any issues, I established a working group of government officers to make recommendations on implementation. This group has met with licence holders.

I will be consulting further with the industry on the appropriate date for the closure of the fishery. If there is a substantial degree of consensus that an early date of closure is preferred, arrangements will be made for the payment to follow rapidly upon the date of closure and cancellation of the licences. If a later date of closure is preferred, then alternative arrangements will need to be made for the surrender of licences to a holding body by those who wish to receive payment prior to the fishery closure. My office will be making arrangements to discuss this issue with the industry.

Statement concerning amendment of section 85 of the Constitution Act 1975

I make the following statement under section 85(5) of the Constitution Act 1995 of the reasons why clause 5 of the bill alters or varies section 85 of that act. Clause 5 states that it is the intention of proposed sections 153A and 153B of the Fisheries Act 1995 to alter or vary section 85 of the Constitution Act 1975 to the extent necessary to prevent the Supreme Court from entertaining actions by any person on matters which are the subject of those sections.

Proposed section 153A cancels any right or privilege a person may have acquired or accrued against the state of Victoria in respect of a licence to dredge for scallops in Port Phillip Bay. Proposed section 153B bars a person from seeking any compensation from the state of Victoria in relation to a cancelled licence to dredge for scallops or take scallops in Port Phillip Bay additional to that provided by that section.

The reason for preventing the Supreme Court from entertaining such actions is as follows: the Crown intends to legislate to close the scallop dredge fishery in Port Phillip Bay and therefore to cancel all licences authorising the taking of scallops by dredge in Port Phillip Bay. It is the intention of the Crown as provided for in this bill to pay an appropriate amount to licence holders for those licence entitlements which have been granted by the Crown and which the Crown now intends to cancel.

Actions based on other claims could delay implementation of a measure designed to promote the objectives of the Fisheries Act and the effective management of fisheries for the benefit of all Victorians. Delay in implementation could cause hardship to persons awaiting the payment of the amount to be paid following cancellation of the licences.

I commend the bill to the house.

Debate adjourned on motion of Mr LONEY (Geelong North).

Debate adjourned until Thursday, 28 November.

QUEEN VICTORIA MARKET LANDS BILL

Second reading

Mrs TEHAN (Minister for Conservation and Land Management) — I move:

That this bill be now read a second time.

The Queen Victoria Market is situated on various parcels of Crown land permanently reserved for market purposes and managed by the City of Melbourne by virtue of Crown grants that restrict the use of the land to market purposes.

A focus of government in the restructuring of municipalities was to ensure a concentration on core local government business. With the City of Melbourne, one of the unique matters for determination was the future management and operation of the Queen Victoria Market. Although not regarded as a core activity of council, it is one of the prime commercial and tourist facilities within the city with significant heritage status. Decisions on future management arrangements needed to have regard to these issues, together with the desire to bring a much stronger business emphasis to the market's operation.

In January 1995 commissioners of the Melbourne City Council determined to establish a wholly owned subsidiary (QVM Pty Ltd) to operate the market. In supporting this approach, government is now required to rearrange the land tenure situation by revoking permanent reservations and providing for the grant of the land to the City of Melbourne. The rights of stallholders and others with an interest in the market will not be affected by the legislation.

The market site comprises two distinct parts, the area occupied by the heritage buildings and the car park. For the former area, consideration has been given to the substantial capital investment effected by council in refurbishing the historic market sheds, the provision of a new food hall and revitalisation of the meat market.

Given these circumstances and in view of the fact that the heritage fabric of the property is protected by its inclusion on the Victorian Heritage Register, government has determined to grant the land to the Melbourne City Council without consideration and with its use restricted to market purposes.

Major redevelopment of the car park area is proposed by council in the form of construction of a multi-deck, public-use car park. Clearly this component of the market is not subjected to the constraints of the developed area and should be regarded as a commercial asset with sale effected to the council at market value, to be determined by the Valuer-General. To ensure the area's continued association and benefit to the market area, the grant will restrict use of the site to car parking and municipal purposes associated with the adjoining market.

Owing to the fact that the market site was used as a burial ground from 1837 to 1917, recent redevelopment by council has required a degree of sensitivity in the nature and location of construction works. Within the area subject to redevelopment was a portion of the burial ground used by the Aboriginal community. Although excavation works within the area of concern to the Aboriginal community and specifically the Wurundjeri tribe is governed by the provisions of the Commonwealth's Aboriginal and Torres Strait Islander Heritage Protection Act 1984, a more specific commitment to the interests of the Wurundjeri tribe was sought. This recognition will be provided in the form of an agreement pursuant to the Commonwealth legislation and Section 173 of the Planning and Environment Act 1987, the parties to which will be the Wurundjeri tribe, Melbourne City Council and the Minister for Planning.

I now turn to the particular parts of the bill. The bill provides for the revocation of permanent reservations and the closure of portions of two roads affecting the Queen Victoria market site to facilitate the granting of the land to the City of Melbourne.

Part 1 of the bill sets out the purposes of the bill and provides for its commencement. Clauses 3, 4 and 5 provide for the revocation of the permanent reservations and Crown grants existing over the land and divests the land from the City of Melbourne and vests it in the Crown.

Clause 6 provides for the closure of portions of Queen and Peel Streets. The portion of Queen Street to be closed is situated between the general market

area and the meat and fish areas of the market. The Peel Street closure involves a small strip of land that was set aside for use as a road along the eastern side of Peel Street. The area is now part of the market.

Clause 7 provides that the Governor in Council, on behalf of the Crown, may grant to the City of Melbourne the Queen Victoria market site, subject to any terms and conditions that the Governor in Council may determine. Clause 8 saves any existing leases over the site and clause 9 details the process for the Registrar-General and the Registrar of Titles to make the necessary amendments to the records of enrolment, any memorials and the titles register.

Clause 10 repeals the various acts relating to the site namely, the Melbourne General Market Site Act 1877, the Melbourne Lands Exchange Act 1904 and the Melbourne General Market Lands Act 1917.

I commend the bill to the house.

Debate adjourned on motion of Ms GARBUTT (Bundoora).

Debate adjourned until Thursday, 28 November.

LAND (FURTHER REVOCATION OF RESERVATIONS) BILL

Second reading

Mrs TEHAN (Minister for Conservation and Land Management) — I move:

That this bill be now read a second time.

The bill provides for the revocation of permanent reservations of lands described in the schedules to the bill and makes other related provisions. It removes these reservations either to facilitate sale of lands or because the purpose of the reservation is no longer appropriate for the proposed use of the land.

I turn now to the particular parts of the bill. Clause 1 sets out the purposes of the bill. Clause 2 provides for the bill to come into operation on the day it receives royal assent. Clause 3 deals with land located on the corner of Cameron and Grice Streets, Carisbrook, that was permanently reserved as a well site in 1863 and managed by the Borough of Carisbrook (now the Central Goldfields Shire) by virtue of a Crown grant.

There are no records of when the well ceased to be used nor is there evidence of it remaining. However,

it is known that there was no sign of a well on the land in 1977. The site has been declared surplus to the government's requirements and the revocation of the permanent reservation will allow the sale of the land.

Clause 4 deals with land located in Pearce Road, Bullarto South that forms part of a site that was permanently reserved as a site for water supply purposes in 1892. The land has been used in recent times for grazing purposes. It has been declared surplus to the government's requirements, and the revocation of the permanent reservation is necessary to allow the sale of the land. Central Highlands Water and the Shire of Hepburn have no objection to the sale of the land.

Clause 5 deals with two strips of land abutting a rail reserve which are permanently reserved for public park and recreation purposes. They are joined by a further strip of land which is temporarily reserved for the same purpose. The City of Yarra is cotrustee with the Minister for Conservation and Land Management of the permanently reserved portions of the land. The City of Yarra is the committee of management for Richmond Park.

Although the land has been reserved for public park and recreation purposes it is separated from the bulk of Richmond Park by a railway reserve and is effectively inaccessible to the public. The area has been used for the storage of road material and car parking by the adjacent University of Melbourne (Burnley Horticulture College).

The bill revokes the temporary and permanent reservations to allow the construction of railway sidings which will provide for the stabling of six trains at night with commensurate night security arrangements. The sidings are required to replace the railway siding areas necessary for the night storage of trains that will be lost at Princes Gate in the development of the Federation Square project. The Burnley sidings will allow the removal of the Camberwell sidings in the Jolimont yards, facilitating the early construction of the Federation Square deck on the area abutting the partly demolished gas and fuel buildings.

Clauses 6 and 7 contain provisions which are generally applicable to land bills of this type and which detail the consequences of revocation and provide for the Registrar-General and the Registrar of Titles to make the necessary amendments to titles.

I commend the bill to the house.

Debate adjourned on motion of Ms GARBUTT (Bundoora).

Debate adjourned until Thursday, 28 November.

ENVIRONMENT PROTECTION (AMENDMENT) BILL

Second reading

Mrs TEHAN (Minister for Conservation and Land Management) — I move:

That this bill be now read a second time.

The purpose of this bill is to amend the Environment Protection Act 1970 to enhance our ability to protect Victoria's environment by facilitating life cycle stewardship of our natural resources and to enhance the effectiveness of the Environment Protection Authority (EPA) by creation of a skills-based board to advise on strategic directions and best practice business management.

The need to make wise use of our material resources is understood better now than ever before. If we are to provide for the standard of living we enjoy now into the future we cannot afford to be profligate in the way we consume materials on which our lifestyle depends. In simple terms this means we must minimise the waste we create in the first place, optimise the recovery for beneficial purposes of any waste we do create and manage residual waste in a way which protects the environment. The community demands this and this bill enhances the framework by which it will happen.

This bill will create two new bodies — Ecorecycle Victoria and the Environment Protection Board; extend the resource recovery framework statewide; change the landfill levy system; and make provision for the direct distribution of part of the landfill levy to municipalities in regional waste management groups for the first time.

Environment Protection Board

The bill will disband the Environment Council and create a new expertise-based board to be known as the Environment Protection Board. The Environment Council and its predecessor, the Environment Protection Council, have served this state well in providing representative stakeholder advice on environment protection issues. I would like to pay tribute to the many busy people who were prepared over the years to give up their valuable time and

make their experience and wisdom available to ministers and to the authority.

Initially, in 1970, it was important that the newly created EPA had a body of experience to draw on as it established its procedures and policies. By the 1980s the need had changed and the specific representative basis was replaced by a more broadly based council which could reflect the issues of concern to the community.

Environment protection issues have now become so complex and subject to such rapid change that the Environment Council finds itself unable to maintain currency across the broad range of issues. The EPA has therefore established a number of expert advisory bodies, such as the scientific advisory panel chaired by Professor Keogh of Melbourne University and the economics working group made up of economists from industry, the environment movement and academia.

The EPA must operate in a world where best practice is the only acceptable standard — best practice not only in science and engineering, in law and information, but also in management and administration. As I have already indicated, the authority is well served by expert advisory bodies on its core areas of activity. This bill establishes a board to provide a strategic overview and expert advice on best practice administration and business management to the chairman of the authority and me.

This move is timely as the complexity of the issues the EPA deals with means it must rely increasingly on the expertise of others and its management task of achieving the best possible outcomes for the Victorian taxpayer is no longer a simple one.

The new board will comprise three people appointed by the Governor in Council. Its role will be to advise on the strategic directions, administration and policies of the authority. The board will have a strategic management focus and will provide advice on the authority's corporate plan and business practices. It will not be involved in statutory decision making.

Ecorecycle Victoria

We now need to move on to the next phase of achieving a truly sustainable lifestyle. This is best achieved by an integrated, whole-of-life cycle approach to consumption. The functions of the Recycling and Resource Recovery Council (RRRC)

and the Waste Management Council (WMC), although originally complementary, have now merged to the point where integration is a natural next step. This amendment fulfils the government's policy commitment to merge the Recycling and Resource Recovery Council and the Waste Management Council. The new body will have a statewide focus and will not be constrained by artificial administrative boundaries in developing strategies for sustainable management of what was previously regarded as our solid waste stream.

The RRRC and the WMC have made important contributions to the development of best practice waste management and resource recovery in Melbourne, Geelong, Ballarat, Bendigo and the Mornington Peninsula. I want to take this opportunity to thank members, past and present, of both bodies for their efforts as change agents assisting the community to find effective ways of reducing the great waste of our resources that results from our throwaway attitudes.

Victoria now has an outstanding record of community participation in separating materials for recycling, reducing our reliance on landfills. The creation of a single body with a statewide ambit will introduce greater efficiency and better balance in meeting the needs and challenges of metropolitan and non-metropolitan areas and in ensuring that the resources required to meet policy objectives are effectively targeted.

Ecorecycle Victoria is the name of the body that will replace the RRRC and the WMC. The name is intended to indicate that this new body will be strongly focused on ecological sustainability rather than merely on waste management. The name of the new body also recognises that recycling has been enthusiastically embraced by and will continue to play an important role in our community. It has become a very tangible expression of the community's desire to contribute directly to the protection of our environment and the preservation of resources for future generations.

Ecorecycle Victoria is intended to be a 'doing' organisation. It has been created specifically to put in place and support strategic plans and mechanisms that will achieve world's best practice in resource recovery across Victoria. The board of Ecorecycle Victoria will need to have the skills and knowledge necessary to accomplish these aims in a very dynamic environment. Rapid technological and social developments make it imperative that appointments to the board be flexible to meet

current and future demands as they arise. Nevertheless, I recognise the importance of the board having linkages to stakeholders if it is to be effective.

In making appointments to Ecorecycle Victoria I propose to ensure continuity from its predecessors in which local government, community groups and industry were represented. I also propose to inject new blood into Ecorecycle Victoria so that continuity is matched by new thinking. I further propose to ensure that members are broadly representative of the sector or region from which they come, with a proper balance between rural and urban interests, while ensuring that they are not captive to particular sectoral or local interests.

Landfill levy

Fundamental to the development of best practice resource recovery across Victoria is a basis for investment in that development. The landfill levy provides that basis. To date the landfill levy has been collected in Melbourne, Geelong, Ballarat, Bendigo and the Mornington Peninsula. The money raised has been spent for the benefit of those areas. Other parts of Victoria clearly have a need for greater investment in infrastructure and systems if best practice standards are to be achieved. The government is committed to ensuring that all Victorians enjoy efficient and high quality resource recovery services.

It should not be forgotten that there is a second equally important role for the landfill levy, and that is to reinforce the notion that there is an indirect cost associated with waste disposal and that we should be seeking to minimise that cost as far upstream as possible — that is, we should be seeking to avoid the creation of waste in the first place. The proportion of the resource recovery fund being allocated to the EPA is being increased from 10 per cent to 20 per cent to enable the authority to better address the areas that provide the greatest marginal gains in reducing waste and using resources more efficiently.

It is already well established that the most efficient way of reducing the waste society creates is to avoid or reduce the creation of that waste in the first place. This means focusing on the source of its creation, which is industry. Some companies are already making important advances in the area of cleaner production and waste minimisation, but much more can be done. The EPA has an established relationship with industry that puts it in the best position to promote and engage business in

adopting cleaner production, waste minimisation and product stewardship, particularly in association with organisations such as the Australia Centre for Cleaner Production. The additional funding will accelerate progress in this critical area.

The bulk of the levy will be administered by Ecocycle Victoria, which will provide grants to local government and other bodies as well as education and information programs, research and other support services. In extending the levy across Victoria and in keeping with national competition policy the government is also taking the opportunity to remove an anti-competitive aspect of the levy. This is the differential between waste from non-municipal and municipal sources. The different levy for waste from non-municipal sources can no longer be justified in principle or in practice.

The shift to increased use of private sector services for waste management in line with the compulsory competitive tendering requirements of local government has made it increasingly difficult in practice at the landfill gate, where the levy is collected, to differentiate between waste from municipal and non-municipal sources. The government recognises that extending the levy to areas where it has not been applied before will require some adjustment and has therefore decided to introduce the levy in these areas at a concessional rate of \$2 per tonne. These areas have not had access to the levy fund in the past and have therefore been hindered in developing their recycling and waste reduction services.

Some municipalities and ratepayers in areas where the levy has not applied before might, of course, see the levy as a new imposition. This would be a mistake. For those areas the levy is a small entrance fee to a system that will return the entrance fee, with interest, in the shape of better services that could not be afforded using local revenue alone. Seventy per cent of the funds raised to date by the landfill levy have been raised on waste from non-municipal, mainly industry, sources.

The major beneficiary of the revenue has been local government. A large number of grants have been made to upgrade facilities and undertake research. In addition, \$5 million has been provided to local government to introduce performance based kerbside recycling. Over and above this, \$2 million is committed to municipalities to upgrade litter prevention and control. The landfill levy will continue to be the major source of funds for

improvement to waste management planning and service delivery by municipalities.

For administrative ease, the levy will be applied only at those larger landfills that are licensed by the EPA. Such landfills serve a minimum threshold population of 5000 and are already required to meet stringent environmental standards in their licence conditions.

There is much work to be done in non-urban areas to bring resource recovery and waste management practices up to the standards currently enjoyed in urban areas. It is the government's intention to see a significant proportion of the money that is raised via the levy being reinvested in non-urban areas to ensure the rapid development of improved services to these communities. As an incentive to recover valuable material from the waste stream a rebate scheme is also being introduced. Where materials that have been sent to landfill can be recovered and recycled within twelve months of being deposited, the landfill operator will receive a rebate on the amount of material recovered equal to the levy that applied at the time the material was recovered.

Critical to the operation of such a rebate scheme and to the proper management of such significant amounts of public money is accurate record keeping and turnover of the money. Landfill operators will now be required in the first three-quarters of each financial year to calculate the amount of levy they owe and pay this into the resource recovery fund. This will help avoid the situation where a substantial amount of public money is in danger of being lost should a landfill business become insolvent.

In the final quarter of each financial year landfill operators will be required to accurately calculate the amount of landfill levy they owe for that financial year and in that final quarter make the necessary payment to bring the estimates they have made in the first three quarters into line with what is owed for the full financial year. At this time they will also be able to take into account any rebate they may be owed for material recovered during that financial year.

Landfill operators are also in a position to provide valuable information on the nature of the waste stream — something about which relatively little is known with any accuracy. A requirement that landfill operators keep records of the broad categories of waste they take in will help us to better

understand the waste stream so that we may better direct our efforts to reduce it.

In the past the onus has been on the Environment Protection Authority to initiate a case at the Administrative Appeals Tribunal if it is felt that the amount of levy being paid by a landfill operator is insufficient. This is quite an unusual arrangement. It is more appropriate for a landfill operator to initiate an action at the AAT if he or she feels that an administrative decision by the authority is incorrect.

Regional waste management

The benefits of a regional approach to waste management and resource recovery are well understood. In 1994 the government put in place a program to extend the creation of regional waste management groups of municipalities across the state to provide for better coordination of planning and economies of scale. This bill consolidates that initiative.

With the changes proposed in this bill for the first time in Victoria we will have a clear hierarchy of responsibility for the development, implementation and control of waste management and resource recovery initiatives. With the government setting policy directions, and the Environment Protection Authority encouraging, promoting and assisting the adoption of cleaner production by business, Ecorecycle Victoria will develop and implement strategies for putting policy into practice and regional waste management groups will ensure that the strategies are turned into reality through regional planning and local service delivery.

This bill enhances the role of regional waste management groups by clarifying their functions to ensure they are consistent with policies and strategies, and at the same time guaranteeing them funding for the first time to enable them to perform their role. Regional waste management groups will receive a direct payment from the landfill levy to support their operations and ensure they can operate effectively within the statewide policy framework. The payment will consist of a core amount that will be distributed equally amongst regional groups and a variable amount based on the number of municipalities in the region. Based on projected landfill levy revenues, regional waste management groups can expect to receive direct funding of between \$43 000 and \$111 000 per annum over and above project funds from Ecorecycle Victoria.

The municipalities that make up the regional waste management groups will therefore be in a better position than ever to provide the type of service their communities demand — that is, best practice operation of landfills and waste disposal services and an emphasis on the optimal recovery of valuable resources. The process by which regionalisation of waste management occurs is already quite comprehensive.

This bill will secure the creation of the regional waste management framework by providing for the minister to create regional waste management groups in the unlikely event that they do not form of their own accord. I do not expect to have to use this provision. This bill also strengthens the lines of accountability for expenditure of the landfill levy, providing greater public accountability for use of this public fund.

Industry waste reduction agreements

The industry waste reduction agreement process was pioneered in Victoria and has now been adopted in several other jurisdictions across Australia in one form or another.

The merit in this approach of cooperatively engaging industry in dialogue with the Environment Protection Authority about its product stewardship responsibilities has clearly been recognised and no substantial changes to the process are planned at this stage.

The government expects the EPA to promote and industry to demonstrate continuous improvement in product stewardship performance. This applies to all industries, not just those traditionally associated with kerbside recycling, although the stability and viability of the kerbside recycling system will remain a priority for the government.

Conclusion

As our regional neighbours in Asia continue to develop their economies it is incumbent on those of us who enjoy the standard of living to which our neighbours aspire to demonstrate that such standards of living can be achieved without compromising the ability of future generations to enjoy the same or better standards.

Together with Victoria's cleaner production initiatives this bill secures the framework within which we may achieve the sustainable recovery of

valuable material from the waste stream and the minimisation of that waste stream in the first place.

I commend the bill to the house.

Debate adjourned on motion of Ms GARBUTT (Bundoora).

Debate adjourned until Thursday, 28 November.

Remaining business postponed on motion of Mrs TEHAN (Minister for Conservation and Land Management).

ADJOURNMENT

Mrs TEHAN (Minister for Conservation and Land Management) — I move:

That the house do now adjourn.

Rail: Epping line

Mr ANDRIANOPOULOS (Mill Park) — I raise for the attention of the Minister for Transport an incident that occurred in the northern suburbs of Melbourne involving public transport yesterday morning, particularly during the peak hour of 8.00 a.m. to 9.00 a.m. I am referring to the failure of the boom gates on the Epping railway line, which seems to be a regular occurrence on that line.

What makes it extremely difficult is that between Reservoir and Epping, the end of the line, there are no fewer than five crossings, and it appears that at least three of them always break down simultaneously. They include Mahoneys Road-Keon Parade in Keon Park, Settlement Road in Thomastown, Heyington Avenue in Thomastown, and at what is known as Mann's Crossing in Lalor.

Honourable members will know that in the northern suburbs east-west access across railway lines is limited. Bell Street, Mahoney's Road-Keon Parade and Cooper Street are the only roads in the northern suburbs with railway crossings allowing traffic to flow in an east-west direction. So if boom gates break down on any of these roads, motorists have to detour a long way to cross the line.

The breakdowns in the system seem to be chronic, despite the minister's assurances that the public transport system is working. He must appreciate that the breakdowns cause great inconvenience to motorists and often result in people arriving late for work or school. But safety is more important:

motorists tend to drive between the lowered boom gates, creating dangerous situations. Only the other day I saw an ambulance stranded in the gridlock across a railway crossing. Lives could have been put in danger. I believe the problem results from the system not being maintained as well as it was in the past.

Under-age drinking

Mr LEAN (Carrum) — I ask the Minister for Conservation and Land Management to direct to the attention of the Minister for Small Business in the other place the problem in the Chelsea area of young people having easy access to alcoholic beverages — and no doubt the problem exists all around Melbourne.

The alcoholic beverage is not sold through licensed bottle shops or hotels. This matter was brought to my attention by a vigilant constituent. The product is readily available at delicatessens, food shops and grocery stores. It is sold with products like vanilla essence, cochineal and flavourings as a food substitute or a food substance. The product is called Ouzo Essence and in the shop to which my constituent directed me it is available in 375 ml. bottles. The label of the bottle states that the product contains water, sugar, flavouring and alcohol. It does not give the specific amount of alcohol, but I have been reliably informed by the manufacturer that the alcoholic content is 40 per cent.

Young people can go into these shop and buy the 375 ml. bottles of essence containing 40 per cent alcohol and make up 3 litres of a fairly potent alcoholic drink. I ask the minister to investigate this product on the basis that under part 3, division 1 of the Liquor Control Act, it contains 40 per cent alcohol and is sold on unlicensed premises. The product is produced by a company that may not hold a product or distributor's licence under section 49 of the act. The matter needs to be investigated as to whether there is a breach, albeit an accidental breach, and I ask that the matter be addressed.

Tabcorp: Melbourne Cup Day

Mr PANDAZOPOULOS (Dandenong) — I direct to the attention of the Minister for Sport the big bungle by Tabcorp on Melbourne Cup Day when its computer crashed yet again. It has done so on numerous occasions. The minister would be aware that one of the reasons why the government claimed the former TAB should be privatised was to provide

revenue to repair the computer system. On 6 November 1992, after a similar computer crash on Melbourne Cup Day that year, which led to an estimated loss of \$5 million in turnover for the then TAB, the minister stated that he had instructed his department to speak to the TAB with the object of putting a mechanism in place to prevent similar situations occurring in the future. On 17 May 1994, the minister again assured the house that the TAB computer was okay and he said with a bit of tender loving care the current computer system would be able to handle all its needs over the next few years.

The computer system that collapsed for the second time this year on Melbourne Cup Day was the same system that collapsed in 1992. It had collapsed on 4 and 5 April and it cost Tabcorp and the state thousands of dollars.

An honourable member interjected.

Mr PANDAZOPOULOS — No, it crashed on Melbourne Cup Day 1992 and who was in government? You guys were!

The need to re-equip the former TAB with new computers was seriously offered as one of the reasons for privatisation yet the government has done little to get the privatised company to correct the problem.

Will the minister explain what action he has taken to ensure that this does not happen again so that the racing industry and the state's racing revenue is protected? Also, will he approach the Treasurer to ensure there is an immediate Treasury inquiry into Tabcorp because the industry has grave concerns that this will happen again?

Obviously the state is losing revenue every time the Tabcorp system collapses. Like every good manager the state should be supporting its revenue. The government has a role to play in this issue.

The Minister for Finance in another place said the other day that there is a role for government and that the matter should not be seen simply as a private matter because the company is privately owned.

The state government has granted the company a licence to run offcourse gaming. It therefore has a responsibility to the state government. Obviously any loss of revenue to the state is of immense importance, particularly when Ross Wilson, the Tabcorp chairman, is earning such an extravagant

amount of money. The system should not be allowed to collapse on the most important racing day of the year. The minister should explain to the house what action he has taken.

Koori juvenile justice project

Mr TREASURE (Gippsland East) — I raise a matter for the attention of the Minister for Youth and Community Services concerning the Koori juvenile justice project. As the house is well aware, in my electorate, particularly in Bairnsdale and Lake Tyers, there is a relatively large population of Aboriginal people. The youth of that community, like the youth of today in many areas, are in need of assistance and support. It is for that reason that I ask the Minister for Youth and Community Services to look into the situation in my electorate. I know that he is a caring minister who has taken a great interest in that area of the world, and for that I am very grateful. He has recently visited my electorate and spoken to many of the young people in the area.

As a result we have had some excellent feedback and have received recognition of the fact that this is a government that takes an interest in the problems of youth, and we hope that situation will continue and be expanded upon.

Bairnsdale has some excellent infrastructure for its Aboriginal community. The Aboriginal cooperative located on the old high school site in Bairnsdale has developed some excellent facilities over the years, including an aged-care facility, a medical facility and a keeping place in which many of the relics of the Aborigines' early history have been put aside for perpetuity. It is a place where all members of the public are welcome to come along and look at the things that are kept there in respect of the community of East Gippsland.

I must mention the efforts of certain members of the Koori community in Bairnsdale. Linda Twight, who is one of the managers at the cooperative, comes to mind, and a well-known elder, Albert Mullett, has been a very hard worker for his people in the area. I am in constant touch with those people. They have told me that they are concerned about some of their young people and have asked me to raise this problem with the minister to see whether further expansion of the juvenile justice program can be facilitated in the Bairnsdale and East Gippsland area so that the problems of these young people who need support so much can be addressed.

State Revenue Office

Mr BRACKS (Williamstown) — I raise for the attention of the Treasurer a matter concerning the State Revenue Office. I would appreciate it if the minister at the table, the Minister for Conservation and Land Management, would refer the matter to the Treasurer for his consideration.

I seek from the Treasurer a departmental inquiry into the personnel practices and senior personnel arrangements at the State Revenue Office — and I have called for this inquiry on another occasion — to examine and report on why there have been so many changes in senior management, why there are disputes between senior staff and why there are matters involving litigation between staff members. It is a clear indication that things are not going well when relationships break down to such an extent that they need to be processed through the courts.

These matters go back to 1995 when a wholesale review of the State Revenue Office occurred and all the staff positions at the office were re-advertised and opened up to the public. Some 80 positions were spilled, a large number of people have left the organisation and new people have come in since that time.

Issues were raised about management style and practices and about experienced officers being removed. Some tax officers who had been at the State Revenue Office for over 25 years had an enormous amount of experience; there are now about 13 of them left on the floor.

I raise the matter again because in the year and a half since that took place a new set of senior personnel managers have been installed at State Revenue Office. However, there has also been staff turnover at that level and people have left. Given the problems of 1995 and the recent departure of senior staff, it seems obvious there is something structurally wrong at the office.

The allegations are serious, but I will not mention them tonight because they are yet to be substantiated. It is for that reason I am requesting that the Treasurer initiate a departmental inquiry. The allegations go to matters such as litigation between officers and the use of the office for personal matters. The State Revenue Office is an important agency of the state government performing a crucial function which I know is dear to the heart of the Treasurer.

I seek from the Treasurer an assurance that he will initiate an internal inquiry at which officers can give evidence and submit information.

Westall Road overpass

Mr LEIGH (Mordialloc) — I ask the Minister for Planning and Local Government to raise with the Minister for Roads and Ports in another place the construction of the Westall Road overpass. It is reported in this week's edition of the *Oakleigh-Springvale Times* that a number of traders object to the construction of the overpass. The scrapping of the overpass would lead to absolute traffic chaos. The road involved was funded at both ends by the Hawke and Keating federal governments and because the former Kirner Labor administration failed to do anything in the central section, no planning had been done when the government first came to office in 1992.

I can assure the minister that all local Liberal members of Parliament want the whole project completed, including the overpass. I call on the honourable member for Clayton, who has been white-anting the process to some degree, to support the government members. We want him to stop spending the \$25 Labor Party membership dues in Springvale and concentrate on what is happening in Clayton.

Mr Bracks — On a point of order, Mr Deputy Speaker, the honourable member for Mordialloc is criticising another member of the house. He should not be using the adjournment debate for that purpose. The adjournment debate is the forum in which members may raise matters with ministers. The honourable member for Mordialloc should not stray from the point, and if he wishes to criticise the honourable member for Clayton he should do so by substantive motion.

The DEPUTY SPEAKER — Order! I do not uphold the point of order. However, I remind the honourable member for Mordialloc that he should deal with that matter he has raised.

Mr LEIGH — Instead of criticism from the honourable members for Springvale and Clayton, the local government members want bipartisan support on this issue. We want the honourable member for Clayton to be on our side — we want him to help us. It is not a big ask and it is about time he stopped his antics elsewhere and helped us. If he does that we will have moved some way toward getting the road built.

I ask the minister to assure the Minister for Roads and Ports of the support of government members in the area for the project. We hope we will also get the support of honourable member for Clayton. We hope that he will stand up for his constituents for a change.

Austin and Repatriation Medical Centre

Mr LANGDON (Ivanhoe) — I raise with the Minister for Youth and Community Services a matter for the Minister for Health in another place. One of my constituents has written to me in the following terms:

Dear Mr Langdon,

I feel very strongly on the issue of public hospitals as I have recently been ill and experienced at first hand the joys of lying for 12 hours in a cold cubicle before being admitted to the Heidelberg Repat, then another fortnight later I spent another 12 hours in a warmer cubicle before being sent home, still ill, to have to ask admittance to the Warringal Private Hospital.

Next time, I was taken from the Ivanhoe Medical Centre by ambulance to the Austin Hospital, although a bed was waiting again at Warringal. I spent 4½ hours in a corridor with a visit from one nurse.

I then demanded to go to Warringal and was allowed, by paying my own taxi, to leave by a young doctor. I'm praying I won't be ill again.

This is the type of letter I often get in my electorate office. I ask the minister to investigate the situation at the Austin-Repat hospital to ensure that the sorts of events outlined in the letter do not occur again.

Knox community health service

Mr LUPTON (Knox) — I ask the Minister for Youth and Community Services to raise with the Minister for Health in the other place the Knox community health service, the establishment of which was promised a couple of years ago. The health service was to come about by the amalgamation of the Monash and Waverley community health services, leaving one health service in Monash and one moving across to Knox. The health service was to be created from the voluntary amalgamation of two former health services: Monash and Waverley.

Regrettably it has been a disaster from day one. The committees of management have failed to agree on

anything, time has dragged on and on and eventually the two committees resigned earlier this year. When the amalgamation was to take place, staff and equipment were to be transferred from the combined health services across to the Knox community health service.

Knox has never had a community health service, so it is deficient in that area. Because the two committees associated with the health service could not get their act together and procrastinated, delaying matters, the problems have gone on and on. By August this year they were supposed to come up with a date when they would be in a position to transfer the staff to the Knox health service. The date of 28 October was proposed but that time line was not met. I am now advised that the staff may transfer over some time prior to Christmas. Even if that happens, the service will not be up and running before the end of this year.

The concern I have is that this has been going on for a long time, and it has got right up my nose. I am sick and tired of trying to negotiate and discuss things with committees of management that will not accept the challenges placed before them. I would like the minister to investigate the matter and advise me when the Knox community health service will be available for staff to be transferred to it and when clients will be able to be checked out by the medical staff.

Milia multimedia festival

Mr CARLI (Coburg) — I raise with the Minister for Multimedia the annual Milia trade fair for multimedia in France, which is possibly the largest and most important trade fair for multimedia — at least 10 000 buyers from around the world attend the festival.

An honourable member interjected.

Mr CARLI — It would be very pleasant to attend the multimedia festival, but the issue in this case is a decision by Austrade to cut its sponsorship for Australian firms. It is an outrageous decision and is yet another case of a federal government agency and the federal government taking policy decisions which harm the multimedia industry.

As we know, the multimedia industry is one of the fastest growing industries in the country. At the moment the industry exports are worth \$100 million dollars and it is predicted that by 1999 that will increase to \$500 million. It is an industry of major

importance to this country. I ask the minister to ensure that local firms attending Milia will not be detrimentally affected by the ridiculous, absurd and short-sighted decision of Austrade, so that Victorian firms — —

An honourable member interjected.

Mr CARLI — We are talking about next year's Milia multimedia festival, a significant trade fair to be held in the first quarter of next year. It is a case of the minister looking at the opportunity and ensuring that Victorian firms will not be detrimentally affected. Austrade has taken away a \$30 000 sponsorship. I ask the minister to act decisively to ensure that our growing and important multimedia industry continues to get international recognition — no doubt Victoria, and Melbourne in particular, is earning international renown for its creativity — and that a clear message is sent to his federal counterparts that they must look after the multimedia industry. Victoria has a policy favouring multimedia, but the federal industry policy against research and development in multimedia is a further act of treachery towards multimedia which will take resources, funding and sponsorship away from an important festival involving the demonstration of multimedia techniques. We should ensure that Victoria is there and is seen as a leading-edge provider.

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

Nillumbik: finances

Mr PHILLIPS (Eltham) — I raise a matter for the attention of the Minister for Planning and Local Government. In recent weeks a number of articles have appeared in the Eltham news media about the suggestions made by a member in the other place, the opposition spokesperson for local government, the Honourable Pat Power, that the Nillumbik shire has some financial difficulties. He has suggested it is in serious danger of being amalgamated. This suggestion has caused some concern in the Nillumbik shire and the Eltham electorate. It is very destabilising. We always have problems out there, because I represent a can-do electorate. I ask the Minister for Planning and Local Government whether he can indicate that he has no serious problem with the shire's finances.

I have made some inquiries through the executive officers of the shire. The shire covers a large area but has a small rate base given the size of its population.

It does not have much industrial or commercial land and is therefore not overly flush with funds — but it is providing an excellent service. On numerous occasions the executive officers have told me they have no financial problems, despite what has been suggested by the member in another house. As I said, his suggestions are destabilising business.

We are going through the compulsory competitive tendering process and doing all the good and positive things in the community that we are required to do. All the people who are prepared to tender should be told that the municipality is up and running and alive and kicking, and that amalgamations are behind us. That is not to say that at some stage in the future the process may not be revisited. I ask the minister to indicate that he has no serious concerns given the suggestions of financial difficulties that have been made by the honourable member in another place.

Vocational education and training

Mr SEITZ (Keilor) — The matter I raise for the attention of the Minister for Tertiary Education and Training is of great concern to me. The opening of the Western Metropolitan College of TAFE and other education facilities has been followed by the recent change in the federal government's attitude to HECS funding and the requirement that students pay fees. As a result, some schools and colleges are concerned about whether they will have sufficient students.

I also refer to the expansion that has been taking place in the outer west, in the service industry in particular, including the big Hoyts cinema development at Sunshine on what is known as the Harvester site, the Sydenham shopping complex development, and the Keilor Downs and Deer Park expansions.

All the retail industries in the area are an important source of employment for our youth, and the training institutions provide courses for their development. I ask the minister to utilise the facilities available to him and encourage the careers teachers in the secondary colleges to urge young people not just in the direction of academic but also vocational education, and to apply for those jobs that will come on stream, particularly in the next 18 months or so. People have already been trained and are available and capable of doing those jobs in the local community which will assist the problem of youth unemployment in the outer west. Young

people should be encouraged to take up the option of earning a livelihood and developing the west.

The DEPUTY SPEAKER — Order! The honourable member's time has expired, as has the time for raising matters.

Responses

Mr MACLELLAN (Minister for Planning and Local Government) — As I have responsibility for matters raised for the attention of the Minister for Transport I will respond firstly to the matter raised by the honourable member for Mill Park, who referred to three connected boom gates in his electorate which seem to have caused trouble over recent months, each failing simultaneously. I will direct that matter to the attention of the Minister for Transport on his return from interstate and ask him to advise the honourable member what action can be taken to increase the reliability of the electrical installations which might be giving trouble.

The honourable member for Mordialloc referred to an overpass which I understand is the subject of local press reports in the *Oakleigh Springvale Times*.

Mr Pandazopoulos interjected.

Mr MACLELLAN — As the honourable member for Dandenong North would know, there is bipartisan support for what is happening in that area but it has not quite taken effect yet. However, I did hear what the honourable member for Mordialloc said and I understand the proposition he puts, which is that the Minister for Roads and Ports in another place should proceed with the construction of an overpass over the Melbourne-Dandenong railway line to connect two already improved pieces of road to become an alternative to Springvale Road.

Despite the complaints made by some local traders, who have apparently petitioned in the Rosebank Avenue area on the difficulties they foresee for themselves from the construction of the overpass, an overpass has been proposed for many years and the traders, if they are tenants, have had clear advance warning. The owners of land have also had many years advance warning of the likelihood of an overpass being constructed there, and although I understand the honourable member for Clayton might be acting as a letter box for the complaints of local constituents regarding the proposal he, too, would agree with his parliamentary colleagues on this side of the house that the overpass is an

essential road safety issue and should be completed as soon as possible. I shall direct that matter to the attention of the Minister for Roads and Ports in another place and ask him to see about the project's priority and whether he can advise the honourable member for Mordialloc of its status.

The honourable member for Eltham raised the unfortunate rumour mongering of one of our parliamentary colleagues from another place. Apparently the Honourable Pat Power has a particular interest in ensuring that controversy is spread to places other than a particular council in the area in which he and his colleagues have an intense personal interest.

A council is having difficulties in the area, but it is not Nillumbik. As the honourable member was kind enough to ask me to assure him that I did not have any serious concerns about Nillumbik, I give him that assurance: I have no serious concerns about Nillumbik.

I see no likelihood that the size, shape or responsibilities of Nillumbik will be changed at any stage in the foreseeable future. With the election of councillors and restoration of councils in the Shire of Nillumbik, Nillumbik will proceed in a positive and creative way to discharge its obligations to its ratepayer citizens.

Some people have been anxious to ensure that the difficulties that one particular council in that area has had in recent months in relationships between the factions on the council — with five Socialist Left and four Centre Unity factional members, the mayor from the minority group and the CEO being involved — are not the only subject of press attention. If, by some chance, they happen to attempt to undermine the success of neighbouring councils, they are happy to do it. Even Moreland, which I understand has an excellent and unified council — always anxious to lock up any Optus truck it can get its hands on — has had no trouble or dissension, so far as I am concerned, or has not brought it to my attention in any untoward way. It is one council out there, and it is not Nillumbik.

Dr NAPHTHINE (Minister for Youth and Community Services) — In reply to the honourable member for Ivanhoe I point out that the Victorian public hospital system is doing a very good job treating 180 000 more patients than were treated under the former Labor government. Now more than 800 000 patients a year are treated at Victorian hospitals. The vast majority of those patients receive

high quality care in a timely and appropriate manner.

In addition, the government has recently announced its metropolitan hospital plan, which will inject nearly \$900 million into redeveloping facilities for the metropolitan hospitals to ensure they are able to move into the 21st century to provide the high-quality care that Victorians expect from the hospital system.

The honourable member raised an issue about the Austin and Repatriation Medical Centre. It is one of the foremost hospitals in the Melbourne metropolitan area and has an excellent reputation for the quality of its service, the commitment of its staff and the excellence of its treatment of patients. If the honourable member's constituent has a particular concern about the service he has received at that hospital he should take up the issue initially with the hospital itself. I am sure the hospital would attend to the complaint appropriately. However, as the honourable member has raised the matter, I will bring it to the attention of the Minister for Health in the other place.

The honourable member for Knox, in his determined efforts to represent his electorate — which is obviously one of the largest population growth centres in the Melbourne metropolitan area — and with his usual vigorous representation of the area he represents asked about the need for a community health service in Knox. This area has been neglected in the provision of community health services and, despite his representations at the cabinet table, the former honourable member for Knox in the Labor government was unable to deliver on a proper community health service in the area, particularly to help the young families there to understand the issues of disease prevention and the action they can take to minimise or eliminate health problems or to learn about community-based services for their families and the older people in the area.

The voluntary amalgamation of the Monash and Waverley community health centres was a central component in the creation of the new service for the cities of Monash and Knox, and the development of the Knox Community Health Service was dependent on the amalgamation of those two community health centres. As the honourable member said, despite the creation of the Knox Community Health Centre, with the appointment of a committee of management and a chief executive, the whole process was delayed fundamentally by problems within the committees of management of the

Monash and Waverley community health centres. Fortunately for the people of Knox those committees have now stepped aside and that has smoothed the path of progress.

The time frame was further complicated by some industrial issues raised by the staff of the former community health centres. The new service is working through the industrial issues. Agreement with union representatives has been prepared and the staffing profile for the services has now been agreed. It is anticipated the transfer of staff will take place on 21 November. That will place the honourable member in a much better position to ensure that the appropriate delivery of these much-needed services will take place as soon as possible.

The honourable member for Gippsland East raised the issue of programs for young Kooris in his area to ensure that they can be kept away from the juvenile justice system and that young Kooris who unfortunately come in contact with the juvenile justice system can be looked after in an appropriate manner. I visited Gippsland East with the honourable member recently and was impressed by the calibre of the young people I met in Bairnsdale. The issue of the young Kooris in that area and the need for additional services was raised with me.

We know through the Royal Commission on Aboriginal Deaths in Custody that Kooris have traditionally been overrepresented in the juvenile justice system. In response to that this government has initiated Koori justice projects at Lake Tyers, Morwell, Swan Hill, Robinvale, Shepparton, Warrnambool and in the northern metropolitan region. Recently the state budget allocated an additional \$254 000 to Koori justice to help an additional 80 young Kooris to participate in these projects. I am pleased to say to the honourable member for Gippsland East, that part of this money will be used to develop a new Koori justice system in Bairnsdale and that \$48 000 has been allocated in the first year of this project. That is now available. That will include recurrent costs and establishment costs, and following that there will be \$42 000 per year on a recurrent basis for that project.

These are projects that work with local Koori communities to help the young people in that community build their self-esteem and to divert them away from crime. If they do get involved with crime they are able to be supported by that local community in rehabilitation projects. These projects have been very successful in other areas of the state,

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and as a result of this sort of initiative there has been a 35 per cent reduction in the number of young Aborigines being sentenced to juvenile justice orders and a 62 per cent reduction in young Aborigines within our juvenile justice custodial system, so they are highly successful projects. The government is pleased to be able to extend that project to the Bairnsdale area following the strong representations on this issue from the honourable member for Gippsland East.

Mrs TEHAN (Minister for Conservation and Land Management) — The member for Carrum raised for the consideration of the minister in charge of the Liquor Licensing Act a matter that he obviously sees of concern, a concern with which I join. That is the availability through non-licensed outlets — he referred to delicatessens and grocery stores — of a substance sold as a food substance but known as Ouzo Essence, as he described it, sold in 375 ml bottles but having an alcohol content undisclosed on the bottle itself — maybe up to 40 per cent alcohol.

I will refer this matter to the minister to see whether or not it is outside liquor licensing legislation and whether it is a matter that should be investigated under Small Business. It is a matter for concern, and I will ensure that the appropriate minister has the opportunity to consider the matter and report back to the honourable member.

The honourable member for Dandenong raised for the attention of the Minister for Sport the breakdown of the Tabcorp system on Melbourne Cup Day. I am sure the minister is aware of the problem, but the matter will be brought to his attention and he will tell the member in due course what is being done to ensure that it does not happen again.

The honourable member for Williamstown raised for the attention of the Treasurer a matter relating to

senior management personnel changes in the State Revenue Office. He said they were serious matters relating to morale and staffing practices. I will ensure the Treasurer is told of the issue and I am certain he will give it his consideration.

The honourable member for Coburg again raised for the attention of the Treasurer, in his capacity as the Minister for Multimedia, an international exhibition to be held in France early next year. The honourable member said it is a major opportunity for people in that industry to exhibit their wares and new products. Normally Austrade has helped Australian and Victorian representatives who wish to exhibit at these international fairs through a grant of \$30 000, but that has been withdrawn, even though the benefits to the Australian and Victorian industry may be as high as \$100 million. I will ensure the issue is brought to the attention of the minister. I am certain he will address it positively because it seems to be an opportunity that Victorian businesses involved in the multimedia industry should not miss out on. I believe it is something he should take up with Austrade and his commonwealth colleagues to see why the grant has been withdrawn.

The honourable member for Keilor raised for the attention of the Minister for Tertiary Education and Training a matter involving insufficient students taking up places at the Western Metropolitan College of TAFE. He said a number of new developments, especially retail developments, were occurring in his area and that there were opportunities for training people for retail places. I am sure the minister is interested in the issue and will encourage career teachers and other people to take advantage of the facilities and courses available at the college.

Motion agreed to.

House adjourned 7.44 p.m. until Tuesday, 19 November.

QUESTIONS ON NOTICE

Tuesday, 12 November 1996

ASSEMBLY

1267

Tuesday, 12 November 1996

QUESTIONS ON NOTICE

Premier and Cabinet: publications

(Question No. 3)

Mr PANDAZOPOULOS asked the Premier:

In respect of the publications *Victoria on the Move 2nd Anniversary Issue*, *Victoria on the Move: Victorians Creating the 21st Century* and *Victorian on the Move — December 1994 Edition* —

1. What contracts were let for — (a) design; (b) printing; (c) publication; and (d) distribution, indicating, in each case — (i) the purposes of the contract; (ii) the value, and (iii) the contractor?
2. Whether the publications were distributed; if so — (a) to whom; (b) when; and (c) by what means.
3. Whether members of Parliament were provided with multiple copies of the publications; if so, which members, indicating — (a) the number of reports supplied; (b) the cost; and (c) how the cost was met in each case.

Mr KENNETT (Premier) — I am informed that:

The following tables set out responses to each element of this question.

Victoria on the Move 2nd Anniversary Issue

1. (a) Nil.
1. (b) The contract for printing was awarded to Fast Impressions Australia Pty Ltd for a total cost of \$44 005.00.
1. (c) Nil.
1. (d) \$19 800 for insertion in community newspapers.
2. and 3. Copies of the publication were made available to members of Parliament and the general public on request.

Victoria on the Move: Victorians Creating the 21st Century

1. (a) Nil.
1. (b) The contract for printing and distribution was awarded to Pac-Rim Direct for a total cost of \$309 129.00.
1. (c) Nil.
1. (d) See 1 (b)
2. and 3. This publication was distributed to all Victorian households. Additional copies were made available on request.

Victoria on the Move — December 1994 Edition

1. (a) Nil.
1. (b) The contract for printing was awarded to Fast Impressions Australia Pty Ltd for a total cost of \$1910.00.
1. (c) Nil.
1. (d) Nil.
2. and 3. Copies of the publication were made available to members of Parliament and the general public on request.

It is considered that the time or resources required to answer this question in greater detail cannot be justified as the information sought is not in a form which is readily accessible.

Youth and Community Services: annual reports

(Question No. 62)

Mr PANDAZOPOULOS asked the Minister for Youth and Community Services:

In respect of each department, agency and authority within his administration, what the total cost was of annual reports for the 1992-93, 1993-94, 1994-95 financial years.

Dr NAPTHINE (Minister for Youth and Community Services) — The answer is:

The Department of Human Services (formerly the Department of Health and Community Services) produces an annual report containing comprehensive descriptive and financial information on the activities of the programs it administers.

The cost of the annual report for the years under discussion is:

1992-93	\$51 462
1993-94	\$58 421
1994-95	\$55 589

The above financial periods and figures relate to the former Department of Health and Community Services.

The Office of Youth Affairs in now part of the Department of Human Services. In the years under discussion, the Office of Youth Affairs was a part of the former Department of Business and Employment. The cost of annual reports for the Department of Business and Employment, including sections dealing with the Office of Youth Affairs is:

1992-93	\$15 003
1993-94	\$19 186
1994-95	\$46 663

The time and resources to provide further information for the annual reports of all agencies and authorities within the portfolios of Health, Community Services, Aged Care, Youth, Housing and Aboriginal Affairs cannot be justified.

Health: advertising

(Question No. 84)

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, what was the total advertising budget for 1992-93, 1993-94 and 1994-95?

Dr NAPTHINE (Minister for Youth and Community Services) — The answer supplied by the Minister for Health is:

Advertising for the Department of Human Services (formerly the Department of Health and Community Services) mostly consists of space purchased in the press for recruitment, tenders and notices.

Department expenditure for the years under discussion is:

	Total	Tenders, notices recruitment	Campaigns
1992-93	\$338 336	not available	not available
1993-94	\$694 362	\$569 754	\$124 608
1994-95	\$1 354 053	\$741 554	\$612 499

The above financial periods and figures relate to the former Department of Health and Community Services.

A significant part of the increase in advertising expenditure in 1994-95 can be attributed to the government's Cancer and Heart Offensive.

This includes the Cervical Cancer Screening program which aims to encourage women to have regular Pap smears and the Active for Life campaign and which supports broad community participation in regular moderate physical activity.

The time and resources to provide further information for the annual reports of all agencies and authorities within the portfolios of Health, Community Services, Aged Care, Youth, Housing and Aboriginal Affairs cannot be justified.

QUESTIONS ON NOTICE

Tuesday, 12 November 1996

ASSEMBLY

1269

Health: advertising

(Question No. 85)

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 of advertising campaigns over \$10 000 conducted from 3 October 1992 to date, indicating the purpose and cost of each campaign.

Dr NAPHTHINE (Minister for Youth and Community Services) — The answer supplied by the Minister for Health is:

The Department of Human Services (formerly the Department of Health and Community Services) frequently places advertisements in the media. These mainly consist of space purchased in the press for recruitment and tenders.

Information campaigns are also conducted from time to time which incorporate media advertising. These have proven to be a most cost-effective means of communicating important messages to the public.

During May 1994 'Ambulance Facts' advertisements were placed in metropolitan and suburban newspapers as well as on radio and commercial Melbourne television. They featured an open letter to the community from the then Minister for Health and a series of presentations covering ambulance facts such as response times, staff numbers and system improvements.

The campaign cost \$69 590.

Senior Citizens Week takes place each March and in the weeks leading up to it an advertising campaign is conducted in appropriately targeted newspapers and publications. Community service announcements are also aired on a variety of radio stations.

The advertisements aim to promote the themes and activities of Senior Citizens Week, such as the valuable contribution older people make to the community and the benefits of an active lifestyle. Total cost of advertising for the 1993, 1994 and 1995 events was \$40 964.

The Seniors Card entitles over-60s to many benefits and discounts at participating outlets. It is promoted throughout the year by advertising in a range of print media. Since 1992-93 this has cost \$66 505.

The government's Cancer and Heart Offensive includes cervical screening and 'Active for Life' components. The Cervical Cancer Screening program aims to encourage women to have regular Pap smears while the Active for Life campaign supports broad community participation in regular moderate physical activity.

Since July 1994, advertisements have been placed on TV, radio and in a range of free press as well as on buses and trams and in doctors' waiting rooms. The campaign cost has been approximately \$578 000 and is funded on a 50-50 commonwealth-state basis.

During November 1995, advertisements were placed in Melbourne metropolitan daily papers concerning a dispute with doctors in Victoria's public hospitals. These consisted of open letters to doctors from the then Minister for Health and space setting out facts clarifying many of the misunderstandings connected with the dispute. Total cost was \$27 753.

In March and April 1996, the department placed a series of advertisements in the *Age* and *Herald Sun* newspapers during a prolonged strike of some employees which was led by the State Public Services Federation. The advertisements were a vital means of effectively communicating the department's position to striking workers and to concerned members of the public. Total cost was \$177 103.

Youth and Community Services: advertising

(Question No. 90)

Mr PANDAZOPOULOS asked the Minister for Youth and Community Services:

In respect of each department, agency and authority within his administration, what was the total advertising budget for 1992-93, 1993-94 and 1994-95.

Dr NAPHTHINE (Minister for Youth and Community Services) — The answer is:

Advertising for the Department of Human Services (formerly the Department of Health and Community Services) mostly consists of space purchased in the press for recruitment, tenders and notices.

Department expenditure for the years under discussion is:

1992-93	\$328 336
1993-94	\$694 362
1994-95	\$1 354 053

The above financial periods and figures relate to the former Department of Health and Community Services.

A significant part of the increase in advertising expenditure in 1994-95 can be attributed to the government's Cancer and Heart Offensive.

This includes the Cervical Cancer Screening program which aims to encourage women to have regular Pap smears and the Active for Life Campaign which supports broad community participation in regular moderate physical activity.

In the years under discussion, the Office of Youth Affairs was a part of the former Department of Business and Employment. The total advertising budget (including marketing) for the Office of Youth Affairs is:

1992-93	less than \$10 000
1993-94	less than \$10 000
1994-95	\$10 998.84

The time and resources to provide further information for the annual reports of all agencies and authorities within the portfolios of Health, Community Services, Aged Care, Youth, Housing and Aboriginal Affairs cannot be justified.

Youth and Community Services: advertising

(Question No. 91)

Mr PANDAZOPOULOS asked the Minister for Youth and Community Services:

In respect of each department, agency and authority within his administration, whether he will provide details of advertising campaigns over \$10 000 conducted from 3 October 1992 to date, indicating the purpose and cost of each campaign.

Dr NAPTHINE (Minister for Youth and Community Services) — The answer is:

The Department of Human Services (formerly the Department of Health and Community Services) frequently places advertisements in the media. These mainly consist of space purchased in the press for recruitment and tenders.

Information campaigns are also conducted from time to time which incorporate media advertising. These have proven to be a most cost-effective means of communicating important messages to the public.

In March and April 1996, the department placed a series of advertisements in the *Age* and the *Herald Sun* newspapers during a prolonged strike of some employees which was led by the State Public Services Federation. The advertisements were a vital means of effectively communicating the department's position to striking workers and to concerned members of the public. Total cost was \$177 103.

The Office of Youth Affairs in now part of the Department of Human Services. In the period under discussion, the Office of Youth Affairs was part of the old Department of Business and Employment and did not conduct any advertising campaigns over \$10 000.

Youth and Community Services: consultancies

(Question No. 105)

Mr PANDAZOPOULOS asked the Minister for Youth and Community Services:

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.

Dr NAPTHINE (Minister for Youth and Community Services) — The answer is:

Attached is a summary of extracts from the Department of Health and Community Services annual reports for the years 1992-93, 1993-94, 1994-95 together with a listing of current consultancies for the financial year 1995-96. These documents summarise the consultancies commissioned by the department for the periods requested. Also attached is a list of consultancies since 1992 from the Office of Youth Affairs.

The time and resources to individually, collate and provide specific information in relation to parts (e) recommendations made; (f) action taken in regard to recommendations made; and (a) whether tenders were called cannot, in all cases, be justified.

The honourable member is invited to review the documentation and submit more specific questions in relation to his inquiries.

(Information referred to in answer (26 pages) has been supplied to the honourable member and a copy tabled in the parliamentary library.)

Youth and Community Services: staffing levels

(Question No. 156)

Mr PANDAZOPOULOS asked the Minister for Youth and Community Services:

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 is:

Departmental staff are not grouped by ministerial responsibility. Total departmental staffing levels are included in the reply of the Minister for Health (Question 157) as the senior minister for the department.

Grants are made available under my authority to a number of non-government agencies. However, as these agencies are generally not included under the public sector classification by the Public Service Commissioner the department does not monitor their staffing levels. These agencies receive funding from many sources and therefore it would be inappropriate to include them in public sector statistics.

Aged care: staffing levels

(Question No. 173)

Mr PANDAZOPOULOS asked the Minister for Youth and Community Services, for the Minister for Aged Care:

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 Aged Care is:

The majority of the staff within my administration are employed in public hospitals and aged-care centres providing aged care, palliative, rehabilitation and geriatric services. Consolidated payroll budget reports for these agencies do not provide a dissection of staff across programs.

The Department of Human Services and previously the Department of Health and Community Services operate on the basis of a fully integrated structure. Staff therefore cannot be grouped under ministerial responsibility.

Total departmental staffing levels, including public hospitals and other agencies, are included in the reply of the Minister for Health (Question 157) as the senior minister for the department.

Staff employed by non-public sector agencies in receipt of grants from the department — e.g. local government receiving home and community care grants are not included. The department does not collect information on staffing levels from these agencies as in most instances the grants made form only part of the income of the agencies.